



2 September 2021

Mr A de Ruyter  
Group Chief Executive  
Eskom Holdings SOC Ltd  
Maxwell Drive  
SANDTON  
2157

Dear Mr de Ruyter,

**Request to ensure that requested documentation is provided timeously to Parliament**

On 31 August 2021, Eskom was scheduled to brief the Standing Committee on Public Accounts on its expansion plans, its latest annual report, and all investigations currently ongoing. This was, as you are aware, a continuation of a previous meeting which did not conclude at the prior date.

The Standing Committee set a deadline of 26 August 2021 for Eskom to submit all relevant documentation to the committee for the briefing. This deadline was set in order to provide members of the Standing Committee with enough time to work through the documentation before the relevant briefing.

However, members of the Standing Committee only received the report, comprised of 127 pages of documentation, the day before the scheduled meeting on 30 August 2021. In reply to queries by the understandably annoyed members, the Chairperson of Eskom's Board, Professor Malegapuru Makgoba, refused to take accountability for the umpteenth time that Eskom has failed to timeously submit documentation to this committee on the basis that he feels it is unfair that he is being blamed. I find this to be ironic seeing as he chairs the Board of the entity whose functionaries are directly undermining section 195 of the Constitution of the Republic of South Africa, 1996, as well as violating both sections 7(a) & (b) of the Powers, Privileges, and Immunities of Parliament and Provincial Legislatures Act, Act 4 of 2004. The latter is a criminal offence under section 27(1) of the specified Act.

We further take issue with Professor Makgoba attempting to place all the blame squarely at the door of the Department of Public Enterprises (DPE) through asserting that Eskom had to furnish the DPE with the relevant documentation and that the DPE was then tasked with ensuring that the documentation was provided to the relevant committee members. This is a spurious excuse considering the fact that it was admitted in the meeting on 31 August 2021 that Eskom only provided the

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documentation to the DPE on Friday, 27 August 2021, a day after members of the committee were already supposed to have been furnished with it.

In other words, not only did Eskom provide the documentation too late to both the DPE and the Standing Committee, but Professor Makgoba refused to take responsibility for such a brazenly illegal act by attempting to wholly shift blame to the DPE. Make no mistake, the DPE is also at fault here and will be dealt with separately, but the faults of the DPE in no way exonerate Eskom and/or any of its representatives, including but not limited to you and the Chairperson of the Board of Eskom, from blame.

I hereby respectfully insist that you, in your capacity as Group Chief Executive of Eskom, urgently convene with the Chairperson of the Board in order to ensure that the requisite coordination takes place that will preclude Eskom from undermining the Constitution as well as illegally impeding the Standing Committee and its members from exercising their oversight duties over the executive, however unintentional it might be.

Please confirm receipt of this letter at your earliest convenience, and respond to its contents in full.

Yours faithfully,



*B M van Minnen*

**Ms B M van Minnen, MP**  
Democratic Alliance