



MEDIA RELEASE

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B-BBEE COMMISSION CONFIRMS RECEIPT OF A COMPLAINT RECEIVED FROM MR DEAN MECPHERSON OF THE DEMOCRATIC ALLIANCE AGAINST ESKOM, BEE MATRIX, TEGETA, OPTIMUM AND TRILLIAN

The B-BBEE Commission has today received a complaint through the prescribed process from Mr Dean MacPherson of the Democratic Alliance against Tegeta Exploration and Resources (Pty) Ltd (“Tegeta”), Optimum Coal Mine (Pty) Ltd (“Optimum”), Trillian Management Consulting (Pty) Ltd (“Trillian”), Eskom Holdings SOC Limited (“Eskom”) and BEE Matrix (Pty) Ltd (BEE Matrix”). The complaint alleges violation of the B-BBEE Act arising from two B-BBEE Certificates allegedly issued by BEE Matrix, a verification agency, to Tegeta and Optimum respectively, and a B-BBEE Sworn Affidavit allegedly deposed to on behalf of Trillian, which were allegedly submitted and accepted by Eskom in respect of specific contracts.

According to the Commissioner of the B-BBEE Commission, Ms Zodwa Ntuli, the Commission will follow its processes to look into the complaint impartially, without fear, favour or prejudice, and make its decision on whether or not the B-BBEE Act was violated, and the investigation process has been explained to Mr Dean MacPherson.

Ms Ntuli emphasises that as per process, respondents will be notified of the complaint and given an opportunity to respond to the allegations made by Mr Macpherson in this complaint, and after the investigation, respondents will be allowed a 30 days opportunity to respond to the findings before they are made final. The findings will then be communicated to the respondents and the complainant, and published in accordance with the B-BBEE Act.

“If violations are found, an entity can be referred for prosecution with a possible fine of up to 10% of the entity’s annual turnover, and the individuals involved can be fined or imprisoned for up to 10 years. An entity can also be excluded from doing business with government for a period of up to 10 years, and

contracts and licences acquired from any state owned entity or government department can be cancelled,” says Ntuli.

The B-BBEE Commission may also approach a court of law to seek an order to restrain the breach of the B-BBEE Act or for any appropriate remedial relief, which may include setting aside any contract concluded based on conduct, practice or arrangement that is in violation of the B-BBEE Act.

The B-BBEE Commission will not discuss the merit or the details of its investigation, and will upon investigation communicate its findings to the complainant and publish its findings as required in the B-BBEE Act.

The B-BBEE Commission also confirmed that it has initiated investigations against BEE Matrix in June 2017 and Eskom in July 2017 on separate allegations regarding the violation of the B-BBEE Act, but that these allegations are not related to the B-BBEE Certificates in this complaint.

“B-BBEE Certificates are issued to entities by verification agencies after conducting an independent verification of the claims made by an entity and neither the B-BBEE Commission or the Department of Trade and Industry issue any B-BBEE Certificates or gives prior approval of them before they are issued. The verification agencies are required to follow the Codes of Good Practice and the verification procedures issued by the Department of Trade and Industry for this purpose,” she concludes.

Issued on behalf of the B-BBEE Commission by:

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