

COMMISSION OF INQUIRY INTO STATE CAPTURE
HELD AT
CITY OF JOHANNESBURG OLD COUNCIL CHAMBER
158 CIVIC BOULEVARD, BRAAMFONTEIN

02 FEBRUARY 2021

DAY 336



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Recording & Transcriptions

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TRANSCRIBERS:

B KLINE; Y KLIEM; V FAASEN; D STANIFORTH



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PROCEEDINGS RESUME ON 02 FEBRUARY 2021

CHAIRPERSON: Good morning Mr Freund whom I cannot see and good morning everybody.

ADV FREUND SC: Good morning Chair I can see you clearly.

CHAIRPERSON: Ja, no now I can see you. Are we ready?

ADV FREUND SC: We are indeed Chair.

CHAIRPERSON: Okay alright.

ADV FREUND SC: May I proceed?

10 **CHAIRPERSON:** Who is your next witness?

MS RANTHO: Yes Chair before I proceed with the next witness I just thought I would indicate to you that I am hoping today time permitting to deal with three witnesses.

The first will be Ms Zukiswa Rantho, the second will be Mr James Selfe and the third will be Dr Makhosi Khoza.

CHAIRPERSON: Hm.

ADV FREUND SC: You raised yesterday an issue about the formal admission of the exhibit which is Mr Godi's evidence. If it suits you we could deal with that now or we

20 could defer that to a later occasion.

CHAIRPERSON: Let us deal with it now.

ADV FREUND SC: As you please.

CHAIRPERSON: So that we do not forget.

ADV FREUND SC: Chair Mr Godi's evidence was Exhibit ZZ2 in Bundle 1 at pages 101 to 214.

CHAIRPERSON: Yes and the affidavit actually starts at ...

ADV FREUND SC: And you will recall...

CHAIRPERSON: At – the affidavit actually starts at page 103 is that correct?

ADV FREUND SC: I am just checking but I believe it is correct. So yes that is correct.

CHAIRPERSON: Yes.

ADV FREUND SC: And you will recall that he confirmed his affidavit.

10 **CHAIRPERSON:** Yes.

ADV FREUND SC: And we referred extensively to – to this documentation.

CHAIRPERSON: Ja.

ADV FREUND SC: And I submit that it would be appropriate to admit this as an Exhibit before the commission.

CHAIRPERSON: The affidavit of Mr Nelson Themba Godi which starts at page 103 of Bundle 1 together with its annexures is admitted as an exhibit and will be marked as
20 Annexure – as Exhibit ZZ2, is that correct?

ADV FREUND SC: That is correct and thank you Chair.

CHAIRPERSON: Yes thank you.

ADV FREUND SC: Chair there is a related issue and that is the question of whether we should at this stage seek to admit the exhibit which is Mr Makwetu's evidence.

CHAIRPERSON: Oh yes.

ADV FREUND SC: That is a little bit more complicated and my suggestion is we leave that to a later occasion.

CHAIRPERSON: Ja that is fine.

ADV FREUND SC: Because I would need to take you through some confirmatory affidavits and the like.

CHAIRPERSON: Ja that is fine.

ADV FREUND SC: Then Chair I just also wanted to indicate to you that although I had said to you in address
10 in my opening address yesterday that Mr Vincent Smith has indicated that he did not wish to testify further. There had been further discussions Mr Smith has indicated that there was a misunderstanding and that he is perfectly willing to testify and the intention is if at all possible to fit him in and to hear his evidence in due course.

CHAIRPERSON: Okay no that is fine.

ADV FREUND SC: Judge against that background the – the next witness that I propose to call is Ms Daphne Rantho.

20 **CHAIRPERSON:** Yes before we get there did we admit Ms Mazzone's affidavit? I do not think we did.

ADV FREUND SC: I believe we did but if there is any controversy about that maybe there would be no harm in doing it twice.

CHAIRPERSON: As a ...ja I – let us check. Ms Mazzone's

evidence is ZZ5 in Bundle 2. The affidavit – the exhibit starts at Bundle 2 page 1 and the affidavit starts at page 5 and the exhibit runs all the way through to page 519. You will recall that she confirmed her affidavit and my request to the extent that this has already been done but it be formerly admitted as an Exhibit.

CHAIRPERSON: Yes, no we did not admit it because I did not mark it and when we admit them I mark them. The affidavit of Natasha Wendy Anita Mazzone which starts at
10 page 5 of Bundle 2 is hereby admitted together with its annexures as Exhibit ZZ5. Okay. We have got that out of the way. Yes now your next witness.

ADV FREUND SC: Thank you Chair.

CHAIRPERSON: You were going to say something about – about the next witness.

ADV FREUND SC: My next witness ...

CHAIRPERSON: You were going to say something.

ADV FREUND SC: Chair but (speaking over one another).

CHAIRPERSON: Yes I am sorry.

20 **ADV FREUND SC:** I am having some – here sorry.

CHAIRPERSON: Yes.

ADV FREUND SC: I was simply ...

CHAIRPERSON: You go.

ADV FREUND SC: I was just going to say that the next witness is Ms Daphne Zukiswa Rantho.

CHAIRPERSON: Is Ms Rantho there so we can – the Registrar can administer the oath or affirmation.

ADV FREUND SC: She – she is visible on screen to me Chair. I am not sure if she is visible to you.

CHAIRPERSON: Not at this stage. I can only see you at this stage. She was visible earlier before you – you came on screen. Maybe there is some – maybe she cannot hear us.

ADV FREUND SC: Maybe Ms Rantho is on mute I do not
10 know.

MS RANTHO: Oh. I have unmuted Advocate and the Chairperson as I....

CHAIRPERSON: Good morning.

MS RANTHO: I think I am loud and clear.

CHAIRPERSON: Yes now we can hear. Good morning Ms Rantho.

MS RANTHO: Good morning Chair. Can you hear me well?

MS RANTHO: Yes I do I hear you very well Chair.

CHAIRPERSON: Oh or is there – is there delay when I
20 speak before you hear you? Is there quite some delay?

MS RANTHO: I do not have delay in hearing you. You might have delays in hearing me but I do not have any delays in hearing you.

CHAIRPERSON: Oh okay no I can hear you there are no

delays at all. Thank you very much. Thank you for making yourself available to give evidence and assist the commission we really appreciate that.

MS RANTHO: Thank you very much Chair.

CHAIRPERSON: The Registrar will now administer the prescribed oath or affirmation before you give evidence. Registrar. She needs to come back on the screen. Is there somebody who is supposed to make sure she comes back on the screen when she is supposed to come back on the
10 screen or how does this work? Is there somebody who must unmute her or something?

ADV FREUND SC: Chair I am not the technical person I do not know but I believe that it is probably set that when she speaks she appears and when she is silent she goes off screen.

CHAIRPERSON: Oh. Ms Rantho can you hear me?

MS RANTHO: I do hear you Chair.

CHAIRPERSON: Okay you are back. Alright. The Registrar will administer the prescribe oath or affirmation
20 to you now.

REGISTRAR: Please state your full names for the record.

MS RANTHO: My name is Daphne Zukiswa Rantho.

CHAIRPERSON: Do have any objection to taking the prescribed oath?

MS RANTHO: I do not have any objections.

REGISTRAR: Do you consider the oath binding on your conscience?

MS RANTHO: Yes I do.

REGISTRAR: Do you solemnly swear that the evidence you will give will be the truth; the whole truth and nothing but the truth; if so please raise your right hand and say, so help me God.

MS RANTHO: So help me God.

CHAIRPERSON: Thank you Ms Rantho. Mr Freund you
10 may proceed.

ADV FREUND SC: Thank you Chair. Ms Rantho is it correct that you have deposed to an affidavit which you have submitted to the commission?

MS RANTHO: Yes it is correct Chairperson.

ADV FREUND SC: And that affidavit have you got a hard copy thereof with you that was sent to you by the commission?

MS RANTHO: Yes I have got the hard copy Chair.

ADV FREUND SC: And am I correct that your affidavit is
20 Exhibit ZZ6 that starts at page 521 of Bundle 2?

MS RANTHO: Yes Chair I agree it is ZZ6.

ADV FREUND SC: And your affidavit itself starts at page 524 is that correct and it runs through until page...

CHAIRPERSON: Yes.

ADV FREUND SC: To page 3 – to page 559?

MS RANTHO: Yes Chair.

ADV FREUND SC: And is that your signature at page 559 to your affidavit?

MS RANTHO: Yes it is my signature Chair.

ADV FREUND SC: And have you had an opportunity to check this affidavit and can you confirm that its contents are correct?

MS RANTHO: Yes I did have enough time to check the affidavit and the contents is correct.

10 **ADV FREUND SC**: Thank you. Chair I move that Exhibit ZZ6 including its annexures of course be admitted as – as an exhibit before the commission.

CHAIRPERSON: The affidavit of Daphne Zukiswa Rantho together with its annexures the affidavit starts at page 524 of Bundle 2 is admitted as Exhibit ZZ6.

ADV FREUND SC: Thank you Chair. Ms Rantho will you please turn to paragraph 4.2 of your affidavit?

MS RANTHO: Yes I am on it Chair.

20 **ADV FREUND SC**: I do not need you to go into all the details in your affidavit about your political career but perhaps you could just briefly summarise your – your political background and the extent to which you have been involved in the activities of the African National Congress.

MS RANTHO: Thank you Chairperson I have been a member of the African National Congress from 1986 but I

have been involved more from 1992 – from 1990 to be in the Executive Committees of the – of the organisation and I have been active since then for – in the Eastern Cape. I have been a leader in the Women’s League as a Chairperson. I have been a leader in the South African Communist Party as a secretary of the Ncumisa Kondlo Conglomerate here in Aliwal North and I have been a member of the ANC Joe Gqabi region in – from 2 – from 2012 to 2013 and in 2013 I was elected to be in the PEC of
10 the Provincial Executive Committee of the Eastern Cape.

ADV FREUND SC: Thank you and that will precede it.

MS RANTHO: Thank you Chair.

ADV FREUND SC: That will precede it. Well from 2009 I see in your paragraph 5.1 that you were appointed as an ANC delegate from the Eastern Province to the National Counsel of Provinces, is that correct?

MS RANTHO: That is correct Chair.

ADV FREUND SC: And it goes without saying I suppose that for that to happen your appointment needed and have
20 this report of the Regional Executive the Provincial – both the Provincial Executive Committee and the Regional Executive Committees that you have just referred to.

MS RANTHO: That is correct Chair.

ADV FREUND SC: And is it correct that you served for the duration of the Fourth Parliament which is the Parliament

from May 20 – 2009 to April 2015 in the – in the NCOP?

MS RANTHO: It is correct Chair.

ADV FREUND SC: Now I want to spend a little time dealing with your experience during the Fourth Parliament. That is a period in which you were not a member of Parliament in the sense of being in the National Assembly you were a delegate to the NCOP. But do I understand correctly that you nonetheless were a member of and participated in the affairs of the Parliamentary Caucus of
10 the ANC in that period?

MS RANTHO: Yes I did Chairperson.

ADV FREUND SC: And I want to take you to your paragraph 5.5. You say there:

“The prevailing ethos within the caucus was that allegations of improper influence, corruption or the like did not merit discussion within the caucus unless or until they were either established by a court of law or had been proved by concrete
20 evidence. Such allegations were to my knowledge therefore discussed by backbench members of Parliament of the ruling party only privately informally if they were discussed by them at all.”

Do you stand by that?

MS RANTHO: I stand by that Chair.

ADV FREUND SC: Now would you then turn to paragraph 5.6 and I want to examine the context against which you have just given what you have just said a moment ago. Because there was a lot of material that was in the public domain and very serious allegations that had been made and particularly reported in the press in that period – in the period of the Fourth Parliament. Do you agree with that in general?

10 **MS RANTHO**: Yes I agree Chair.

ADV FREUND SC: Now I want to look at just a few examples of that. Can we go to paragraph 5.6.1 please?

MS RANTHO: Yes Chair.

ADV FREUND SC: You will see there that there is a reference to an annexure ZR1 to your affidavit and that affidavit – that annexure we will find at page 561 of Bundle 2. So if you go to – if you watch the numbers on the top left; the black numbers you will see PO2561 that is the page reference to that first article. Do you have that –

20 561?

MS RANTHO: 561?

ADV FREUND SC: Yes.

MS RANTHO: It is – if you look at paragraph 5.6.1 it is on the – on page of PO02527.

ADV FREUND SC: You are absolutely correct but it is a

coincidence.

MS RANTHO: Okay.

ADV FREUND SC: But if you look at the end of that paragraph you see you refer there to an annexure which is called Annexure ZR1. Do you see that reference?

MS RANTHO: Yes I do Chair.

ADV FREUND SC: Now it is Annexure ZR1 that I want to show you and Annexure ZR1 is at page 561 of Bundle 2. And I would like to check whether you are able to find page
10 561 of Bundle 2?

MS RANTHO: in Bundle number 2?

ADV FREUND SC: Yes in Bundle number 2. These are the annexures to your affidavit.

MS RANTHO: I have got 561 in front of me Chair.

ADV FREUND SC: Thank you and is that an article – a newspaper article which is printed off from the Sunday Times an article dated the 27 February 2011?

MS RANTHO: Yes Chairperson.

ADV FREUND SC: And its heading – its headline is
20 Ministers “Shiver” when summonsed to family home and it says in the first paragraph:

“A revolt is brewing within the ANC and its alliance partners against the influence of the Gupta family over President Zuma and his government.”

And it says in the third paragraph.

“Members of top ANC leadership structures the National Working Committee and the top 6 party officials recently raised concerns about senior appointments that were made in the government and the parastatals with the party’s deployment committee being side-lined.”

And the article continues.

10 “The Sunday Times understands that the Gupta’s role in influencing the appointment of CEO’s and Chairmen in key state owned enterprises was recently raised at a NWC meeting and that be formally discussed at its [?] gathering in a week’s time.”

And on it goes. It is referring to what is alleged to be an undue and improper influence by the Gupta brothers. So that was one of the things that was widely reported on and the sort of thing that – that members of Parliament would
20 have been aware of those reports, is that correct?

MS RANTHO: That is correct Chair.

ADV FREUND SC: Thank you. And similarly if I take you to paragraph 5.6.2 of your affidavit that is back at page 527.

MS RANTHO: Yes Chair.

ADV FREUND SC: There is reference to another article there. I am not going to take you to the actual article ZR2 is actually at page 563 to 565 no need to go there. What you say in paragraph 5.6.2 is – or what the report that you quote says that it is becoming common for the Gupta's to issue directives. So that was another report that would have become common knowledge as to what was being alleged. Am I correct?

MS RANTHO: Yes it is correct Chair.

10 **ADV FREUND SC:** And you refer to other similar reports in your affidavit. If I can take you to paragraph 5.6.4?

MS RANTHO: Hm.

ADV FREUND SC: There is a set of reports and again I am not going to take you to the details or to the actual references but you refer in this sub-paragraph to reports that Mr Mbalula had told an MEC meeting attended by President Zuma that he had learned about his forthcoming appointment as a Minister from the Gupta's two weeks before this had been publicly announced. That sort of
20 report would also have come to the attention of members of Parliament at about that time. Do you agree?

MS RANTHO: Yes Chair.

ADV FREUND SC: Thank you. Now in paragraph 5.8 of your affidavit you say this:

"I do not recall that these issues were debated within the

caucus nor do I recall any transparent discussion of these issues by the party's leadership with its MP's"

And then you continue. I am reading at page – oh sorry I cannot read the page from here. It must be 528.

MS RANTHO: Page 528.

ADV FREUND SC: Yes. And I have continue in paragraph 5.9.

MS RANTHO: 5.9.

