



**MINISTRY
PUBLIC ENTERPRISES
REPUBLIC OF SOUTH AFRICA**

Private Bag X15, Hatfield, 0028 Tel: 012 431 1118/1150 Fax: 012 431 1039
Private Bag X9079, Cape Town, 8000 Tel: 021 461 6376/7 Fax: 021 465 2381/461 1741

Honourable Z. Rantho, MP
Chairperson Portfolio Committee on Public Enterprises

Cc: Ms Baleka Mbete
Speaker of Parliament

Tel: (021) 403 8115
Fax: (086) 607 8917

Dear Ms Rantho

Parliamentary Enquiry into the Department of Public Enterprises State Owned Companies

The above matter refers.

I would like to reiterate my commitment to fully cooperate with the Parliamentary Portfolio Committee ("Portfolio Committee") investigations into the affairs of Eskom and other State Owned Companies under the purview of the Department of Public Enterprises.

I note that the initial intentions of the Portfolio Committee investigation were directed at the affairs of Eskom and the scope of the Portfolio Committee has since been broadened to include Denel and Transnet. In ensuring that the Portfolio Committee successfully exercises its oversight role and seamlessly conducts its investigations I would like to seek clarity from the Portfolio Committee regarding the issues to be investigated in relation to Denel and Transnet.

With regards to Eskom, it is important to further note that the matter relating to the reinstatement of Mr Brian Molefe as the Group CEO is scheduled to be heard in the North Gauteng High Court at the end of November 2017. Therefore, the Committee should be cautious in how it conducts the hearings in relation to this matter, so that it is not seen to be contravening the rules on the separation of powers between the Legislature and the Judiciary.

Moreover, I will greatly appreciate a detailed copy of the program of the inquiry, revised Terms of Reference ("ToR") and an opportunity to provide input into the ToR. In light of the other parallel investigations such as the SIU looking into similar issues at the same SOCs it appears that there will be a duplication of efforts. In the event of different conclusions by the different investigations what will be the order of precedence in terms of the implementation of the outcomes or recommendations of these investigations?

Furthermore, in the interest of procedural fairness does the Portfolio Committee intend to:

- a. conduct an investigation prior to the hearings? If so, will it communicate the results of such an investigation to witnesses prior to the hearing?
- b. appoint an evidence leader?
- c. seek written input from witnesses and institutions?
- d. invite input from any interested parties or will the proceedings be confined to the evidence of witnesses specified by the Committee?
- e. allow witnesses to be assisted by a legal representative during the proceedings?
- f. publish an interim report and to invite comments on it prior to the issuing of a final report?

I will greatly appreciate your prompt response to the matters raised above.

Yours sincerely



MS. LYNNE BROWN, MP
MINISTER OF PUBLIC ENTERPRISES

DATE: 09/08/2017