

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

17 MARCH 2021

DAY 362



Gauteng Transcribers
Recording & Transcriptions

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TRANSCRIBERS:

B KLINE; Y KLIEM; V FAASEN; D STANIFORTH



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PROCEEDINGS RESUME ON 17 MARCH 2021

CHAIRPERSON: Good afternoon Mr Soni, good afternoon everybody.

ADV SONI SC: Good afternoon Chairperson.

CHAIRPERSON: Yes are we ready?

ADV SONI SC: We are.

CHAIRPERSON: Yes.

ADV SONI SC: Chairperson just one or two housekeeping matters.

10 **CHAIRPERSON:** Hm.

ADV SONI SC: We are continuing the evidence of Ms Peters you will recall that we did not finalise her evidence on the 23rd of February so we want to finish it today.

I also want to place my indebtedness to my learned friend and Ms Peters for making themselves available. We had originally scheduled on account of sittings earlier today or scheduled sittings that Ms Peters would come in at five but this slot became available and 00:01:05 my learned friend Mr Majabu and Ms Peters have been most
20 accommodating in saying we can start at two o'clock.

I just wanted to express my gratitude to them
Chairperson;

CHAIRPERSON: No I also want to do that and good afternoon Ms Peters and Mr Majabu. I have been given feedback about your cooperation with the commission in

terms of making it possible for us to sit earlier than had been planned and I just want both of you to know that we appreciate that cooperation.

ADV SONI SC: Thank you Chair. Chairperson there is one more housekeeping matter. You will recall that there were certain disputes between Ms Peters and Mr Molefe and both had agreed that they will file further affidavits.

Mr Molefe made his affidavit – delivered his affidavit earlier today. We made that available to my
10 learned friend Mr Majabu but it is too soon. So the arrangement we have reached Chairperson is that in respect of all matters and they may be related to some of the matters now are dealt with in Mr Molefe's affidavit and Ms Peters will file an affidavit in about ten days and then we can deal with it once we have considered it in consultation with my learned friend.

CHAIRPERSON: No that is – that is fine. That is fine.

ADV SONI SC: As you please Chairperson.

CHAIRPERSON: Hm. And I guess the Registrar can just
20 administer the oath again?

REGISTRAR: Please state your full names for the record.

MS PETERS: Elizabeth Dipuo Peters.

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

MS PETERS: No.

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

MS PETERS: Yes.

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 PETERS: So help me God.

CHAIRPERSON: Thank you.

10 **ADV SONI SC:** Ms Peters on the previous occasion when you had your mask on the machine was not able to record that – thank you. Ms Peters in fairness to you we interrupted your evidence but I just want to take you back. You might remember we were dealing with four topics and the one we had now reached – well if I could just go through those again?

The first topic is the non-appointment of the CEO.

The second topic is the stopping of the inquiry.

20 The third topic is the – the dismissal of the board and

The fourth topic is Mr Letswalo.

We have dealt with 1, 2 and 4 the one we are dealing with at present is the dismissal of the board and I – I just need to put the context again because of the time period that has elapsed since you were last here.

I said to you that there seems to be an indication of what was going to happen when one looks at what happened in Parliament and you remember on the last occasion we were dealing with – and I know you were not there but I am – I am placing that as part of the context.

We were dealing with what happened at the Portfolio Committee meeting of the 31st of August and if you look at Parliamentary Bundle 3 page 383 is where we stopped.

10 So I will just tell you what I am going to do in the early part of the questioning today Ms Dipuo Peters.

CHAIRPERSON: Just to make sure we have got that correctly reflected on the transcript.

ADV SONI SC: Yes.

CHAIRPERSON: The bundle is Parliamentary Oversight Bundle 3.

ADV SONI SC: Bundle 3.

CHAIRPERSON: And you say ...

ADV SONI SC: Exhibit ZZ12.

20 **CHAIRPERSON:** We go to ZZ12 – Exhibit ZZ12 and we find it at page?

ADV SONI SC: At – we at page 383 that is – that is where we are today Chairperson.

CHAIRPERSON: Okay. Just to remind Ms Peters in case she has forgotten we use the black numbers at the top.

ADV SONI SC: At the top.

CHAIRPERSON: Left hand corner ja. 383 I have got it.

ADV SONI SC: As you ...

MS PETERS: As you 00:06:19 Chairperson.

CHAIRPERSON: Page 383 top left corner in black numbers and not – disregard the red numbers. It is somewhere in the middle of the bundle.

MS PETERS: 33?

ADV SONI SC: 383.

10 **CHAIRPERSON:** 383. 383.

ADV SONI SC: If you – you do no need to go to it but on page 382 you will see that that records what has happened; what happened at the Portfolio Committee meeting of the 31st of August.

Now...

CHAIRPERSON: Just again Mr Soni I am sorry just to let the public know her evidence relates to PRASA.

ADV SONI SC: Indeed Chairperson.

CHAIRPERSON: Ja. Ja. Okay alright.

20 **ADV SONI SC:** And that is the reason why we are dealing with the Portfolio Committee on Transport in Parliament Ms Peters.

Now of course as Minister of Transport one of the entities that reported to you was PRASA, that is correct is it not Ms Peters?

MS PETERS: That is correct Chair.

ADV SONI SC: Alright but let us just – I just want to go to page 383 you might remember the issue arose from the fact that on the 24th of August Mr Molefe had filed an affidavit in which he had indicated that Mr Mashaba had said to him that he had been asked to make certain donations to the ANC. You might remember that. I am only saying that that is what the evidence was.

MS PETERS: Yes Chair.

10 **ADV SONI SC:** Alright. Now I want you to look at the third paragraph on page 383 and you will see – I will just read it out and I am going to only just read the relevant parts out.

CHAIRPERSON: Again Mr Soni.

ADV SONI SC: Yes.

CHAIRPERSON: Just to make sure we are on the same page this document that you are going to read from you need to just say what it is and it is not minutes is it not?

ADV SONI SC: No it is not minutes.

CHAIRPERSON: Is it summaries – it is summaries of
20 discussions at Portfolio – of the Portfolio Committee on Transport as provided by the Parliamentary Monitoring Group. Is that the correct name?

ADV SONI SC: Yes.

CHAIRPERSON: I think PMG.

ADV SONI SC: PMG yes.

CHAIRPERSON: Ja. So that is what you will be reading – you are reading from? Ja.

ADV SONI SC: Yes.

CHAIRPERSON: Okay.

ADV SONI SC: And of course Mr De Freitas the DA MP's recollection of what happened during these.

CHAIRPERSON: Okay yes. Yes.

ADV SONI SC: So on the 3rd of – oh sorry on the 4th paragraph he records that Mr De Freitas Ms Masangwane
10 stated that Mr Molefe has insinuated that the ANC had received R80 million from PRASA and then thereafter at the end of that paragraph.

CHAIRPERSON: Oh – sorry. Mr Soni you will have to forgive me I am terribly sorry.

ADV SONI SC: No, no.

CHAIRPERSON: I may have given wrong information. We must just make sure that at 383 whether it is Mr De Freitas' recollection on what happened.

ADV SONI SC: Yes.

20 **CHAIRPERSON:** As opposed to the PMG's summary.

ADV SONI SC: PMG – yes. Yes.

CHAIRPERSON: Yes.

ADV SONI SC: It is...

CHAIRPERSON: It is Mr De Freitas' recollection.

ADV SONI SC: Yes.

CHAIRPERSON: Okay. Alright ja.

ADV SONI SC: Chairperson has been asked if we could for technical reasons adjourn for five minutes because the – we cannot – we are not recording live on TV at the moment.

CHAIRPERSON: Oh so they just want to attend to that technical problem?

ADV SONI SC: It is – assess smart checking.

CHAIRPERSON: Okay. We will take a short adjournment.

10 **ADV SONI SC:** Sorry Chairperson.

CHAIRPERSON: We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Okay let us continue.

ADV VAS SONI SC: Yes. As you please, Chairperson and I apologise for interruption.

CHAIRPERSON: Yes. No, no. It is something beyond our control.

20 **ADV VAS SONI SC:** Ja. Now, Ms Peters, this – what we have been through is what we did already on the 23rd of February. I am just refreshing your memory. Can I then go up to page 384 where, at the top of the page, it is said the meeting – this is, of course, the meeting of the Portfolio Committee of the 31st of August:

“...was concluded with the Chairperson expressing anger towards the board, saying that they should be thrown out, lock-stock-and-barrel, because it had been disrespectful to the committee.

Mr Maswanganyi echoes the anger about the allegations in the media about the ANC getting R 80 million...”

Now again, I need to put this in context
10 Ms Peters. You were not. I am not asking you to confirm the correctness. I am merely saying that prior to the dismissal of the board, this is what was going on in the Portfolio Committee, as part of the background, I am just painting that picture.

MS PETERS: This is what I pick up here in terms of the recording of the honourable member that the chairperson is said to have said at that committee meeting. Incidentally, I do not even remember when I was part of the meeting and I am not a member of the Portfolio Committee.

20 **ADV VAS SONI SC:** No, I know that.

MS PETERS: Yes.

ADV VAS SONI SC: I am just putting that in context. Then can I... Okay, this you know. The board is dismissed on the 8th of March. Is that correct? I see you shake your head. That is correct, is it not?

MS PETERS: Chairperson, 8th of March 2017?

ADV VAS SONI SC: Yes.

MS PETERS: Yes, Chair.

ADV VAS SONI SC: Now the announcement of the dismissal of the board was made at the Portfolio Committee that we were talking about and which had those deliberations on the 31st of August 2016. That is correct, is it not?

MS PETERS: Chairperson, I would not remember where
10 the board, I mean the committee got the information about the dismissal of the board.

ADV VAS SONI SC: Okay I am going to come to that.

MS PETERS: Oh, okay.

ADV VAS SONI SC: But do you not remember that you sent your Deputy Director General to inform the Portfolio Committee that the board is dismissed. Did you not remember that that has happened on the 8th of March?

MS PETERS: On the 8th of March, Chairperson, like I have indicated in my previous appearance before the
20 committee, was during the time I was off sick.

And whether the Deputy Director General took the opportunity at the committee meeting to announce, I would not be able to connect the two because as the DDG who is – was the acting DDG at the time, he went to the Portfolio Committee.

So if he had information, I think it was correct for him to actually inform the committee, not necessarily that he was sent precisely to do that reporting there.

ADV VAS SONI SC: Okay. Let us not deviate from the real issue. The real issue is. Before the announcement was made in the Portfolio Committee on the 8th, there was a debate on the 7th of March. And can I ask you to, please, look at page 387 of that Parliamentary Bundle 3. And you will see right in the middle of the page it has the
10 7th of March. Do you see that?

MS PETERS: [No audible reply]

ADV VAS SONI SC: Do you see that Ms Peters?

MS PETERS: Page 387, Chair?

ADV VAS SONI SC: Yes.

MS PETERS: Yes?

ADV VAS SONI SC: It starts up with the 3rd of March and then the next entry is the 7th of March. Do you see that?

MS PETERS: Yes, Chairperson.

ADV VAS SONI SC: Okay. I want you to turn now to the
20 next page, page 388 because that is now a debate about Mr Letsoalo and the salary he received. That is not relevant for what we want but in the second paragraph on page 388, I am going to read to you what transpired in respect of that debate.

“Mr Malutsi from the EFF and Mr G Radebe

from the ANC called for the suspension of the corrupt board and a comprehensive inquiry into PRASA while Mr Sibande felt that the board and its various actions were in question, particularly, with regards to the fact that the CEO of PRASA had not yet been appointed...”

Now that is what is recorded. Do you accept that that is what happened or as according to Mr De Freitas, who gave evidence, incidentally, on these matters?

10 **MS PETERS:** Chairperson, that is the evidence of Mr De Freitas.

CHAIRPERSON: Yes, I guess what you may be able to say is. You are not in a position to dispute whether that is what happened. You do not know if that is what happened because you were not there. But if he says that is what happened, you are prepared to deal with the matter on the basis that is a version of what happened. Is that correct?

MS PETERS: I was not there Chairperson.

CHAIRPERSON: Yes, ja, okay.

20 **ADV VAS SONI SC:** Now he came and gave evidence on that. That is all we are saying. We need to accept when people take the oath, they would speak the truth. If there is something that is different, then it will come out but that is the evidence before us at the moment.

MS PETERS: I take note of that Chairperson.

CHAIRPERSON: H'm.

ADV VAS SONI SC: Alright. Then the next issue is this.

Mr Ramatlakane of the ANC said that:

“...that issue of Mr Letsoalo came himself, was a scapegoat.

He claimed that Mr Letsoalo had refused to pay Werksmans Attorneys and that a Sunday Times article about Mr Letsoalo paying himself was without a doubt a sponsored(?) article...”

10 Again, we accept you were not there. Okay but I am just putting the context because all of this is going to be important in relation to the questions I ask you.

MS PETERS: Noted Chairperson.

ADV VAS SONI SC: Alright. Then in the next paragraph Mr De Freitas says:

“Although I agreed with Mr Radebe that an inquiry should be lodged, our reasons for it were different.

20 While I had been fighting for an inquiry into PRASA to expose the corruption in it and identify the network and individuals therein, it is that, that made corruption possible, Mr Radebe and the other ANC members wanted to do the very opposite.

They were angry with Mr Popo Molefe for

speaking out about allegations of pay-outs to ANC coffers, a cardinal sin for the ANC.

They also needed the attention diverted away from the corruptors and needed a distraction.

Molefe who had dared to “betray” the ANC and his board, were the perfect scapegoats...”

CHAIRPERSON: And you can just say betray in inverted commas on the text.

ADV VAS SONI SC: Oh, I beg your pardon.

10 **CHAIRPERSON:** Ja.

ADV VAS SONI SC: Okay. That is so.

“The ANC also needed emotive issue to occupy the attention away from the looting of PRASA and the appointment of an expensive legal team by Molefe was a perfect issue...”

Finally, on that day, I just want to record the following, as also said by Mr De Freitas.

20 “The chairperson said that she would write a letter to the Minister with the President copied in the letter, explaining that the board had been involved in dispute after dispute and thus an inquiry was necessary...”

Those what is recorded there. Can I just leave that out for a minute and ask you? Did you get around the 7th of March a letter from the chairperson saying that the

board had been involved in dispute after dispute?

MS PETERS: I do not remember Chairperson.

ADV VAS SONI SC: And can I take you to the next page?

On the 8th of March, and this is the day that is quite critical for the issue we are looking at, namely, the dismissal of the board. Now in the second paragraph under the heading 8th of March, the following is recorded:

“Members said there was a reluctance to answer questions by the PRASA Board...”

10

Now this is a criticism of the PRASA Board.

“Mr Sibande of the ANC agreed with the request of Mr Hunsinger of the DA that an ad-hoc Parliamentary Committee be formed to get firm details on the appointment of Werksmans and the reasons for their contract...”

Then Mr De Freitas continues:

“Mr Ramatlakane said that more work had to be done.

20

He said that besides the formation of an ad-hoc Parliamentary Committee, the Portfolio Committee was empowered to conduct an investigation and suggested that a resolution to this effect be adopted.

Mr Mashingani suggested that the committee deal with the matter of the inquiry at its next

meeting.

He asked if the current board was under-performing compared to the various board as there was only three months left of its term..”

Now that is the point that Mr Mashingani makes at the Portfolio Committee makes. You understand that?

MS PETERS: I understand that Chair.

ADV VAS SONI SC: Alright. Can I ask you then to look at page 390 and it is the second paragraph before the
10 heading that says: “Peter fires the board.” Oh, sorry. It is the last paragraph before the heading. And can I just read that into the record?

“At the end of the second day of hearings, the committee unanimously agreed that it had undertaken an investigation into PRASA and the problems that it was currently confronting.

The Terms of Reference and added details would be discussed in subsequent meetings.

The motion to initiate an inquiry into PRASA
20 was reconfirmed by myself at that same meeting.

The Parliamentary Communication Service released a statement echoing this...”

Now the next paragraph then is under the heading “Peters...”, that is Minister Peters “...fires the

board”.

“Just before the end of the meeting the Department of Transport acting DG, Mathabatha Mokonyama read out a letter that had been sent to the committee by Minister Dipuo Peters in which she dissolved the board. In her letter, Peters explained that she had been booked off by her doctor, as she claimed to be ill...”

10 Now let us just put aside the claim of illness and so on. You did say you were ill. That is correct, is it not?

MS PETERS: Yes, Chairperson.

ADV VAS SONI SC: And you did send the letter to the Portfolio Committee?

MS PETERS: Yes, Chairperson. Can I give context to it?

ADV VAS SONI SC: [No audible reply]

MS PETERS: This Portfolio Committee is an important stakeholder to the department and to the entities that they report to. So it is important that if there is anything that is
20 happening, you then inform the Portfolio Committee. When I informed the chair of the Portfolio Committee, I was not aware there was even a committee meeting that is sitting on that particular day.

So the letter to the board to resolve that, gets copied to the DDG as well as to the Portfolio Committee for

them to know the status as at that particular moment and it was in that instance that that happened. And I think we are not in control of how processes turn out. So it happens that on that day there was a meeting.

And I think the acting DG took that opportunity to inform them because he then received it. In the days of technology it is very fast for somebody to get information even if it is – as you are seated here, you can get an email that informs you about happenings that are – things that
10 are happening outside here without you necessarily being aware.

So if it has relevance, then you inform the relevant stakeholders but I think true to the DG, if he receives that type of notice, it was just correct for him to inform the committee at that particular moment that incidentally, as we speak, there is this correspondence and it happened.

And Chairperson, Honourable De Freitas says that I claim to be sick. I was sick. In my entire life, I have
20 never wished anything negative on myself because I believe that what you say will happen. So I can never claim to be sick when I am not sick. Thank you Chair.

ADV VAS SONI SC: Ms Peters, if you cast your eye on it, you will see he makes that allegation and that is why I deliberately left it out because it is not relevant to the

issue we are discussing but I just needed to place that in context. We are not dealing with that issue at all. We are just dealing with the fact that it was announced at the Portfolio Committee. You have explained the context.

MS PETERS: Yes, Chairperson.

ADV VAS SONI SC: Oh, alright. Can I then ask you to turn to page 391 and in the last sentence of the first unfinished paragraph on page 391, Mr De Freitas records the following:

10 “The Minister had not provided reasons to the
 Portfolio Committee and/or board members
 themselves for firing the board...”

 Is that correct?

MS PETERS: Chairperson, in the last hearing, I think on the 22nd or the 23rd, I did give an indication that given an opportunity, I will try and retrieve some of the documents. So I would have – it has – this thing happened more than four years ago. So I do not remember the exact wording of the letter. So I would request for that indulgence.

20 **CHAIRPERSON:** Oh, so you cannot remember whether in the letter you gave reasons or not? That is what you cannot remember?