ADV FREUND SC:

10 "To the best of my recollection there were no attempts by ANC MP's to investigate these claims in Parliament including the claims of undue influence in the appointment of CEO's and Chairperson of state owned entities. Claims which if true implied that these entities may have been rendered vulnerable to capture or corruption."

You stand by that?

MS RANTHO: I stand by that Chairperson.

ADV FREUND SC: Thank you. You then refer in your affidavit and I am not going to take you through all the
20 details you refer to issues pertaining to the New Age, the State Security Agency, to press reports of alleged attempted bribe of the then Chairperson and acting CEO of SAA and you say to the best of your knowledge in the period of the Fourth Parliament none of these issues were the subject of discussion or investigation within the

structures of Parliament and within the organs – within the ANC caucus as far as you know?

MS RANTHO: As far as I know Chair there was none of these allegations that were discussed in the ANC caucus.

ADV FREUND SC: Thank you. Now I want to move on to the next part Parliament – the Fifth Parliament. You deal with this in paragraph 6 of your affidavit and this is your term in the National Assembly. You say though I presume it is correct that in May 2014 you were elected as a Member
10 of Parliament for the ANC and the National Assembly and that you served in that capacity from May 2014 until May 2019, is that correct?

MS RANTHO: That is correct Chairperson.

ADV FREUND SC: And you were then deployed to the Portfolio Committee on Public Enterprises and you were appointed to serve as the ANC Whip in that particular committee, is that correct?

MS RANTHO: That is correct Chair.

ADV FREUND SC: So perhaps we should just explain that
20 – that the committee itself would have as a majority of members; ANC members is that correct?

MS RANTHO: Yes. ANC members would be in the majority in the committee.

ADV FREUND SC: And because of that the consequence was that they were able to determine who would be

appointed as the Chair and they did appoint the Chair of that committee?

MS RANTHO: Yes the – the Deployment comes from the Deployment Committee who says who is going to be the Chair of the committee. Then in a committee meeting to elect a chairperson a – then a chairperson is elected by the whole committee.

ADV FREUND SC: Yes but you say that although the – the formal mechanism for the election of the Chair comes from
10 the members of the ruling party who are on the committee. The actual decision you say if I heard you correctly comes from the Deployment Committee, is that correct?

MS RANTHO: Yes, yes Chair.

ADV FREUND SC: Just – just be a little bit particular which Deployment Committee; whose Deployment Committee?

MS RANTHO: The Deployment Committee in the National Executive Committee they are deploying the – the chairperson in a committee. Then in a committee meeting
20 that is where the formal work is being done.

ADV FREUND SC: Right. And you were then appointed.

CHAIRPERSON: I am sorry – I am sorry – I am sorry Mr Freund. I am not sure that her answer gave the kind of clarification that I think you were looking for. The Deployment Committee that you are talking about Ms

Rantho is it the Deployment Committee of a political party or of a government structure?

MS RANTHO: Thank you Chair. Chairperson before you – you go to a process of a government structure which is the – is the committee in Parliament you – you are then told or deployed by the National Executive Committee and – to a certain position in Parliament. Then when the formal process comes to Parliament all parties that are in that committee would want to elect their – the chairperson of
10 their choice. But because the ANC is in the majority then obviously the ANC members will elect their chairperson and then the numbers will outnumber the other political parties.

CHAIRPERSON: Yes.

MS RANTHO: And some of other political parties will then accept the chairperson that is elected by the ANC.

CHAIRPERSON: Yes. My question is simply whether a Deployment Committee to which you referred is a Deployment Committee of a particular political party?

MS RANTHO: Yes it is a Deployment Committee of a
20 particular party.

CHAIRPERSON: Of the ANC in this case?

ADV FREUND SC: Chair you broke up there.

CHAIRPERSON: Oh. Is it the Deployment Committee of the ANC that you are talking about in this context?

MS RANTHO: It is the Deployment Committee of the ANC

that I am talking about in this context Chairperson.

CHAIRPERSON: Thank you. Mr Freund.

ADV FREUND SC: Yes. Thank you Chair. And you were then appointed as the ANC Whip in that committee from the time that you joined that committee is that correct?

MS RANTHO: Yes Chairperson.

ADV FREUND SC: And we heard evidence yesterday that Portfolio Committees in fact we heard evidence about your very own Portfolio Committee that – Portfolio Committee on
10 Public Enterprises. The ANC has what is known as a help me is it a working group you call it?

MS RANTHO: The National Working Committee.

ADV FREUND SC: No, no, no.

MS RANTHO: They receive the work.

ADV FREUND SC: No not the Working Group the – the group for the – the caucus in – with the – the ANC caucus within the Portfolio Committee. What is the term that you call it?

MS RANTHO: The Study Group. The Study Group yes.

20 **ADV FREUND SC:** That was the – I meant it slipped my mind.

MS RANTHO: Yes.

ADV FREUND SC: So you have a Study Group which comprises in effect the members of the Portfolio Committee who are ANC MP's, is that correct?

MS RANTHO: Yes Chair.

ADV FREUND SC: And that Study Group would as I understand it before every Portfolio Committee meet as it were in private just ANC persons, is that correct?

MS RANTHO: Yes that is correct Chairperson.

ADV FREUND SC: And would that Study Group meeting involve just the ANC MP's from the committee or would it also involve for example the relevant Minister, the relevant Director General or other senior ANC appointees?

10 **MS RANTHO:** It – in the Study Group Chairperson will be the ANC members of the Committee. If the Minister is available the Minister would be part of the Study Group.

ADV FREUND SC: Right.

MS RANTHO: And if the Executive of the – of the Department is also available we then call one – one representative from the maybe the DG of the – of the department.

ADV FREUND SC: Into the meeting.

20 **MS RANTHO:** That is what is happening in the Study Group. Yes Chair.

ADV FREUND SC: Yes. The meetings of the Study Groups.

MS RANTHO: Yes.

ADV FREUND SC: Now – would that – that would apply even where the proposed meeting by the Portfolio

Committee is to be examining and holding to account for example the Minister would attend the Study Group meeting that prepares for the Portfolio Committee meeting. Is that correct?

MS RANTHO: Yes, that is correct Chair.

ADV FREUND SC: And when you referred to, for example, inviting a DG or some other official, the same would apply there. Is that correct?

MS RANTHO: That is correct Chair.

10 **ADV FREUND SC**: In other words, the majority party on the Portfolio Committee, in preparation for an oversight meeting, caucuses with those who are to be the subject of the oversight. Is that correct?

MS RANTHO: That is correct Chair.

ADV FREUND SC: And does the Study Group then take a view as to what approach should be adopted in relation to issues that are then going to be discussed in the Portfolio Committee?

20 **MS RANTHO**: Yes, Chairperson. The Study Group does that and also the Study Group look at the policies of the government if they are applied within the department, in everything that the department is doing in the Portfolio Committee.

ADV FREUND SC: And when you were appointed as the Whip, the ANC Whip of the committee, what is your duty as

Whip?

MS RANTHO: As a Whip of the committee – I am not a Whip of a committee. I am as appointed as a Whip of the ANC. I therefore look at the members of the – in the attendance of the members of the ANC in the Study Group and also in the committee meetings.

I also make sure that the Study Group of the ANC did read the content of what the department has given to the – has sent to the committee at large. That is what the Whip
10 is doing of the ANC in the Study Group.

ADV FREUND SC: And if the Study Group, having considered a particular issues, reaches a decision as to what approach should be adopted in respect of that issue. Any part of the function of the Whip, the ANC Whip to ensure that the members of the ANC caucus within the committee act in accordance with what has been studies – with what has been decided in the Study Group.

MS RANTHO: Yes, it is. It is as part of my duties to see to it that what has been discussed in the Study Group the
20 members of the ANC stands by the Study Group's decision.

ADV FREUND SC: Thank you. Now going back to your affidavit at paragraph 6.3.

MS RANTHO: Okay.

ADV FREUND SC: You refer there to the fact that when you joined this committee, the PCPD, Minister Lynne Brown

was the Minister of Public Enterprises and there is Letsatsi Duba was the Chairperson of the committee. Is that correct?

MS RANTHO: That is correct Chair.

ADV FREUND SC: And then what happened in – on the 31st of March 2017, as you referred to in paragraph 6.4, Ms Letsatsi Duba was appointed as Deputy Minister of Public Service and Administration and thereafter the State Security Minister and once she had been appointed or
10 promoted to Deputy Minister, you were promoted to the position of acting Chairperson of the PCPD. Is that correct?

MS RANTHO: That is correct Chair.

ADV FREUND SC: And you were serving in that capacity as the acting Chair at the time of the PCPD's now well-known inquiry into Eskom that commenced in June 2017. Is that correct?

MS RANTHO: That is correct Chair.

ADV FREUND SC: And although a different chair of the
20 committee was in due course appointed, you told the Commission in paragraph 6.6 you had been appointed as you had been elected as the chair of that particular inquiry and you can continue to chair that inquiry right through to the conclusion of its work. Is that correct?

MS RANTHO: That is correct Chair.

ADV FREUND SC: Now in paragraph 7 of your affidavit you referred to the powers of portfolio committees. Now I am not going to take you through that. That we can see from the provisions of the rules themselves.

You make the point in paragraph 7.7 that the PCPD have 11 members, 6 members of the ANC, 2 from the Democratic Alliance, 1 from the Inkatha Freedom Party, 1 from the United Democratic Front and 1 from the Economic Freedom Fighters. Is that correct?

10 **MS RANTHO:** Yes, that is correct Chair.

ADV FREUND SC: And I want to take you now to paragraph 7.12 where you referred to the powers of the chairperson of the committee. And you say there in the second sentence:

“In principle, all members of the committee should be able to speak freely and to participate in any decision making process.

Chairperson can, however, exercise a considerable influence over the conduct of meetings of committees.”

20

You stand by that?

MS RANTHO: What I mean about that Chair. Because the chairperson is driving the committee, the chairperson can ask the – or request the committee members, all of them including the opposition parties, to drive them to the decision

that I think would be best for the committee.

ADV FREUND SC: You drew attention in paragraph 7.13 to the problem that the committees are busy, they have an annual cycle, they have an annual set of agendas which makes it quite hard to fit in, as it were, spontaneously issues arising at a particular time. Is that correct? Is that a fair summary of your ...[intervenes]

MS RANTHO: That is correct Chair.

ADV FREUND SC: Okay. And then you say in paragraph
10 7.14 that:

“From the commencement of the 5th Parliament, the PCPE exercise oversight over the Department of Public Enterprises including then, Eskom, Denel, Transnet, South African Airways, South African Express Airways, Safcol, Alexkor.”

And you make the point that during the 5th Parliament, SAA was moved to the oversight of Treasury and therefore to the other side of a different committee. I
20 think we actually had evidence to that effect yesterday.

Then you make a point in paragraph 7.16 that one of the practical problems experienced by portfolio committees. You say:

“Frequently the overseeing departments or entities only furnished the document or report

to be considered at the meeting of the committee very shortly before or sometimes even at the meeting concerned.”

Could you just elaborate on that and explain to the Chair to what extent that is a real problem?

MS RANTHO: It is a real problem Chairperson because all departments know that they should furnish their committee within certain dates before the committee sits with the information that they are going to present in the committee.

10 But most of the time, the department, the entities will come with the presentation or we get the presentation a day before the committee sits.

ADV FREUND SC: Alright. Now ...[intervenes]

MS RANTHO: It as very rare for us to get presentation 7 days before the committee sits.

CHAIRPERSON: Did you ...[intervenes]

ADV FREUND SC: Ms Rantho, may I just refer you to paragraph 7.17?

20 **CHAIRPERSON**: I am sorry Mr Freund. Ms Rantho, why was the 7-day period not enforced, namely that departments must furnish their documents not later than 7 days before the meeting? Why was that not enforced?

MS RANTHO: Chairperson, that was enforced but they never – they do not really adhere to what the committee members would say. That is why most of the time when the

departments or the entities come to a committee meeting and the committee sees the document how big it is and it needs thorough inspection or thorough reading.

The committee has the right to refer that department back to where it comes from and the committee has enough time to read the documents so that they are able to know what is happening. That is what is happening, usually, in Parliament.

The committee would refer that document back –
10 would refer, in fact, the people who are coming to present back to where they are coming from and they would look at the document.

But that also was rare because of the procedure and the procedure that we need to follow in Parliament so that we meet the deadlines.

CHAIRPERSON: Oh.

ADV FREUND SC: If you could just explain what... Sorry, Chair you proceed.

CHAIRPERSON: Yes. So you are saying that the way to
20 enforce this requirement was for the committee to reschedule the meeting with the result that the government or the department officials or the Minister would have to go back and come back on another day when the committee would have had enough time to study the document. Is that what you are saying?

MS RANTHO: Yes, that is what I am saying Chair.

CHAIRPERSON: But you are also making another point, are you not? That it was rare that other committees or the committee you are talking about used that step?

MS RANTHO: Yes, Chairperson because of the procedure of Parliament, we had to adhere to that line of everything that needs to be done. If the committee has to go through the presentation and take it through to Parliament in the sitting of Parliament at a certain time, we would then be up
10 for a time, maybe for 20-minutes to read the document or we just go through with the document as it is presented by the person who came with the presentation.

CHAIRPERSON: With the result that quite often committee members or most of the committee members would not be as well-prepared to deal with the issues as they would have been if they had had the 7-days' notice.

MS RANTHO: That is correct Chairperson.

CHAIRPERSON: Yes. Okay alright Mr Freund.

ADV FREUND SC: Thank you, Chair. I want to take you
20 now to paragraph 7.17 of your affidavit. And I think it is very important that we, the Commission and the Chair should understand how these meetings actually work in reality.

I think many lawyers would work on the assumption that there is going to be an oversight meeting and that

there is going to be questions.

One would assume that each person would ask a question, get an answer, asks another questions, get an answer. And then the next person will ask a question, get an answer and so forth.

But that is not how that happens, is it? Would you explain how it actually works in reality?

MS RANTHO: In reality Chairperson, after the presentation the committee members will be given a chance to ask
10 questions but we usually take a round of five questions or four questions. Then the presenter will then respond.

If there is any other person that the presenter has come with, he or she will give a chance to the person that to react on what she has said or what he has said.

We take a round of four questions or five questions depending on the time that we have because usually the meeting start at half-past nine and by quarter to two every meeting must be done so that we go to the sitting of Parliament.

20 **ADV FREUND SC**: Now you say in this paragraph:

“Members are usually afforded an opportunity to take turns to each ask questions which they wish to pose.

After they have all posed their various questions, the presenter is usually afforded an

opportunity to answer all the questions.

Sometimes adequate time is not afforded to enable all questions to be answered but the presenter is also sometimes afforded leeway to determine which questions to really address and which to skirt over.

When questions are directly addressed, there are sometimes not an adequate opportunity for probing follow-up questions.”

10 So I just want to, in the light of your previous answer, to know whether you still stand by what you say here in paragraph 7.17?

MS RANTHO: Yes, Chairperson I stand by – I thought I am explaining the whole paragraphs, how it works.

ADV FREUND SC: Alright. And would it be fair to then say from this that persons who are asked a set of questions are effectively able to avoid answering difficult questions because they just choose which bits to deal thoroughly and there is really very often not adequate
20 opportunity to follow up properly.

MS RANTHO: Yes, there is usually no follow-up questions because of the time and the presenter takes his or her time to answer the questions to his or her satisfaction. And I am saying, these presenters will take the questions that they think would be – they are able to respond to.

And those difficult questions, if they do not respond to them and we insisted them to respond to, they will respond or they will say they will come with a response later or they will send the response. It is only depended on the time.

