

Suzanne Daniels' full response

My response to the disciplinary proceedings:

Originally, the CCMA did not want to hear the matter because of its complicated nature; however, I have brought an application to compel the CCMA to deal with this matter. The matter has only recently been enrolled for 13 December 2019. I note that the findings of Cassim SC relate to an internal disciplinary hearing and not to proceedings before a court.

Ad Mrs Moodley's claims:

The public protector's initial request came on a Thursday and it requested that all the directors present themselves to the public protector on the following Monday. This was not possible, so Eskom's lawyers negotiated that a written submission would be provided instead. I was instructed by both the chairman of the board and the group chief executive officer to provide all the necessary information requested by the public protector. I was also compelled to respond to the public protector's request as a matter of law.

Given the fast turn-around time during which the public protector required us to respond, there was no time to provide the directors with a full briefing. My instruction from the CEO was to provide as comprehensive a response as possible under the circumstances to the public protector.

The public protector requested copies of all of the Eskom Board of Directors' Declarations of Interest for the period July 2015 to July 2016 and on 21 September 2016, I provided her with the Declaration of Interests registers for that period, which were in my possession. This was information that the directors had provided to the board. I did not provide the public protector with any new information, but only information that the directors had submitted themselves and which had been signed off by all of the directors during the course of meetings. Accordingly, I had no reason to doubt the accuracy of the information as it had already been through board of director sign-off.

Insofar as the conclusions that the public protector made in her report are concerned, they were not only from the information I provided, but from supplementary information that she must have gathered from other sources.

It transpired, as was made clear because of the public protector's report, that certain of the Eskom directors at the time had omitted crucial information when providing their declaration of interests to the board. I can only surmise that the public protector came to these findings by comparing the information I had submitted with other information submitted and found that they provided conflicting information and/or omitted information in total. **DM**