



**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

13<sup>th</sup> October 2017

**TO : 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

**RE : PARLIAMENTARY ENQUIRY INTO THE DEPARTMENT OF  
PUBLIC ENTERPRISES STATE OWNED COMPANIES**

**: MY LETTER DATED 08 AUGUST INSTANT ADDRESSED  
TO YOUR GOODSELF**

- 1.1 The above subject refers in particular reference is made to my letter dated 08<sup>th</sup> August instant "my letter".
- 1.2 In parenthesis, I draw your attention to the fact that my letter was not responded let alone was it acknowledged.
- 1.3 I reminded myself of the provisions of section 41 of the Republic of South Africa Constitution, 1996 "the Constitution" dealing with the principles of co-operative government and intergovernmental Relations collated with the Intergovernmental Relations Framework Act 13 of 2005 "IGRFA".
- 1.4 Once again, I am committing to fully co-operate with the Parliament Portfolio Committee "Portfolio Committee" investigations.
- 1.5 Equally and primarily significant is the Portfolio Committee's constitutional obligations calling upon it to co-operate with my Department in mutual trust and good faith by assisting and supporting one another, informing one another of and consulting one another on matters of common interest as envisaged by section

- 4(1)(h)(ii) and (iii) of the Constitution. The issues and the subject bringing matters to a head in the Parliamentary Enquiry are matters of common interest.
- 1.6 I am very mindful of my constitutional role as the executive head of the Department of Enterprise "DPE" as adumbrated by section 85(2)(c) and (e) of the Constitution. I undertake to fulfill and discharge this role in line with the basic values and principles governing public administration as adumbrated by section 195(1)(a),(b),(d),(f) and (g) of the Constitution.
  - 1.7 The ubiquitous section 2 of the Constitution addressing the Supremacy of the Constitution and section 7(2) alluding to the obligations of the State to respect, protect, promote and fulfill the rights in the Bill of Rights play a significant role in this regard. The provisions of the Promotion of Administrative Justice Act 3 of 2000 "PAJA" heralding and giving effect to the right administrative action that is lawful, reasonable and procedurally fair bears relevance in the subject matter before the Parliamentary Enquiry.
  - 1.8 From the foregoing, I am concerned that I have not received a response to most if not all of the subject matters raised in my letter of 08 August instant. I have in the selfsame letter addressed issues of procedural fairness too. To date I have not received a response.
  - 1.9 In parenthesis, I further request the following questions to be addressed:
    - 1.9.1 Advocate Navara is appointed as evidence leader. He is a member of Ethics Committee seized with the issue of my executive role on the Trillian subject matter? Is there a conflict of interest?
    - 1.9.2 The nature of enquiry is not clear? Is it inquisitorial or accusatorial? Will the list of questions be given to the witnesses beforehand.
    - 1.9.3 The Terms of Reference for the Enquiry have not been formalised let alone have they been made public.
    - 1.9.4 Is legal representation allowed? May the record reflect that my Department wishes to be legally represented and rightfully so as envisaged by the Constitution.
    - 1.9.5 What is the interface between the Parliamentary Enquiry and other investigations by other organs of state like the SIU and the Public Protector?
    - 1.9.6 The subject matter of the former CEO of ESKOM, ie, Mr. Brian Molefe is sub judice? Does this principle apply to Parliamentary Enquiry?
    - 1.9.7 What are the powers of Parliament to Subpoena? Could Parliament enforce such Subpoenaes?
    - 1.9.8 The authenticity of the e-mails in the public space. Could their veracity be relied on?
    - 1.9.9 How do we deal with information that implicates the Department from other witnesses? What about the fundamental right of not-implicating oneself?

- 1.9.10 Conflict(s) of interest(s) of a member(s) of Committee including but not limited to former Minister of Finance, ie, Mr. Pravin Gordhan.
- 1.9.11 Once again, I would like to assist the Committee investigations and the Enquiry subject to the above said issues of concern being responded to.

I await your speediest response.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Lynne Brown', written in a cursive style.

**LYNNE BROWN, MP**  
**MINISTER**

DATE: 16/10/2017