ADV FREUND SC: Alright. And given your experience of situations like that where persons being questioned undertook to come back later or to respond in writing and then failed to do so.

10 **MS RANTHO:** Yes, we did experience a failure from their responses of not coming forward. And also sometimes, they will have – they will make time respond back but by then when they respond back by writing, we have already left that portion of presentation. We are focussing on another entity. As you have seen in my paragraph 17, 7.14 that we had a lot of entities that we were looking at and all those entities were really in serious problems.

ADV FREUND SC: And then you make the point in your paragraph 7.18 that:

20 “The net result is having difficult question are raised. Ordinary committee meetings do not always elicit satisfactory and complete answers.”

And you say:

“The position is different when a committee

decides as the PCPE eventually did to conduct a public hearing under Rule 167D.”

Is that correct?

MS RANTHO: That is correct Chair.

ADV FREUND SC: But... So the different format of the meeting - a formal public hearing. There you believe that you get a better opportunity to properly explore difficult issues.

MS RANTHO: Yes, Chairperson.

10 **ADV FREUND SC**: Now I want to turn to your paragraph 8. And I want to deal fairly briefly with your views on the effectiveness of the oversight by the Portfolio Committee on Public Enterprises in the period between May 2014 and June 2017. May 2014 is when you came into the committee. June 2017 is when we know which your committee took a decision to have an inquiry into Eskom and so forth.

In the interim, if you could just deal generally with your own impressions as a member of that committee as to
20 the effectiveness and the adequacy of the oversight by that committee in respect of Public Enterprises and in particularly allegations of alleged improper influence or improper performance or corruption or the like within those Public Enterprises.

Can you give us an overview as to your own

opinion?

MS RANTHO: The – well, they started the 5th Parliament and I started as a member of the National Assembly. In all our portfolio committees, if I am answering correct, we were waiting for the presentations from the departments and the entities.

If there were any challenges that emerged from the presentation during the questioning and during the presentation of the department or the entity, then we will
10 recommend or we will ask the presenter and the department to come back and present again so that we look at what they have presented that is before us and make sure that what they are coming with is something that is – which we did..

We really Chairperson did not know if it was a legal representation like legit or not but we were doing, we were given a presentation and we would ask questions on that presentation that is before us.

ADV FREUND SC: Now ...[intervenes]

MS RANTHO: That is why each and every committee as per
20 this paragraph or we are on oversight by then. Each and every committee would have a legacy report. The legacy report sometimes depends on what the presenters have given us in the five years.

ADV FREUND SC: Alright. And in the interest of time, I am not going to try and take you paragraph by paragraph

through this period but if I can draw your attention to paragraph 8.4. You referred to a schedule which had been drawn up and which you referred to in your affidavit about a series of engagement. And you say:

10 “It will be evident from schedule, whilst there were quite a few oversights engagements and whilst in some of these engagements legitimate oversight concerns were expressed, the issue of state capture was not really expressed and little effective oversight took place in respect of allegations of fraud or corruption or other comparable misconduct.”

Do you stand by that?

MS RANTHO: I stand by that Chairperson.

ADV FREUND SC: Okay. And then in paragraph 8.6 you refer to the press report because I am trying to get a picture of what was known or what was being alleged in the public domain.

20 And you refer in paragraph 8.6 to a press report about Transnet and the R 15 billion tender and allegations being made in respect of the Gupta family and Mr Duduzane Zuma and Mr Iqbal Sharma and so forth. You refer in paragraph 8.9 to a report in July 2015 and AmaBhungane about commission payment to Neotel.

And we have already heard evidence about those

two reports. So I am not going to take you to the actual details of those reports. But again that background, you say the following in paragraph 8.10. You are referring to the Neotel report. You say:

“I actually have no recollection of this press report. It raises issues that seem to me to be quite complex.

10 To the best of my recollection, there was no attempt by the PCPE to probe these allegations.

With the benefit of hindsight, I think it would have been advisable.

This is the sort of report which I think research was advising the PCPE should be required to monitor and advise the committee on.

I do not recall receiving any such advice.

20 I also do not think that any research was mandated by the PCPE to look for such information and to advise the committee on issues that should be probed by it.”

You stand by that?

MS RANTHO: I stand by that Chairperson.

ADV FREUND SC: Thanks. And then in your paragraph 8.12 having referred to another article in 8.11 which is an article in March 2016 alleging, according to the headline,

the entire Eskom Board was appointed by the Gupta's. You say in paragraph 8.12 the following:

“I believe that when taken together with all the other information which was coming to light by this time, an article like this ought to have prompted the PCPE to enquire vigorously into the possibility of undue influence by the Gupta's over Eskom and the boards of other entities like Transnet and Denel.”

10 You stand by that?

MS RANTHO: I stand by that Chairperson.

ADV FREUND SC: So let us try and get our bearings now as to the period of time that we are in. We are now in March of 2016. And it is really at that time that you are saying by then we should have been doing that we were not doing.

 And in your paragraph 8.13 you draw attention to a series of publicly reported allegations. You refer to Mcebisi Jonas' claim that the Gupta's had offered him
20 R 100 million bribe in October 2015 if he had taken the post of Finance Minister to do their bidding.

 You refer to an allegation that the person then appointed instead of him as the new Finance Minister in early December 2015, Mr Des van Rooyen was appointed to his new post on his appointed by Gupta link aids.

You refer to Vytjie Mentor's allegation that she has been offered Barbara Hogan's job as Minister of Public Enterprises by the Gupta's if you had cooperated with them in assisting Jet Airways to replace SAA on the Mumbai route.

You referred to Barbara Hogan's allegation that there were definitely sinister forces operating behind her back when she was Minister of Public Enterprises until October 2010 and that she too had faced pressure
10 regarding Jet Airways.

And against that background, you say the following:

"The PCPE did not enquire effectively into the above allegations nor into allegations of improper or undue influence over the procurement decisions of Transnet or Eskom until after June the following year."

You stand by that as well, I take it?

MS RANTHO: I stand by that Chairperson.

20 **CHAIRPERSON:** Mr Freund ...[intervenes]

ADV FREUND SC: Then what you do ...[intervenes]

CHAIRPERSON: Mr Freund.

ADV FREUND SC: Sorry Chair.

CHAIRPERSON: Let us take a short adjournment. It is not the tea-break. It would be about five minutes and then we

will resume. We adjourn.

ADV FREUND SC: Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Okay, let us proceed, Mr Freund.

ADV FREUND SC: Thank you, Chair. Ms Rantho, I would like to refer you to paragraph 8.18 of your affidavit.

MS RANTHO: Yes, Chair.

ADV FREUND SC: Because then you deal with the
10 question of what explains the failures, as you have already
said you see them, to exercise a certain degree of
oversight and I would like you perhaps to tell the
Commission in your own words in your view what explains
why things did not go as you might with hindsight have
wished they did go?

MS RANTHO: Chairperson, as I said before that in
parliament there is a procedure that we will follow, so when
things are coming up you have already set up a programme
as a committee, you have sent the programme to all
20 entities and to all departments. You then follow that
programme. It will have something that will push us to do
what has just come up like the allegations that keep on
coming but, Chair, because of – because I said before,
because of the procedures that we needed to follow, we did
not really – I would say as much as the allegation were

open to everybody to know, we did not really take a stand, as a committee, to say we are going to follow those allegations because we had a procedure that we needed to follow.

ADV FREUND SC: That is really ...[intervenes]

CHAIRPERSON: I am not sure – I am sorry, Mr Freund, just repeat that answer, Ms Rantho, I am not sure that I follow it.

MS RANTHO: I am saying, Chairperson, I agree that the
10 committee did not do its best to follow up on the allegations that were on the public domain because we had a programme that we have set up that we will follow in the – towards the procedures of parliament as per parliament proceedings. So allegations that really come up, we did not follow them. We heard about them, some would refer to them, we will talk about that but formally we did not do it, we did not really follow them.

CHAIRPERSON: Yes, my concern is the reason you give why you did not follow them up. As I understand it, you
20 are saying it is because of the tight programme that you had and you seem to suggest that there was not enough time or enough flexibility in your programme to be able to follow them up. Do I understand your evidence correctly?

MS RANTHO: You understand me correctly, Chairperson, the programme of parliament is rigid and it has an annual

cycle that we need to follow. Thank you, Chair.

CHAIRPERSON: Well, I want you to consider whether it was really the programme that was – that created a problem or whether there was simply no will on the part of the majority of the committee members to follow up the [inaudible – no sound from Chairperson’s mic for 50 seconds]

MS RANTHO: I do see the Chair but I cannot hear what you are saying.

10 **ADV FREUND SC:** We can hardly hear you.

MS RANTHO: Yes, it is better now.

CHAIRPERSON: I could not hear both of you but now I can hear both of you. Okay, alright. Let us go back. So my question, Ms Rantho, was this. Was the problem or at least maybe was the reason or at least one of the reasons not that there was no will on the part of the majority of the committee members to follow up on these allegations?

MS RANTHO: Chairperson, that is why when I was responding to the question, in the first instance I said I
20 agree that the committee did not do diligence in its work because the committee did not make any follow-up in any allegations that we have. I do not think it is because we are in majority as the ANC in the committee. It is just that we did not have that – really that oomph to do the real oversight in these allegations because if we had done that

at the beginning of the fifth parliament we would have enough time to probe every entity in Public Enterprises but we did not follow any allegations that were in the public domain.

CHAIRPERSON: Where members of the committee, who were from opposition parties trying to do proper oversight in the committee but because they were in the minority they did not succeed or was the position that everybody in the committee just did not have the appetite, to say the
10 least, to follow up on these allegations?

MS RANTHO: To be honest with you, Chairperson, in our committee of Public Enterprises, we understood each other, we were working together. That is why we took a unanimous decision as this committee when these allegations were really coming up now and there was evidence in front of the committee that we took a unanimous decision to say let us then probe on these allegations especially because the allegations on Eskom were too much, Chairperson.

20 **CHAIRPERSON:** But, you see, yesterday one of the witnesses that I heard was Ms Mazzone of the Democratic Alliance.

MS RANTHO: Yes, Chair.

CHAIRPERSON: Who I think has very high respect for you in the light of I believe the work that you did when you

chaired the committee but if I recall correctly, her evidence was that the committee was not keen on following up on these allegations for quite some time but there was a turning point, I think that may have been in 2017, there was a turning point when there seemed to be a change of attitude on the members of the committee particularly I think the majority party members to taking up these allegations and agreeing to do – conduct an enquiry but for quite some time before that, her evidence was that she
10 made proposals to the committee to say let us call – let us summon the Guptas to the committee, let them come and answer questions under oath. She tried a number of things but the committee seemed not to be interested. What do you say to that?

MS RANTHO: Chairperson, in my recollection on the committee work, even if there was – there were allegations that the opposition would come within the committee meeting, they will just present or just say that there are such allegations, in front of the minister, in front of the DG,
20 in front of the whole executive maybe of the entity or the department. But I am saying, as a committee, we have never took that decision. Even if they would come up as opposition to say there is corruption, there is this that has happened, that we would not follow that route as a committee.

MS RANTHO: Was it not because these allegations were against ANC ministers or deputy ministers or directors general who may have been ANC comrades and CEOs? Was it not that, that the majority ...[intervenes]

MS RANTHO: Chairperson ...[intervenes]

CHAIRPERSON: ...that the ANC members might not have wanted to embarrass their own ministers by questioning them as if they are opposition party members?

MS RANTHO: No, Chairperson, we did not have that in
10 the committee and also, Chairperson, there is a procedure in the committee that needs – in parliament that needs to be followed when you come up with allegations and you have all the evidence in front of you. To just speak about the allegations in the committee, that was not enough because they would say there is an allegation that in Eskom there is this fraudulent things that are happening but there will be no evidence. We started to look at the evidence that we have in front of us. That unfortunately came - or fortunately, came up towards the end of 2016 in
20 the Public Protector's report and also at the beginning of 2017.

CHAIRPERSON: But, as a committee, if you are told about some allegations, for example, of corruption in an SOE, is the position that the committee had powers to make enquiries from the relevant CEO or the board to say

what is happening about a, b, c, d, here are these allegations that we see in the media, in the newspapers, or whatever, here are allegations that have been made. Yes, there might not be evidence now but the committee is there to try and see if there is evidence by asking questions to the entity, to the relevant minister, to the DG, to the CEO, to the Chairman of the board. Is that not part of his duty?

MS RANTHO: Yes, that is part of the oversight, Chairperson. As I am saying, Chairperson, the committee
10 depends on the information that is in front of them, of the committee.

If that information does not come forth to the committee, there is nothing that the committee will do. If there is an opposition party that is bringing evidence in front of the committee, opposition parties they know which route to follow so that we are able to look at those allegations of that information that they have in their hands.

It is not because we are in majority in the
20 committee, if something has to be investigated or question has to be asked, those questions would be asked, then it will depend on the response of the presenter of that moment.

So, Chair, it is really an unfortunate situation that we did really did not follow all those allegations that were

on public domain.

CHAIRPERSON: Okay, I might come back to this but, Mr Freund, just continue in the meantime.

ADV FREUND SC: Yes, thank you and I had referred you to paragraph 8.18 of your affidavit.

MS RANTHO: Yes.

ADV FREUND SC: And I think you very fully dealt with what you have said in paragraph 8.18.1. Perhaps you could deal with 8.18.2 and then we will come after that to
10 8.18.3.

MS RANTHO: Chair, you see, 2016, as much as those allegations were there on public domain, every political party in 2016 were concerned about the local government that were happening in 2016 so we did not have really enough time to engage in the year of 2016. Most of the time we were out of parliament doing political work as different parties that are in parliament.

ADV FREUND SC: And what do you say about 8.18.3?

MS RANTHO: Yes, I agree with what I said in 8.18.3,
20 Chairperson. You know, a member of parliament is in parliament because of a political party so a pressure from political parties would make – would also, even the leadership of political parties, would make us not to probe a certain issue that is politically sensitive. It does not happen only in the ruling party, it also happens in every

other political party.

ADV FREUND SC: So just perhaps for the record I should read what you said there or maybe would you like to read it into the record, what you said in paragraph [inaudible – speaking simultaneously]

MS RANTHO: Yes, Chair, I said – I said members of parliament who refused to toe the line can end up being removed from parliament by their party. That is why I am saying it cuts across, it does not only happen in one
10 political party. Do I read further, Chair?

CHAIRPERSON: Yes.

ADV FREUND SC: You also say this in the first sentence.

“Political and leadership pressures can inhibit portfolio committee members from probing certain politically sensitive issues.”

Now ...[intervenes]

MS RANTHO: I agree.

ADV FREUND SC: Now you say that can happen?

MS RANTHO: Yes, it can.

20 **ADV FREUND SC:** Where it did happen?

MS RANTHO: I can happen, it can happen into any party but I am not going to say it did happen because we were really not – we did not have a person that is prohibiting us from doing our job and we had a leadership in a person like Jackson Mthembu, the former chief whip, may his

should rest in peace, that would say you push for what is wrong, that what is happening and you do what is right, you correct what is wrong, you do what is right. You tell a person if a person is wrong, you tell that person that you are wrong, politically and administratively.

ADV FREUND SC: Well, we know ...[intervenes]

CHAIRPERSON: Was that – I am sorry, Mr Freund, was that from a certain time when you were in this committee, Mr Rantho, that that was the attitude or was that the
10 attitude through the time that you were a member of this committee?

MS RANTHO: It was the attitude that we had throughout the term of – the fifth term of parliament from the beginning. We were told by the chief whips or chief whip that we need to do what is right. If there any allegations against a certain person who is in our committee or who is leading our committee, we need to probe that person.

CHAIRPERSON: Yes, continue, Mr Freund.