MS PETERS: I cannot because that is how Honourable De Freitas is speaking it.

CHAIRPERSON: Yes.

MS PETERS: That either to the committee or to the board members themselves.

CHAIRPERSON: H'm?

MS PETERS: So I need to refresh my mind.

CHAIRPERSON: Ja. Do we not have a copy of the letter in the bundle or in some bundle that was given to the Portfolio Committee?

ADV VAS SONI SC: Chairperson, may I make this point?

CHAIRPERSON: H'm?

10 **ADV VAS SONI SC:** That matter is dealt with in the judgment, the ensuing judgment.

CHAIRPERSON: Yes.

ADV VAS SONI SC: And I purposely had not cluttered the papers with that, but yours ...[intervenes]

CHAIRPERSON: ja.

ADV VAS SONI SC: It is in an important issue.

CHAIRPERSON: Yes.

ADV VAS SONI SC: In terms of the exercise of...

CHAIRPERSON: Yes.

20 **ADV VAS SONI SC:** So if we need it, we can get it later.

CHAIRPERSON: Ja.

ADV VAS SONI SC: But for now, I want to develop it on the basis of how the court that looked at the application to set aside the dismissals, dealt with those real allegations that are made here.

CHAIRPERSON: Yes. No, what – I think if you recall that in the judgment, the court said something about whether reasons were given in that letter or not. It might be helpful to mention to Ms Peters that the court did say, yes, the reasons were given in the letter ...[intervenes]

ADV VAS SONI SC: Yes.

CHAIRPERSON: ...or they were not given. Just – because probably she would accept that. That is what I am saying.

10 **ADV VAS SONI SC:** No, I understand.

CHAIRPERSON: Ja.

ADV VAS SONI SC: Yes, okay. Ms Peters, I am going to read to you the relevant parts of the judgment. And this is what the judge says.

The judge says you did not give the reasons. You were asked for reasons. You did not give the reasons before the matter was taken to court. You only gave your reasons at a press conference on the 13th of March. But that is what the judge says and I will read to you those
20 relevant parts but I did not want to clutter this file with that.

But Chairperson, you are quite right, because the issue had been raised. But we will deal with that matter and your recollection when I deal with it later. Is that alright Ms Peters?

MS PETERS: Alright.

ADV VAS SONI SC: But I just want you to get the chronology in place first. Alright. Now that is on the 8th of March. Now I just want to ask you because this is another matter dealt with in the judgment. The board members indicated to you that they would be challenging in court your decision to dismiss them, did they not?

MS PETERS: Come again Chair?

ADV VAS SONI SC: The board members, when the
10 decision was announced that the board had been dismissed, each of the members of the board had been dismissed, the board members told you that they were going to take the matter to court. That is correct, is it not?

MS PETERS: I do not remember if it was all the board members but I remember Mr Molefe.

ADV VAS SONI SC: Okay but he did tell you?

MS PETERS: [No audible reply]

ADV VAS SONI SC: Now on the 8th, did he tell you before the 8th or after – or after the 8th?

20 **CHAIRPERSON:** You mean on the 8th or after the 8th.

ADV VAS SONI SC: I am sorry. On the 8th ...[intervenes]

CHAIRPERSON: On the 8th or before. Ja ...[intervenes]

ADV VAS SONI SC: No, of course. Of course.

CHAIRPERSON: H'm.

ADV VAS SONI SC: But... Yes.

MS PETERS: It is very difficult to recall the chronology of the engagements Chair.

CHAIRPERSON: H'm, h'm.

ADV VAS SONI SC: But two(?) is a matter dealt with.

MS PETERS: H'm.

ADV VAS SONI SC: Then in the next... Oh, so sorry. Then on the 8th of March you announced the interim board. That is in the first paragraph under the heading "Minister Peters announces a new PRASA Board". Then in
10 paragraph 2 of that section of Mr De Freitas' minutes, he says:

"As was revealed at the meeting, the members of the board had gone through the entire process in 2016 to identify someone to serve as PRASA Group CEO but the Minister had stopped the whole process and asked the board to start again.

As quoted in the media, I said the Minister had realised that she had messed up with this
20 decision and was trying to fix the problem she had caused..."

That is his interpretation or that is his commentary on what happened.

MS PETERS: That is his interpretation Chairperson.

ADV VAS SONI SC: But you will recall, Ms Peters,

because I deliberately read that part to you, that one of the Parliamentarians had said that the non-appointment of the CEO was a good reason to dismiss the board. Remember that we said, that was a passage that I read to you? We do not need to go to it Ms Peters. I am just trying to remind you that that is the context in which that issues arises.

MS PETERS: That is what the Parliamentary Committee believed Chairperson.

10 **ADV VAS SONI SC:** Then on the 14th of March, the Portfolio Committee meets again, this is the Portfolio Committee on Transport. And this is what happens at that meeting. In the paragraph under that heading, Mr De Freitas says:

20 “Despite there being unanimous agreement by the Portfolio Committee on the 8th of March that an inquiry into PRASA would take place, at this meeting, on the 14th of March 2017, the ANC members had a complete opposite stance to what they had stated only six days earlier.

Suddenly, according to the ANC, no investigation was necessary.

According to the ANC members, the Minister’s removal of the board meant that no inquiry was necessary, as if suddenly all allegations of

corruption, theft, looting and mismanagement and maladministration had never taken place.

The reality is that they have taken place and whether a board led by Molefe was in place or not, an inquiry was absolutely needed...”

Now Ms Peters I need to be fair to you. This has nothing to do with you. This is what happened at the Portfolio Committee but you understand the context that I am trying to paint, that the announcement is made in the
10 Portfolio Committee which had decided on the 8th that there is this inquiry.

Six days later, the Portfolio Committee members said but now that the board has been dismissed, there is no need for that and Mr De Freitas is challenging the propriety of that... I am just putting the whole thing into context.

MS PETERS: I understand what the question relates to Chairperson but I cannot say because I was not part of the committee. I did not give the concurrence. I cannot – I
20 understand the context that is being raised here, according to Mr De Freitas.

CHAIRPERSON: I think what Mr Soni is doing. He just wants to make sure before he asks you certain questions, you are both – all of us are on the same page as to the context of those questions. So when it comes to those

questions, we have our memories freshened in terms of the context.

MS PETERS: Thank you, Chair.

ADV VAS SONI SC: Then on the last paragraph of that page, page 391, Mr De Freitas makes the following observation and obviously it is a political point but let me just place it on record. He says:

10 “Obviously behind the scenes, they had been instructed to tow the line and insist in a cover-up that involved people all the way up, allegedly, including the then President Zuma. This was clear to me as the discussions in the Portfolio Committee were always flaunted away from investigating the corruption in PRASA but instead their focussed had been on Molefe...”

Now I have made the point that that is his political point.

MS PETERS: Noted Chair.

20 **ADV VAS SONI SC**: Then on page 392, he continues, again dealing with the 14th of March. Yes.

“Ms Sibande said that the committee had then agreed on an inquiry initially.

However, the committee had not anticipated that the Minister would be so quick to respond

about PRASA and an inquiry was not necessary as the PRASA Board had already been expelled...”

Now that is what Mr Sibande said in relation to now the link between the dismissal of the board and the need of the inquiry.

“Mr Maswanganyi suggested that the Minister be requested to appear before the committee after which the committee should decide whether to pursue the inquiry or not...”

Let me ask you outside this? Were you asked after the board was dismissed to appear before the Portfolio Committee on Transport?

MS PETERS: Chairperson, the request for meetings before the committee was happening frequently and I would not recall at that particular time whether there was that specific issue relating, usually we go to present quarterly reports and in it we would then have to give other matters of importance, so I would not recall, Chairperson, what exactly happened after that particular process. I am also trying as the evidence leader is directing to those statements trying to recall exactly the sequence of events during that particular period because there was a lot of things that were happening.

CHAIRPERSON: Maybe one could put this question. Do

you recall that at some stage you did deal with the issue of the reasons for the dismissal of the board before the portfolio committee whether you were called especially to deal with that or whether it was one of the routine meetings?

MS PETERS: No, Chair.

CHAIRPERSON: You do not recall?

MS PETERS: No, Chair.

CHAIRPERSON: Okay.

10 **ADV VAS SONI SC:** Then Mr de Freitas says:

“I stated that since the 8 March meeting it appeared that the ANC members had been instructed to toe the line and keep quiet. I expressed concern, the portfolio committee allowed the minister to tell it how to conduct oversight. I could not support the proposal to abandon the inquiry. I expressed my disappointment that the committee was not acting as an independent body. I explained that I no choice but to speak to the media about the
20 corruption at PRASA which involved billions. I explained that this committee’s change of heart had become part of the cover-up.”

Again, Ms Peters, all I am trying to do is set out the whole context.

MS PETERS: Thank you, Chair.

ADV VAS SONI SC: And then in the last line of the next paragraph:

“The Chairperson recommended that the committee suspend the inquiry until members had heard from the minister.”

Now you say you cannot remember whether you did address the committee, is that correct?

MS PETERS: That is correct, Chair.

ADV VAS SONI SC: Can I then ask you to turn to the next
10 page and that is page 393? Now this records what happened on the 30 March. You will see it is in the first third of the page. On the 30 March, new Transport Minister Joe Maswanganyi is appointed. It was on the 30 March 2017 as a result of President Zuma’s cabinet reshuffles. One of the ANC portfolio committee members, Mr Joe Maswanganyi, was appointed as Transport Minister. Now it is correct that you were relieved of this portfolio on the 30 March 2017, Ms Peters?

MS PETERS: Yes, Chair, the evening of the 30 March.

20 **ADV VAS SONI SC:** Now I just want to read to you what Mr de Freitas says about the replacement ...[intervenes]

CHAIRPERSON: I am sorry, Mr Soni, I know that sometimes the – or sometimes Presidents do not give or tell members of cabinet the reasons when they relieve them on their portfolios but sometimes they are told. I

think Mr Ramathodi told me when he gave evidence here that when he was moved from the Ministry of Mineral Resources to Public Service and Administration he was told that he was being promoted. So may I find out whether you were told the reasons why you were being relieved.

MS PETERS: No, Chair.

CHAIRPERSON: Okay.

ADV VAS SONI SC: I was going to deal with that but let me deal with the related issues, Chairperson.

10 **CHAIRPERSON:** Okay, no, that is fine. Ja.

ADV VAS SONI SC: Ms Peters, you have served in the cabinet for about ten years, if I understand correctly.

MS PETERS: About eight years, Chair.

ADV VAS SONI SC: About?

MS PETERS: Eight years.

ADV VAS SONI SC: Eight years, sorry. And prior to that you were the Premier of the Northern Cape, correct?

MS PETERS: Yes, Chair, correct.

20 **ADV VAS SONI SC:** It was four, five years, as I understand.

MS PETERS: Yes, Chair, correct.

ADV VAS SONI SC: Now nobody likes to be relieved and you had a history of service to this country and I am saying this with thanks to you has a citizen who benefitted from your commitment, you have a history from the time you

were young.

MS PETERS: Yes, Chair.

ADV VAS SONI SC: That is traced in your CV.

MS PETERS: Yes, Chair.

ADV VAS SONI SC: And that is when you and Mr Molefe first made contact with each other and grew to sort of bring about a change in the dreadful system that we had prior to 1994. That is correct, is it not?

MS PETERS: That is correct, Chair.

10 **ADV VAS SONI SC:** Now I am going to ask you this and it stems from what the Chairperson said but I was going to ask you a little later but let me deal with it now. It must have occurred to you that there is something amiss, I have given so much of my life to this. When the President communicated – well, sorry, did the President communicate the decision to you?

MS PETERS: No, Chair.

ADV VAS SONI SC: You must have been hurt. I mean, you have served for 13 years in highly important executive
20 positions, you must have been hurt.

MS PETERS: Naturally, Chair.

ADV VAS SONI SC: And I say it genuinely. Now it must have then occurred to you but look, what is it that I have done wrong because it must be something wrong for a dismissal to take place without even a communication let

alone and explanation?

MS PETERS: Chair, at the time when the announcement came ...[intervenes]

CHAIRPERSON: I was about to say maybe tell us how you got to know if it was not communicated to you.

MS PETERS: Incidentally, Chairperson, it was the 30th of – that day I still remember quite well because it is very historic.

CHAIRPERSON: Yes.

10 **MS PETERS:** It is the 30 March. That evening I was in the ministerial residence with the ministerial team and the Road Safety Agency, Road Traffic Management Cooperation Team together with the Western Cape team of transport because we were planning the next day on the 31 March the launch of the then – that year's Easter Road Safety Campaign, and when we heard – at the end of the briefing, they came to brief me the preparations of the day, we were with the then Deputy Minister Sidisiwe Chikunga. At the end of the meeting and when people were leaving

20 we go to hear that the President going to make an announcement and I then said to the team that I work with closely in the Ministry do not go because it might just be the day that the President makes this announcement about where to, you know, whether we get – and I made a joke, whether we get redeployed home or we get redeployed to

another ministry because every time there was an announcement that the President is going to make announcement, anybody who is an executive position gets that jittery to know what is going to be announced and what is going to be said and we were waiting.

So what then happened was that the President announced his new team and obviously in the new team Elizabeth Dipuo Peters was not there and I then took the opportunity to thank the team of men and women that I
10 worked with and then I said to them let us call the Western Cape MEC and inform him that I will not be there tomorrow and I immediately called the Deputy Minister who was on her way to her residence to indicate to her that the announcement says I am no longer Minister and I think you must continue tomorrow, let nothing get disrupted and that is how it happened. And incidentally, Chairperson, that evening of the 31 March there was a Jazz Festival and I went to the Jazz Festival.

CHAIRPERSON: The Jazz Festival was it on the evening
20 after the day on which the announcement was made or was it on the same evening?

MS PETERS: The Jazz Festival – the announcement was on a Thursday.

CHAIRPERSON: Ja ,30th.

MS PETERS: Thursday is a very nice day because you

always remember Sheila's day. Thursday evening, that was announcement.

CHAIRPERSON: 30th.

MS PETERS: The 30th.

CHAIRPERSON: Okay.

MS PETERS: And the 31st was Friday and there was a Jazz Festival.

CHAIRPERSON: Yes and you said I am going to enjoy myself.

10 **MS PETERS:** Yes, Chairperson, because ...[intervenes]

CHAIRPERSON: Forget about a lot of things.

MS PETERS: One of the things that I grew up knowing is that when you wake up in the morning you are still alive you say thank you, God. So for me it was I am still alive and incidentally it was just after that period where I had been very seriously ill and I had also taken it upon myself to inform the President at that time of my ill-health, so I do not know – and I never took it to him to ask why you removed me from this responsibility because he appointed
20 me, I never went to ask him why are you appointing me. So I thought it would be wrong for me to go to him and ask, Chairperson, why did you dismiss me when I did not ask him why did you appoint me. So I just took it that they say it is all fair in love and war, so that must continue.

And one of the things that I really took at that

particular time was primarily because – and I have to say it here although I did not say it to the committee, that is why I say I take offence to De Freitas I claim I was sick. I was in hospital from the 24 March when – of February when I left the meeting where we had all the CEOs and board chairpersons to look at the new strategic plans of the entities and the department so that we can then be able to table them in parliament.

10 So just after that, that very same day, one of the colleagues actually said to me Minister, you do not look well and I asked the protectors who were driving me at the time to drive me to the hospital, Steve Biko Academic Hospital, and when I got there I was admitted and that evening I was removed from the ward to high care and for me, it was very – and at that time, Chairperson, the spats between the CEO, Acting Group CEO and the Chairperson of the board were going on and on and on, I am in hospital at that particular time. When I was discharged that is when I took this particular decision and it was informed
20 from some of the things that were before me also at that particular time. So I just give you the context and the history and I think at my time after my being released, immediately that evening I drafted a statement that I put on social media thanking God, my family, the African National Congress and all those, including President Zuma himself

and his predecessors for allowing me for so long to serve the people of South Africa through the African National Congress which had put me in that particular position and it is a situation and a position I am still grateful because I was given an opportunity out of the almost million members of the African National Congress to be considered of one of the less than 100 to be part of the top representatives of the ANC in government. For me it is an honour and it is still an honour that I carry up to today, I am grateful and I
10 am thankful.

CHAIRPERSON: I guess your gratefulness is justified but I know that they say, you know, in politics things are done differently but I am sure everyone wishes things could be done differently even if you could just get an SMS thirty minutes before the announcement to say I am sorry, I will announce that you will not longer be part of the team rather than watch it with people and find that you are no longer on the team.

MS PETERS: Yes, Chairperson, I think it – the courtesy
20 would have really been grateful.

CHAIRPERSON: Yes, yes.

MS PETERS: It would also have allowed me an opportunity to personally say thank you for allowing me to serve but up until to date I ...[intervenes]

CHAIRPERSON: You never had that chance.

MS PETERS: I never had the chance and I do not find a reason to ask why. Maybe if one day the former President or the leadership would say this was the reasons, I would – probably, I do not know, but I think the context that I gave that when I was appointed I was not given the reason why amongst everybody else I get appointed. So when I was relieved of my responsibility – and, Chairperson, at that particular time, they say things happen for a reason I was not physically and health wise okay and I saw that as my
10 creator’s intervention to go t say look at yourself and recharge yourself and I did that and I am happy for that opportunity. I usually joke with my children to say maybe if the 30 March 2017 did not happen I might have been RIP somewhere.

CHAIRPERSON: Yes, Mr Soni?

ADV VAS SONI SC: As you please, Chair. Ms Peters, I am sorry about the insensitivity but this is something I must ask you. I know you, as was said at the meeting of the 20 August, that everybody serves at the pleasure of the
20 President, so you could not ask him but it must have been something you have reflected on. Can you suggest any reason why you were so unceremoniously removed?

MS PETERS: Can I get a reformulation, Chair?

ADV VAS SONI SC: Yes, I say ...[intervenes]

CHAIRPERSON: Yes, yes.

ADV VAS SONI SC: You could not ask Mr Zuma and I accept that you served at his pleasure but when you have served for 14 years and you are so, as you say, insensitively, unceremoniously removed, you must ask yourself but why? Did you?

MS PETERS: Chairperson, I think it is human nature that when you are alone you will just start searching and searching and say but what did I do wrong, what did I say and all those type of things or maybe I just said I have had
10 an opportunity maybe to serve in different responsibilities, maybe if the President had arrived at a point and say maybe we need to give others chance. I personally looked for the reasons but I never find it in myself to ask the former President why did you do that because, like I said, Chairperson, I have not asked of all these others why Elizabeth Dipuo Peters for the responsibilities that you had appointed me into. So that is why I found it easier to thank everybody including my organisation for the honour to serve.

