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Zondo commission – ‘I will always make sure I toe the party line,’ says deputy minister to Zondo

Deputy minister of transport Dikeledi Magadzi has told the commission of inquiry into state capture that in 2016, when the DA put forward a motion in Parliament to launch an investigation into state capture, she would tow the party line in her voting. She testified on Monday.

Magadzi was the chairperson of the transport portfolio committee at the time, having joined Parliament just after the 2014 national election.

“When we are in Parliament, I’m not in Parliament as myself [sic]... I am representing the ANC, therefore I will always and every time make sure I toe the party line. That is just exactly what I did,” she said, responding to a question by evidence leader Advocate Alec Freund on how she, as a committee chairperson aware of allegations raised in the media about corruption at the Passenger Rail Agency of South Africa (Prasa), found it necessary to place the importance of the party before that of her oversight duty.

But commission chairperson Deputy Chief Justice Raymond Zondo challenged her, asking that if she knew what she knows now, years later, about the issues that were being raised by the DA, would she repeat the party-aligned vote.

“Knowing what I know now, I still believe what the party had instructed us to do, for me was correct.”

Magadzi had earlier referred to numerous changes of Prasa’s top structure as one of the reasons that her committee failed to hold the agency accountable. Between changes in ministers, boards and operational executive staff, they had difficulties in pinning down the root cause of the large extent of financial mismanagement, for instance. Zondo pointed out that between the years 2017 and 2016, irregular expenditure in Prasa grew from R100-million to R24-billion.

Magadzi said the longest serving CEO of Prasa had been Lucky Montana, who left the agency in 2015 with a corruption investigation hanging over his head. “Every time the board came to the portfolio committee, we were more interested, because it was not only the GCEO that was acting, you had even in other areas your CFO, there were challenges. The portfolio committee would also want to know from the board when the CEO would be appointed and let me tell you that the departure of Mr Montana left Prasa with numerous acting posts.”

Of all the boards her committee encountered, the most difficult to deal with was the one appointed in 2014, which was led by Popo Molefe. “Whenever we wanted info, we wanted to do oversight...Mr Molefe would always remind us that we are overstepping our mark with respect to the oversight that we want to do, and we are interfering with his fiduciary duties as the board.”

She recalled an instance where the committee set out on an oversight visit to the Nigel factory at which rail infrastructure was being built as part of Prasa’s modernisation programme. While there,

Molefe left a meeting with committee members, saying that he had other commitments. On the agenda was a controversial contract awarded to SA Fencing, but that discussion never happened.

On the committee's work in Parliament, Magadzi defended her position, saying that she could not take responsibility for collective decisions taken by its 12 members. Freund then took her to the evidence of DA MP Manny de Freitas which stated that for the period between 2016 and early 2018, he had tried on several occasions to get the committee to investigate allegations of corruption at Prasa, including a R51-billion contract allegedly awarded irregularly in favour of a company linked to the Gupta family and Duduzane Zuma.

Magadzi said while she agreed that the matters brought forward by De Freitas were important, her method was to table all letters sent by him or any other committee member for an open discussion. Conclusions made from that process were collective decisions. The committee took a stance after the first such letter, sent in June 2016, that the timing was not right to launch a probe in which they would summon the Guptas and Zuma before them, as proposed by De Freitas.

Zondo asked why timing was an issue, to which Magadzi initially said she could not recall, and later said the committee was preoccupied with processing pieces of legislation aligned to its portfolio. But given what was in the public domain about the Guptas and their perceived influence on the executive, said Zondo, the committee could have viewed things differently.

"A Member of Parliament says to your committee, let's act on these allegations. Let's call the people to admit or deny or tell us what they know about these allegations. Your committee doesn't ask them or summon them. My question is, why not?" he asked.

"I don't necessarily have an answer as to why we didn't call the Gupta brothers, but let me indicate that our discussion in the portfolio committee led us to a situation where we did not call the Gupta brothers. I don't want to lie and say this is what we did, but my recollection was that, having discussed, the matter for me was closed at that."

The committee, Zondo pressed on, had no good reason not to take this matter up.

"I think you're correct. In hindsight, I can say the portfolio committee should have done something out of what was there in the newspapers, but we decided to say this, for us, we cannot be able to do[sic]."

But according to Molefe's evidence before the commission last year, Zondo continued, the Hawks had been alerted to the allegations of corruption, and were perceived to be doing nothing. De Freitas's evidence was that Magadzi was once again asked to summon the Hawks in this respect, but did not. Magadzi agreed that this too was discussed, and a decision taken not to pursue the matter was taken.

"Do you concede, Ms Magadzi, that the conduct of your portfolio committee in not taking up these allegations to at least establish what the people concerned had to say about them, was a serious dereliction of duty on the part of your committee?" asked Zondo.

"I wouldn't say it was dereliction of duty, but I would say that when you have a discussion in the portfolio committee, and the portfolio committee so agrees that this is the route that we will take, for me I take it that we did not disengage in our duties, or rather as a portfolio committee, at that particular time, we saw it fit to take the route that we were taking."

The committee only started to take action in February 2018, appointing two of its members to formulate the terms of reference for an inquiry into Prasa, which it envisaged would be completed by April of that year. But this never happened.

Freund asked Magadzi if the ANC members in her committee were too afraid to take on the charge of investigating the Guptas because of their proximity to former president Jacob Zuma.

“We may not have succeeded to do the investigation, but it did not mean that we did not want to investigate those who were close to the president or the president himself,” she replied.

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