ADV FREUND SC: Thank you, Chair. Ms Rantho, we had
20 evidence yesterday from Ms Mazzone and let me clear that Ms Mazzone accepts that from May or June of 2017 you were at the forefront of an attempt to exercise proper oversight within your committee but she testified also about an earlier period and she focused in particular on the period from March 2016 until around about May 2017.

One of the things she testified about what was a formal request that she addressed to the Chair of the portfolio committee on Public Enterprises referring to the various allegations particularly revolving around alleged Gupta family influence requesting that the Gupta family and various other named people should be summoned to come and appear before your committee and she said that not only the Chairperson declined to do that but there was no support from members of the PCPE for such an inquiry in
10 March or April of 2016. Do you recall that and can you confirm that that is correct?

MS RANTHO: That is correct, Chairperson, but she wrote a letter to the Chairperson of the portfolio committee, then the Chairperson consulted the legal team of parliament and the legal team suggest to the Chairperson – I remember few letters from Ms Mazzone, coming from Ms Mazzone to the Chairperson. The Chairperson would say to the committee there is a letter that is coming from Ms Mazzone and Ms Mazzone, according to the legal advice that I have
20 received, we cannot pursue this. By then the committee itself, me as a whip of the committee or the whip of the ANC in the committee, would not know what the content of the letter is until the Chairperson brings the letter in the portfolio committee and share the letter with us and say the legal team, if the legal team say we cannot probe what

is on the table, we therefore put it aside.

ADV FREUND SC: So are you saying to the Chair that that first request was not supported by the committee because the committee accepted the legal advice that the chair had received that this could not be done?

MS RANTHO: That is correct, Chair.

ADV FREUND SC: Were you aware at the time that Ms Mazzone vigorously disputed the correctness of that legal advice?

10 **MS RANTHO:** Yes, I am aware, Chairperson.

ADV FREUND SC: And what was your view that you must simply accept whatever the Chair's legal advice had been?

MS RANTHO: Yes, we were of the view that if a legal person says we cannot pursue an issue because of certain reasons, then we do not pursue it, we agree that we cannot pursue it.

ADV FREUND SC: Alright. Now Ms Mazzone also testified yesterday that the DA subsequently in September of ...[intervenes]

20 **CHAIRPERSON:** I am sorry, Mr Freund, you are moving away from this question that were dealing with just now, hey?

ADV FREUND SC: Yes, I am.

CHAIRPERSON: Okay, alright, let me ask this question. Ms Rantho, the allegations that Ms Mazzone asked the

committee or the chair that they should be inquired related to the Gupta family, is it not? Do you know that or did you know that at the time?

MS RANTHO: Chairperson, as I have said before – Chairperson as I have said before, the letter will be between Ms Mazzone, the Chairperson and the legal team of parliament so when she comes to us, as our Chairperson, she will say to us there is a letter coming from Ms Mazzone which has these allegations in it and the
10 legal team of parliament says we cannot probe these allegations as a committee, it is not in our mandate as a committee to do that.

CHAIRPERSON: Yes, in other words ...[intervenes]

MS RANTHO: Those allegations that she put in front of the committee.

CHAIRPERSON: In other words, she told the committee what the allegations were that Ms Mazzone wanted to be investigated.

MS RANTHO: Yes, Chairperson, but not all the letters,
20 some of the letters she will tell and some of the letters she will say the letters from Ms Mazzone have been put aside because the legal team – and we would not know what is inside the letter, especially me as the whip of the ANC in the committee, I would not know what is in the letter, the content of the letter, and that letter would be put aside

because it was sent to the committee not to the ANC.

CHAIRPERSON: Yes. But do you – did she ever say to you the committee, that is the Chairperson, that the allegations – did she ever say at any stage that the allegations that Ms Mazzone wanted to be investigated were allegations relating to alleged corruption and State Capture by the Gupta family. Did she – did the Chairperson inform the [inaudible – speaking simultaneously]

10 **MS RANTHO**: No, Chair, she will not say...

CHAIRPERSON: Okay, I am sorry, continue.

MS RANTHO: You faded away again, Chairperson.

CHAIRPERSON: Oh, okay, let me repeat.

MS RANTHO: Yes, you faded away again, Chair.

CHAIRPERSON: Oh, okay alright, I will repeat the question, did she ever tell the committee, that is the Chairperson of your committee, did she ever tell the committee that Ms Mazzone wanted allegations of corruption and state capture by the Gupta family to be
20 investigated by the committee?

MS RANTHO: Chairperson, in essence the name Gupta family came up during the inquiry, it never came up in the committee meeting. We only knew about the Gupta family and the fraudulent allegations against the Gupta family in the inquiry.

CHAIRPERSON: So are you therefore saying as far as you know and as far as the committee knew up to the time that the committee made – considered the proposal that it considered about an enquiry and agreed to hold an inquiry, until that stage it was not aware of any request by Ms Mazzone that allegations of corruption and state capture by the Gupta be investigated by the committee. What they might have been told by the Chairperson at the time was that there was a certain request for certain matters to be
10 investigated, requests from Ms Mazzone, but the legal advisers of parliament had said that the committee could not do that.

MS RANTHO: I agree with you, Chair, that is what happened.

CHAIRPERSON: But I want to make sure that you are not misunderstood, you are not saying that the Chairperson of the committee at the time never told you what allegations Ms Mazzone wanted to be investigated each time she may have made the request but you are saying sometimes the
20 Chairperson would tell the committee what the allegations were, sometimes she would not say, is that correct?

MS RANTHO: Yes, Chair.

CHAIRPERSON: Yes.

MS RANTHO: That is correct, Chairperson.

CHAIRPERSON: Okay, alright. Mr Freund?

ADV FREUND SC: Thank you, Chair. Ms Rantho, Ms Mazzone also testified yesterday in relation to a speech that she gave on the floor of the house in April of 2016. You will not have this in front of you but I am going to read to you and Chair, this is bundle 2 at page 263. It is from Hansard in respect of the 26 April 2016 and Ms Mazzone is quoted as saying the following:

10 “There is growing evidence to suggest that the number of state owned entities that had been captured by the Guptas with the family allegedly influencing not only ministerial appointments but also appointments within SOEs themselves. In the light of the mounting allegations of influence and interference by this family I have requested the Portfolio Committee on Public Enterprises urgently summons the Guptas according to the rules of parliament so that a process of inquiry can begin into the capture of state owned entities by the Guptas.”

20 Were you aware, therefore, that that was what she was calling for and why she was calling for it?

MS RANTHO: I was not aware, Chair, that what she was calling for – why was she calling for it, Chairperson, because I had no – nothing that I knew about the Guptas.

CHAIRPERSON: Let us take the tea break, Mr Freund,

and then we will continue. We will resume at half past eleven. We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: I am sorry, I had to attend to some Commission matters and other matters, so we are resuming later than I had indicated. Mr Freund?

ADV FREUND SC: Yes thank you, may I proceed?

CHAIRPERSON: Yes, I am sorry that we have taken
10 longer, I had to attend to some urgent matters that could not wait, thank you.

ADV FREUND SC: Not at all. Ms Rantho you will recall that before the tea adjournment you explained that you had accepted the legal advice that you had been told about; that the Portfolio Committee itself could not without the support of a resolution of the House, embark upon an inquiry, for example into the allegations involving the Gupta's, am I correct in the way I just put it to you?

MS RANTHO: Yes, that is correct, Chairperson.

20 **ADV FREUND SC:** And herein before the break, I referred you to a statement made in the House by Ms Mazzone on the 25th of April, which referred to not only the allegations, but her request to the Portfolio Committee that there should have been an investigation and according to her affidavit, and this is the evidence she gave yesterday. She

says that her speech on that in which you have referred, she says:

“To growing evidence that a number of SOE’s are being captured by the Gupta’s.”

And I stress this is in April 2016. She says:

“Having referred to all of that the ANC MP’s in the National Assembly ignored everything I said and therefore there was no decision in the National Assembly on this occasion in favour of an inquiry, without support from the National Assembly or the PCPE for the inquiry that I proposed, such an inquiry could not get off the ground.”

I presume you would accept that?

MS RANTHO: Yes, I will accept that can I, can you give me a chance to explain on the statement?

ADV FREUND SC: Yes, of course.

MS RANTHO: Chairperson, a statement that is done in Parliament or yes, a statement that is done in Parliament, everybody in Parliament is allowed to do a statement. The statement you are doing does not mean that the statement will be taken to be discussed further. There is something that is called motions in Parliament.

So there are motions that are being picked by a certain group of people. I cannot remember what those - what that committee is that can be discussed even in the

sitting of Parliament. There are motions that are set aside that cannot be discussed, because they were not agreed by the majority of people in Parliament. So statements are being done by everybody who is a member of Parliament. It depends if that statement will go through to get the necessary attention it needs; it is not really depending on the committee itself.

CHAIRPERSON: Are you saying Ms Rantho that the reason why the National Assembly did not support her call
10 for an inquiry when she made that statement is because she did not use the right procedure?

MS RANTHO: Chairperson when you present a statement in Parliament, there are other people also who are presenting other statements in Parliament. It depends on the selection of those statements, which one has been prioritised by Parliament to get the necessary attention it needs.

So it will be Parliament, the whole of Parliament would sit and consider a statement and then agree that this
20 statement has passed, therefore the committee would look at those allegations or what has been presented in the statement. So if that did not happen, that would not go through and go and be given the attention that she wanted the committee should give to her statement.

CHAIRPERSON: Well, I do not want to misunderstand

your evidence but as things stand I seem to understand it as you defending the failure to act both by your committee at certain stages before May 17, I think and the failure of the National Assembly to do something about these allegations that Ms Mazzone spoke about in the National Assembly.

And these were allegations, of course, serious corruption and allegations of State Capture on the part of the Gupta's and I am concerned because we are talking
10 about 2016 and the evidence that has been given here yesterday by Mr Godi and Ms Mazzone reveals, for example, that by 2016 from about 2011 and onwards, I think, including your own affidavits there were lots of allegations in the media about what the Gupta's were allegedly doing that was wrong.

And of course, by 2016, you had had, we in Southern Africa had had the Waterkloof Landing which must have opened everybody's eyes. That was 2013 and in 2015, I think in March, Mr Jonas, Mcebisi Jonas had
20 come out in the public to say what had happened when he met with one of the Gupta brothers and Mr Duduzane Zuma and Mr Fana Hlongwane on the 23rd of October, oh no I think it was about early, maybe March 2016, when he came out publicly but about the meeting that he had had in October 2015, with one of the Gupta brothers.

So they in the public domain any members of Parliament who were aware about what was in the public domain ought to have been quite concerned about what the Gupta's may have been up to if these allegations were true and therefore, if there was somebody saying, let us have an investigation or let us have an inquiry into what these people are alleged to be doing. I would have expected that members of Parliament would take such cause seriously. I may be misunderstanding you but I seem to get the
 10 impression that you are defending the failure to act on the part of the National Assembly on that occasion when Ms Mazzone said, let us have an inquiry about these serious allegations involving corruption or alleged corruption and let us take action by the Gupta's. Do I misunderstand you?

MS RANTHO: Chairperson I am not defending anybody, or any institution. I am saying statements that are being made in Parliament are many and they are being elected by a certain group of people, which I do not know who they are to be followed up.

20 If a statement has been made in Parliament in a sitting of Parliament, there is a certain group of people that deals with that. I am not defending anybody. I am saying if those people did not see it befitting at that time for a follow up that needs to be done it is dependent on them, Chairperson not on us as a committee, especially the

statement has been done publicly to everybody who is a member of Parliament with the presiding officers being there.

This can be a failure of the National Assembly may be overlooking what was happening then but at the end of the day, the committee itself took a decision on its own to do the probing.

CHAIRPERSON: That was about close to a year later, but that was close to a year later.

10 **MS RANTHO:** Yes, Chairperson it was a year yes, Chairperson.

CHAIRPERSON: And I am concerned about how much of taxpayer's money that I have been told has been looted, allegedly looted by the Gupta's and their associates would have been saved had your committee and had the National Assembly acted a year earlier than your committee did, had acted when Ms Mazzone stood up and said, here are these serious allegations, there is growing evidence that the Gupta's are involved in corruption that they have.

20 They are influencing the appointments of Ministers and whatever, and that they are involved in State Capture and the National Assembly just did not do anything about that from what she has said and I think you are confirming that also you do not know that they did anything.

MS RANTHO: Yes Chairperson I am confirming that I do

not know why did the National Assembly not take all the allegations that were set in front of them to be investigated, Chairperson.

CHAIRPERSON: But also...[intervene]

MS RANTHO: But I am not defending them in not investigating the cases. I am saying I do not know why did they not take all the cases seriously, and give maybe the Chair of Chairs give committees that have - that are relevant to such allegations and infractions to investigate
10 those allegations, Chairperson.

CHAIRPERSON: Mr Freund.

ADV FREUND SC: Yes, thank you. Miss Rantho in fairness to you, I want to put in proper context what I put shortly before the break because I put to you shortly before the break a certain statement made by Ms Mazzone on the 26th of April 2016 and I want to make clear to you that that was in answer to the budget speech of the Minister on the department.

And she took the opportunity in her answer to refer
20 to the previous unwillingness of the Public Enterprises Portfolio Committee to pursue the inquiry that she had requested. She criticised that and then the point that I had made to you as well, nobody responded from the ANC positively to that criticism.

But I understand that there is some force in the

point You have just made about the context in which the statement is made. But having said that, I want to refer you to something else that she testified about. She testified that because the stance, taken by the Portfolio Committee ostensibly on legal advice was the Portfolio Committee without the approval of the House cannot embark upon such an inquiry. She says in her view, that is legally wrong but that was the view that was taken, there is nothing she could do about it.

10 So she says because of the DA brought this matter back to the House on a subsequent occasion, not the occasion I have just been referring to but on a subsequent occasion on the on the 8th of September 2016 she refers to in her affidavit, which I do not think is in front of you, in her affidavit paragraph 14.6, it is page 29 of Bundle 2 and she says:

20 “That a full motion was properly put before the house on that occasion asking the House not to authorise the PCPE to do an investigation but asking the House to approve an Adhoc Committee – a fact that we know also happened with the SABC shortly thereafter, an Adhoc Committee in terms of the specific rule to investigate allegations of State Capture by certain individuals and their alleged undue influence over the government.”

And the motion proposed how that would be set up and how it would work. And then she testified yesterday that that motion had wide support from opposition parties but she says that all ANC members present voted against that motion. Now, do you recall voting, do you recall that motion and do you recall voting against that motion?

MS RANTHO: Chairperson I might not be in a position to recall the motions but there are motions, there are a lot of motions that were rejected by the ANC in the Assembly and
10 that means the motion has been rejected by the majority of people who were in the National Assembly then, therefore the motion could not go through.

ADV FREUND SC: Yes, I understand that. What interests me is, what would induce members of the ANC to vote against such a motion. I assume from the earlier evidence that the question of party instructions, party decisions, party discipline, I am assuming that that would be the explanation.

I am asking you whether that is correct and if it is
20 not correct, what explains why the ANC members present would have voted against such a motion?

MS RANTHO: Yes, we in the National Assembly, we influence each other, all parties influence each other to say we vote against this motion, and we vote in favour of this motion. It might have gone through the same

procedure to say we are not going to vote with – we are not going to vote in favour of this motion.

Because when we go to the National Assembly, we already know the motions, some of the motions that have been put in front of the National Assembly, and we already know which motions are we going to vote against and which motions are we going to vote in favour whether the motions are coming from the opposition parties or not.

ADV FREUND SC: And would that be a matter determined
10 by instructions from the Chief Whip or from Luthuli House or who makes that kind of decision and how is that decision made?