20 **CHAIRPERSON:** I guess there would be two areas of concern. One would be why have I been removed and you would say I wish I was told so that maybe in the future if I am given a chance to serve again, if I made some mistakes I would try and address them. So that is one.

Maybe that might be easier, the fact that you were

not told the reasons or any minister who does not get told the reasons why they are removed, maybe the fact that they are not told the reasons might be easier to handle because of the nature of the office namely being a politician and knowing that you serve at the pleasure of the President.

But the other one, which I think might be more troubling even to a politician might be the manner in which it is handled to say I do not mind if I am removed because
10 of whatever reasons or even if there are no reasons, I accept that I serve at the pleasure of the President and if he wants to change his team he is free to do so but when you get to know about it at the same time as the whole nation on television you – most people will say why could they not just let me know privately first? Just that. I am not asking – I will not even ask why they removed me as long as least they give me the courtesy. That is all I would ask for. I suspect that would be a much greater concern even to a politician that the reasons why.

20 **MS PETERS:** Chairperson, normally in the political executives responsibilities is that once you are appointed you sign a performance agreement with the President but you do not have performance appraisals.

CHAIRPERSON: So you never know if you failed in your performance?

MS PETERS: Except through the collective clusters of cabinet, the collective cabinet as well as through the department of performance monitoring and evaluation but as a minister, you do not have something that you can then say tomorrow I am going to be evaluated for my performance and therefore I need to now come with my portfolio of evidence and all those type of things like you do with the DGs and others. That is an anomaly that probably needs to be corrected because if that was in
10 place you would then as a member of the executives know that here I am starting to skate on thin ice, I need to jack up my act here, pull up my socks here and those type of things. That is not happening, there is no performance appraisals and there is also no peer review system in place like you would have with your DGs.

And for me, that is what is an anomaly. But also, you do not have your – like you would have the bilaterals with your boss to say come, let us sit and go through this, this is your targets, this – have you met it, what are the
20 challenges? You make the request yourself to say I would want to meet, I would want – and in my nature, having had the honour, Chairperson, to serve as a Premier, I had created a particular process where I would sit every quarter with my colleagues to look at those and I had each department's notebook so that – and the other thing,

Chairperson, and I am sorry, I have to raise it here, that was for me an anomaly in the way in which we were operating as an executive with our President who appointed me to serve was that if I had a meeting with the President, there was no note taker, somebody who could kept record and next time when I come say Minister, but last time you said this to the President and you seem to be backtracking or seem not to be following through on those particular things. And I think unofficially one day I had
10 raised it with the President when we had a meeting to say if there was a note taker so that we can follow up and that was in my previous position as Minister of Energy.

I would want to say with regards to being relieved of your responsibility, with hindsight I wish I would have known but I had this instinct that it is coming. I always have that feeling when...[intervenes]

CHAIRPERSON: When something is going to happen.

MS PETERS: When something is going to happen, [speaking vernacular].

20 **CHAIRPERSON:** Ja.

MS PETERS: And there are certain things that says [speaking vernacular]. You start seeing body language and then ...[intervenes]

CHAIRPERSON: Okay.

MS PETERS: And then those things when they happen

you say oh, yes...

CHAIRPERSON: That is why he was not smiling back or something like that.

MS PETERS: Ja, those type of thing. As a human being you watch this and sometimes you would make jokes with your colleagues to say it looks like ...[intervenes]

CHAIRPERSON: It does not look like I am in good books with the boss.

MS PETERS: No, not that. It looks like I am on my way
10 out, I must start packing my bags.

CHAIRPERSON: Ja.

MS PETERS: You know, those type of things, you just joke and then when that announcement was made for the 30th I would want to say I was one of those that were ready.

CHAIRPERSON: Ja.

MS PETERS: Maybe ready because of my own feeling.

CHAIRPERSON: Okay. Mr Soni?

MS PETERS: Thank you, Chair.

20 **ADV VAS SONI SC:** When did you first have that impression that maybe the door is being opened slowly and I will be ushered out soon? Can I just ask?

MS PETERS: In the Catholic – I am Catholic, in the Catholic sense you must tell the truth or you must go to the priest to confess. There was an article in one of the

publications in March 2015 that made me realise I must start packing my backs.

CHAIRPERSON: That early?

MS PETERS: That early.

CHAIRPERSON: H'm.

MS PETERS: So in a way I – March 2017 took a bit too long. Maybe that is why I got sick.

ADV VAS SONI SC: And what was that article about?

MS PETERS: There was a snippet in a publication that I
10 read. I was on my way to Cape Town. I do not remember –
it was, I think, the New Age. There was a snippet – I
always try and look for that but I cannot find it. In fact last
time after you reprimanded me for my papers I then
thought maybe those papers that ...[intervenes]

CHAIRPERSON: No, he did not reprimand you.

MS PETERS: There is those papers – he cautioned me –
those papers, Chairperson, that I probably should have cut
out.

CHAIRPERSON: Ja.

20 **MS PETERS:** Because that paper made me aware that
h'm h'm, things are not ...[intervenes]

CHAIRPERSON: Did it predict your departure or –
because the New Age did predict the promotion or the
dismissal of certain ministers. I think it did predict
[inaudible – speaking simultaneously]

MS PETERS: Yes, Chairperson, it was – Chairperson, it was an article that says that these are the – almost like indicating that people who might be – remember there was – issues of reshuffles are always allegations and then people start doing [speaking vernacular] and saying it could be this one, it could be this one, it could be this one, it could be this one. And then was a small thing, almost like this paragraph that said I could be one of them and it some reason.

10 **CHAIRPERSON:** Some story, ja.

MS PETERS: It had some [speaking vernacular].

CHAIRPERSON: Oh, okay.

ADV VAS SONI SC: Now this may come as some comfort to you and, I mean, I have got to say to you, Ms Peters, I really sympathise with what you would have gone through. Let me just finish what Mr de Freitas says about the appointment of your successor, he says in the next sentence under the heading 30 March. He says:

20 “It quickly became clear to me the reason for this appointment. He...”

That is your successor.

“...was willing to do his master’s, then President Zuma’s bidding. My suspicions were confirmed by the manner that the new minister led his department as events unfolded in the subsequent months.”

Now it seems to me that what Mr de Freitas is saying is that it was quite clear that Minister Maswanganyi was more compliant than you in regard to Mr Zuma's bidding. I am just placing on record what is here.

MS PETERS: That is Mr de Freitas' view Chair.

ADV VAS SONI SC: Yes, can I then ask you to look at the last matter that I want to deal with in regard to the Parliamentary recordings, and that is on the 10th of April, it records that the Court dissolves the interim board and
10 reinstates the previous board under Molefe because on the 10th of April Judge Peter Mabuse ordered that the former board be reinstated, and the interim board be dissolved. Now, there are two things that I want to highlight in [indistinct – dropped voice] and context is important. There is a dispute raging at the Portfolio Committee in Parliament from at least the 31st of August 2016 if not before relating to the alleged incompetence of the board which coincides with the time Mr Molefe made the allegation about Maria Gomez asking for 10% of the
20 Swifambo contract to be given to the movement, I'm just placing that in context, we've been through that. Culminates in your dismissal of the board on the 8th of March but the thing that surprises me is, even before the board – the Court makes its decision on the board's challenge to your decision, you are relieved of your duties.

MS PETERS: I can't answer that one Chair.

ADV VAS SONI SC: Well, let me put it to you this way, when one looks at the thing objectively, you ask and look for patterns, that's why I'm saying to you, the 31st of August and what happened thereafter, as I've read to you, suggests that the Portfolio Committee was making a case against Mr Molefe's board, but it is you who dismisses the board because you have the power to dismiss the board. That seems to please the Portfolio Committee, that's what
10 they say in Parliament in one of the arms of Government which recorded in public but more importantly, thereafter, after what they seem to want to be done, is done by you, you are dismissed, that's what intrigues me about all of this.

MS PETERS: Chairperson, I never sat down and thought about this to have any significant inter-relationship because my engagements with the board, with regards to their non-performance, with regards to the key – core areas of performance, the quarterly reports, the annual
20 reports and the engagements that I had with them in the AGM's and the formal meetings that we had where I addressed them and incidentally in the hearings of the 22nd and 23rd, Chairperson, I did give an indication that those documents will be part of the supplementary that I submit to indicate the length of time it had taken me to engage

with this board with regard to the need for them to focus on the core areas of responsibility which is to make sure that the trains are there, running, they are clean, safe and our people can reach their jobs, schools and other areas of enjoyment and everything on time and in a safe way. So, Chairperson, I have never sat down and looked at this Parliamentary Committee process in relation or whether it had any bearing on my removal because we were comrades all of us and we are still comrades all of us and even after
 10 my removal I had an opportunity to sit with the new Minister and – in a handover meeting and I handed over everything, including the information related to this – the board and the fact that they are before the Courts and also the other matters, litigations and everything else because the Department and entities of transport were so litigious that you could eventually stay in Court when you look at the issues related to transport and I handed that over to the new Minister and how he took the process forward, I think he's better placed to respond to that, Chairperson.

20 **ADV VAS SONI SC:** Ms Peters, what emerges from what is publicly available, that's the debates in Parliament is, that the ANC NP's wanted Mr Molefe's board out, that I've read to you and you said you can't contribute to it and rightly so but we, as a Commission need to examine all developments to see if there's a pattern. So, when I look

at what happened, especially from the 31st of August 2016 onwards to what happened on the 8th of March when the Board is dismissed, that, one would think, sitting outside, that's what the ANC wanted but instead of being rewarded with a continuation of your portfolio, 22 days later you are dismissed, and it is that, that intrigues me.

MS PETERS: Is that?

ADV VAS SONI SC: It is that that intrigues me, there's no pattern in all of this.

10 **MS PETERS:** Chairperson, I'm unfortunately unable to respond to that but I just want to say, with regard to this board and I did indicate in the last hearing that, given an opportunity, had I still been there, even on the 10th of April when they were reinstated by the judgement of Judge Peter Mabuse, I would have appealed it because of my engagements and having worked with the board but in particular, the Chairperson of the board up to that particular stage. In fact, Chairperson, if I was a very impatient person, I would have dissolved and/or removed
20 that board many years prior. On the 8th of January 2015, that's when I started engaging with the board with regard to issues of performance and all other matters and there's records to that, Chairperson. I remember, Chairperson, speaking to the board at the time they had the situation of Mr Montana and we agreed also, that there is important

factor that they need to focus on the core areas. I met them again, I think it was around June or July 2016 and spoke to them. I always met them on AGM's and always, Chairperson, if you look at the track of the paperwork, you would see that I had been very patient in requesting the board to focus on the issues that are core to their responsibility.

When, incidentally, Chairperson when I became a member of the Standing Committee of Appropriations and
10 the first engagements we had was a decision of lack of spending in PRASA where monies that PRASA were given for infrastructure had to be sent back to the revenue fund, I felt like crying because I then said, these were the things that I had foreseen to say, make sure that the trains and the stations and the ...[indistinct – audio distorted] and all those things are attended to. The modernisation, Chairperson, the issue of the factory, we sat down with Mr Molefe to say, this new trains we need to save this initiative, these trains must run and be built in South
20 Africa, skills must be developed here, people in the streets supporting the rail sector must be built here and that's why, I'm happy to say, on the 4th of – I think it was in March 2016 when we launched the initiative around, or the ...[indistinct – audio distorted] of the factory we were celebrating in Ekurhuleni with the people of Ekurhuleni

because we said, jobs, skills and opportunities are coming and for me, those were the things that I said the board should focus on. Equally, I then said to Mr Molefe, whilst you are chasing the thieves, focus on the core responsibility.

Las week – last time I made an example, I said, Chairperson, if you have a house and a house is on fire and you see Dipuo is responsible, there's Dipuo she has just poured petrol and put the house on fire, will you chase
 10 Dipuo instead of putting out the fire and saving that which needs to be saved and then follow Dipuo legally because [speaking vernacular] and you know these people and I said, let's allow the legal or law enforcement agencies, like we are doing with other entities of the State that I was equally responsible for. We even had a situation where the SIU was given a proclamation by President Zuma with regard to other mattes that were related to transport and entities of transport to investigate. The driver's license issues, the ...[indistinct – audio distorted], if Chairperson,
 20 one day, maybe after this whole process can be over and you drink tea, we can drink tea and I can tell you my nightmares at transport, not under the Zondo Commission, thank you Chair.

CHAIRPERSON: Yes, well Mr Soni was dealing with the question of, reasons why you were relieved of your

responsibilities as Minister of Transport, maybe it was felt that you took too long to deal with the board and dismiss it because in your view and in the view of whoever else it was not performing properly, what would you say to that?

MS PETERS: Maybe that was the reason, Chairperson, or maybe other reasons also.

CHAIRPERSON: Ja.

MS PETERS: Mr Molefe once said to me...[speaking vernacular], meaning I'm a Christian and I – but I was
10 also...[speaking vernacular] towards him.

CHAIRPERSON: Yes okay, Mr Soni?

ADV VAS SONI SC: All that you've said to the Chairperson, very passionately about what was wrong with the board, I take it you put all of that in your affidavit when you filed an answering affidavit when Mr Molefe and the other board members took your decision to Court, that's correct isn't it?

MS PETERS: Yes, they are in the affidavit, Chairperson.

ADV VAS SONI SC: And they were available to you at the
20 time you addressed a press conference on the 13th of March?

MS PETERS: Come again, Chairperson?

ADV VAS SONI SC: Okay can I – I don't want us to debate this, because it's all here, can I read to you what Judge Mabuse said. Now, that Chairperson, is in PRASA

Bundle A Exhibit SS2, the judgement starts – and it's on the right-hand side, red letters at page 83 and I want to alert – I want you to go to page 123.

MS PETERS: I don't think I have it.

ADV MAJAVU: Chair, might I just chip in and I'm sorry that I have to be seated for the mic...[intervenes].

CHAIRPERSON: No, that's fine.

ADV MAJAVU: Chair, I have no difficulty with my learned elder reading out whatever ...[indistinct – audio distorted]
10 as per Judge Mabuse but I think said must also not be lost on the fact that she had indicated that, had she stayed on she would have challenged that particular decision.

CHAIRPERSON: Yes.

ADV MAJAVU: I have no difficulty there, but I think it's very important because we are also not reading into the record, that which she might have said in her answering affidavit, so we need to be fair and not paint a one-sided context but obviously the witness is more than capable of responding but I'll be failing if I don't raise that concern.

20 **CHAIRPERSON:** No, no that's fine and to the extent that you are able to obviously, Mr Soni, you might refer, if in the judgement there's something else that is meant to – that might put whatever you're going to read in context but otherwise Mr Majavu would also be paying attention so that, should he decide to re-examine he can pick that up

and get clarification.

ADV VAS SONI SC: Yes.

CHAIRPERSON: Okay, alright.

ADV VAS SONI SC: So, at paragraph 50 on page 123, it says,

“The Minister did not, initially provide reasons for her decision...[intervenes].

CHAIRPERSON: Do you want to let her get there first?

ADV VAS SONI SC: Oh, sorry.

10 **CHAIRPERSON:** She’s still looking, we are looking at the red numbers this time on this bundle, 123, is that right?

ADV VAS SONI SC: 123 yes Chair.

CHAIRPERSON: Ja, have you got it Ms Peters, look at the red pagination on the top right-hand corner of the pages, can you find it?

MS PETERS: Page?

CHAIRPERSON: 123.

MS PETERS: I did find page 123, Chair.

CHAIRPERSON: Okay, alright.

20 **ADV VAS SONI SC:** Alright, you’ll see, right at the bottom in paragraph 50, this is what the judgement says,

“The Minister did not initially provide reasons for her decision to remove the relevant Directors from office either at the time of their removal or in response to the applicant’s requests for reasons on

the 9th of March”.

Can you recall whether you had provided reasons?

MS PETERS: Whether I represent...[intervenes].

ADV VAS SONI SC: Sorry, Ms Peters, I’m just trying to understand the extent to which you will dispute what is stated in this judgement. Now in this judgement it is stated at paragraph 50,

10 “The Minister did not initially provide reasons for her decision to remove the relevant Directors from office either at the time of their removal, that’s obviously on the 8th of March, or in response to the applicant’s request for reasons on the 9th of March”.

Now, did your answering affidavit say anything different?

MS PETERS: Answering affidavit to the...[intervenes].

ADV VAS SONI SC: To this Court case yes, to the application by Mr Molefe and the others?

MS PETERS: It’s becoming difficult for me to recall that answering affidavit.

20 **ADV VAS SONI SC:** Now, that was the argument made by Mr Molefe’s counsel or the board’s counsel, then it says,

“The fact that initially no reasons were provided and that still no reasons were provided when they were requested on the 9th of March created the impression that the decisions by the Minister was

irrational”,

Now, that’s what was argued, and I tell you why it is important because you’ve indicated to the Chairperson today, these were the reasons why you dismissed the board and what is important is, whether these reasons were represented to the Court, when you opposed the application. Now it would appear that they were not.

MS PETERS: From reading here, Chairperson, it does appear that they were not.

10 **ADV VAS SONI SC:** Alright, can I then go to ask you to look at page 124 where at paragraph 51, the judgement says,

“For the first time the Minister purported, at a press conference that she held on the 13th of March to justify her decision to remove the relevant Directors. She did that to the media instead of to the concerned Directors”.

Now, that’s the complaint you made about how your removal – how you were informed about your removal, is it
20 not Ms Peters, I’m just asking?

MS PETERS: I’m like the board, I wrote to them to alert them. The one thing that I did concede last time was the fact that, probably a lot of reasons were not provided but I believed that they knew what was the reasons and that is why, Chairperson, I repeated it today that, given an

opportunity, if I was still there, I would have appealed this particular judgement.

ADV VAS SONI SC: Alright, let's carry on, he stated that, this at the media conference,

“The board was found wanting relating to, amongst others the declining performance, lack of good governance, lack of financial prudence and ever deteriorating public confidence due to spats of in-fighting”.

10 That's what you said at the media conference, I see you shake your head, is that correct?

MS PETERS: Yes, Chair.

ADV VAS SONI SC: Then the learned Judge records, in the continuation of paragraph 51,

“In her answering affidavit she sets-out two fundamental reasons for her decision. Firstly, she claims that the trigger for the relevant Directors' removal was their decision to terminate Mr Letsoalo's secondment to PRASA, is that correct”?

20 **MS PETERS:** It could have been one of the reasons Chair.

ADV VAS SONI SC: Then the learned Judge goes on to say,

“She states that the board was removed because the board acted in unison in frustrating the actions

of Mr Letsoalo and ultimately removing him”,

Is that substantially correct – more or less correct as you recall your answering affidavit?

MS PETERS: Yes, Chair.

