Greetings To Chairperson Of Portfolio Committee, Minister Of Home Affairs and All Honourable Parliamentarians. All Protocols Observed.

**1. Name and background**

My name is Thapelo Elias Tshephe. I am an entrepreneur, businessman and Chemical Engineer. I hold MBL as well.

**2. Introduction**

I am presenting this objection as an independent member of the society in the greater Rustenburg area not as the director of Reagetswe Mining Services (RMS).

**3. Let us correct the lies told to the minister as he believed them and passed them to the portfolio committee as if they were true, meaning that should we take this to court the minister will be forced to lie under oath to protect other people’s interest.**

3.1 Justifying why the 2 new companies of Boleng and Bokamoso got permits under Sect 197 because the same was done for Reagetswe Mining Services (RMS).

I have submitted copies of permits as far as 2006 and 2013 showing that RMS had corporate visas many years ago. They have been operating for more than 16 years. When the Guptas were on the run and didn't have bank accounts Bafokeng Rasimone tried all contractors from white owned companies to other Bafokeng companies. Reagetswe Mining Services was their last resort. Luckily Reagetswe Mining Services had permits to take over employees after acquiring those permits as far as 2015 when they started working in Limpopo mines. So it is not true to say that RMS was also helped by the mine or Teba to acquire permits. So these kind of lies try to justify why these 2 companies didn't follow due process like RMS and other companies have done in the past. The 2 companies would not succeed at Department of Labour if they had to follow due process as they are newly formed, lack experience or knowledge, and have never tested if there are local people with same skills in Bafokeng or Rustenburg.

3.2 Reagetswe Mining Services had 3 months contract in December to March with the mine. New permits had been issued to all foreign employees. In-fact they had already left the country by the 20th of December. So to say they were issued permits on Christmas because they wanted to go home, is a lie.

3.3 There is nowhere in the law where it says the company that is taking over employees of another company via Sect 197 is entitled to get corporate foreign permits by default and not going through due process. There are more than 50 companies that are willing to testify in this committee or in court if these permits would not be withdrawn or set aside as due process was not followed. Many got 5 permits applying for more than 100 permits after 2 years even with or without Sect 197. So what's special about these 2 new companies that were recently formed while most of the companies have more than 10 years in existence?

3.4 I think by now the minister knows that the waiver is illegal and won't pass constitution Master. There is nowhere in the law where it gives him super powers to overwrite the Department Of Labour or the due process. Also his argument is also flawed as he claim that he followed the President’s pronouncement that has never been gazetted. He can't say he is stream lining and making it easy for business or investors then break the law he is supposed to defend an protect.

3.5 The Greater Bafokeng Business Forum has submitted their complaint that the 10 directors appointed to form the 2 companies are not from the direct mining area of Charora i.e. (Chaneng, Robega and Rasimone). So it's a lie that local entrepreneurs are empowered. They say it's a lie that they have been consulted by the mine. They also say that they won't allow the sect 197 to take place twice while their children are unemployed and dying of Covid in the state of emergency. They say at least with the 1st sect 197 the Guptas where on the run. This current one they forced Reagetswe Mining Services out and in effect planned it so well with national union mines at national level. When the local NUM branch complained to both the National Office and Department of Mining they were told that it’s not their area of responsibility.

**4. Why I believe that corruption happened but unfortunately the evidence we have can't be used in any court of law is that the people who we recorded were never informed and that the people who did, have requested that they can't be used as they fear for their lives.**

4.1 Chairperson of NUM has confirmed that he called the minister of mining to help them to get permits. He was directed to some person in Pretoria who then linked them with the acting Director General at that time, as the Deputy Director General who was responsible for issuing permits was giving them tough times.

4.2 He claims that he did call the chairperson of the portfolio committee of Home Affairs to tell him that these 2 companies belong to them but he never got any positive reply from the chairperson. He even told other members that there is nothing I can do to stop this process because Minister Mantashe is handling Minister Motsoaledi.

4.3 Myself and the Greater Bafokeng Business Forum believes that these 2 companies are just a front for some people. None of the 10 directors in the 2 companies have ever worked together anywhere, they don't know each other well, have no skills or experience in mining except 1 guy who was a Mining Supervisor and had sinked another company at the other mine when he was given such opportunity hence the local branch of NUM was saying why give us people who have no mining skills or experience. Do you want to kill us? Their cries fell into deaf ears as the leadership of NUM national is being paid by Rasimone mine, if not all of them. Rasimone mine had always hated Amcu and had done all it can to make sure Amcu doesn't get into their mines. So we believe it's a payback time for NUM leadership and it has powerful leaders behind.

**5. Why insist on hiring foreigners than local people especially in Covid times.**

5.1 Rasimone mine had enough time to ensure that local people are hired, trained and given opportunity while RMS or other white owned companies were there to reduce foreign employees then later issue the tender to capable companies to take over such opportunities instead of picking up 10 directors who are not skilled or experienced in mining or any business for that matter unless there was a motive to do so. Maybe to keep them as a front only. It's amazing how the very same company wrote long letters talking about local empowerment of their people while they want to defend the employment of foreigners even in Covid times. They say the directors of RMS are from Rustenburg and black and within the 50km radius but they are not from the same tribe. Isn't it tribalism? They say one of the director is from Limpopo and Venda. I had thought the resources of South Africa belong to all who live in it. They failed to prove any of their accusations against RMS for paying NUM employees while they are doing it themselves and even claiming to have prima-facie evidence against one of the directors after acquiring bank statements illegally but couldn’t prove how they have suffered any loss as they gave RMS the same deal as the Guptas and not even losing any money. RMS helped them to stabilize their business. Even if they can try to take anyone to court they will be proven to have shot themselves in the foot. They knew that it takes over 18 to 24 months to get permits but they decided to allow other companies to do the dirty jobs for them as listed company. They used the law to take the employees of RMS even the ones they developed with their own money as far as 2005 but want to take short corners or get what they want via back doors using others. If they wanted to remove RMS they should have planned it and applied for permits themselves in those periods like all the other companies.

5.2 Department Of Labour via their DG told us that cabinet informed them that they cannot issue corporate visas to foreigners during state of the emergency and especially for jobs that RSA citizens can do. For the minister to say this, is not true while the country is burning and the truck drivers burning trucks on the same issue it shows that minister doesn't care about the people who voted him or who voted the ruling party but it's all about big corporates interest. The minister cannot even talk about what he did In 2018 when there was no Covid to justify his actions in 2020 during the state of emergency and then say it's business as usual for them to issue permits on Christmas without due diligence. Even when you ask the same one stop shop he mentioned they will tell you the truth that no such applications was done formally but they were told to say they called and registered without going to Dept of labour and following the law and check via media that there are no South Africans who can do the same thing first.

6. We hope the minister will do the right thing and set these permits aside based on due process alone. It's not for us to investigate corruption or fraud of how brown envelopes changed hands. There are many companies with permits in Rustenburg that the mines can use in the meantime or they can release all foreigners’ and hire all Bafokeng who have mining skills and experience. That will be the real empowerment of Bafokeng people and not the 10 directors that are not even from the direct mining areas of Bafokeng.