MS RANTHO: The office of the Chief Whip is the one that is giving us instructions on what to do on the motions.

ADV FREUND SC: Alright, thank you. Now let us move to further developments. We know that subsequent to that September vote that we have just been referring to September 2016.

We have the Public Protector's report in November
20 of 2016, if I have got my facts correct and your affidavit deals with a number of events that took place in the first half of 2017 and that culminates for present purposes in a decision that was taken inside your committee to proceed with an investigation. Really the sort of investigation that had been requested by Ms Mazzone back in March of the

previous year. Am I correct?

MS RANTHO: Yes, Chairperson.

ADV FREUND SC: Now, you deal with that in your affidavit in paragraph 9.99, 9.10 the following and all of it and you refer in particular to the uproar that arose in respect to what Mr Brian Molefe, his pension payment, his resignation, his retraction of his resignation, his coming to Parliament, his removal from his - his withdrawal from Parliament. And that all happened shortly as I understand
10 it before the committee that you were now the acting Chair of have decided you need to have an inquiry. Is that a fair summary?

MS RANTHO: Yes, that is a fair summary Chairperson.

ADV FREUND SC: And Ms Mazzone testified yesterday that when she arrived at that meeting, it was a meeting held at the Tuinhuys Hotel.

MS RANTHO: Yes.

ADV FREUND SC: This is the meeting of the 23rd of...[intervene]

20 **MS RANTHO**: The 23rd of May.

ADV FREUND SC: When she arrived at this meeting, she immediately had a sense from fellow members of the portfolio that the atmosphere had changed, that there was now a spirit of cooperation and a spirit that jointly the committee should investigate what needed to be

investigated. Do you think it was a reasonable perception on her part?

MS RANTHO: Yes, it is a reasonable perception, Chairperson.

ADV FREUND SC: So that seems to me to imply that sometime before that meeting, members of your committee must have - members of your working group must have caucused the study groups. So that is the second time I have made that mistake. Members of your study group
10 must have caucused and taken a decision that really we need to more seriously think about inquiring into these allegations. Is that a fair comment?

MS RANTHO: That is a fair comment Chairperson, because we saw that there is clear evidence that is coming from the media that says that there is this R33million that must be paid out to Brian Molefe which says Brian Molefe worked for 18 months but he will he will be paid R33million out of - R30million out of those working months of himself. So I think that was the decision that the study group took
20 because they could see the evidence was clear.

ADV FREUND SC: And that evidence to which you are referring related in particular, to Bundle F in payments that he had received.

MS RANTHO: Yes, it was relating to the R30million that Brian Molefe had to receive.

ADV FREUND SC: Now your affidavit explains that this was what he received that the Minister had been invited but certain representatives of Eskom had been invited, I am not sure if Mr Molefe was there as well but the committee asked some difficult questions and your affidavit says it was not satisfied with the answers. Is that a fair summary?

MS RANTHO: That is a fair summary, Chair.

ADV FREUND SC: And arising from that, what was the
10 decision of the committee, what should be done?

MS RANTHO: The committee unanimously take a decision that we must go through an inquiry as a committee so that we get more resources, we access more resources from Parliament to get more researches and get more people that constantly advise us that will take us through the inquiry.

Because as we were a committee then we had only one researcher and one content advisor and one secretary, so that would mean we will have many people that would
20 be able to get their hands on the information that we want. So that was the main reason that we said there must be an inquiry on the issue.

ADV FREUND SC: Right, now I would like to refer you...[intervene]

CHAIRPERSON: One second Mr Freund, Ms Rantho, in

paragraph 9 of your affidavit 9.14.1 to 9.14.3. You suggest three factors that you say in your view contributed to the decision of the PCPE to commence an inquiry. May I ask you about a factor that you did not include and I want to find out whether you do not think it was also a factor namely, that 2017 was a year when there would be an elective conference of the ANC.

It was going to be in December and there was a possibility that the then President of the ANC and of the
10 country, Mr Zuma might not, would no longer be President of the party and that there could be a different President and we know that there were a number of people who were campaigning, one of whom was the current President.

Is the position that there was to be a possibility of Mr Zuma no longer being President of the ANC soon, could that not also have influenced people to feel more comfortable pursuing these allegations by way of an inquiry?

MS RANTHO: Chairperson, I agree with you. The year
20 2017 was a year of the elective conference of the ANC but that did not influence us as a committee because we were not working as an ANC group. We were working together with opposition parties and we were working together towards a common goal.

So I do not think that has much to do with the with

the elective conference but it has a much to do with what we wanted to show the world that we are in a serious motion of dealing with corruption and if we cannot do it with the evidence that we have in front of us, then that means we will never have to prove any investigation to anyone.

CHAIRPERSON: Well I am not sure that your evidence is correct but we will reflect on it. I think there is a perception that when there is going to be a change in
10 leadership goes to the danger of leadership, you know.

One sees certain different attitudes through – on certain issues within members of both the ruling party and in Parliament, each time there might be a change of leadership but let us leave that I hear what you say, Mr Freund continue.

ADV FREUND SC: Thank you Chair, Ms Rantho the Chair has already referred to the fact that you gave three reasons in paragraph 9.14. The second you have already touched on, the question of resources and my impression,
20 please confirm or put me right. My impression is that the – the model followed by the SABC inquiry had some impact in demonstrating to – to MP's that it was possible to your better responsibilities and better assistance in pursuing inquiries, is that one of the factors that you say was relevant?

MS RANTHO: That is correct Chairperson.

ADV FREUND SC: Another factor you identify is the judgment of the Constitutional Court on the Nkandla matter which came down in March of 2016 in which the court had been very critical of the failure by the National Assembly to exercise its oversight responsibilities. Was that a factor that was of influence?

MS RANTHO: That is part – that is one of the factors that have influenced us to do the – the inquiry because it was really evident by the judgment that we are failing to – to
10 investigate matters of serious concern.

ADV FREUND SC: And another factor that you identify in your affidavit and I am now at 9.14.3 of your affidavit is the public outcry on the publication from about the beginning of June 2017 of the so called Gupta Leaks. Was that a factor that also weighed with your committee?

MS RANTHO: Correct Chair. It is correct.

ADV FREUND SC: Now while you talking about that is not that you were influenced by that I understand that but what interests me is why you were not influenced by all the earlier
20 reports of alleged corruption and state capture. Why did they not also move you at an earlier stage to inquire at any earlier stage?

MS RANTHO: As I have said before Chairperson it is – we went into this inquiry because we had evidence in front of us. Most of the allegations that came up with the opposition

parties they were just allegations that were coming up out of the – of the media without giving the – the real evidence of what has really happened; who has done what? It was just an – a media statement or an allegation coming with the opposition that says in Eskom there is corruption; at Transnet there is corruption that is happening. A lot of looting that is happening but we do not know how and who is doing that.

ADV FREUND SC: Alright now let us move on. You made
10 these submissions within the committee. We have already heard evidence that although the initial point of focus was Mr Molefe it broadened to include Eskom in 00:02:50 and that also there was an intention to broaden it in to include Transnet and Denel as well. You agree with that?

MS RANTHO: I agree with that Chair.

ADV FREUND SC: So you now have a position within the Portfolio Committee and obviously therefore also within the Study Group for that Portfolio Committee in support of what one might call a proper investigation. A Portfolio Committee
20 Inquiry into quite a lot of serious allegations.

MS RANTHO: I agree Chair.

ADV FREUND SC: Now what you say in your affidavit in paragraph 7 – 9.17 is that although that was true on the other hand there were some within the caucus who took a different view within the ANC Parliamentary caucus could

you maybe explain what happened there and what the nature of the pressure was and what was going on?

MS RANTHO: The nature of the pressure was that it was already been announced that there will be a commission of inquiry. So the other members of the ANC did not see it befitting that there would be an inquiry that will take place in the committee – in the Portfolio Committee and also repeated the same inquiry with the commission that is in place.

10 **ADV FREUND SC**: Now...

MS RANTHO: But we were able to respond in saying we are not – we are not a court of law. We are doing our oversight and the rules of Parliament allows us to do that.

ADV FREUND SC: Yes I understand that view. But again I think we need to break down into different periods because as I – as I am sure you know although the state of capture report in November of 2016 had recommended to then President that a commission of inquiry should be established. By the time in June 2017 then you took your
20 decision to start your inquiry no such commission of inquiry had been appointed. It appointed in January of 2018 do you agree?

MS RANTHO: I agree with you Chair.

ADV FREUND SC: So that is why I want to distinguish between the position inside the caucus before that time –

before 2018 or January 2018 and after. Because after January 2018 there is room for argument that there is arguable duplication of process. But before that time a great deal of controversy about whether there was going to be an inquiry and if so when and who would lead it and so for a long time that inquiry did not get going; that is at present Zondo Commission of Inquiry and you would have been aware of that at the time I presume? You agree?

MS RANTHO: Yes we would have been aware of it at that
10 time I agree.

ADV FREUND SC: Now you say in your affidavit that there was a push stub of the inquiry from a substantial number of members of the ANC Parliamentary caucus who argued that the inquiry would cause 00:06:29 and would taint the integrity of the ANC. Of particular concern to some members of the caucus was the risk to the reputation of the party. These views were openly communicated to me in clear and emphatic terms. Do you stand by that?

MS RANTHO: Yes I stand by that Chairperson.

20 **ADV FREUND SC:** Could you perhaps elaborate on that a little?

MS RANTHO: Chairperson the – the issue of the inquiry was taken to the caucus of the ANC and in that caucus it was discussed and therefore there were members that felt that it is not necessary to have an inquiry in the Portfolio

Committee because if this inquiry continues they – members of the ANC might be implicated in the inquiry and that will mean the ANC will be divided. Not divided maybe into two it will be divided altogether. And there will be people who would have to go maybe to be investigated further from the inquiry. But we stood our – as a committee that we are going to go through with the inquiry. We will then see when the Zondo Commission is established what do we – what do we do then? Because we had a – an – something that says

10 the Zondo Commission might be – might start working when we are in this – in the Sixth term of Parliament and yet we would stop doing our work waiting for the Zondo Commission to start and it would fail the people of South Africa by doing that.

ADV FREUND SC: Right so I understand that there were differences of opinion within the caucus and then you deal in paragraph 9.18 with the 00:08:41 of the Chief Whip – the then Chief Whip Mr Jackson Mthembu. Could you just elaborate on the role that he played in this particular

20 controversy?

MS RANTHO: The Chief – the then Chief Whip Honourable Mthembu has assured us that we must continue even if there are people within the caucus that do not want the inquiry to continue but the majority of people within the MEC and within the ANC are supporting us to – to go through with the

inquiry. He said that in the – in the caucus he said that to us as the ANC members in the inquiry he said to us – he said to us as a committee we must continue doing the work that is in front of us.

CHAIRPERSON: One second.

ADV FREUND SC: Right.

CHAIRPERSON: Mr Freund. Do I understand you correctly Ms Rantho that what you are saying in paragraph 9.17 of your affidavit – you do not have to go there really. What you
10 are saying is that within the ANC Parliamentary caucus there were two groups which had different views about whether the committee should conduct an inquiry.

The one group and I think you were in that group was in support of conducting an inquiry. And the other group was against it. Is that correct?

MS RANTHO: That is correct Chairperson.

CHAIRPERSON: Is it – is my understanding also correct that one of the reasons advanced by the group that was against the holding of an inquiry by your committee was that
20 in effect the inquiry could bring up evidence that could implicate some ANC members and that might affect the integrity of the ANC and therefore for that reason among other reasons as far as that group was concerned the inquiry should not be held. Am I correct?

MS RANTHO: That – that is correct Chairperson.

CHAIRPERSON: Yes. So in other words there were some members of Parliament.

MS RANTHO: That is correct Chairperson.

CHAIRPERSON: Yes thank you. So in other words there were some members of Parliament or ANC who effectively wanted to protect – who thought they would be protecting the ANC if revelations that could show wrongdoing on the part of some members of the ANC was not brought up in the open.

MS RANTHO: That is correct Chairperson.

10 **CHAIRPERSON:** Thank you. Mr Freund you may continue.

ADV FREUND SC: Yes thank you. Ms Rantho you then described in paragraph 10 of your affidavit briefly how the commission went about its work and some of the difficulties you faced. I think that that speaks for itself. It is well-known. But what I would like you to please just comment on is the degree of personal pressure and the degree of threat and risk that you perceived that you were taking and that other members of your committee perceived that they were taking.

20 **MS RANTHO:** It was a great so – it was a great risk that we have taken Chairperson especially because we were divided within the caucus. But we pursued the – the – to have the inquiry regardless of anything that happens. I personally were pressurised but I had a great support even with ordinary South Africans who would call and compliment the

work and then support me in saying we are here you can – you can depend on us that we are here for you as South Africans we love what you are doing. So it was – there was a lot of pressure. There is a pressure from people who expects me to do what am I supposed to do in Parliament? There is a great pressure from people who do not want us to go through with the inquiry. But my – I would say my conscience spoke to me to say this is what must happen so that the people of South Africa gets the right information and
 10 also can be satisfied in what we are doing as a committee of Parliament in this Republic.

ADV FREUND SC: And you refer in your affidavit to both suspicious events and who would intimidate the events. For example that your son was confronted by an unidentified man who said to him your mother is making our lives difficult before speeding off. Your husband being followed and I think other incidents. Maybe if you could just briefly describe the sorts of – the sort of atmosphere and the sort of pressure and the sort of intimidation that you and your family
 20 came under?

MS RANTHO: Chairperson we were living in fear but when I informed the National Assembly Speaker about the intimidations there was a follow up by the Security Personnel to come and – and look at the risk of being – me being intimidated if I would not be able to – those people would not

be able to – maybe to do something worse to me or to my family. We – we were not given a real – we were not assigned to a real security or to a security personnel that will always be next to me or next to my house. But there were people who were looking from afar what was happening in my house and we – with my family. We accepted the situation and I was encouraged within the family that I cannot stop doing what I am doing let me go forward. If there is a need of me to get – to get hurt I will get hurt but I
10 will be healed in the running – in the future because I would have done the correct thing.

ADV FREUND SC: And did it come to your attention that Advocate Vanaro had faced a difficulty?

MS RANTHO: It did come to my attention because Mr Vanaro came to me in one evening and I – and said we must identify a certain spot where we will not be seen because there is something that has happened in her – in his office and she was – he wanted to share that with me and see how do we take this forward because I think he himself was in
20 deep fear of what would happen to him.

ADV FREUND SC: Now there are certain I think criminal proceedings pending in relation to that so I am not going to – I am not going to deal with that issue in any more detail. What I would like to deal with is this. The – Ms Mazzone said 00:17:24 that the comment was made to her by ANC

members of your committee during the course of 00:17:43 and that this was kamikaze mission that – that the ANC MP's who were pursuing this inquiry took this to be a significant threat to their own political futures. Do you agree with that view?

MS RANTHO: The ANC members of Parliament that were in the committee?

ADV FREUND SC: Yes those who were – those who were pursuing the...

10 **MS RANTHO**: Or ANC members general?

ADV FREUND SC: No the ANC members in the Portfolio Committee inquiry whether they felt that this was – this was putting at risk their own political futures.

MS RANTHO: I never came across that but maybe that what people – that is what she discussed with those ANC members.

ADV FREUND SC: Alright. Let us deal with your own situation. Before you came to Parliament you told the Chair this morning you enjoyed – you were a member of and
20 enjoyed the support of your Provincial Executive Committee. Now you were first nominated to the NCOP and thereafter elected on the party list to the National Assembly. What happened to you afterwards; after this inquiry?