ADV VAS SONI SC: Right, then the learned Judge say – because one of the issues that was raised was that you had acted procedurally unfairly that you said in your answering affidavit that,

10 “You had substantially complied with the procedural fairness obligations in respect of this complaint because you wrote to the board on the 1st of March and asked her to explain the public spat with Letsoalo and to furnish reasons why she should not intervene in order to restore good governance with PRASA”,

Do you recall that, that you wrote to him and you – and I take it you attached that, or you annexed that letter to your answering affidavit?

MS PETERS: Yes, Chair.

20 **ADV VAS SONI SC:** Alright, then the learned Judge deals with the second reason and he says,

“Secondly the Minister claimed that she wide-ranging concerns about the board’s management of PRASA. She considered it to have been involved in corruption and in irregular expenditure since it’s

appointment”,

Is that what you said in your answering affidavit?

MS PETERS: There was an Auditor General’s report that has shown the exponential growth of the over expenditure, I mean the irregular expenditure, Chair.

ADV VAS SONI SC: I’m asking a different question. Did you, in your affidavit, accuse the board of corruption?

MS PETERS: I don’t know whether there was the word corruption.

10 **ADV VAS SONI SC:** So, the learned Judge got it wrong then when he says...[intervenes].

MS PETERS: I don’t remember, Chair.

ADV MAJAVU: Chair, I really now have to object. I think, what we are now busy with, with respect. A lay witness is expected to comment on the correctfulness or otherwise of how a Judge rendered a particular decision and it’s reasoning and it’s difficult. The witness is not even having sight of her answering affidavit contemporaneously to also be able to see what it is that she said, it’s very difficult. I
20 bet you if I were to do that, Advocate Soni, he himself would find it very difficult and that is not the purpose of the exercise. I think the issue here is, rightly or wrongly a Court decision was made which is extent, but she has said, If I was still in office, I would have challenge it, maybe rightly or maybe wrongly and nobody knows whether that

decision will still be standing. I thought the picture being painted and a comment on which she was expected to say something, was about a particular plot or what appears to be a pattern and she has indicated that, I am in no position to comment on this pattern or not because I never reflected on it and with respect, we're going to enter into a very speculative realm and it's dangerous, I'm cautioning very collegially.

CHAIRPERSON: Yes, no, no that's fine. Mr Soni, I don't
10 know if you want to say something in response, but I am a little concerned as well, so maybe you can just address the concerns because the judgement is there, it was not appealed, it stands. It gives reasons for the conclusion that the Judge reached. The witness may agree or disagree with those but there was no appeal, and it stands.

ADV VAS SONI SC: With respect, Mr Chairperson, let me
first start off by saying, it's not for my learned friend to tell me what questions to ask, I am the evidence leader. If the questions are out of bounds, then it's for you to tell me but
20 it's not for my learned friend to say, these are the matters that are relevant, it's for us, we've been involved in this for a long time...[intervenes].

CHAIRPERSON: No, but he is entitled if he has concerns that his client is not being dealt with fairly because he's expected to answer certain matters that, in his submission

maybe he shouldn't be. So, there are matters to which he's entitled to object. So, let's deal with the question of, maybe what it is you want to use the judgement for because as I say I'm also concerned so that I can see whether his concerns has grounds or not.

ADV VAS SONI SC: Chairperson, I would not have dealt with this paragraph but for one thing.

CHAIRPERSON: Ja.

ADV VAS SONI SC: The witness says to you today, these
10 are the reasons I've dismissed the board.

CHAIRPERSON: Ja.

ADV VAS SONI SC: I didn't hear her say, corruption, she didn't accuse the board, so the question I want to ask her is – and I'm entitled to ask, did you say to the Court that the board was corrupt and the relevant...[intervenes].

CHAIRPERSON: That would be legitimate.

ADV VAS SONI SC: And that was the question that my learned friend objects to.

CHAIRPERSON: Yes.

20 **ADV VAS SONI SC:** But Chairperson, let me make this quite clear, why this issue is important is, you will remember those passages I read from the 31st of August suddenly a board which had been fighting corruption was being accused of corruption and I read all of those passages deliberately.

CHAIRPERSON: Yes, no – well it may or may not be that the question or the way it was formulated didn't come across that way, I don't know, I think Mr Majavu nods, to the extent that you ask Ms Peters whether the reasons that she gives today, are reasons that she placed before the Court that would be legitimate.

ADV VAS SONI SC: Yes, yes but I'm also entitled to ask whether, given what she said today where she has not mentioned corrupt, she mentioned corruption in the
10 answering affidavit.

CHAIRPERSON: Yes, no, no that's fine, what – to the extent that you want to see whether the reasons that she gives today were given in the answering affidavit that was placed before the Court, that's legitimate.

ADV VAS SONI SC:

MS PETERS:

ADV VAS SONI SC: Yes.

CHAIRPERSON: Ja, okay alright, so let's go back, maybe repeat the question – Mr Majavu you wanted to say
20 something?

ADV MAJAVU: Chair, just to be of assistance to the Commission and to my elder, firstly I'm not going to be told by him or any evidence leader for that matter, at what point to object or not to object. I do so very guardedly, and I don't do it because I don't want to disturb the floor. I did

not object to a specific question for that matter, I fully appreciate that he needs to set-out the context to enable the witness to comment. What I did caution against, and my choice of diction was very clear, was let us be careful to avoid having a lay person commenting on the correctness or otherwise of Judge's reasoning.

CHAIRPERSON: Ja.

MR MAJAVU: It was a no.

CHAIRPERSON: Ja.

10 **ADV MAJAVU:** Because if we do that you are opening it up to speculation by a lay witness and that is not going to be of any utility.

CHAIRPERSON: Ja.

ADV MAJAVU: For the record I have no difficulty with the proposition that says the reasons that you are giving today from your recollection did you – did they make their way into the answering affidavit? Because if they did something may have to be said about the Judge's conclusions. But what is being read are the portions in a judgment and I am saying it
20 may well be that if she was also being referred to what she said in her answering affidavit or what she did not say. It may be of assistance because now she is forced to make concessions without having had the benefit – because the challenges here is what you are saying before the Chair today you did not say in your answering affidavit. But she

has not been referred to her answering affidavit where she supposedly deals with – with those portions. And that is the only point I was trying to make.

CHAIRPERSON: Ja.

ADV MAJAVU: That the lines he is pursuing is legitimate I am not querying Chair.

CHAIRPERSON: Yes.

ADV MAJAVU: And I do not want to be unduly obstructive.

CHAIRPERSON: Yes.

10 **ADV MAJAVU:** I have said my piece. If my learned friend wants to continue debating that judgment which is extent and we all know that it is extent so be it but I would have been entitled to say as colleagues, as officers of this tribunal let us be careful, let us watch it. That is all I seek to achieve Chair.

CHAIRPERSON: Ja no that is fine. Let us – so let us continue I think go back to your question Mr Soni so that I can also ...

ADV SONI SC: Yes.

20 **CHAIRPERSON:** Listen to it carefully.

ADV SONI SC: Can I ask you Ms Dipuo Peters I listened very carefully when you said to the Chairperson outside this judgment now why you dismissed the board. Is it correct that today you did not mention corruption? It has got nothing to do with the judgment I am just asking you in

relation to the reasons you gave to the Chairperson.

MS PETERS: The reasons that I gave to the Chairperson did not go into even the reasons that let or that were interlinked with the Letswaolo process. Because the – the matters in this particular instance have got many loops and probably that is why Chairperson.

CHAIRPERSON: Okay. Let us start with this – I am sorry to interrupt you. Let us start with a straight answer to that straight question. When you told me today the reasons why
10 you dismissed the board did you include corruption as one of the reasons? I think that was the question.

MS PETERS: No Chair.

CHAIRPERSON: Okay alright.

ADV SONI SC: Now do you recall whether you included corruption in your answering affidavit?

MS PETERS: I do not remember Chair but there was an issue related to the over payments and of remuneration and other allegations which were not SAAT.

ADV SONI SC: Yes okay. So...

20 **CHAIRPERSON:** It did not relate to corruption. Yes okay.

ADV SONI SC: Now – then the learned Judge says in response to what he says was contained in your affidavit. He says quite clearly
“Nowhere does she state that she afforded the relevant directors an opportunity to be heard on these issues before

she took the decision to remove them.”

Now that is a legal matter relating to two – if I could just say to you one of the things you had said in your answering affidavit is in regard to Mr Letswayo you had said to the board, look on the 1st of March please tell me how we can sort this out and on the second issue the learned Judge says you did not – you did not give the board an opportunity to respond to whatever allegation you made. That is – that is the point that the learned Judge is making.

10 **MS PETERS:** Yes Chairperson and in my last response in this house I did give an indication that that is the procedural technicality that was found at the particular time.

CHAIRPERSON: Did – did I wrongly get the impression that on that point you had no issues with what the Judge found? Was I wrong to get that impression?

MS PETERS: To say I did not ask them.

CHAIRPERSON: You did not have issues with the finding on what you call was a technical procedural point?

MS PETERS: Um.

20 **CHAIRPERSON:** Okay let me – I think when you said – when you dealt with the issue of the procedural fairness or the finding by the Judge or my impression was that you did not have any issues to say no but the – the Judge should not have found that because I did give them a hearing. That is the impression I got was my impression correct?

MS PETERS: Yes Chair because I did indicate that given an opportunity if I had enough opportunity I would have appealed. It was based on that.

CHAIRPERSON: Oh okay no may – we may be speaking at cross purposes. You would appeal if you wee – if you disagreed with the finding? It – did you disagree with the finding? I do not need you to go into details the finding that technically as you put it you had not given the directors an opportunity to – to be heard on – on those 00:06:31

10 allegations?

MS PETERS: Yes Chair.

CHAIRPERSON: Okay.

ADV SONI SC: Can I ask you then Ms Peters to turn to page 131 and you will see right at near the top of the page is a paragraph 60 but I just want to and you do not need to go there in the previous paragraph the learned Judge deals with two issues. One is your removal for your decision to remove the Judge – the directors and the second to appoint a second set of directors with Mr Nazeer Allie being the

20 Chairperson. That is correct is it not? That is the board you appointed on the – on the 9th I think of March?

MS PETERS: Yes Chair.

ADV SONI SC: Alright now I want to read to you what he says at paragraph 60. He says:

“I reached a conclusion that the applicants – that is the

former directors – or should I say the removed directors have proved that they have a clear right to challenge the decision taken by the Minister and furthermore to have the decision reviewed and set aside or to obtain an order suspending the operation of the removal of the notices of removal. The removed directors have a right to the proper exercise of statutory powers by the Minister who exercises public power and whose decision in this regard is subject to administrative just.

10 Secondly it is in the public interest that the affairs of PRASA be properly regulated by an independent board of control independently of any interference from government.

 Thirdly and finally it is of paramount importance that corruption in PRASA be exposed and prevented. The public has an interest to fight the deep rooted corruption in the country because it comprises the democratic ethos, the institutions of democracy and gnaws at the rule of law.

 Accordingly the appellants therefore have a clear right.”

20 Now that the basis on which the learned Judge Justice Peter Mabuse gets 00:09:15.

MS PETERS: Yes Chair.

ADV SONI SC: He gives his reasons for that.

MS PETERS: Yes Chairperson.

ADV SONI SC: Now I heard you not only today and I have

heard your – your attorney on your behalf say that if you had the opportunity you would have appealed against this judgment.

MS PETERS: Chairperson.

CHAIRPERSON: I am sorry what is the question? Did – I missed the question.

ADV SONI SC: If you had had the opportunity and the opportunity Chairperson I am saying did not arrive because the judgment is given on the 10th of April but she was no
10 longer Minister from the 13th.

CHAIRPERSON: Yes.

ADV SONI SC: So that is the only point Mr Chairman.

CHAIRPERSON: Oh you – so it was not a question you were just mentioning that?

MS PETERS: Well no I am saying to Ms Peters that you would have appealed this judgment.

CHAIRPERSON: Ja.

ADV SONI SC: That is your evidence that is correct.

CHAIRPERSON: She has confirmed she would have
20 appealed ja.

MS PETERS: I would have appealed .

CHAIRPERSON: Ja.

MS PETERS: Appealed the judgment Chairperson and when you appeal you give – you do not

CHAIRPERSON: Your grounds.

MS PETERS: Ja you give your answer properly.

CHAIRPERSON: Ja. Okay.

ADV SONI SC: Can I ask you to now turn to your affidavit which appears...

CHAIRPERSON: Maybe this might be the right time to take a short adjournment. I see we are past – gone past four. Let us take a ten minutes adjournment.

ADV SONI SC: Yes Mr Chairman. As you please.

CHAIRPERSON: We will resume it would be thirty minutes
10 at twenty past four. We adjourn.

ADV SONI SC: As you please.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Okay let us continue.

ADV VAS SONI SC: As you please Chairperson.
Chairperson, may I just place on record that I am not going to be much longer.

CHAIRPERSON: Okay. No, that is fine.

20 **ADV VAS SONI SC:** I have dealt with most of the issues.

CHAIRPERSON: Yes.

ADV VAS SONI SC: There are a few things I need...

CHAIRPERSON: Okay.

ADV VAS SONI SC: Ms Peters, can I ask you to look at your affidavit? It appears at bundle, the PRASA Bundle L,

Exhibit SS-22 and turn to page 14 which is now the opposite one. It is on the top left-hand side, L-14.

MS PETERS: [No audible reply]

ADV VAS SONI SC: Your affidavit.

MS PETERS: [No audible reply]

ADV VAS SONI SC: L-14.

CHAIRPERSON: Just switch on our mic Ms Peters.

MS PETERS: Thank you, Chair.

ADV VAS SONI SC: Now this is, obviously, in answer to
10 what Mr Molefe had said in his affidavit and I just want to
read to you what you said in this answer at paragraph 10.8
after dealing with the complaints he made about
Werksmans and other matters including the Werksmans
matter. You say at paragraph 10.8:

“Lastly, it is common cause that I dissolve
Molefe led board as I lost confidence in them
and felt that they were clearly failing to turn
PRASA around.

20 They exercised their rights to challenge their
dismissal in court and the court, subsequently,
ruled in their favour and I accepted the court’s
ruling.

I cannot take the issue further than that as I
respect the rule of law.

After all, I never personalised the issue.

Hence I accepted that the court overturned my decision in my representative capacity.

Courts of law are there to adjudicate over different points of view...”

Now I am just placing on record that that is your respect for the law and we all applaud that, but of course, it does not say that if you had – it does not deny you the right to say if you have had the opportunity, you would have appealed. That is on record but I am just placing it.

10 But more importantly, what this seems to indicate is, the reason for the dismissal of the board was your loss of confidence in the board.

MS PETERS: Loss of confidence, Chairperson, you can put in context(?) or I think I agree there.

ADV VAS SONI SC: Well, I am not putting words. I am reading what you said under oath.

MS PETERS: Yes, Chair.

ADV VAS SONI SC: Alright. I want to now get back to the... issue. We have dealt with the reasons and I told you
20 what the judge said and so on. I want to ask... When you were dealing with the question of the appointment of PRASA’s CEO, you explained to us ...[intervenes]

CHAIRPERSON: I am sorry Mr Soni. I am sorry. I was trying to see whether you are going to another point.

ADV VAS SONI SC: I am Chairperson.

CHAIRPERSON: Ja. Well, then let me ask this person. The passage that Mr Soni has read to you from your affidavit filed to this Commission.

MS PETERS: H'm?

CHAIRPERSON: It does not seem to me to be consistent with what you said, namely, had you still been Minister of Transport, you would have appealed this judgment. It seems to be saying you accepted the judgment. So I am putting my impression what the paragraph says to you so
10 that you can tell me whether I misunderstand it.

When you were testifying earlier on, you said had you been Minister at the time when the judgement came out, you would have appealed it and that seems to me to be somebody who would not accept the judgment, who would be aggrieved by the judgment and therefore would appeal in order to have it overturned.

But the passage that Mr Soni has read, seems to suggest to me a different position on your part. It says:

20 “They exercised their rights to challenge their dismissal in court...”

I am reading from paragraph 10 at page 15:

“They exercised their rights to challenge their dismissal in court and the court, subsequently, ruled in their favour and I accepted the court’s ruling.

I cannot take the issue further than that, as I respect the rule of law.

After all, I never personalised the issue.

Hence I accepted that the court overturned my decision in my representative capacity.

Courts of law are there to adjudicate over different points of view...”

Is my understanding of what you say here incorrect, namely, that it seems to be inconsistent with the
10 position that says: I would have appealed against this judgment.

MS PETERS: In my view, Chairperson, it is not inconsistent.

CHAIRPERSON: H’m?

MS PETERS: This affidavit has been done when I am no longer Minister.

CHAIRPERSON: H’m?

MS PETERS: And I am responding to the notice as submitted by the Commission with regard to what
20 Mr Molefe had presented.

CHAIRPERSON: H’m, h’m.

MS PETERS: And had I been given an opportunity to answer to what would you have done – because at that time, Chairperson, I was no longer – when I respond now here, I was no longer the Minister and I am not even

responding on behalf of the then Minister.

CHAIRPERSON: H'm, h'm.

MS PETERS: Then in my response to you, Chairperson, earlier and even in my previous appearance here, the motivation on – with hindsight, given an opportunity, I would have if I was still in that position.

CHAIRPERSON: H'm, h'm.

MS PETERS: Because of what I knew, and that is when the evidence leader even referred me to not making use of
10 information that I have not submitted in supporting and then I made a commitment to say I would give supporting information in terms of the performance and all other things that I have raised.

So I am saying, here I am – I respect the rule of law and I have done that for all the time I have been alive and even including cooperating and working together with the Commission to get to unravel what the challenges are with regards to malfeasance, corruption and other matters from the state and that is why I am here.

20 **CHAIRPERSON:** Ja-no, that is fine. It might not – nothing materially will turn on it but I just wanted to raise this. Ja. Okay alright.

ADV VAS SONI SC: Now Ms Peters, when we were dealing with the question of Mr Montana leaving the – leaving PRASA. As I understood your evidence, you said

you communicated this to the then President.

MS PETERS: Yes, Chairperson.

ADV VAS SONI SC: Now, you then – because we went into the question of what role the Cabinet plays and the President plays and you said to us: Well, these names are submitted to Cabinet, in a sense, for approval and it is sort of a sounding board. Is this person going to be a good fit or not. That is how I understood that. Is that correct?

MS PETERS: Yes, Chair.

10 **ADV VAS SONI SC:** Can I ask you in – and then you also said that a similar thing applies and I mean, that is why – well, not applies but that is why when a person leaves as CEO, you would want to tell the President and you made a point of telling the President about Mr Montana's leaving. You remember that?

MS PETERS: Chairperson, in this instance, I cannot give a yes or no. I gave an indication on a number of – I mean, emanate vacancies that were going to emerge in the state-owned entities at that particular time.

