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Zondo commission – Moyane: Nugent followed script to oust me

Tom Moyane says he did not purge executives of the South African Revenue Service (Sars) who opposed him when he arrived there in September 2014, and his removal from his position as commissioner four years later was not for failure to carry out his duties, but because he himself was purged.

Moyane appeared before the state capture commission on Wednesday. He denied that he went into Sars with a political agenda, an assertion that was made in affidavits submitted by international consultancy firm Bain and Company.

In an opening address, he cited a long-standing campaign to remove him from Sars, without explicitly naming Public Enterprises Minister Pravin Gordhan, with whom he's had an adversarial relationship since joining Sars.

He told the commission that President Cyril Ramaphosa removed him in 2018, not because he failed in his duty to lead Sars, but because a pre-determined cause to oust him was achieved through the Nugent commission.

"The man who dragged my name into the commission has admitted under oath that there was no evidence, and he relied entirely on gossip. I incurred legal expenses on such gossip," Moyane said in opening remarks.

"Judge Nugent was instructed to follow the script. He met secretly with Mr Gordhan to discuss the outcome – 'Get Tom out as soon as possible'."

Moyane cited incidents during his term at Sars where he said Gordhan treated him badly by undermining him in public, once in the presence of former deputy finance minister Mcebisi Jonas. He, Gordhan and Jonas were scheduled to meet at the Sars headquarters, when he tried to welcome Gordhan by shaking his hand, only to be chastised by him for not following protocol by first greeting Jonas. This despite the fact that Gordhan was the last of the two to arrive, after he and Jonas had already exchanged pleasantries.

When the Nugent commission sat to hear evidence of alleged mismanagement at Sars, it excluded his version. Moyane said he was not given an opportunity to place his story on record, and was not invited, meaning that the conclusions arrived at by Nugent did not include his inputs. For this reason, he said, he has to date not read the report that emanated from the inquiry, but is still entertaining the idea of taking it under review.

Evidence leader Advocate Allistair Franklin put to Moyane that Nugent records in his report that Moyane was invited to place on record his version on certain matters traversed by his commission.

"Once again chairperson, I put it on record. I deny that I was invited. I did not receive any invitation," Moyane maintained, adding that he received an invitation on a limited matter, and not to participate

in the commission as a whole. In the same period that the commission was in progress, Moyane had a disciplinary process that he found more urgent.

“Why didn’t you go there and tell your story?” Franklin asked.

“Simply put, and equivocally so, it was very clear from our perspective that there were two things running parallel, and I needed to clear my name from a disciplinary perspective so when I go to the Nugent commission we have a very clear defined platform on which we can argue matters.

“The Nugent commission – what truth was it seeking? I ran that organisation to the best of my ability, things changed as soon as a new minister came into office,” he said, referring to the return of Gordhan to the finance portfolio in December 2015.

Franklin took Moyane to the beginning, when he first knew that he would join Sars as its commissioner. He admitted that he learned from former president Jacob Zuma in early 2013, more than a year before he was appointed, but had already intended to apply for the advertised position. His appointment was subject to the ANC winning the 2014 general elections, and Zuma staying in office, he was told.

“So you and Mr Zuma met to discuss the appointment?” asked Franklin.

“Yes. Taking into account that president Zuma appoints the head of Sars,” said Moyane.

But why did he choose you out of 120-odd applicants, Franklin pressed.

“Firstly I’m an economist. In whatever position that I held that had aspects of economics I put my mind and my attention towards what was required of that responsibility. I did not see any difficulty.”

Besides Moyane, the South African director of international consulting firm Bain & Company, Vittorio Massone, also knew of his upcoming appointment, and together they strategised over Moyane’s entry into Sars.

Bain was later appointed to formally manage a turnaround strategy for Sars. But e-mails exchanged between the two revealed a part of the strategy that included Moyane identifying potential detractors within Sars, and plans to “neutralise” those who opposed change.

“The term is unfortunately used there, it should not have been in that context,” he said, adding that as a leader, his attention was on building the organisation, and not destabilising it.

“Neutralise is creating a very confrontational word which implies removing people and creating an organisation that is unstable. Mine was to build, not to destabilise.”

But Franklin pressed Moyane on the exodus that followed his appointment, beginning with the departure of COO Barry Hall in December 2015. He had been singled out in the document shared between Moyane and Massone. Hall was followed by the head of investigations Johan van Loggerenberg in February 2016, and Sars’s long-standing spokesperson Adrian Lackay a month later.

Moyane maintained that all the people who left did so of their own volition, and not because of him.

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