MS RANTHO: After the inquiry – the inquiry we gave the report on I think 2018 and after that there were supposed to

be elections in 2029 there were elections in 2029.

ADV FREUND SC: 2019.

MS RANTHO: I was not re-elected to Parliament as a member of Parliament by my own branch – by my own region and I think when the list came to the Provinces – to the Province the – my name was not there in the lists.

ADV FREUND SC: Can I just check Ms Rantho.

MS RANTHO: The last people that would send the – sorry you are cutting. I did not hear what you saying.

10 **ADV FREUND SC:** Can I just check? You said 2029 but I think you meant 2019 elections is that correct?

MS RANTHO: 2019 yes. 2019.

ADV FREUND SC: And I think what you...

MS RANTHO: In 2019 I could not return to Parliament.

ADV FREUND SC: And you were not supported on the – on the ANC list of candidates is that what you are saying? You were not – you were not put onto that list.

MS RANTHO: Yes that is what I am saying Chair. No I was not put on that list Sir.

20 **ADV FREUND SC:** Now the report that your committee produced as a matter of public record it would be well-known to this commission but I just want to draw attention to one feature of that of your findings. This is referred to in paragraph 12.5 of your affidavit. Your report found that it was patently clear that there was undue influence by private

individuals and companies over the appointment of Eskom board members as well as some procurement decisions. Is that correct?

MS RANTHO: That is correct Chair.

ADV FREUND SC: And that of course is really the sort of allegation that had been raised in the press for years and about which opposition members had been pushing for some years for a Parliamentary Inquiry, do you agree with that?

MS RANTHO: Yes I agree Chairperson.

10 **ADV FREUND SC**: Then one final issue maybe two that I would like to raise with you. Firstly is the question of votes of no confidence. You deal with that issue in paragraph 13 of your affidavit and you say this:

“I believe that members of the ANC sent on its behalf to represent it in Parliament I am duty bound to adhere to decisions of the party and instructions like these.”

And what you are referring to there is instructions from the party as to how to vote in relation to a vote of no confidence.

20 That is your view is it not?

MS RANTHO: That is my view Chairperson.

ADV FREUND SC: Thank you I have no further questions.

CHAIRPERSON: Thank you very much Ms Rantho for coming to give evidence. We really appreciate it and if we need you to come back and clarify some issues we will ask

you to come back but thank you very much for coming to assist the commission or availing yourself to assist the commission. Thank you very much you are now excused.

ADV FREUND SC: Thank you Chair.

CHAIRPERSON: Did she hear me?

ADV FREUND SC: Yes I believe so.

CHAIRPERSON: Yes okay alright.

MS RANTHO: I heard you Chairperson thank you very much.

CHAIRPERSON: Okay alright okay. Okay I thought maybe
10 you did not hear me. Okay thank you very much.

MS RANTHO: No I did – I did.

CHAIRPERSON: Okay alright. Alright thank you. Ms – Mr
Freund your next witness.

ADV FREUND SC: My next witness is Mr James Selfe. I
see that his name appears on the screen so he appears to
be immediately available. I do not know Chair whether you
would like to take a five minute break before we proceed?
Perhaps I might request a very short comfort break.

CHAIRPERSON: Yes.

20 **ADV FREUND SC:** But otherwise we are ready to proceed.

CHAIRPERSON: Yes, no let us take a short comfort break
five minutes or so and then we can resume after that. We
adjourn.

ADV FREUND SC: Thank you Chair.

CHAIRPERSON: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Freund.

ADV FREUND SC: Thank you, Chair. And thank you for the extended adjournment. Papers were misplaced but I now have them.

CHAIRPERSON: Okay alright.

ADV FREUND SC: The next witness is Mr James Selfe.

CHAIRPERSON: Yes. Mr Selfe, can you hear me?

10 **MR SELFE:** Yes, I can hear you Judge.

CHAIRPERSON: Yes. Good afternoon to you. Is it afternoon? Ja, good afternoon to you.

MR SELFE: Ja.

CHAIRPERSON: Thank you for availing yourself to assist the Commission and give evidence. Thank you for coming to assist.

MR SELFE: [No audible reply]

CHAIRPERSON: Please administer the oath or affirmation. You must tell me if you cannot hear me clearly Mr Selfe or if
20 there is a delay before you hear what I say?

MR SELFE: I can hear you reasonable clearly Chairperson.

CHAIRPERSON: Okay thank you. The registrar will now administer the oath or affirmation.

REGISTRAR: Please state your full names for the record.

MR SELFE: I am James Selfe.

REGISTRAR: Do you have any objection in taking the prescribed oath?

MR SELFE: No, I do not.

REGISTRAR: Do you consider the oath to be binding on your conscience?

MR SELFE: I do.

REGISTRAR: Do you solemnly swear then that the evidence you are about to give, will be the truth, the whole truth and nothing else but the truth? If so, please raise up
10 your right hand and say, so help me God.

MR SELFE: So help me God.

JAMES SELFE: (d.s.s.)

CHAIRPERSON: Thank you. Mr Freund, you may proceed.

EXAMINATION BY ADVOCATE FREUND SC: Thank you, Chair. Mr Selfe ...[intervenes]

CHAIRPERSON: May before you proceed. I am sorry Mr Freund. Maybe before you proceed, let me announce what we have discussed outside of the hearing because otherwise you may be wondering why we are starting with a
20 new minutes a few minutes before one o'clock.

We are not going to be able to sit until the normal time this afternoon because of some commitment. And we are not going to have a session tomorrow because I need to be somewhere else.

The arrangement that has been made is that

because I intended adjournment at three, we should rather use the lunch hour of one to two to continue with evidence and then at two that is then we will adjourn for lunch but then we will not resume in the afternoon.

And tomorrow we will not sit but on Thursday we will continue with the hearings. Okay. Okay Mr Freund, you may now proceed.

ADV FREUND SC: Thank you, Chair. Chair, for the record the evidence of Mr Selfe is to be found in Bundle 2
10 at page 720 and following, Exhibit ZZ-7. Mr Selfe, you have a copy of your affidavit and annexure?

MR SELFE: I do.

ADV FREUND SC: And is it correct that the affidavit starts at page 722 starting on the – using the numbering on the top left of the pages.

MR SELFE: Yes, it is.

ADV FREUND SC: And that it runs through until the signature page at page 748. And that is your signature at page 748?

20 **MR SELFE:** It is, yes.

ADV FREUND SC: And have you had an opportunity to read and consider your affidavit and are you satisfied that it is true and correct?

MR SELFE: I am.

[Speaker's voice soft – unclear]

ADV FREUND SC: Chair ...[intervenes]

CHAIRPERSON: Ja, I am sorry Mr Freund. Mr Selfe, I am going to ask you to speak up a bit. Your voice is quite soft. So if you can try and speak up. Okay Mr Freund, you may proceed.

ADV FREUND SC: Thank you, Chair. In the light of that formal evidence, may I request that we admit as an exhibit, Exhibit ZZ-7, Bundle 2, page 720 and following.

CHAIRPERSON: The affidavit of Mr James Selfe which
10 starts at page 722 is admitted together with its annexures as
an exhibit and it will be marked Exhibit ZZ-7.

**AFFIDAVIT AND ANNEXURES OF JAMES SELFE IS
ADMITTED AND MARKED AS EXHIBIT ZZ-7**

ADV FREUND SC: Thank you, Chair. Mr Selfe, would you please to turn paragraph 4 of your affidavit?

MR SELFE: [No audible reply]

ADV FREUND SC: I would just like to place on record very briefly. Some of the key features of your experience and history. You say there you have been a politician for a
20 period in excess of 41-years and acted in the Democratic
Alliance since its foundation. Is that correct?

MR SELFE: It is so.

ADV FREUND SC: You were elected to the Senate in May of 1994 and you became a member of Parliament in the National Assemble in 1999. Is that correct?

MR SELFE: That is correct.

ADV FREUND SC: And you remained a member of Parliament and the National Assembly since then. So you are still a member of Parliament?

MR SELFE: That is correct.

ADV FREUND SC: And is it correct that after the 2004 General Election you were appointed to the Correctional Services Portfolio and that amongst other portfolios that on which you have served, you have served on that portfolio
10 and its successive portfolio now known as the Portfolio Committee on Justice and Correctional Services ever since?

MR SELFE: That is correct.

ADV FREUND SC: And that you are a former Federal Council Chairperson of the DA?

MR SELFE: That is so, yes.

ADV FREUND SC: In paragraph 5 of your affidavit, we deal with what we call with the PMG reports. Now the PMG is the Parliamentary Monitoring Group. It is an NGO as I
20 understand it. It has observers who attend most, if not all, of Portfolio Committee meetings and maintain records. Are you familiar with their records?

MR SELFE: I am familiar with their records. I think they cover all Parliamentary committees. They record them, both orally – well, both through a recording device and in writing

and I find them to be reasonably accurate.

ADV FREUND SC: Thank you. And when you say reasonably accurate you are referring in your affidavit to summaries?

MR SELFE: Correct, yes.

ADV FREUND SC: And are you aware as you refer to in your affidavit that ...[indistinct] [00:08:17] [*Speaker not clear – transmission distorted*]

CHAIRPERSON: Sorry Mr Freund. Sorry Mr Freund. You
10 could not be – we could not hear you clearly. Maybe you have to start that question afresh.

ADV FREUND SC: Of course. Mr Selfe, can you confirm that the Parliamentary Monitoring Group, amongst other contributions that were made to this Commission, has prepared a report entitled BOSASA Report by PMG and have you had an opportunity to read that report?

MR SELFE: I have seen it and read it.

ADV FREUND SC: And in fact, it is correct, is it not, that
20 in part of your affidavit you referred to it and you give us references, certain material appearing in that PMG report.

MR SELFE: Yes, that is correct.

ADV FREUND SC: And that report, speaking very generally, is derived from or it comprises a series of extracts from PMG records of meetings of relevance. In this instance meetings of relevance to the question over

Parliamentary oversight in relation to contracts between the Department of Correctional Services and the BOSASA Group of Companies. Is that correct?

MR SELFE: That is correct.

ADV FREUND SC: And I understand that the Portfolio Committees do maintain to some extent their own minutes but could you please compare the foremost and completeness of those minutes by comparison to the summaries in records that are produced by the PMG?

10 **MR SELFE**: Certainly. The minutes tend to be fairly bland, an outline merely the business of this transacted at the committee meeting. The PMG reports are more full. They quote what individual members had to say in some instances and they give more of an account of the committee meeting and what gives a flavour of what was discussed at the committee meeting.

ADV FREUND SC: Yes, thank you. Now I want to turn to paragraph 6 of your affidavit. This is really the bulk of your affidavit. And the focus in some detail in paragraph 6
20 is on contracts between the Department of Correctional Services ...[indistinct] [*Speaker not clear – transmission distorted*] and BOSASA and affiliated and related companies. Broadly speaking, you would agree that is what you attempted to do?

MR SELFE: That is so.

ADV FREUND SC: And you refer in your affidavit to incidents about which evidence has already been given to this Commission. Contracts awarded to BOSASA and certain of its subsidiaries from August 2004 onwards. And in particular a set of four contracts that were awarded in the period 2004 to 2006. Is that correct?

MR SELFE: That is so, yes.

ADV FREUND SC: And you say in paragraph 6.2 of your affidavit and referring to the very first of those contracts
10 that:

“It was immediately mired in controversy and that sources who you have identified told you that it was common knowledge that Angelo Agrizzi and Patrick Gillman had contributed to the framing of the requirements for the tender. Members have been framed in such a way that BOSASA would be advantaged.”

Is that correct?

MR SELFE: Well, that is what the insiders told me at the
20 time, yes.

ADV FREUND SC: And then you refer in paragraph 6.3, 6.4, 6.5 to the further contracts awarded to BOSASA and its associated companies in that period. And then at paragraph 6.8 you move on to deal with an allegation reported in the press.

MR SELFE: Yes.

ADV FREUND SC: The allegation reported in the press and you give a reference, and the Commission can refer to them in due course if need be, was that Mr Linden the then National Commissioner for Correctional Services had registered a company that not only shared an address with BOSASA and its two subsidiaries, Phezulu and Sondolo, but that company was a shareholder in at least some of those companies.

10 In other words, there was a suggestion of a personal financial interest by the then National Commissioner in these BOSASA contracts.

MR SELFE: Yes, that is correct. And obviously, that was very suspicious at the time and we raised the matter often.

ADV FREUND SC: Well, that is really what I wanted to come to. In paragraph 6.9 you refer to a number of calls for an investigation or an inquiry that you made at the time. Did you make such calls and if so, was any heed given to your calls for those inquiries?

20 **MR SELFE:** I had many calls over many years that these events should be investigated either by the committee or by some appropriate inquiry but normally fell on death ears. And there was very little acceptance of that suggestion from the majority party.

ADV FREUND SC: Alright. And we will deal with that

issue in some more detail as we go along. You deal in paragraph 6.11 with a renewal or a re-award of the very first contract and a further and an administrative extension of that contract.

And you then refer, and this is a matter of public record which has been fully ventilated before the Commission, the appointment of a new commissioner, Mr Bernie Petersen.

And you refer to certain engagements between
10 your Portfolio Committee and Mr Petersen. Is that correct?

MR SELFE: That is correct, yes.

ADV FREUND SC: Now although you say the calls that you made for investigations or inquiries generally went unheeded. It is correct, is it not, that in November 2007, as referred to in paragraph 6.13 of your affidavit, the then President Thabo Mbeki, commissioned a Special Investigating Unit to investigate alleged serious tender irregularities in relation to the DCS?

MR SELFE: Yes, that is so.

20 **ADV FREUND SC**: And arising from that, you refer in paragraph 6.14 to a meeting that your committee had with Mr Petersen in which you say he stated that the department then led by him acknowledged that there was a problem with the outsourcing of services and he referred to these ongoing SIU investigations. Is that correct?

MR SELFE: Yes, Mr Petersen was a breath of fresh air. He understood that there was a problem in the department in he was at pains to get to the bottom of it but he was stonewalled anywhere he went.

ADV FREUND SC: Then in paragraph 6.15 you refer to a discussion of what you call the Catering Contract which is really the first in principle BOSASA contract. As a meeting of your committee on the 19th of August 2008, and you say that the chairperson asked for a briefing on certain issues.

10 The chairperson then was Mr Dennis Bloem. Is that correct?

MR SELFE: That is correct, yes.

ADV FREUND SC: And you say elsewhere in your affidavit, you developed a good working relationship with Mr Bloem. You regarded as a good chair of the committee.

MR SELFE: I did indeed. He was a colleague of mine in the Senate and we went a long way in politics together. We had a personal relationship. So he was able to do things on the committee that maybe another chairperson will not.

20 **ADV FREUND SC:** And what you referred in paragraph 6.15 is a certain request from the committee to the department to provide information that it could not provide with the outset. And you say as far as you can recollect it never did so. You never got that information. Now firstly, is that correct that there was such an incident?

MR SELFE: That is correct, ja.

ADV FREUND SC: Was that unusual in your experience or did you experience that type of problem with any degree of irregularity?

MR SELFE: No, it was a fairly regular occurrence that you would ask the department for a written report on a matter that they were unable to provide satisfactory before the committee. They would then promise to provide a written report and it was seldom not produced at all. And sometimes
10 it was followed up and even then it was not produced.

ADV FREUND SC: So when you say it was very seldom not produced at all. Do you mean very seldom produced or was it never produced?

MR SELFE: Very seldom produced.

ADV FREUND SC: Very seldom produced. Now you refer in paragraph 6.16 to Commissioner Petersen reporting to your committee on the 21st of October 2008 that a preliminary report from the SIU, the Special Investigating Unit, had been available to the department in the
20 preceding months, September 2008.