20 And I still stand by my indications, Chair, that what I said last time, that based on the institutional memory, the experience, the knowledge and all the capacity issues these people had and because of the different phases of development that South Africa was in and the plans that we have.

I gave an indication that we just adopted the Transport Master Plan. We had just adopted the Rail policy and that required a number, including the Transport Economic Regulator and quite a number of other instruments that would have helped us to move faster with development in this country.

And I went to the President with an understanding that I am the Minister. Remember, ministers are the first line of advice, even to the President. I went to
10 the President to make him aware that there are these.

And if you allow me, I can even mention the names of those people because they have been historically in the department. They were part of the genesis of the department, from Minister Maharaj to Minister Jeff Radebe to *Minister (Joel) S'bu Ndebele(?)* to Minister Ben Martins and to myself.

And I said it will be wrong for government to insist in this capacity and especially people and then lose them, to go out and probably start their private sector
20 consultancies and with exorbitant costs and now come back to the state.

And it was under that context that I went to the President to alert him about this vacancies. That time it was going to be eight months or so before the due time of Montana to leave.

So I was making him alert of that, and I even said to him: Mr President, you have got these responsibilities in the continent. You are the Chair of the North South Corridor that speaks about the real network from Mombasa to Durban. It deals with the challenges of *weighbridge*(?) and all of that.

And I even briefed him about the issues that we are dealing with between Zimbabwe and the agreement that we had gone to engage with the Minister of Transport of
10 Zimbabwe with regard to how to deal with the *weighbridge*.

So as a Minister – and it was the witnesses that I gave you an indication earlier on, Chairperson, about the fact that we do not have performance appraisals. I then felt it is important because the President meets with his colleague in the region in the continent. It is important for him to know but also it would strengthen his hand to help this knowledge of people as a team of people around him.

And I then said I am not looking for capacity elsewhere. There are these people that in the Transport,
20 Rail and Road and whatever. You could then use these people as even advisors and on different platforms that you are engaging.

It was just after he had received that review of the state-owned entities report. And in my limited or my weakness I then thought I am strengthening the

government by not losing the capacity, because my concern was that we are going to lose this capacity or these people that the Government of the African National Congress has invested in them over the years.

So I then said, even as advisors you could utilise them. And that was the rationale Chairperson.

ADV VAS SONI SC: Let me ask you this. And the question I am asking is. I understood you to say that is the procedure that applied whenever the CEO of a
10 company – of a state-owned enterprise is either appointed or was leaving or am I wrong?

MS PETERS: With regards to appointment, I did give an indication that the President is the Chair of the Cabinet and it would be an anomaly and sorry, Chair, if I used my previous experience as Head of Government in the Northern Cape at – and maybe it clouded my approach to dealing with matters of government.

I then had to brief the President, primarily because, it is – and consult with the President because...
20 this meeting, he is the one that also needs to give guidance and conclusion to whatever meeting that would be determined but also, it helps when you consult with other colleagues in Cabinet.

And I want to indicate that there was once when I was almost appointed as the CEO of another entity, only

to find that he had left another entity of government, reporting to another department under a cloud. And based on the consultation process, they could alert us to that particular issue.

So I was saying, for me I believed that it is important that the head of government always be informed about particular processes. With regard to the leave... The appointments, yes.

10 With the leaving, I – when they leave, I gave that example because I felt it would not be good for us as government to lose this capacity and then later on source it at exuberant amounts. *Bona-zer-alie(?)* and Siphon Khumalo's and all those type of people, were the people that actually went to the President about.

CHAIRPERSON: Ja, okay. So would your answer be that with regard to the appointment of CEO's of SOE's, your understanding would be that the relevant Minister would approach the President first to get an indication of whether the President has any issues with regard to the
20 appointment of a particular candidate or particular candidates from which the selection must be made?

And that when a CEO of an SOE may be facing a possible dismissal, the relevant Minister would approach the President to alert them that there may be dismissal of an CEO of an SEO?

I think if I am not mistaken, that is what Mr Son is asking, whether to your knowledge there was a practise that went along those lines.

MS PETERS: With regard to dismissals, that was another matter. It never even occurred to me that when a person is dismissed...

Let us remember with the Montana case, the chair of the board came to inform me - equally I think in his affidavit, he does make reference to the fact that when
10 they arrived it was a time when Montana indicated to him that his contract is about to end and they then requested him to stay on.

I then knew that Montana's contract is coming to an end. I think it was the next year towards the – either the end of that year or next year.

CHAIRPERSON: It was the end of the year, I think.

MS PETERS: But it was early in the year.

CHAIRPERSON: H'm.

MS PETERS: So then I made the President aware that
20 prior to this time arriving, make it possible that in – not actually directing him or whatever. I was advising him that as the Minister having been in this position that you have deployed me in, I have met these people and these people, it is this one from SunRail, this one from C-BRTA, this one ARTIA(?) and this one from PRASA. Their contracts are

coming to an end.

CHAIRPERSON: H'm?

MS PETERS: But I believe there is knowledge, these three and knowledge and information and whatever skills that they have. That we cannot lose.

CHAIRPERSON: Okay.

MS PETERS: It was only that instance Chair.

CHAIRPERSON: Okay. Yes. So is your answer that, as a general practise, you are or you are not aware that
10 ministers will approach the President alert him if the CEO of an SOE under their portfolio may be leaving or may be dismissed?

MS PETERS: I can repeat Chairperson. With regard to dismissal, that is a labour related matter and Labour Law issues. There was no way in which we could get involved. But with regard to the possible or the eminent ending of a contract...

CHAIRPERSON: H'm?

MS PETERS: I do not know about other ministers, but I
20 am saying, in this instance, I used my previous experience and I used the fact that we are losing expertise ...[intervenes]

CHAIRPERSON: Okay, no, that is fine. I have understood what you did in regard to the specific instance. I think Mr Soni wanted to know if there was a general practise.

MS PETERS: No, it is not a general application.

CHAIRPERSON: Okay. But with regard to the appointment, the President would be approached by the relevant Minister to say whatever process has been followed, here is the name I may be presenting to Cabinet for consideration to fill the position of CEO in such and such an SOE. Is that correct?

MS PETERS: I do not know about others.

CHAIRPERSON: Yes.

10 **MS PETERS:** But I know in my situation ...[intervenes]

CHAIRPERSON: You did that.

MS PETERS: [No audible reply]

CHAIRPERSON: Okay alright.

ADV VAS SONI SC: Now in regard to appointment of boards, what role did Cabinet play?

MS PETERS: Pardon Chair?

ADV VAS SONI SC: With regard to the appointment of boards of SOE's, what role did Cabinet play?

20 **MS PETERS:** Cabinet had equally – the same procedure, appoints the boards of SOE's. And if you have the courtesy to do the same approach to the President, you will do it. Like I say, I had made it my approach to say this is what I am presenting before Cabinet. Even with regard to policy, I used to do that

ADV VAS SONI SC: No, Ms Peters, sorry, we must limit

your answers. I am sorry about that.

MS PETERS: I am sorry Chair.

ADV VAS SONI SC: Now with regard to the dismissal of a board such as PRASA's board, what role does Cabinet play?

MS PETERS: Cabinet is not involved.

ADV VAS SONI SC: So the Minister chooses when to dismiss a board with no reference to Cabinet at all?

MS PETERS: Once you have appointed the board, you as
10 the Minister works with the board, the board reports to you and when the time had arrived, I make this instance, when the time had arrived where there were these particular issues, I then terminated the board, wrongly or rightly.

CHAIRPERSON: Well, let me ask this question. With regard to SOE boards. When you take the names of or the proposed names of board members of an SOE to Cabinet, does Cabinet actually make the appointment or you make the appointment but you present the names to them to see whether any colleague has, in Cabinet, any issues with
20 what you propose with the people you propose to appoint?

MS PETERS: In Cabinet, there is something called Cabinet Committees.

CHAIRPERSON: H'm?

MS PETERS: The first report or the first Cabinet full package will be presented to the Cabinet Committee and if

the colleagues support you and agree with that particular, it would then be part of the Cabinet minutes that goes to Cabinet.

CHAIRPERSON: H'm. So if they approve?

MS PETERS: Yes, Chair.

CHAIRPERSON: Yes. But who actually does the appointment? Do they say you can go ahead and appoint this board or do they say: We appoint this board, as Cabinet? So you make a recommendation to Cabinet and
10 Cabinet appoints or the power to appoint lies with you as Minister but you take the matter to your colleagues in Cabinet for a consultation process?

MS PETERS: For consultation, Chairperson, and support. In the most instances it is there for support. They would support you. Remember Chairperson, when you are in a position of authority like government, you do not govern for our own self. Even the next ones that come, continue with the those ...[intervenes]

CHAIRPERSON: Yes.

20 **MS PETERS:** So as Cabinet members, we were always operating on the principle of individually and collectively responsible.

CHAIRPERSON: Ja.

MS PETERS: So I would have taken the proposal from the board with my signature saying I support this.

CHAIRPERSON: H'm?

MS PETERS: And I... No, there would – the right word is I recommend for Cabinet to support this particular board appointment and then in most instances, Chairperson, they would support.

CHAIRPERSON: But the actual letter of appointment comes from you?

MS PETERS: The actual letter? Yes.

CHAIRPERSON: And you ...[intervenes]

10 **MS PETERS:** Because the Minister is the delegate ...[intervenes]

CHAIRPERSON: You are the appointing authority, as far as the board is concerned?

MS PETERS: Back to the board to say Cabinet has approved this. And in most instances, the board would already know even before the Minister writes back to them that – because there would be the next day a Cabinet statement.

CHAIRPERSON: H'm.

20 **MS PETERS:** H'm.

CHAIRPERSON: Okay. It might not have been... it might not be as clear as I would have liked but I think we can go and proceed.

ADV VAS SONI SC: Yes. Now Ms Peters, the power to appoint boards rests in terms of the PRASA Act with the

Minister and the power to dismiss rests with the Minister.
You are aware of that?

MS PETERS: Yes, Chair.

ADV VAS SONI SC: Now when you are dismissing all the members of a board, is that a matter that you would regard as unusual to take the President or to take to Cabinet?

MS PETERS: When that happens – maybe the circumstances under which this particular happened was different but when that happens, you do not take it to
10 Cabinet or to the President because the responsibility has already been given to you and you – it is charged have that particular responsibility. And you take responsibility for the actions that ensues from that, rightly or wrongly. And I would want to say, if it was wrong, then...

CHAIRPERSON: Ja, you make the decision ...[intervenes]

MS PETERS: Yes, Chair.

CHAIRPERSON: ...that you believe is correct, whether somebody else thinks differently.

MS PETERS: Yes.

20 **CHAIRPERSON**: That is the decision you make.

MS PETERS: Yes, Chairperson.

CHAIRPERSON: H'm.

ADV VAS SONI SC: Now that is the principle in this case. Did you discuss this matter with the President?

MS PETERS: After the board was dismissed.

ADV VAS SONI SC: Before the board was dismissed?

MS PETERS: Not before the board was dismissed.

ADV VAS SONI SC: After the board was dismissed?

MS PETERS: After the board was dismissed... I phoned him and just informed – I think, if my mind serves me well, I phoned the Secretariat of the President to inform him that this is what happened.

CHAIRPERSON: Ja, do not speak away from the mic. So ...[intervenes]

10 **MS PETERS:** Okay Chair.

CHAIRPERSON: Ja, just repeat.

MS PETERS: I am trying to recall exactly how the process unfolded but I think I phoned the Secretary of the President to indicate that he must – she must inform the President that this is what happened. If it comes out in the news, he must not be surprised because time did not allow.

ADV VAS SONI SC: When did you take the decision to dismiss the board?

MS PETERS: When did I take the decision?

20 **ADV VAS SONI SC:** Yes, to dismiss the board? You wrote the letter ...[intervenes]

MS PETERS: At the ...[intervenes]

ADV VAS SONI SC: ...on the 8th.

MS PETERS: Yes, Chair.

ADV VAS SONI SC: When did you take the decision?

MS PETERS: On the 7th, I think I wrote to... Is it the 5th or the 7th? I wrote to the board, indicating to them that they must deal with these challenges related to their specs and their conflict. And at the end of – I think it was the end of that week, I took that particular decision. I think it was a decision that I made that up to so far and no further.

CHAIRPERSON: Do you recall whether you made the decision on the 8th, which was, I think, the date of your letter to them or the previous day or two days before the
10 8th?

MS PETERS: I think it was on the 8th.

CHAIRPERSON: It was on the 8th?

MS PETERS: [No audible reply]

CHAIRPERSON: Okay.

ADV VAS SONI SC: Now I read to you a passage in the Parliamentary or in the Portfolio Committee debate, where the person who succeeded you as Minister of Transport, Mr Maswanganyi, said but there are just three months left. Why – even if it ...[indistinct – word cut off] why should we
20 dismiss this board? You heard that – I mean, you read that that is what he had said. Can I ask you why did you dismiss the board three months before its term of office ended?

MS PETERS: Chairperson, I did indicate that it might have been wrong at that particular moment but for me at

that moment I thought it was correct decision.

ADV VAS SONI SC: Now you knew at the time, we know it is early March, you say maybe 6th, 7th or 8th, it does not matter, but you knew in March that come the end of July a new board needs to be appointed. You knew that.

MS PETERS: Yes, Chair.

ADV VAS SONI SC: Just like you knew when Mr Montana's contract was going to end that a replacement needed to be found.

10 **MS PETERS:** Yes, Chair.

ADV VAS SONI SC: What steps did you take before you took the decision, irrespective of the decision, what steps did you take to find a replacement board?

MS PETERS: We had already started with the advert for the new board.

ADV VAS SONI SC: When was that?

MS PETERS: Already around that time the advert was out, Chairperson.

ADV VAS SONI SC: And how long would that process
20 have taken?

MS PETERS: I am unable to anticipate how long it would have taken, Chair.

ADV VAS SONI SC: You see, I will tell you why, Ms Peters, you might remember I have read to you what the late Mr Makwetu said in his affidavit and we went through

those passages and he said two things. One, he said the instability in PRASA was due to the fact that it did not have permanent CEO. You remember that?

MS PETERS: Yes, Chair.

ADV VAS SONI SC: He also mentioned that there was a time in 2016 when the board was quorated because the Treasury representative was not there and he made the point that you then regularised the position.

MS PETERS: Yes, Chair.

10 **ADV VAS SONI SC:** What is it that causes you in spite of – and remember we have been through this, that there is exponential increase in irregular expenditure.

MS PETERS: Yes.

ADV VAS SONI SC: And what causes you to create more turmoil, and I am putting this to you, causes you to create more turmoil and dismiss the board there and then?

MS PETERS: Chairperson, I did not create more turmoil, I created an opportunity with an interim board.

20 **ADV VAS SONI SC:** But that is exactly the point that Mr Makwetu is making in regard to inference, he was saying PRASA does not have a CEO since July 2015, everybody thereafter is in an interim position, this is what is creating instability but that is the very thing you do, you dismiss a permanent board.

MS PETERS: Chairperson, earlier on I did indicate that it

might in somebody else's reading be wrong and I concede t
it.

ADV VAS SONI SC: You see, Ms Peters, when I say something to you and I have to put it to you, Mr de Freitas says that the reason that the board was dismissed was to avoid that inquiry that had been agreed to in the previous week, on the 7th, I think, for the [indistinct – dropping voice]

What do you say to that?

- 10 **MS PETERS:** Chairperson, I want to put it on record here that it is not possible that that inquiry could have been the reason why the board was [indistinct – dropping voice] because already at that particular stage there was an investigation that was happening, that I made reference to that. Between myself and Mr Molefe we had agreed that we will reconcile the forensic investigation I had requested the auditor-general to do as well as the work that they were doing in PRASA with the Derailed Report as per the Public Protector's determination that Treasury investigate
- 20 everything that is above 10 million. That investigation was on in the office of the Chief Procurement Officer. What we needed to follow up was the process now with what the Chief Procurement Officer was doing. So there was no way I could be part of a plan to stifle an investigation when I knew that instead, Chairperson, I did indicate in the

meeting we had with the AG that I am happy that the threshold for the investigation that is being referred to the office of the Chief Procurement Officer is even lower than where I had pegged it which then took it to 10 million.

And remember, there was indication that in PRASA the delegations for procurement were at times more than 500 million or more than a million. So the fact that it went right down to 10 million satisfied me. So there was an investigation already that I had concurred with because I
10 had agreed and signed off on a request for a forensic investigation and because of the statement from the late Auditor-General that the because all these investigations needs the same people. There is sometimes, in their language, investigation lethargy. Let us put everything together. We agreed.

We had a meeting with the then Chief Procurement Officer and Mr Molefe to say this is what is going to happen. Between PRASA and the Chief Procurement Officer, the investigations were supposed to continue.

20 In fact, incidentally, Mr Molefe agreed when Letswaolo started there, that these investigations are part of the processes that he, Letswaolo, as they even gave him a term – called it Mr Fix It, that there is problems of malfeasance, corruption and other things in PRASA that this man is going to deal with.

And, Chairperson, I want to indicate here that the fact that Mr Maswanganyi did not continue or took whatever decision, he is responsible for those decisions that he took thereafter.

There is a saying that says you do not [indistinct] from the grave, you cannot want to come back as a former minister and say but you are doing wrong, you should follow that and it had never happened in my engagements with the portfolio committee to determine for them what
10 they needed to do even when they had called me to be before the committee, I would always adhere to what the committee has said we should be doing.

So the fact that the investigation did not continue I cannot take responsibility for, Chairperson. Thank you.

ADV VAS SONI SC: The choice before you at the time you made your decision, whichever day it was in March 2017, the choice before you was this, I either disregard what Mr Makwetu has been saying to me over and over again about the disruption not having a permanent board or
20 a permanent CEO, or I can tolerate this board for another three months. That was the choice. Do you agree with me?

CHAIRPERSON: Switch on your mic. You can keep it on.

MS PETERS: Thank you, Chair. I do not know what the choice was before me at that particular time, Chairperson.

CHAIRPERSON: Let me ask this question. If you dismissed the board three months before the expiry of their term and you appointed an interim board would the term of the interim board be the three months or would it be whatever period you were – you felt you could give to them? Was it the three months remaining that would not have been served by the dismissed board?

MS PETERS: Yes, Chair.

CHAIRPERSON: Yes.

10 **MS PETERS:** Because like I indicated, there was already a process in place for an appointment of a new board because this board's term was coming to an end. So that process was in place. That is why I then took a decision that this be an interim board so that it would also allow me with the process of the new appointment to do the consultation routes that we would have – they would have served the remaining period.

