

PC Min 25/8/18

## State Capture Inquiry into DMR Conduct

### Preliminary list of witnesses so far (but the evidence leader needs to see if a story can be made):

- ❖ Mr. Joel Raphela former (?) DDG Mineral Regulation who accompanied the Minister to Switzerland in December 2015 and who can explain what the trip was for. The mine was in Business Rescue at the time and not under the control of the owners (Glencore). The Public Protector found prima facie evidence that the DMR/Minister had improperly used their influence to favour Tegeta as a purchaser of Optimum businesses.
- ❖ Mr. David Msiza, then Acting DG who can explain his comments (to the PCMR) that there was nothing untoward in the permissions granted by the Minister/Department for the transfer of the Optimum (and other) rehabilitation trust funds to the Bank of Baroda. The Public Protector found prima facie evidence that this was improperly done, in disregard for the law.
- ❖ The acting Chief Inspectors of Mines (Mr. Mbonambi/Mr. Zondi) who can explain why no action was taken by the DMR when safety issues were reported to it related to the non-maintenance of facilities and the non-availability of PPE. The DMR Regional Manager, Mpumalanga, on whether he was subjected to any influence to delay action against Optimum by the DG or Minister.
- ❖ **Glencore operational management**, to confirm that they were subjected to pressure to sell the Optimum mine by the DMR which harassed management in 2015 with unjustifiable Section 54 notices.
- ❖ **Adv. N Ramatlhodi** former Minister of Mineral Resources, to explain why he withdrew the operating license of Optimum in 2015, and then restored it almost immediately. Where did the direction come from to harass the mine?
- ❖ Mr. Piers Marsdon and the Optimum Business Rescue Practitioners in 2015/16 – detailed evidence has already been heard in the Eskom investigation, but the BRPs may be able to confirm the sale to Tegeta was completely above board, from the perspective of DMR. [The pressure on Optimum was applied by Eskom, not DMR which just accepted the new buyer.]