And you say in paragraph 6.17 that on the basis of this report, Commissioner Petersen had suspended one of the person against whom these accusations had been made, Mr Patrick Gillingham. Is that correct?

MR SELFE: That is correct. That is what he told the

committee.

ADV FREUND SC: Could you perhaps elaborate on - by that time – so we are now in October 2008. To what extent you had formed an impression based on the little that you knew of the SIU report and what Commissioner Petersen had told you as to whether there were issues of apparent serious concern.

MR SELFE: Well, there was certainly issues of serious concern. They had to started to appear in the media. There
10 were some insiders in the department who were talking about this. And the sum total was that we regarded the affairs of the department and its relationship with BOSASA in a very serious light.

And this was substantiated then when Commissioner Petersen came to the committee and substantiated by the fact that he had used the interim report as a basis to suspend Mr Gillingham.

ADV FREUND SC: Thank you. Now Mr Bloem has already testified to this Commission and he has already testified
20 about some difficulty in relationship he had with the then Minister Balfour.

And you refer in paragraph 6.18 to a meeting on the 21st of October 2008 and you say that:

“The meeting was marked by the receipt of a letter from Balfour to Bloem to the effect that it

would be inappropriate for the Portfolio Committee to discuss the “instability” in the DCS, arguing that this is beyond the competence of the committee.”

Well, firstly. Can you confirm that that is what happened, that there was such a letter?

MR SELFE: There was such a letter.

ADV FREUND SC: Secondly. Was that a unique, as far as you know, problem as the between the chair of the
10 committee and the then Minister? How would you characterise the relationship there and particularly the attitude of the Minister to the oversight that the committee was attempting to effect?

MR SELFE: It was a most extraordinary event because in all my experience in Parliament I have never come across a Minister telling the committee what they could and could not do. But the instability referred to the relationship between Petersen and the Minister.

Those allegations of a clash between those two
20 personalities have also found its way into the media and the committee wanted to know what was going on.

And the Minister wrote and saying it was none of his business, none of the committee’s business to discuss what was going on in the department.

But the committee in the view of the fact that they

had received this letter from Mr Balfour then decided not to pursue any inquiry in the committee itself.

ADV FREUND SC: Now you referred to the press reports who had dealt with the difficulty of the relationship between Commissioner Petersen and Minister Balfour. Did that surprise you? Were you aware of any bearing on the issues of the BOSASA contracts?

MR SELFE: Well, it was very clear and stated by Mr Petersen that Mr Petersen was uncomfortable with the
10 administrative extension of the BOSASA contract beyond 2007 and wanted the whole process re-advertised and put out for tender. Mr Balfour, apparently, did not want that to take place. He wanted the contract to be extended for another year. And it has caused quite a degree of unpleasantness between the two individuals.

ADV FREUND SC: What you then go on to deal with in paragraph 6.20 is that it was in fact extended. Commissioner Petersen was moved elsewhere and the contract was extended without going to tender. Is that
20 correct?

MR SELFE: That is correct, yes.

ADV FREUND SC: He was very ...[intervenes]

CHAIRPERSON: One second Mr Freund, please. Mr Selfe, the position that you have stated I think as having been conveyed by Mr Petersen that Minister Balfour wanted the

contract to be extended without going out on tender.

Is that just something that you were told as a committee by Mr Petersen or is that something that you happen to know to have been the position of Mr Balfour? Maybe the committee called him to a meeting and that is what he said?

I just want to find out whether you have personal knowledge of that particular because Mr Petersen is late. So he cannot tell us if that was Mr Balfour's position.

10 **MR SELFE**: Yes, Chair I personally cannot recollect how that knowledge came to me but I – all I can tell you is that it was fairly common knowledge. It might have been conveyed to me by Mr Bloem.

CHAIRPERSON: Yes. Okay. Okay it would be important to find out if there is somebody who has got personal knowledge of Mr Balfour having taken that stand. But okay. Thank you. Proceed Mr Freund.

ADV FREUND SC: Thank you, Chair. You refer in paragraph 6.21 of your affidavit what you call an
20 extraordinary exchange that took place between the DCS and the Mail & Guardian in January 2009. Perhaps you could just explain without going into too much detail the gist of this extraordinary exchange?

MR SELFE: Well, there were allegations principle in the Mail & Guardian that the Department of Correctional

Services and BOSASA were colluding in the question of the Catering Contract and their affiliated companies were also benefiting, Phezulu and Sondolo, and as a result of that the Corporate Communications branch of the DCS placed several advertisements in Sunday newspapers early in January of 2009 and said that this was all nonsense.

And as a result, the Mail & Guardian then published, as I recollect the front page, an article with the headline: Here is the proof, Minister.

10 And which it laid down exactly why they had made the allegations that they made about malfeasance at the department.

ADV FREUND SC: And on your reading of those allegations, did they look sufficiently plausible to warrant an investigation?

MR SELFE: Undoubtedly, yes.

ADV FREUND SC: Chair, what I omitted to do when Mr Selfe first referred to the BOSASA report was to give you a reference to where that is to be found in the bundle.

20 **CHAIRPERSON:** Yes.

ADV FREUND SC: And that is ZZ-8.1. It is in Bundle 4. And you will see that in the heads to the paragraph that we are dealing with at the moment about the exchange in the Mail & Guardian. You will see there at Footnote 16 a reference. You will just see it is stated very cryptically

PMG page 18.

CHAIRPERSON: H'm?

ADV FREUND SC: Now there will be evidence in due course from the author of the BOSASA report.

CHAIRPERSON: H'm

ADV FREUND SC: That will be formally introduced by way of evidence. But where you see a reference to PMG like that, it is in this affidavit.

CHAIRPERSON: H'm?

10 **ADV FREUND SC:** It a reference to the BOSASA report prepared by the PMG at page 18 where you will actually find that particular article.

CHAIRPERSON: Okay thank you.

ADV FREUND SC: Now moving on from that Mr Selfe. You say, and as Mr Bloem made apparent in his own evidence - I am referring you now to paragraph 6.22 of your affidavit - that he became increasingly disillusioned with the ANC. Could you just talk to the issue you raise in paragraph 6.22?

20 **MR SELFE:** Well, what used to happen is that Mr Bloem used to telephone me from time to time to tell me about the difficulties he had with his own organisation and to pass on certain information and to encourage me to ask certain questions and to pursue certain issues in the committee which he had knowledge of presumable from discussion at

his Study Group but which I knew nothing about.

And what he told me as well was that he was regularly summoned to the Deputy Chief Whip at the time were Mr Gilliomee and Mr Nel to reprimand him for acting like an opposition MP. That he really was fulfilling his task of being an impartial chairperson of an oversight committee.

ADV FREUND SC: Now at the end of the 4th Parliament, it takes place, as I understand, at the end of each parliament. Portfolio committees prepare formal reports
10 which are known colloquially as handover reports or legacy report, is that correct?

MR SELFE: That is correct, yes.

CHAIRPERSON: And at the end of this fourth parliament which is the parliament during which Mr Bloem was the Chair and you were also a member of the committee, a legacy report was prepared on the work of the preceding parliament and on, as it were, suggestions as to the work of the incoming committee, would that be correct?

MR SELFE: Yes, a legacy report is really to try and
20 highlight the issues that were unable to be resolved during the previous five years and to encourage the new committee to take on those issues.

CHAIRPERSON: Now in relation to the allegations of corruption and the like pertaining to the BOSASA group of companies and the Department of Correctional Services,

what was in short and in summary the position adopted in this legacy report of 2009?

MR SELFE: Well, as I quote there, the committee remained disturbed with the manner in which the matter was handled and the incoming committee should treat it as a priority. That was its summary and it was unable during the previous five years to make sufficient headway in getting to the bottom of this issue and it encouraged the new committee to do so.

10 **ADV FREUND SC:** And you make the observation in this paragraph that that report dealt with many issues but that the contracts to BOSASA, Phezulu and Sondolo IT featured predominantly in that particular legacy is that correct?

MR SELFE: They did, yes.

ADV FREUND SC: Now you also refer in paragraph 6.24 to other oversight institutions that were also expressing concern. You refer to the auditor general and you refer to SCOPA and you refer to a report in the Mail and Guardian about the auditor general's report into its investigation into
20 BOSASA, Phezulu and Sondolo contracts, is that correct?

MR SELFE: That is so, yes.

ADV FREUND SC: And the newspapers, that were the Mail and Guardian, published leaks and the like from the auditor general's report and on a reading of that, what impression did it create in your mind as to whether these

were allegations that required careful and proper investigation?

MR SELFE: Well, they were certainly very serious allegations because they talked to collusion, they talked to tender rigging, they talked to a massive probably overstatement of the costs and these are matters which I believe the portfolio committee should at the very least have taken notice of, followed up and investigated.

ADV FREUND SC: And then you refer in paragraph 6.245
10 of your affidavit to the issue that we have already touched on but here you put a time period to it, you say:

“Between 2004 and 2009 in particular I regularly called on the minister and whose department to be investigated, this largely fell on deaf ears although the SIU inquiry was instituted. Whenever I did this in the PCCS meeting the matter was studiously ignored.”

And you give a reference to a press report on the issue. Could you just perhaps elaborate on that briefly?

20 **MR SELFE**: Yes. Well, it was quite clear that parliament through its institutions was unable or unwilling to deal with the matter with sufficient seriousness and I felt that a proper inquiry, perhaps a Judicial Commission of Inquiry or some other Commission of Inquiry would be a more appropriate way of dealing with it notwithstanding the fact

that the SIU was busy with an investigation.

ADV FREUND SC: You then move on from paragraph 6.26 onwards to deal with the next parliament, the fifth parliament and during that period, I think it is a matter of public record that Mr Vincent Smith replaced Mr Dennis Bloem as the Chairperson of that committee, is that correct?

MR SELFE: That is correct, yes.

ADV FREUND SC: And at an early meeting in that fifth
10 parliament you deal with in paragraph 6.27, you refer to an incident where you raised the re-awarding of the contract to BOSASA whilst it was still under investigation and you refer to the response you got. Perhaps you could just take us through that.

MR SELFE: Well, the catering contract ran from 2004 to 2007. Then it was extended by a year. So around about the middle of 2008 it was due for either re-advertising or renewal or whatever. Now the department already had the preliminary report of the SIU and we had a pretty good
20 idea that the preliminary report of the SIU was fairly damning and yet notwithstanding that fact, the contract was renewed again and Mr Motseke who was at that stage the CDC Corrections said that his hands were effectively tied in the award of contracts because these were matters that were dealt with by bid evaluation committees and not

by line civil servants.

ADV FREUND SC: Can you just for the record elaborate? CDC, what is that? Chief Deputy...”

MR SELFE: Commissioner.

ADV FREUND SC: Alright. And so if I ...[intervenes]

CHAIRPERSON: I am sorry, I did not hear that. I am sorry, Mr Freund, I did not hear the answer from Mr Selfe. What does CDC stand for?

ADV FREUND SC: CDC stands for Chief Deputy
10 Commissioner.

CHAIRPERSON: Okay.

ADV FREUND SC: Immediately beneath National Commissioner.

CHAIRPERSON: Okay, thank you.

ADV FREUND SC: Now if I read in a little bit more detail the extract that we quote from the BOSASA report on this, he says that:

“External factors were not under consideration and in context.”

20 Do I read correctly that he is suggesting that these allegations of corruption in the earlier contracts awarded to BOSASA and its subsidiaries were external factors that ought not to be taken into account at all in deciding if they should benefit from a further contract.

MR SELFE: Well, what he was saying was the he himself,

as a line official of the Department of Correctional Services could not influence the award of the contract and neither could anybody else because they were in the hands of the bid evaluation committee and the bid adjudication committees in a sense operating independently and that those committees were precluded from taking that sort of evidence of collusion into account when they awarded the contract because it was not within the specifications.

ADV FREUND SC: When you say within the specifications
10 you mean within the tender specifications as to the criteria to be considered?

MR SELFE: Correct, yes.

ADV FREUND SC: So in paragraph 628 you make a comment arising from that. Perhaps you could talk to what you say there.

MR SELFE: Well, you see, when they got the preliminary report of the SIU it was considered good enough to use to suspend Mr Patrick Gillingham from his position but it was not good enough to stop the award of the contract in 2008.
20 I find that extraordinary because if it would stand up to some sort of scrutiny in terms of the suspension of an official it should have been good enough to stop the award of the contract.

ADV FREUND SC: Perhaps you should just elaborate in a little more detail, what was the nub of the accusation

against Mr Gillingham insofar as BOSASA was concerned?

MR SELFE: Well, it was alleged that he and Mr Agrizzi had colluded together, that they had together drawn up the tender specifications for the original catering contract and subsequent contracts are awarded to Sondolo and Phezulu and that in return for that, Mr Gillingham was alleged to have received a number of cars, to have had his house paid off, to have kitchen renovations done, to have received a certain degree of money and to have an
10 overseas trip paid for his daughter.

ADV FREUND SC: And the source of those payments was alleged, if I understand you correctly, to have emanated from – let me not ask a leading question, from whom? Who was the payor?

MR SELFE: It was alleged that they had come from the top levels of BOSASA.

ADV FREUND SC: Now you have referred already to the fact that there was an SIU investigation and you refer in paragraph 6.29 to a briefing received by your committee
20 from Mr Willie Hofmeyer, the then head of the SIU to your committee. Did you receive such a report?

MR SELFE: We did receive the report it was in a form of a series of overhead slides which were talked to by Mr Hofmeyer but we did not receive the SIU report itself.

ADV FREUND SC: Now when we look at what you refer in

your footnote and we look at the BOSASA report one gets the impression that Mr Hofmeyer was at least initially astute not to name names but that you named names. So could you please just tell us what happened at that meeting and what you said and why you said it?

MR SELFE: Yes, well Mr Hofmeyer pleaded with the committee not to name any names allegedly because he was concerned that BOSASA might sue him for whatever he was going to say. I did not regard that as being
10 plausible at all, firstly Mr Hofmeyer was testifying in parliament and everything that is said in particular is covered by privilege.

And secondly, because everybody outside, the general public, were fully aware by that stage of the allegations against BOSASA, Phezulu and Sondolo and it made no sense to not name names and so I named them.

ADV FREUND SC: And was there any doubt in your mind or in the mind of anyone present at that meeting that the entity or entities that he had referred to anonymously were
20 correctly identified by you as being BOSASA entities?

MR SELFE: I was certainly not contradicted in any way by any member of the committee.

ADV FREUND SC: And just very briefly and very broadly because we do have the written documentation, it is all apparent in the BOSASA report, what Mr Hofmeyer did was

after dealing with certain other issues to identify what he called example number 4 or case number 4 or something like that and what was the gist of the findings that in relation to those unnamed entities he said that the SIU had made?

MR SELFE: Well, in relation to that one which I understood to refer to BOSASA referred again to – and I have alluded to before – that there was collusion about the construction of the tenders, that there were payments were
10 made to at least one official, if not more, the department, and that there were matters that required further investigation including by the police.

ADV FREUND SC: Did you or any other members of the portfolio express any views at that meeting about the import of what was revealed in the SIU report? Well, everybody professed themselves to be very shocked by it and we were given the assurance that this SIU report would be handed over to the National Prosecuting Authority and that people implicated in the report would be
20 prosecuted in due course by the NPA. Unfortunately, that was in 2009, we are now in 2021 and very, very little had happened.

MR SELFE: Now you refer in paragraph 6.32 that what I think you have just been alluding to, that the committee was told that that had been referred to the NPA, I think

there most members regarded the matter as having been disposed of. Now I can understand that point of view, at least for about 2009, (indistinct – recording distorted) but what about in the years that followed? What was the degree of interest, if any, was brought up by your committee into – as regards these serious allegations and what was becoming of them and what their implications were for further contracts then?