CHAIRPERSON: Well, I guess maybe Mr Soni has this question in mind that he maybe was going to ask or is
20 asking, would it not be fair to say to dismiss the board when all that is left is three months for its term to expire could not have been based on a reason that had been there for a long time, it had to be that it must have been a recent reason because, for example, if the board had not been performing its duties properly for two years and you

had not dismissed it, how does it help to dismiss them three months before the expiry of the term? But if there is something that has arisen that was not there that prompts you to say this board must go, then one could understand. What do you say to that? Would it not be fair to look at it in that way?

MS PETERS: No, Chairperson. I do not think three months was probably, in my view, going to be a very long period, that three months. I coincided with the last quarter
10 of the financial year and there were quite a lot of other things that were happening at that particular moment, Chairperson, and maybe with hindsight you could join the judge who said it was irrational but I feel, Chairperson, that if I had given the board a notice that says give me a reason why not to dismiss you, that was going to be good enough for the court to even see that it is not irrational because it would have probably laid out the whole – this thing. So maybe with hindsight you can say the court was correct to say it was irrational but I still believe that even it
20 was probably a week before the end of the term of the board because of my engagement. Maybe the limitation of this process is that you would – we are not dealing with things as up to the end, the build-up, can probably use that word.

CHAIRPERSON: Yes, you see, if – I mean the board came

in – was appointed sometime in 2014, if I recall correctly, about July or thereabouts.

ADV VAS SONI SC: Beginning of August 2014.

CHAIRPERSON: Ja, August 2014. August 2015, that is a year, you should have had a fair idea of whether they were performing their duties properly. August 2016, that is two years, you must have known by then if they were worth keeping. Now you are at close to the end of their term, about three months, if it was about performance, I just
10 have difficulty with the idea of – I do not have difficulty with dismissing for – if they do not perform, I do not have a problem, they should be dismissed if they do not perform, but I have difficulty in understanding the decision to dismiss them three months before the end of their term if the reason for dismissal is performance or if the reason is something that had been there for quite some time. If it is something that had just happened maybe one could look at that but also it seems to me one would – in your position one would need to factor in effect that if you bring in an
20 interim board, you would be bringing in an interim board for only a very limited period, number one.

Number two, they would need some time to get to understand their new job, all – at least in three months and before they could do anything their term would have ended. It does not seem to me, subject to what you have to say, if

does not seem to me to be something that one would likely do unless there was something that had just arisen that one found so totally unacceptable that one could not say look, they are leaving in three months, let me focus on recruiting good people.

MS PETERS: That time when this thing happened, Chairperson, and even in the letter that – I do not whether I did indicate in the last hearing that I will avail that letter that I wrote to the chairperson of the new interim board
10 about what is expected within that short period that they were there to do and make sure that they investigate the issues of the 350% salary increase, their unending or the prolonged investigations that was happening and all those other matters that are in those particular letters.

But like I have indicated, Chairperson, if you sit now in 2001- I mean, what is the year now, 2021, and you look what was happening in 2017 at that particular time, you would realise, Chairperson, that that is why I say given an option and opportunity, I would have appealed that
20 particular court judgment because even if ...[intervenes]

CHAIRPERSON: Yes but remember, we are not talking about the judgment now, I am just talking about...

MS PETERS: Why.

CHAIRPERSON: About why you would have thought it is warranted to dismiss the board three months before the

end of its term in circumstances where, as Mr Soni says, the Auditor-General had complained that there was instability in this entity which was adding to the problems. So if you dismissed this board three months before the expiry of its term you are going to put in an interim board, they need to take some time before they are on top of issues. Then they have to go, then they have got to bring another board. Then it takes some time before it is on top of issues. It just does not seem to be something that one
10 expects unless you say to me here is something that they have just done which had not been there before which was just so intolerable that I could not allow them to continue. That would be different for me.

MS PETERS: The issue raised by the AG about the instability at PRASA and the fact that all the issues that I have been raising were related to those particular issues also an including the other matters that were related to the performance, Chairperson, I would indicate here that maybe at that particular time that was the risk I was
20 prepared to take, even if it was going to be the last risk before I die or I get moved.

CHAIRPERSON: Yes. So is – so am I correct in saying you are not saying that there is something that happened which had not been there all along during their term, their tenure, there is something they had done which came to

your attention which was so intolerable that you could not allow them to continue for three months, what you dismissed them for were things that you had been engaging with them for quite some time. Is that correct?

MS PETERS: One of things that I would want to say at that particular time also, Chairperson, over and above the issues of the performance and all that, I did indicate, Chairperson, that it was this – what do you call it, the public space, the challenges that were there in PRASA with regard to many other things including the contestation or
10 the conflict that emerged between them and Letswaolo and I then took the decision Letswaolo must go back to the department. And whilst we were busy also with dealing with that – and one of the biggest challenges I used to have with dealing with the then Chairperson of the board is that you would engage with him and talk to him and the next thing it is in the media, it is in the press and for me, Chairperson, it was something that I felt is – it is not something that I can tolerate and work with because you
20 cannot have a situation where you meet with somebody, you agree with tomorrow there is a press briefing you have got to have also your press briefing to respond – the media wants you to – there was quite a lot of things that was happening and PRASA in itself was – I would say...

CHAIRPERSON: *Deurmekaar.*

MS PETERS: Pardon?

CHAIRPERSON: You said PRASA was itself – you said PRASA itself was – then you kept quiet, so I am asking whether you wanted to say *deurmekaar*.

MS PETERS: It was *deurmekaar*, it was *mengelmoes*.

CHAIRPERSON: It was?

MS PETERS: *Dit was 'n mengelmoes*.

CHAIRPERSON: Okay, Mr Soni?

ADV VAS SONI SC: So was your complaint against Mr
10 Molefe's approaching the press?

MS PETERS: Pardon, Chair?

ADV VAS SONI SC: Was your complaint – because I heard you say to the Chairperson, one of the last things, that what you could not stand was that you would have a meeting with Mr Molefe and he would approach the press. I am just trying to understand, Mr Peters, because at the end of the day I have got to say to you when one looks at all the information that is before this Commission relating to the dismissal of the board – and I want to come back
20 just now to the non-appointment of a permanent CEO but as regards the dismissal of the board, there is nothing before this Commission that suggests it was rational. In fact, if anything, it suggests that the dismissal was not *bona fide*. I am putting that to you.

MS PETERS: Chairperson, I need to indicate here that

there was a stage which I arrived at where I realised that it is very difficult to work with Mr Molefe. I can leave it at that.

ADV VAS SONI SC: Why did you not ...[intervenes]

CHAIRPERSON: Of course if he was the problem would not have had the opportunity of removing him only and continuing with the other members of the board with whom you had no difficulty? Why the whole board because of one person?

10 **MS PETERS:** Maybe because I had taken that there – when you meet with all of them they do not – almost like - like you say, in most instances I met the board in full several times but I met Mr Molefe several times, every now and then. Whenever he wanted an appointment he would come, he even knew where I stayed, he would come and we would meet and talk and he would want an answer immediately and even if you say give me chance and all those type of things. So like I said earlier on when the
20 advocate was raising issues related to what the judgment said, I said probably with hindsight, one could say probably it was irrational the way I approached it but it happened at that particular moment.

CHAIRPERSON: But you accept that if your difficulty was with one member of the board, the Chairperson, there would have been no reason to fire the whole board?

MS PETERS: With hindsight ...[intervenes]

CHAIRPERSON: You would have fired him.

MS PETERS: With hindsight, yes.

CHAIRPERSON: Yes.

MS PETERS: But they were not – I would say that the other board members [speaking vernacular].

CHAIRPERSON: You want to say that in English?

MS PETERS: I would say, Chairperson, that the other ...[intervenes]

10 **CHAIRPERSON:** Because I am not sure that I understand it but ...

MS PETERS: The other board members were not probably able to manage the leadership style of Mr Molefe. That is my view.

CHAIRPERSON: Yes but of course once he was not there that problem of theirs would not be there because it would be somebody else who would be Chairperson.

20 **MS PETERS:** Ja, it was happened and they then increased their remuneration. When I raised it with him he said I was out of the country and so I am not responsible. You know, it – I do not know, Chairperson, but I am saying with hindsight you can say it was an irrational approach maybe having arrived at up to so far and no further. Maybe that is...

CHAIRPERSON: You see, the reason why we – why both

Mr Molefe and I go probe into your reasons for certain decisions such as ...[intervenes]

ADV MAJAVU: Mr Soni, Chair. Chair, you said the reason why Mr Molefe and I, and I am just correcting that Freudian slip.

CHAIRPERSON: Oh and I did not hear myself. Thank you. Thank you, Mr Majavu, thank you. The reason why Mr Soni and I are probing certain issues including your decision to dismiss the board is we want to understand how
10 certain things happened at PRASA and we want to understand because sometimes decisions are taken and certain reasons are given for those decisions but those decisions are not the truth – those reasons are not the truth, there are other true reasons that are not being advanced. So we want to know whether reasons that were given were the true reasons or there maybe have been other reasons or there may have been certain pressures, like we do not know, we want to try and understand because sometimes when decision does not seem to be
20 rational, it might mean you must probe further because you might arrive at the truth. So I am not saying necessarily that the reasons you were gave were not the right reasons, that can be decided later, I can decide that later but that is the reason why you see us wanting to try and understand the reasons for the reasoning that – on which your decision

was taken. Okay.

MS PETERS: Yes, Chairperson, like I said earlier on that at that point I just took a decision that if that is the risk I am taking, I am prepared to follow through and bear the consequences. Like I said earlier on, if there were other pressures they were internally within the Transport and PRASA related ...[intervenes]

CHAIRPERSON: Within your portfolio.

MS PETERS: Yes, in the portfolio itself, Chairperson.

10 And at that particular time, like I said, that at the end of a meeting where I was with the board and CEOs were taking a decision there would be an assessment of all the board, all the boards took that, PRASA board refused and there is quite a number of other things but I understand your question, Chairperson, to say ...[indistinct – word cut off] within - when three months was remaining. Three months remaining but the process that you take to appoint was not necessarily going to be that three months. At times it went beyond the three months, primarily because of the process
20 that you need to follow. May that was what informed me because the advert is out but I know in the back of my mind that it might, we might say, there is three months remaining, it could be six months.

And for me, the other processes would have helped, but in terms of somebody saying, do this [speaking in

vernacular], I at that particular time and...[intervene]

CHAIRPERSON: It was your own decision.

MS PETERS: It was my own decision and that is why I said Chairperson that if I was irrational, I accepted that but I still say that if we had been given – I was there on the 10th of April, and the outcome came, because of the weakness.

And I need to acknowledge that at times, even as government the reason why we lose cases it is because of the weaknesses of our affidavits and information and I think because of the weakness of our case, we lost it, and I think that is why is say with hindsight, I believe had we appealed we would have won.

CHAIRPERSON: You see, I think part of the reason why, for example, Mr Soni was referring to the attitude of the Portfolio Committee with regard to the inquiry that they had decided should be conducted is that the parts of Mr De Freitas affidavit that he was reading and the documentation from which he was reading gives the impression of a committee, which at a certain stage wanted to get rid of the Board. But they are taking a decision that there should be an inquiry into the affairs of PRASA.

As I understand it they did not say inquiry into the, conduct of the Board and inquiry to the affairs of PRASA but obviously that would encompass how the Board had

handled certain issues I would imagine. But then the moment you have dismissed the Board, suddenly they say it is not necessary to have the enquiry and we know that PRASA was left with serious allegations of corruption during that time, suddenly it is not necessary to have an inquiry.

So it is I think part of what was looking at is, is why is this happening like this? And then of course, you say, but it is only three months left why can they not wait, why can the Minister not wait, but I may be repeating what I have said, but I wanted to make sure that you understand the reasoning, Mr Soni.

MS PETERS: Yes, Chair I understand the reason.

ADV VAS SONI SC: Ms Peters, you just said to the Chairperson, well, I knew this would take, or it may we think it will take three months, but it may take six months. Now, this is the difficulty I have with that on your version and I am saying on your version, because I have got to put it to you I do not accept it. On your version you wanted this Board out for some time, certainly before the beginning of March 2003. You had, as you said you had had your gut follow it, you had had enough of them, they tested your patience.

MS PETERS: Yes, sir.

ADV VAS SONI SC: Right, that is why to avoid any

extension of their term if that was the position, you would have started the process of replacing the Board three months' sooner than you in fact did. That would be made sure that they would not be one more day with this existing Board.

MS PETERS: Chairperson, I am saying that the Board, in particular the Chairperson had pressed my patience for a very long time with regards to the core responsibilities of the work that was before them. It had nothing to do with
10 the Portfolio Committee process. It had nothing to do with any other matter, except the fact that that is where I had arrived at that particular time.

And I still concede at this particular time that if it was irrational, it was because I was informed by my experience up to that moment, as well as remember, when the predecessor to the acting Group CEO Letsoalo, Mr Molefe came and said, this man is useless and now there was this one, which we thought would be there to try and clean up and make sure that by the time that the CEO is
20 appointed, those issues that were set needs to be addressed, has been addressed, and then again, there is this issue with regard to this one.

So, freely speaking, I was at my tethers end and I felt that that is what informed the Chairperson, and I am sorry that the Portfolio Committee decided to abandon its

own processes, based on the fact that the Board was removed, when they could have continued because if you look at the letter that I wrote to the interim, I even take from the previous letter that I wrote to the Chairperson of the Board to say I wrote to the Chairperson, with regard to these matters, continue with them.

CHAIRPERSON: Mr Soni.

ADV VAS SONI SC: Ms Peters I have heard you, can I ask you just one question, I heard you say so many times, 10 that if it was irrational that decision was taken in March 2017, the decision to dismiss the Board, we are now in March 2021. When you reflect on it, was it rational?

MS PETERS: I would say the timing was wrong, thank you Chair.

ADV VAS SONI SC: So we can accept then based on the fact that as has been put to you, there is three months left, what the Auditor General had said the instability the fact that there was no CEO. When you look at it now, it sounds irrational, and maybe one should have just waited until 20 there term had ended and they would have ridden off into the sunset. Would that not be the more rational thing?

MS PETERS: I do not know that, Chairperson. Chairperson can I be given one and a half minutes' comfort break?

CHAIRPERSON: Okay, alright, let us make it, shall we

make it 10 minutes, 5 minutes? I assume one minute would not be good enough.

MS PETERS: Five minutes will be fine.

CHAIRPERSON: Five minutes, okay, we will take a five minutes' adjournment.

ADV VAS SONI SC: As it pleases.

CHAIRPERSON: Okay.

INQUIRY ADJOURNS

INQUIRY RESUMES

10 **CHAIRPERSON:** Yes, let us continue.

ADV VAS SONI SC: As you please, Chair. Ms Peters, I want to finish this part of questions I want to ask of you, I want to raise this with you, because I said to you I am aware of your contribution to the new society.

CHAIRPERSON: Speak up a bit Mr Soni, yes I cannot hear.

ADV VAS SONI SC: Sorry, Chair.

CHAIRPERSON: Yes.

20 **ADV VAS SONI SC:** I was saying, that I am deeply conscious of and very appreciative of the Ms Peters contribution to our new society. You know, Ms Peters all that we or people who have contributed to our democracy will leave behind the legacy. Now, I say this to you, conscious of what the Chairperson said that one needs to understand what happened.

Now, I have got to say it to you, and I say it with the utmost respect and humility, that it does not make any sense to me, given all the facts, that there was not something more in relation to the dismissal of the entire Board than what you have communicated.

MS PETERS: Chairperson I said earlier on that, I think that probably the timing was wrong, but Chairperson with my experience that advocate is referring to, I know that one day, one week, a month, is very long in government
10 and a lot can happen.

At that particular time Chairperson, in my view, and in my recollection of what was happening in PRASA, I believed that I would be allowing this Board to preside over destroying the company further than it was. So that informs me and I said earlier on that, if it is in the understanding of the Commission that I was wrong, then I concede.

But I am informed by this very experience of having served – this, during the anti-apartheid - and incidentally, I
20 want to indicate that my patience was also informed by my knowledge and experience of having worked with Mr Molefe and my respect for him, which I still have, up until today. Like I said, even in my affidavit, the matter has never been personal. Even when he called me Mzolwana in or a born again, Christian, I accepted it, that is my leader saying it

these type of things.

But Chairperson, I think there is a stage where you really need to say, why allow that which has been destroyed so far or do I salvage, and in my own view, that is what I thought I am doing at the time.

And that is why if you could have looked at the reasons for appointing the interim Board, whilst we appointing - I did not look for a one-person administrator or those type of things, I looked at a team with particular
10 skills that I thought would be able to take the process forward, including the representatives from the department and all those.

And in my view Chairperson, I was trying to correct that which I said, the company is not ready for a new CEO at that particular time, and I am happy and I want to congratulate the Minister of Transport for finally getting a CEO for PRASA and I wish the CEO equally like the person who said to me from a compliments and congratulations and condolences, because it is important that you realise
20 that there is a lot that needs to be done to be able to turn around that particular company.

So I just want to say that the public space and the things that were there created the environment in which, as a Minister with other matters that I had to deal with the 12 entities plus the two regulating bodies, and the

responsibility that we were facing the end of the financial year and all that, I just thought that up to so far and no further. So I say to you, Chairperson, if I was wrong, I take it that I did it in the cause of doing my responsibility.

MS PETERS: Ms Peters let me finish my point on that issue by saying the following, it may be that in addition to finding that, or let me not anticipate what the Chairperson will find. But let me say that, I am going to argue at the end, when we are debating PRASA, that not only was your
10 decision irrational, as you somewhat seem to concede, you have not been candid, you have not given us this true reason.

MS PETERS: Chairperson, if there is somebody else who knows the true reasons for this particular decision at that particular time, I think probably the Evidence Leader would be able to provide those particular true reasons.

But as I speak, and as I am seated before you today, I can vouch that - Chairperson, let me give you an example, that is why I say if it was wrong, on my part as
20 Elizabeth Dipuo Peters, I concede and accept, I will accept that responsibility. And if it was irrational, as indicated even in the judgment here, I will accept. But I am saying, for me, I was informed by the circumstances I was faced with a particular time. And that is why I said, like they say in the township the timing might have been wrong but I felt

that one day, it could be just a day too long, or a three months was going to be too long, and I felt that I needed to act at that particular time.

If there is other information elsewhere – I am one-person Chairperson that do not entertain corridor talks, and that is why I am not going to come before you and say I was put under pressure by somebody, when that person has never put me under pressure for anything. And I think it is important that I be a big girl and take responsibility for
10 my actions, and I am saying if it was wrong, I take it that it was wrong.

But if I had extra time, I was going to change that wrong, and I was going to make it right, according to the prescript in terms of giving them notice, to tell me why I should not because I believe that that was only the lack but also the fact that we had a weak legal argument in terms of the documents that we presented. So given another opportunity, we would have strengthened our argument.