MR SELFE: Well, one would have assumed at the time
10 that the NPA was doing its work, would have assumed that the department would have taken note of those very serious allegations but what happened is that in due course the contract was renewed and renewed and extended and extended until very recently without any apparent consequence for anybody in either DCS or the BOSASA group of companies.

ADV FREUND SC: If I can take you back a little to 6.35 of your affidavit as at 24 March 2010, you refer to the Minister of Correctional Services informing the National
20 Assembly that a disciplinary inquiry had commenced with (indistinct – recording distorted) the official that you quoted in the report and you say that was Mr Gillingham, is that correct?

MR SELFE: Yes, the minister came to parliament and admitted that there was an official that was facing

disciplinary steps. We understood privately that that person was Mr Gillingham.

ADV FREUND SC: And you say in the next paragraph that your information is that when the disciplinary panel was due to hand down its finding Mr Gillingham resigned from the department.

MR SELFE: That is correct, I understood at the time in order to preserve his pension.

ADV FREUND SC: So maybe if you would like to talk to
10 the point you make in your paragraph 6.37.

MR SELFE: Well, what I experienced over this period between 2009 and the years that followed was that there was absolutely no appetite that I could discern in either the department or the NPA or any other law enforcement agency to deal with the very serious allegations that had been made against that department, its officials and critically BOSASA and its affiliates.

ADV FREUND SC: Now you refer in paragraph 6.41 to
20 further attempts you made for action to be taken in relation to this. What success did you have in drawing attention to and getting action taken to deal with this problem?

MR SELFE: Absolutely nothing at all. In fact I did not enjoy the same relationship with the new Chairperson, it was very difficult to get a reaction from the committee but I regularly asked for an inquiry in 2011 and 2012 but there

was no appetite for an inquiry. I just found it extraordinary that having had this inquiry there was no action that was taken at all and that in itself required an explanation.

ADV FREUND SC: And the Chairperson of the committee to whom you are referring now is presumably Mr Vincent Smith?

MR SELFE: That is so, yes.

ADV FREUND SC: The Commission received an affidavit from Mr Smith and I am currently anticipating that he will in
10 due course come to testify but one of the things that I note in his affidavit, that I want to put to you for comment, is that he says that during the period that he chaired that committee, there were no further contracts awarded to BOSASA and by implication they are talking about the BOSASA group. Would you maybe talk to paragraph 6.43 and to that issue generally, please?

MR SELFE: Yes, I do not believe that what Mr Smith is saying is true because the contract HK14 of 2008 expired at the end of January 2012 and Mr Moyane came to the
20 committee and said that there was no capacity in the department at the time to in source catering and on the grounds of that it was necessary to extend the contract still further. The reason why they did was all the equipment, the catering equipment in the prisons that were serviced by those contracts belonged to BOSASA who would have

removed them had the contract not gone back to BOSASA.

ADV FREUND SC: So that means, if I understand correctly, you are referring to the extension from the 31 July 2012 through to January 2013 as we read on the last line of page 737. Am I understand it correctly?

MR SELFE: It was first extended from January to July and then from July to January and then it was extended again until 2013.

ADV FREUND SC: And then you say – on the 20 March
10 2013 you say this.

“The PCCS, the Portfolio Committee on Correctional Services acquiesced in a further extension of the contract with BOSASA to 31 May 2013”

And perhaps you can take it from there, what was the position then?

MR SELFE: There was a great debate inside the committee at that stage about in sourcing and outsourcing. In sourcing was a way of implying prison labour, amongst other things, of training people, of training people in
20 catering and that sort of thing and Mr Smith at that time said that he was only going to allow the catering contract to be extended until May of 2013 on the basis that creative steps were taken by the department to move to in sourcing.

ADV FREUND SC: Now if we then skip down to paragraph 6.45 – well, let me ask you this, maybe at 6.46, were there

further extensions of BOSASA contracts during this period?

MR SELFE: Yes, I have already indicated it was only relatively recently that that contract was terminated and in fact in sourcing took place there and then without consequence for the department.

ADV FREUND SC: Incidentally, Chair, I made a reference to what is stated by Mr Smith in his affidavit, you might like to make a note that that is in bundle 1, page 70, paragraph 20.

10 **CHAIRPERSON:** Actually, Mr Freund, yesterday I had meant to ask you to arrange for somebody in your team in relation to the affidavits. I do not know whether it was Mr Godi's one or also Ms Mazzone's one where there were lots of references, I thought there were annexures referred to in the text but there is no indication of where to find the annexure that, if possible, somebody in your team could take my bundle and make notes next to each annexure referred in the paragraphs to say where I must find it or what page, that would be convenient.

20 **ADV FREUND SC:** Chair you have broken up but I did hear the initial part of that.

CHAIRPERSON: Yes.

ADV FREUND SC: And I can give you the assurance that we will take the necessary steps to have your affidavits reflect the reference numbers.

CHAIRPERSON: Yes. No, that is fine.

ADV FREUND SC: Made reference numbers.

CHAIRPERSON: Okay.

ADV FREUND SC: You make a point in paragraph 6.45, particularly the last sentence of that. Perhaps, Mr Selfe, if you would just explain what your view is there.

MR SELFE: Yes. Well, as you know there was a preliminary report given to the department and then there was a briefing by Mr Hofmeyer to the committee in 2009
10 and notwithstanding that, the catering contract was re-awarded in 2008 to BOSASA, a company who was already deeply implicated in wrongdoing and then it was extended and re-awarded again and again without any consequence to anyone at all in BOSASA or in the department. I found that extraordinary.

ADV FREUND SC: Now in paragraph 6.46 you go further in relation to that point as to what features in the legacy report at the expiry of the next parliament. If you could maybe explain in some detail what your stance is what
20 happened.

MR SELFE: Yes. Well, as you know in 2009 Mr Bloem had drawn up a legacy report which had drawn the committee's attention to the issues surrounding BOSASA, Sondolo and Phezulu and at least initially while Mr Hofmeyer and others were giving evidence before the

committee the matter was on the top of the agenda or at least as top of the agenda as you can get but it gradually faded into insignificance and when the legacy report was drawn up in 2014 the issue did not feature at all, not at all.

ADV FREUND SC: And what is your view about that?

MR SELFE: Well, I think that the legacy report is chiefly the responsibility of the Chairperson of the committee and it really ought to have featured much more largely more particularly because, as I have emphasised, no action had
10 been taken and the contracts had continued to be awarded.

ADV FREUND SC: Now the portfolio committee in the next parliament changed its name, I think you have referred to that already, and you continued to be a member of that committee as renamed, is that correct?

MR SELFE: That is correct, I am now an alternate member because it is Justice and Correctional Services.

ADV FREUND SC: And perhaps if you could just ...[intervenes]

CHAIRPERSON: One second, Mr Freund. Mr Selfe, can I
20 take you one step back to the legacy report? Would the Chairperson of the committee after preparing the report not give copies to members of the committee and ask them whether he had or she had fairly represented the matters – the important matters that had been discussed and had needed to be – that the next committee needed to be told

about. Would he or she not do that and would there not be an opportunity for members of the committee to say hang on, Chairperson, your report has left out a very important issue that should have been included?

MR SELFE: Yes, that is my expectation. I cannot recollect having ever received that draft report and the report was then tabled in parliament.

CHAIRPERSON: Okay, thank you. Thank you, Mr Freund.

ADV FREUND SC: Thank you, Chair. The new committee,
10 as I...

CHAIRPERSON: Mr Freund seems to have – Mr Freund you disappeared or not disappeared you appeared frozen on the screen and we could not hear you so you might have to say that again.

ADV FREUND SC: Yes, can I just check that I have reappeared?

CHAIRPERSON: You have reappeared yes, well you had not disappeared, you just appeared frozen.

ADV FREUND SC: I can inform you, Chair, sitting in Cape
20 Town as I am frozen, not that I am. It has been an extremely warm day here today.

CHAIRPERSON: Continue.

ADV FREUND SC: The scope of the mandate of the new committee, if you could just explain whether it is correct that it expanded and if so, in what respect that this could

expand.

MR SELFE: Well, the two portfolio committees became one. So the portfolio committee on Justice deals with Department of the Justice and all its ancillary ...[indistinct – word cut off] and the NPA, the Office of the Chief Justice, etcetera, etcetera, and it also deals with the Department of Correctional Services. In point of fact the Department of Correctional Services has a bigger budget and really ought to be dealt with more seriously by that
10 committee but inevitably there are justice matters that demand attention and as a consequence the Department of Correctional Services does not get the proper oversight that it requires.

ADV FREUND SC: Now on that committee you refer in paragraph 6.4 to a question asked by your colleague, Glynnis Breytenbach, about the delays in the BOSASA prosecutor, can you maybe just take the Chair through that.

MR SELFE: Yes, well it appeared from early on that Ms
20 de Kock, at the NPA, did not regard the SIU report as being capable of standing up in court and as a result the matter was then reinvestigated. I understood at the time that it was referred to the police's Serious Economic Offences Division, and then various other administrative problems that needed to be sorted out and eventually there was a

new report that served before the NPA that was capable of being prosecuted, that's what I understand.

ADV FREUND SC: And I think it is a matter of public record that after Mr Agrizzi had already testified before this Commission certain charges were then – certain persons were then charged with offences, that really have their origin going way back to what was alleged in the SIU report.

MR SELFE: That is correct yes.

10 **ADV FREUND SC:** Now I just want to deal with some more general matters with you, because you are a seasoned and experienced member of Parliament and you are alert to the fact that an issue of interest to the Commission is the role played by Portfolio Committee and the role that can reasonably be expected of Portfolio Committees and whether there are things that can be done perhaps with a view to improving oversight in the future.

Let's firstly focus on your own assessment of the effectiveness of the Portfolio Committee on Correctional
20 Services in the period that you served on it. What is your own judgment of your own committee?

MR SELFE: Well Portfolio Committee on Correctional Services shares the same drawbacks as any other portfolio committee in the sense that it has a very full agenda, it needs to exercise oversight not only over the department

but over parole boards, over a variety of other institutions and critically it should go and see for itself what goes on in prisons, and if the Committee is conscientious and visits a prison it takes a full day so what tends to happen and this is alluded to by other witnesses, is that there is a quarterly programme that is developed with the agreement ordinarily of all parties, but which that programme does not take into account any unusual or unexpected developments that might occur, nor does it have the flexibility to be able to

10 say we are not going to deal with item X or whatever was on the agenda, item Y, which is now in the current circumstances more relevant is now going to be the focus of our attention, and really so what tends to happen is an overly bureaucratic approach to oversight instead of being able to be nimble and get onto the issues that require attention.

ADV FREUND SC: So if that is the problem with the current system, is there any possible way of addressing that problem in your view?

20 **MR SELFE:** Well a lot as I said depends on the discretion of the Chairperson, when you have a chairperson that is generally geared towards oversight that chairperson can generally rearrange the agenda at short notice but there are other chairpersons who won't entertain that sort of request and really what one needs is a mechanism that is

above the Chairpersons of the committees so as to be able to appeal to that authority to say this is an urgent matter, it needs the attention of Parliament, it needs to be investigated, let's now do it.

ADV FREUND SC: Can I just take you back a step, before we proceed further and analyse the causes of problems I just want to go back to a question that I asked and I think you only partially answered. If you have regard to paragraph 7.2 and 7.3 of your affidavit, and the issue you
10 address there is your judgment call on the effectiveness of your own committee on the issues we are currently talking about.

These are the issues of the allegations involving Bosasa and the Department of Correctional Services, maybe if we can just talk to that again briefly.

MR SELFE: Well I would argue as I say that many of my colleagues did not fulfil the oath of office that they took, they did not uphold the law, there were some very, very serious allegations that should have been investigated.
20 When I raised the issue in the committee and said let's have an inquiry, let's get to the bottom of this they shifted and looked the other way and became deaf and generally did not do what they said they should be doing and that was particularly irritating after the revelations on the ISU which cried out for an investigation.

ADV FREUND SC: Right, and then from paragraph 7.3.1.1 you start address some specific issues, and I just want to give you a brief opportunity to talk to them in term. So an issue you raised is the problem of lack of independence of MP's generally and particularly in the ANC. What is the point you are trying to make there?

MR SELFE: Well the point that I am trying to make is that the electoral system is a closed list system and a closed list system however it is done, and I have some experience
10 in how it is done in the DA, but however it is done ultimately it is party office bearers who have a very, very great say in who gets onto the lists and in what order they get onto the lists and if that is the situation that your advancement in Parliament or your continued employment as a Member of Parliament is dependent on the party it does then send a rather chill wind down your spine if you start wanting to become independent of the party and the party line.

ADV FREUND SC: Thank you. If I can just pause there
20 Mr Selfe, Chair I note that we are now passing two o'clock. You will note that we are pretty close towards the end but I would anticipate another ten minutes or so. I don't know if you would like to take the adjournment now or whether we should endeavour to complete this witness's evidence.

CHAIRPERSON: The temptation is to go on but I suspect

that one might do injustice to some of the issues, for example the view that Mr Selfe has just expressed I would like to explore that more with him, so I am inclined to say since if he has to come back to finish it won't involve travelling, maybe it shouldn't be a problem if we adjourn now and then on Thursday morning we start with him and finish before the next witness?

ADV FREUND SC: I am not personally against that at all but I know that Mr Selfe has told me in the past he has got
10 certain scheduling problems on Thursday, is there any possibility Mr Selfe ...[intervenes]

CHAIRPERSON: Because we ...[intervenes]

MR SELFE: I am committed ...[intervenes]

CHAIRPERSON: You are committed on Thursday, the whole day or there could be sometime early in the morning, I am thinking Mr Freund was saying ten minutes, if we take more than ten minutes, it certainly should not be more than 30, and maybe early morning.

MR SELFE: Well I have Chairperson a meeting that starts
20 at seven o'clock on Thursday followed by one that starts at eight o'clock, it is actually quite difficult.

CHAIRPERSON: Oh, and then for the rest of the day you are committed?

MR SELFE: That is so.

ADV FREUND SC: Mr Selfe would you be ...[indistinct]

MR SELFE: Sorry?

ADV FREUND SC: I was asking Chair, sorry to have interrupted you, whether you would be available on Friday?

MR SELFE: Yes I could be available on Friday.

CHAIRPERSON: Yes, okay, maybe let's do that, let's look at Friday then, we can just slot you in for a really short time, but I just want us to explore some of the issues on which you obviously have views, you have been in Parliament for quite some time, you know how Parliament
10 works and so on.

So if that would be fine I think we would talk on Thursday Mr Freund to say what time Mr Selfe should make himself available on Friday, depending on his situation as well.

ADV FREUND SC: Yes Chair, that would be certainly in order with me. Chair can I just enquire what time you would like to start on Thursday morning?

CHAIRPERSON: Let us start at ten o'clock on Thursday but I will be prepared to sit until quite late and into the
20 evening to try and cover as much as possible, but I do know that there is a witness who was going to come who is not well enough to come, so if you indicate that there is no need to sit until late in the evening on Thursday because there's enough time on Friday, I will be flexible.

ADV FREUND SC: Indeed.

CHAIRPERSON: Otherwise both on Thursday and on Friday I will be wishing us to do as much as we can.

ADV FREUND SC: Good.

CHAIRPERSON: Ja, okay we are going to adjourn then the proceedings for today and as I said earlier on just for the public there will be no hearing tomorrow, but on Thursday we will continue.

We adjourn.

REGISTRAR: All rise.

10 **INQUIRY ADJOURNS TO 4 FEBRUARY 2021**