20 **MS PETERS:** I am going to finish my questioning by saying this that when one looks at the facts one looks at what happened in the public space in an important arm of government, namely in Parliament. What is quite clear is not so much that the Molefe led Board conducted the investigations into corruption at PRASA, multi-billion-rand

corruption. There was a R3,5billion and we have been through it before, a R3.5billion the Swifambo contract, which the Supreme Court of Appeal said in so many words was corrupt.

The Siengena contract, which recently the High Court in Pretoria of a three Judge bench set aside R2,8billion that for that Board to be put in inverted commas “rewarded” who had been unceremoniously removed from office does not make sense. So I just want to put that to
10 you.

And then what was said was that it was Mr Molefe’s revelation that there may have been a link between the Swifambo contract, the award of these contracts with Swifambo and certain pressures being put on individuals to make certain payments, purportedly to the ANC.

I am putting that to you that that is the only reasonable explanation that, or the most reasonable explanation that comes to mind as to why that Board was dismissed.

20 **MS PETERS:** Chairperson I want to indicate it here and now that there is no way that this investigations would have been the reason, because at the point when this investigation started, we had a discussion with Mr Molefe and we agreed, including Chairperson even on the new trains that are being built. We agreed on this

investigation, and that is why somebody made reference in the last hearing that - I think it is Mr De Freitas that says in my answer to a parliamentary question, I did give an indication that I supported the investigation by Werksmans.

Yes, I agreed Chairperson. We agreed even with the investigations by Werksmans and I gave an indication that in the time that this report about Swifambo and others came up Mr Molefe came with the Chair of the Audit Committee and showed me and that is why we even went –
10 I had to say some of the matters needed the Auditor General to do a forensic investigation.

Chairperson, this investigation of Swifambo with the one of the locomotives that they said were too big, we agreed with Mr Molefe. He went to court with it with my understanding my issue was Chairperson that in the first year of the Werksmans investigation, it was unforeseen, unplanned, and we agreed that it could go ahead.

The second year, you cannot say it is unforeseen. They needed to plan for it as a Board and the company
20 now, so that they can then be able to continue with the investigation.

The third year Chairperson, I said, it is important that this matter because it is part of the Auditor General's report Chairperson, as well as the Portfolio Committee having raised it, you need to regularise it, there is ways in

which things are regularised. Some of those things even involves taking it back to Parliament to another committee of Parliament called SCOHA, which is the Appropriations Committee in terms of the deviations that you request from Treasury, the extensions you request from Treasury, or modifications that you request from Treasury.

That is ways in which you regularise certain things that you have done in the previous period that you believe needs to continue. And I thought Mr Molefe understands
10 that, and Mr Molefe and Tim should have continued, we fully work together even including with all these investigations.

The last periods, he then did not even inform or report. That is why out of myself, I wrote to him to say, can we get a report because we were no longer even getting periodic indications that now we are going to court. This is type of happening, and I said, in my understanding, and in my experience, that Mr Soni referred to I know that investigations when they go on, they open another loop,
20 which needs a new mandate.

And therefore, if that is the case, we need to be able to look at the Werksmans report, especially in view of the fact that it is linked now to the derailed report, as well as the combined investigation that we say the office of the chief procurement officer must follow up. Can we get a

report on what has been done so far, so that we can then be - in my own limited understanding and limited wording of the letter, I thought he would understand that this would also be part of the process that would help him to be able to regularise this irregular expenditure that is now growing.

And at that particular time, we were already told that it is above R200million. And, Chairperson it does not mean that if you are looking at wrongs, you need to take a wrong way of addressing the wrongs, you need to make
10 sure that your way of doing it is correct, and I thought that is the route that we are following.

Incidentally, Chairperson, I had an opportunity to serve with Mr Molefe in the National Executive Committee of the African National Congress and at one stage, me and him were given a responsibility together with other officials, the late TG of the ANC, the then a secretary general, and another member to be part of the Finance Committee of the ANC.

And we knew that this thing, that is why I said to
20 him, if there is an R80million story, you need to also investigate it, investigate it by the ANC equally, and I was on record in SADEKA where I said whilst PRASA and government is investigating the R80million, the ANC itself must investigate who is fundraising in the name of the ANC so that the ANC can be able to follow up this particular

individuals. And that is the only thing at no given stage, there were Braamfontein Depot that was being dealt with, there was a lot of things.

CHAIRPERSON: But basically, what you are saying is you were in support of...[intervene]

MS PETERS: Of the clean-up, of the clean-up.

CHAIRPERSON: ...to conduct those investigations, to be conducted.

MS PETERS: Yes, Chairperson.

10 **CHAIRPERSON:** You just had certain issues around how it was done but in terms of the investigations being pursued, you are saying that you were in support of that, and you told him.

MS PETERS: I was in full support of that Chairperson, in fact Chairperson if you read the - at another time, the affidavit of Mr Montana, he seems to read that to be an indication that I had then given Mr Molefe a mandate to get rid of him, which was not true.

20 And I am happy, honourable I mean Chairperson, that they Evidence Leader indicates issues of legacy. I do not one day to want when the almighty calls me to have people doing funny things over my grave, I want to rest in peace at the time it happens and I am not going to stand in any form of investigation or prevent any investigation. I am just saying, let us do things correctly.

CHAIRPERSON: Okay.

MS PETERS: And that is why I believe Chairperson in conclusion, why in every correspondence to any Board, in any entity that I worked with, to always put things in writing, because I know it is not for me, it is for those who will come after me to be able to have a paper trail and a record. Thank you, Chair.

CHAIRPERSON: Mr Soni.

ADV VAS SONI SC: I am going to suggest to you Ms
10 Peters that, this is your decision not to appoint a CEO from the time the Board started pressing you to do that, as I understand it was early 2016.

That especially when a black woman was recommended, and not only black in the collective sense, but an African woman who met all the criteria, to fit that position that that to the explanation you have given us here as to why that was not done was also lacking in can do.

MS PETERS: Chairperson, in the last hearing, I did give
20 an indication that I take responsibility for the delay, because there were certain things that happened around that time, that prevented me to go through the full consultative process.

And if it so happened, that it could not have been carried through to the final end, then I take responsibility

Chairperson, but whether I am candid or not, I want to say I have always believed that the truth you do not have to remember you tell it as it is.

CHAIRPERSON: Let me ask this question and it is quite important that in regards to the failure to appoint permanent CEO as well as what was happening at PRASA over you as Minister of Transport.

Did you keep the then President and the cabinets fully informed of what was happening at PRASA and the
10 challenges about allegations of corruption and at the relevant times the fact that the position of Group CEO was vacant and was vacant for a long time and no appointment had been made or that you did not think PRASA was ready for a permanent CEO.

Did you keep either the President or the cabinet or both properly informed about what the state of affairs was at PRASA?

MS PETERS: I informed, what is called the ETC which is an informal committee of the Ministers of the economic
20 PRASA.

CHAIRPERSON: Yes.

MS PETERS: And then Chairperson I, like I indicated I informed the President on those matters and I am happy to indicate that when I went to the President with a list of issues that were being investigated, he gave on various

matters, he gave a proclamation to the SIU to investigate some of the matters that was on the list of issues that needed to be investigated. And we had not concluded on everything, and like is said the last time if you have briefed somebody on something and you have not concluded on it I do not take it that that is the final it means that there is still need for us to go there.

In fact, even the one of the issue of the trains recently I read somebody saying that those trains are not –
10 the locomotives it is actually not the trains. The locomotives the ones of Swifambo are not problematic but I want to say that the reports that we got at that time which I then informed the President was indicating that the trains were not meeting the standard and there was no – what is this, they even said that there is no aftercare maintenance contract arrangements.

There was an issue related to whether it can fit into the existing locomotives workshop and even Chairperson they say things happen for a reason. Incidentally during
20 the testing process one of the locomotives derailed on a Transnet network not very far in the Northern Cape and I said [speaking in vernacular] because now it would look like this trains can only move or this locomotives can only move in the Northern Cape because I am from the Northern Cape.

Because it fall and the length of time it took for that locomotive to be removed from there and literally Transnet removed it from the tracks and put it on the side convinced me that it is true that it is this locomotives that are not suited and that is why we continue and we agreed with this investigation at Swifambo because...[intervene]

CHAIRPERSON: Do you want to translate [speaking in vernacular]?

MS PETERS: I was actually saying Chairperson to Mr
10 Soni, I am – does it mean that I have got bad luck that this thing should happen in the province I come from because it got derailed around in the Northern Cape and for me that was an indication Chairperson, and the one of the others that we as PRASA had paid for access control things that we have in the Gautrans that are not working all those things we agreed with Mr Molefe.

CHAIRPERSON: Yes, but your answer, is your answer that yes you kept the President and the cabinet or a particular committee, sub-committee of cabinet properly
20 informed of the state of affairs at PRASA?

MS PETERS: Not the full state affairs – when things happened you brief them accordingly.

CHAIRPERSON: As and when things happens.

MS PETERS: The then President had to establish I do not know, whether it is still happening had established

something called the in a Presidential Infrastructure Coordinating Commission, where we met as all these Ministers that are in the infrastructure sector.

CHAIRPERSON: Ja.

MS PETERS: And when you will report to the committee why there is delays because the trains were cited as one of those projects that needs to be tracked, and you would report that there is an investigation on this particular matter, there is this thing that is happening.

10 **CHAIRPERSON:** But would there have been regular written reports of your, about your portfolio that were either presented to the President once every six months or once a year, which could be available, which would have informed him or the cabinet of what was going on, if they did have such reports?

MS PETERS: In the earlier hearing Chairperson, I did give an indication and I think if my memory serves me well, in the response to the other notices I did attach the way in which I had created a platform to brief the President,
20 taking into consideration the limitation that there was no performance appraisals.

CHAIRPERSON: Yes.

MS PETERS: I then always had made sure that if there is something I would put it properly in writing, and others, we would talk about it informally or formally.

CHAIRPERSON: But there would be no written reports, or there would be sometimes?

MS PETERS: In some instances, there would be a written report, in some instances it would be...[intervene]

CHAIRPERSON: A verbal discussion.

MS PETERS: A verbal discussion.

CHAIRPERSON: Okay Mr Soni.

ADV VAS SONI SC: Chairperson, I have no further questions.

10 **CHAIRPERSON:** Okay thank you. Mr Majavu, so you propose to re-examine?

MR MAJAVU: Thank you, Chair, perhaps before I start might I just get an indication from the Chair, as to what does the Chair's time limitation permit so that I can pace myself accordingly?

CHAIRPERSON: Yes, what is your own estimate of how much time you might need to take?

MR MAJAVU: Chair I had not worked it out, I would prefer to work backwards.

20 **CHAIRPERSON:** Oh, okay alright, if we say 30 minutes, does that sound too little?

MR MAJAVU: No, let us soldier on and see how far we go.

CHAIRPERSON: And see how far, ja and you can review it if you need more time.

MR MAJAVU: I will be indebted to the Chair.

CHAIRPERSON: Okay, alright.

MR MAJAVU: Yes, I think...[intervene]

CHAIRPERSON: And then if you can take the podium there, that would be better now that they have sanitized. Ms Peters your attorney will now re-examine you. What that means is he will ask you questions that are aimed at clarifying matters that might, he might feel need clarification and so on.

10 **MR MAJAVU:** Thank you Chair and perhaps a couple of introductory remarks, which would proceed my re-examination, largely aimed at striking the process.

Firstly, Chair, I wish to confirm as my learned elder did indicate that this morning as at 11:28 we were placed in possession of a supplementary affidavit by Mr Molefe which we will consider and to the extent necessary our response there too will form part of the supplementary that we promised the Chair.

CHAIRPERSON: Okay.

20 **MR MAJAVU:** So to the extent that there may be an overlap we will not be-labour the point but only focus on the aspects that I believe fall properly within the province of the re-examination and where there might be an oversight or paucity of information it is not a deliberate oversight.

One had given an undertaking to Mr Soni that while the witness was technically under cross I am constrained to canvass certain issues, so I needed to put that disclaimer upfront Chair.

CHAIRPERSON: No, that is fine.

MR MAJAVU: And thank the Commission for making good on its word that there will be an attempt to bring us back here.

CHAIRPERSON: Yes, yes.

10 **ADV MAJAVU:** And for that we are grateful and that is why we had no difficulty.

CHAIRPERSON: Yes.

ADV MAJAVU: Accommodating the commission with different.

CHAIRPERSON: Yes.

ADV MAJAVU: And changing times.

CHAIRPERSON: Yes no thank you.

ADV MAJAVU: Then Ms Peters before I ask you these questions I want you to listen carefully to what I am putting
20 to you so that you can journey with me because you understand the parameters of the exercise we will go a lot quicker. I am going to pick up on certain propositions that were put to you and I will ask you pertinently and expect a pertinent and pointed response to that which I would have put to you namely do you agree do you not agree are you

able to explain yourself better without rehashing what has already been said and I will also refer you to one or two portions in the transcript of the proceedings of the 22nd and the 23rd.

Chair when I refer to the process – the transcript it will be purely for ease of reference for the Chair and my learned brother and I will indicate the page on which those purchases – passages are to be located and do no more than that.

10 **CHAIRPERSON**: Okay.

ADV MAJAVU: Ms Peters then when certain propositions are put to you I want to reassure you not that it is my place neither the Chair nor the evidence leader sought to cast aspersions on you but they were aimed at establishing your position with regard to what was put to you.

So I am going to be following pretty much a similar approach. So I am – I am pleading you to just give me short and pointed answers to very short propositions and that we might be out of here sooner. Do you understand that – are
20 you comfortable?

Then a useful starting point is you made certain concessions today and the previous occasions do you stand by those concessions that you made?

MS PETERS: Yes Chair.

ADV MAJAVU: And in instances where you say you take

responsibility for the decisions that you took as a decision maker at the time you still stand by that?

MS PETERS: Yes Chair.

ADV MAJAVU: Now let us accept that in some instances your conduct viewed telescopically today but backwards you have accepted that it was fumble and more 00:02:46 or a lapse of judgment or an incorrect decision. With those concessions let me ask you this pointedly. In any of the bad, poor or ill-considered decisions that you took were those
10 accompanied by any malice or any ill-intent by you?

MS PETERS: Chair there was no malice or ill-intent like I indicated even today that I respect Ndada Molefe and primarily because of my respect for him and having known him and knowing his history in South Africa that is why probably I allowed my patience with him and his board to scratch over.

ADV MAJAVU: Okay. In the lack of expedition with which you were expected to act or even in the poor decisions that you took did you stand to benefit anything personally as
20 Dipuo Peters?

MS PETERS: Not at all Chairperson.

ADV MAJAVU: Did you have any reason whatsoever to suppress any investigation into PRASA during your term of office at all?

MS PETERS: Not at all Chairperson.

ADV MAJAVU: Much was made about how you focussed on the money in the face of an investigation of corruption to the tune of R3.5 billion and this is how this was put to you. Chair you may just make a mental note that the portion about which I am to refer is on page 81 of 220 of the proceedings of the 23rd of February 2021 otherwise dubbed as Day 348. 23.

CHAIRPERSON: As Day 3?

ADV MAJAVU: Day 348.

10 **CHAIRPERSON:** Okay thank you.

ADV MAJAVU: And it is the 23rd of February 2021.

CHAIRPERSON: Okay.

ADV MAJAVU: The context had to do with the amount of money that was spent on the Werksmans investigation that is deposited against an indication that as we debated the letter that she wrote when she said close off the report. It was put to her or certainly I gained an impression and she will correct me if I am wrong the criticism seemed to have been going along the lines that why were you concerned about the
20 money spent on the Werksmans investigation when Werksmans was doing a good job of chasing after big corrupt contracts and this is what was said by my brother Mr Soni and I quote it starts from line 4 and a half at the top of the page. I open the quotation.

“Now does it make sense that you would concentrate on the

cost of the investigations, as opposed to allegations of corruption in a R3.5 billion contract?”

Now prior to that you would remember the Chair observed and a made a rightly so but were you not concerned about the forever increasing quantum of the irregular expenditure? You remember that exchange with the Chair?

MS PETERS: Yes Chair.

ADV MAJAVU: Now what do you have to say to a criticism that says, when you were raising the concerns that you did
10 apropos the expenditure on the Werksmans Report at the time when you compare it with the ever increasing regular expenditure. What do you have to say to yourself about that because that there was irregular expenditure growing is a fact we do not need to debate it. But it was put to you but you seemed to be focussing on a small dot as opposed to chasing bigger criminals?

MS PETERS: Can I respond Chair? Yes Chairperson I remember that – that statement and I – I need to indicate to you Chairperson that like I said earlier on all these
20 investigations that were done I supported. Equally so I was dealing with the issues related and I – there is correspondence to that effect related to the matter of the growing over – irregular expenditure in – and irregular and unauthorised expenditure in PRASA which was – had moved from something like 500 to more than billions. 500 million

to more than billions and the reason being that Chairperson I did indicate that my concern with regard to this particular investigation is that it falls in the Terms of Reference of the very investigation that was now being followed by the office of the Chief Procurement Officer but equally so it was growing and again Chairperson like I explained earlier on the – it – the board was not regularising the appointment of the said company. So it was not an issue of chasing the – the small amount that was going to look at the big amount.

10 Like I said earlier on the process of regularising the appointment was my biggest concern. Thank you Chair.

ADV MAJAVU: So for the record did you have any difficulty with Werksmans investigating?

MS PETERS: Not at all Chairperson. I gave an indication that in the first instance we were at one even with the Chairperson with regard to this matter. It only became a challenge when it became an audit query and equally so it became a recurring issue that was contributing to – it might be a small amount but it adds to this irregular and
20 unauthorised and I then said to the Chairperson and the board there is processes of getting to regularise get it to be regularised. Close off what is available now let us determine the going forward.

ADV MAJAVU: For the South Africans how the – how small is small? At the time you raised your concern what was the

figure?

MS PETERS: Chairperson – Chairperson at the time I was raising my concern the figure was go – had started to – at about 80 and was going above at the point that I was given the figures it was already getting to above 200 and something million. So it was becoming a concern because now if it is 200 and something million it is adding to this irregular expenditure. And it is correct for the board to follow and investigate and I said I agreed and Chairperson
10 even in the documents that you would receive that we have sent you will see that at all time I said you are correct in doing this but do it correctly.

ADV MAJAVU: So is that your position that in the process of following the big crooks you cannot yourselves be a smaller crook in the manner of speak?

MS PETERS: If I have to copy a recent statement from the – the – there is the Head of the – I read it yesterday in the papers. The Head of the NPA is it the NPA? Who said to Parliament that when the sardines fry then they – they will –
20 so that small amount adds to the bigger amount. But also there is a saying that says: If you – you must take care of the cents and the pounds will take care of themselves. So it is also important Chairperson that as the board and I thought I am helping Ndada Molefe that do not create ammunition that later will come back to haunt you by doing the wrong

things whilst you are trying to chase the wrongs. Wena do the right thing to create – to chase the wrongs. And that is why I said regularise this appointment and there will not be a problem. And I do not know whether there is anything wrong in as a Minister you say to a board Chairperson that you cannot have in the first year – like I indicate that even in terms of the PFMA in the first year it is un – unplanned, unforeseen. The report came yes let us act quickly, let us get investigators.

10 The second year now you must plan now. You need to quantify how much you will need for that investigation in that financial year. You must put it as part of your – your target also so that it is part of your plans and that is what I think I am found at wrong for having requested the board to do.

Regularise the process of this appointment of this company. But Chairperson I – it is also important ...

ADV MAJAVU: Ms Peters may I just interject there?

MS PETERS: Oh.

20 **ADV MAJAVU:** I think we have been down that road before.

CHAIRPERSON: Ja.

ADV MAJAVU: And I do not mean to be unkind to you I just want to stick within the remnant of a re-examination.

MS PETERS: Okay thank you Chair.

ADV MAJAVU: And not returned as if...

CHAIRPERSON: Ja.

ADV MAJAVU: You are an accused person and I do not want to act like defence. We are trying to assist so.

MS PETERS: Thank you Chair.

ADV MAJAVU: The parting shot on this would it be a fair proposition to say you did not in your conduct do anything that can give any justification to a – an idea that you wanted to stop the investigation and by implication protecting those that may be on the – on the wrong side of the road at
10 PRASA?

MS PETERS: Not at all Chairperson.

ADV MAJAVU: Right. Let us then step off that. Is it also correct that from your engagement with the AG you had agreed that it would be prudent to consolidate all of these investigations so that there could be better control? Would that be a fair proposition?

MS PETERS: Yes Chair and in the honour of the late AG he actually was the one who also advised that if it is consolidated it would give us better results. And – and I
20 think I can take it like that.

ADV MAJAVU: Okay now you were asked to – to explain what you meant when you said in your view in spite of these challenges that you and the late AG may his soul rest in peace spoke about you then took a view that PRASA was not ready for a new permanent CEO. The two positions appear

to be irreconcilable and may I ask you very briefly without rehashing what is already on record what exactly did you mean by saying PRASA was not ready for a permanent CEO? What animated your state of mind at the time because it is that which the Chair needs to have an appreciation because you were the decision maker, you know what you exposed to we are not in your mind. Can you just try and unpack it because I must confess even to me it appears a bit irreconcilable so I want you to try and clarify that for us
10 please?

MS PETERS: Chairperson at that particular moment anybody who was going to be appointed in the position of CEO was not going to last.

CHAIRPERSON: Why?

MS PETERS: Because of the challenges in terms of the problems that were in this particular organisation and I – I want to say to you through Chairperson that history has proved me right. It is only now that they have been able to appoint a Group CEO at PRASA despite the – the number of
20 years after I left and the attempts that those who came after me held. And I wish that right now with the report of the – the administrator that was appointed and now with the CEO they would be able to get a way of getting that company. That important institution of the state actually on the right track.

ADV MAJAVU: What I am interested in is what is it in your state of mind at the time that caused you to hold the view that if a new CEO is appointed today PRASA would not be ready for such appointment?

MS PETERS: When...

ADV MAJAVU: What is it that made you hold that view?

MS PETERS: When I had the meeting with the board and executives of PRASA before the secondment of Mr Letsoalo there was a statement that was made by one the executives;

10 I just do not remember his name quite well. He was sitting somewhere on my right in the corner and he said the problem that they have is that since PRASA was established they have not been able to create an organisation. They have been chasing the big ticket items and it then told you why we were faced with this type of situation that we were in and that informed me that we needed a financial systems person to come and – and before you if I have to backtrack one of the officials of the AG's office in briefing us when they had a challenge with the audit process of PRASA had said

20 they went to PRASA during that time Mr Montana was still there and they were shown a room to say there is the records go and look for yourself. And – and for me Chairperson it meant that you need a systems person and – and I supported the secondment of Letsoalo to go and try and from the side of the Department also knowing what we

want to be happening to try and get that organised.

CHAIRPERSON: Well I know we dealt with this quite at length previously so I do not want us to go back to it but I just want to say this. That approach seems to me like non-doctors who are faced with somebody who is sick not just sick very sick instead of saying let us call a doctor or let us take this person to hospital they say, no, no this person is not ready to be seen by a doctor. We non-doctors are going to try what we can now because PRASA was very sick at the
10 time. It has serious problems but you were saying no, no, no PRASA is not ready for somebody who can lead it properly – the C – a Group CEO. But I do not want to go further. I just wanted to say that is the impression I have of your approach.
Mr Majavu.

ADV MAJAVU: Chair.

MS PETERS: Maybe Chairperson somebody who is sick arriving at a hospital seen by some people called a triage and in that triage would be a Letsoalo probably and the department is...

20 **CHAIRPERSON:** Somebody is very sick I would imagine when you arrive at a hospital and somebody is very sick they say please bring a doctor quickly, quickly. Because if you are going to be busy with somebody else this person might die while somebody else who is not a doctor is looking at them. Okay alright.

MS PETERS: Maybe I am not a doctor Chairperson.

CHAIRPERSON: Okay.

ADV MAJAVU: Can we accept though that you stand by that particular concession that you made?

MS PETERS: I stand by it Chairperson that they were not ready.

ADV MAJAVU: No, no the concession that in the analogy of the Chair perhaps you may part ways but you said that you took the view that PRASA was not ready for a permanent
10 CEO notwithstanding his challenges.

MS PETERS: Yes.

ADV MAJAVU: And on the previous occasion you said today looking backwards that might not have been the correct decision. So you stand by that concession so that we can step away from it.

MS PETERS: Yes Chair I did say in the previous time that if the two years I did not appoint a CEO I take responsibility.

ADV MAJAVU: Okay. And even on the face of that concession can I ask you if you stood to benefit anything at
20 all from that poor judgment?

MS PETERS: Nothing at all Chair.

ADV MAJAVU: And is it also further correct that no one influenced you otherwise?

MS PETERS: Not at all Chair.

ADV MAJAVU: Now let us turn to the issue with regard to

your other concession with regard to how you may have dealt with the issue of the board and I am asking it in the context of a – a submission that was put to you by learned brother at the end.

Pertinently in dealing with the issue of the board the way you did and I do not expect you to rehash what you did or what you did not do was that decision influenced by any other factor other than those that you shared with the Chair or with the commission?

10 **MS PETERS**: Nothing Chair.

ADV MAJAVU: To your knowledge how can the disbandment of any board rightly or wrongly be synonymous with the stopping of an investigation by another body over which you do not have control?

MS PETERS: Nothing Chair.

ADV MAJAVU: What do you pertinently say to a suggestion that went along the lines that there was an attempt to stifle the investigation an SA contributor to that attempt it resulted in you getting rid of the board as if once the board is gone
20 the investigation may not continue.

MS PETERS: Nothing Chair because that is why I am saying if you look at my engagements with the interim board we spoke and indicated that they continue with the investigations that were happening.

ADV MAJAVU: Now lastly Ma'am the impression created or

what is coming out is that in your delaying the appointment of a permanent Group CEO you added fire fuel to a raging fire. Now as a decision maker sitting where you are seated when you reflect backwards would you be able to say that regardless of the correctness or otherwise of your decisions would you in good conscience say you took the best decision that you could as a decision maker at the time? We now know you have accepted that it might not have been the best decision that you could have taken.

10 **MS PETERS:** Yes Chair.

ADV MAJAVU: With regard to dismissing the board there is also a similar suggestion that you might have dismissed the board for some other ulterior purposes because the language used was that you were not candid in terms of what we shared in the commission. Now I want to ask you pertinently have you been less than candid with the commission with regard to the reasons that animated your decision at the time when you took that decision pointedly.

MS PETERS: I have been truthful with the commission that I
20 have indicated that I wanted to cooperate and work with the commission to unravel some of the issues that they are investigating and that is why I came here to tell the truth as I know it.

ADV MAJAVU: There was also an indication when one had regard to a complaint by Mr Montana and we know that he

has yet to testify but Chair we can all accept that we are privy to his affidavit.

CHAIRPERSON: Yes.

ADV MAJAVU: He seems to be complaining that you and Mr Molefe colluded against him in the context that you did not seem to support his wanting to bounce back for want of a better phraseology. Or on the other hand Mr Molefe seems to complain that you might have been a lot closer to Mr Montana with specific reference to what transpired at the
10 meeting with the – with the then President. Do you remember those two positions?

MS PETERS: I remember those two positions Chairperson and I am very surprised that here are two people who seem to be putting me in the middle. The one saying you wanted this one, the other one says you worked with this one to get rid of me. And I – I am in the middle so both of them find fault at me so it means somewhere along the line I was right in both instances.

CHAIRPERSON: Well I am not sure whether you got it right
20 Mr Majavu but to the extent that you may have said in your proposition that Mr Molefe suggested that at the meeting with the former President she might have been on the side of Mr Montana. If that is what you said that was not my understanding. My understanding was that Mr Molefe says at that meeting Ms Peters was on his side. So I am just

saying in case that is what ...

ADV MAJAVU: No, ja with respect Chair.

CHAIRPERSON: Yes.

ADV MAJAVU: I do not accept I got it wrong.

CHAIRPERSON: Oh okay.

ADV MAJAVU: I was – I was referring to Mr Molefe's affidavit.

CHAIRPERSON: Yes.

ADV MAJAVU: Not necessarily what he might have said
10 orally when he testified.

CHAIRPERSON: Oh okay.

ADV MAJAVU: He seemed to have taken issue.

CHAIRPERSON: Ja.

ADV MAJAVU: With the fact that at the meeting Mr Montana appears to might have been pre-briefed and he is also saying not in so many words that he too he felt he was left out and on that basis the insinuation was that Ms Peters and Mr Montana might have had some other pre-engagement with the President before he gets called in.

20 **CHAIRPERSON:** oh okay.

ADV MAJAVU: So that is what leads us in the affidavit.

CHAIRPERSON: That will – ja – yes.

ADV MAJAVU: So I just needed.

CHAIRPERSON: Yes.

ADV MAJAVU: That to be clarified yes.

CHAIRPERSON: To get that – yes ja okay. No I must just say that my understanding was that and I cannot separate between what he may have said in the affidavit and what he said on the witness stand my understanding was that as far as any prior briefing was concerned my understanding that he was not including the Minister.

ADV MAJAVU: Okay.

CHAIRPERSON: In that prior briefing he meant there may have been a prior briefing involving Mr Montana and the
10 former President and or Mr Radebe.

MS PETERS: Radebe.

CHAIRPERSON: The Minister at the time. That was my understanding.

ADV MAJAVU: That is fine Chair.

CHAIRPERSON: Ja.

ADV MAJAVU: I think nothing really turns on that.

CHAIRPERSON: Yes.

ADV MAJAVU: Other than the context was also this and it is very important. You remember he also lamented even
20 though he did not - of Ms Peters the fact that President Zuma what is the lyrical about Mr Montana and to some extent said the things that Ms Peters said to him in the context of not losing the skill.

CHAIRPERSON: Yes.

ADV MAJAVU: So I just sought.

CHAIRPERSON: Yes.

ADV MAJAVU: To clarify that.

CHAIRPERSON: Okay.

ADV MAJAVU: So that the world out there knows that she in her response was of the view that here are two feuding people that I am calling to order on account of their public spats. If either of them is unhappy with me about each other certainly I am in the middle.

CHAIRPERSON: Ja okay.

10 **ADV MAJAVU:** And I am not sure it either ways but I am happy that that is the understanding that you have.

CHAIRPERSON: Yes.

ADV MAJAVU: You also share that understanding Ms Peters?

MS PETERS: I share that understanding Mr – Chairperson – Chairperson DCG – DCJ because Mr Molefe in his affidavit seems to insinuate that I wanted to enable the continuation of corruption and in Mr Montana's indication he – he indicates that I appointed Mr Molefe to get rid of him. And it
20 is in that context that I say the one says you appointed this man to get rid of me, the other one says you wanted to enable the corruption that is alleged to have been perpetuated by this one. So where exactly do I fit in?

CHAIRPERSON: Okay.

ADV MAJAVU: Yes. And Chair I accept that we are

somewhat jumping the gun but the language used by Mr Montana in his affidavit he pertinently says the following people are enablers of corruption.

CHAIRPERSON: Okay.

ADV MAJAVU: And then he lists Ms Peters and then when you listen to the summation that was put to Ms Peters by the evidence leader he says, not only did you make rational decisions but these decisions are – and the 00:02:02 is developed so I am seeking to debunk through the witnesses
10 on my – as to what does she make of that purely because she may not get an opportunity to come back and that is the only liberty I am stating Chair.

CHAIRPERSON: No, no that is fine. That is fine.

ADV MAJAVU: Yes. Now with all he has said the responsibility that you have taken, concessions that you have made what is it that you have to say to this commission about the conduct of both Mr Molefe and Mr Montana at a point at which you felt there was a need for you to intervene in the manner that you did? Just that and then we – we wrap
20 it on that basis.

MS PETERS: Thank you Chairperson. The – the day I called on Mr Montana and Mr Molefe to desist from going to their individual press conferences incidentally I was at a Mandela Day activity in Vryburg the birth place of one of our veterans Me Ruth Mombathe in whose honour I had gone to

do that particular Mandela Day program.

And I then asked that – because on that day it was said Mr Montana has convened a press conference and Mr Molefe has also convened a press conference. And I then called on both of them to desist from those press conferences because they were going to focus both on issues of PRASA an organisation that I felt needed to be brought to stability and – and in my intervention it was not intended to say if you find wrong with anybody – because if
10 there were legal processes Mr Montana the said there was a legal process he was going to follow because he was terminated. And I thought that that would be the route he will follow and I thought Mr Molefe also as a leader would understand the context that as leaders you do not stand on platforms and throw stones against each other. And it is like in a family if 00:04:24 daddy and mommy is fighting publicly in the streets what would then happen to the family? So I – I took it that they should desist from those utterances. And even at the time if I have to go further when I called on them
20 I also even called on them as comrades. I said, comrades can they desist – please comrades desist from doing this because both of them come from the same stable that I come from. Thank you Chair.

ADV MAJAVU: Okay. Now for avoidance of doubt on the issue of Mr Montana's attempt to lobby for his return am I

correct that your position was you supported the board's decision not to entertain his comeback?

MS PETERS: Yes Chairperson I did say it even in the presence of the President Mr Montana he put in his resignation and the board accepted it. And I think maybe he went back there I had experiences of those nature elsewhere – he went back and realised I made a mistake. And he lobbied and it is common knowledge because we know quite a number of marches happened. He lobbied quite a number
10 of people wanting to go back. Maybe he put in his resignation when he was not ready. He felt (speaking in vernacular) and then...

ADV MAJAVU: Okay Ms Peters that is fine I will take the ...

MS PETERS: I am sorry – I am sorry.

ADV MAJAVU: I will transcribe it for the record meaning I am playing with them I am not serious about it. That is what the record will reflect.

CHAIRPERSON: Well – well Mr Molefe also said he – it could be that he was I think he said testing the waters.

20 **ADV MAJAVU:** Testing the waters.

CHAIRPERSON: Testing the waters hoping that the board would not accept but then they accepted. Mr Molefe did say maybe that is what was happening.

ADV MAJAVU: Ja. No that is in order.

CHAIRPERSON: Ja.

ADV MAJAVU: Because it is – it is clear when we deal with Mr Montana Chair we appreciate that he actually accuses Mr Molefe, Ms Peters and I think Minister Mkize as having been a cover that acted against him and that is why it was important to get Ms Peters to actually say where she stands in relation of – of these lobbying aspects.

CHAIRPERSON: Ja.

ADV MAJAVU: Ms Peters in conclusion is there anything arising from today's proceedings that I might have omitted to
10 cover with you that you wish to highlight? Not what you have already said then I will take my bow.

MS PETERS: I have already said it Chairperson but I just want to repeat it that the resolution of the board led by Dada Molefe had no malice on my part. There was nowhere in fact both Mr Molefe and many of the other board members whom – who would – I met Mr Molefe at a funeral we greeted each other and Mr Molefe is still my leader and he is still my comrade and everybody is still the people that I know so there was no malice. It is only the reasons that I advanced
20 earlier on Chairperson. Thank you very much.

ADV MAJAVU: Chair then lastly purely from the housekeeping point of view so that the Chair knows where we stand.

CHAIRPERSON: Yes.

ADV MAJAVU: We will endeavour to respond to Dada

Molefe's supplementary affidavit and also contemporaneously deal with the other documentations.

CHAIRPERSON: The correspondence.

ADV MAJAVU: That we have subsequently now received and now that I have re-examined her we will then submit one composite affidavit that seeks to clarify all of these issues.

CHAIRPERSON: Yes.

ADV MAJAVU: And the undertakings that we made.

CHAIRPERSON: Yes.

10 **ADV MAJAVU:** And then we will take it from there. If there is any further need to engage with the commission.

CHAIRPERSON: Yes.

ADV MAJAVU: On the PRASA related matters.

CHAIRPERSON: Yes. I think what remains is to fix sometime today.

ADV MAJAVU: We had agreed ...

CHAIRPERSON: For a submission of the affidavit.

ADV MAJAVU: It is ten days.

CHAIRPERSON: Okay.

20 **ADV MAJAVU:** Yes Chair.

CHAIRPERSON: Okay from today?

ADV MAJAVU: From today.

CHAIRPERSON: Oh okay.

ADV MAJAVU: We got it today but we will use our best endeavours to try and do it before then if we can.

CHAIRPERSON: No that is fine. That is fine.

ADV MAJAVU: Chair thank you very much for accommodating us beyond the normal sitting times.

CHAIRPERSON: Yes. No thank you very much.

ADV MAJAVU: I have nothing further Chair.

CHAIRPERSON: For your cooperation as well.

ADV MAJAVU: Thank you Chair.

CHAIRPERSON: Thank you. And thank you Ms Peters for your cooperation.

10 **MS PETERS:** Thank you Chair.

CHAIRPERSON: We have reached the end of the proceedings.

ADV SONI SC: It is the end of the proceedings Chairperson.

CHAIRPERSON: Yes. Yes. Okay alright. Tomorrow just for the benefit of the public I will hear the evidence of Mr Anoj Singh insofar as it relates to Eskom during the day and I think in the evening I will hear the evidence of Mr Pamensky who was the – one of the board members of Eskom.

ADV SONI SC: As you please Chair.

20 **CHAIRPERSON:** So we end the proceedings today. We adjourn.

ADV SONI SC: As you please.

INQUIRY ADJOURNS TO 18 MARCH 2021

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