
AFFIDAVIT

I, the undersigned

Minee Suzanne Hendricks

Do hereby make an oath and say that:

1.

I am adult female born, born on [REDACTED]

2.

The contents of this affidavit fall within my personal knowledge save where otherwise indicated and are to the best of my knowledge both true and correct.

3.

I am employed by the South African Revenue Service (herein after referred to as SARS). I have been in the employ of SARS since November 1999 in a variety of roles and I am currently in the position of Executive: Public Sector Stakeholder Management.

4.

Towards the latter part of May 2009, I was seconded from SARS to the Ministry of Finance to assist the then Minister of Finance, Pravin Gordhan in the setting up of his new office and to assist with associated transition arrangements. I was the Head of the SARS Secretariat at the time of my secondment, and responsible for SARS internal and external governance committees. Given my previous work experience, wherein I assisted, from time to time, the Ministry of Local Government and Constitutional Development (both Ministers Valli Moosa and Sydney Mufamadi) with ministerial duties, I was asked to assist the newly appointed Minister.

5.

I returned to SARS at the beginning of April 2012 after it was agreed that my secondment to the Finance Ministry would come to and end for personal family reasons. Upon my return



to SARS in April 2012, I was the Head of the Tax Exemption Unit until January 2016, whereupon I was moved into my current position.

6.

During my secondment period to the Ministry of Finance, my duties included amongst other matters, assisting the Minister of Finance with his governance obligations to the entities that were accountable to the Finance Ministry. This included conditions of employment such as the extension of contracts, salary and bonus related matters. One of my duties during this time included the processing of the request from SARS Commissioner, Oupa Magashula, for the early retirement of Mr Ivan Pillay during August 2010.

7.

The request was received by hand in a sealed envelope as were all confidential remuneration related matters of senior staff. Such matters were processed in a confidential manner and not kept in the general filing system of the Ministry, but in a separate filing system, in the Office of the Chief of Staff. This is mentioned as it may be relevant to the availability of such documentation.

8.

I must state that I am not able to provide exact dates for the events set out below as these events occurred more than five years ago, and I don't have access to any of the documents that will be able to assist with the exact dates. I do however recall these events and steps taken in processing this request of SARS by the then Minister of Finance, Pravin Gordhan.

9.

Upon receipt of the SARS submission for Mr Pillay's early retirement, I brought the request to Minister Gordhan's attention. He requested that more information be obtained and in particular on the legal framework. SARS provided its legal opinion by Mr Vlok Symington which indicated the GEPF conditions relating to early retirement as well as the fact that the SARS Act did not preclude the rehiring of Mr Pillay thereafter. As both SARS and the Government Pension Fund Administrator (GPAA) are entities that report to the Minister of Finance, he requested me to hare the request for early retirement with the NT legal advisor, Ms Rebecca Tee for her insight. Ms Tee, advised me that such a request was within the framework of the law and that the Executive, in this case Minister Gordhan, needed to consider such a request based on the reasons provided by the employee to consider such early retirement, and if granted the employer would cover the penalty for the early retirement from the GEPF.

10.

Minister Gordhan then indicated to me that he wanted to discuss matters relating to early retirement with the then Minister of Public Service and Administration, Mr Baloyi. Given diary constraints, a formal meeting was not arranged, but Minister Gordhan raised the matter informally with Minister Baloyi at a Cabinet meeting. Upon his return from the meeting, Minister informed me that Minister Baloyi advised it would be best to contact the



Acting DG to obtain more information. Commissioner Magashula was requested to contact the then acting DG for the DPSA, Mr Kenny Govender to discuss the matter. An updated Memo, reflecting the outcome of the discussion with the DPSA was submitted by SARS to the Ministry.

11.

Minister Gordhan also indicated that he wanted to discuss this matter with the SARS Remuneration Committee Chairperson, Mr Michael Olivier. The SARS HR and its Remuneration Sub-Committee, were mandated to provide guidance to the Commissioner and Minister on matters relating to SARS remuneration and reward strategies, retention and other employment conditions. This committee also made the annual recommendations to the Minister on salary and bonus matters for the SARS senior management team. Minister Gordhan had a telephonic discussion with Mr Olivier about several matters, including Mr Pillay's request for early retirement and his re-employment on a contract basis thereafter. Although this was not a matter that required Remcom approval, Minister still consulted with the Committee Chairperson, Mr Olivier, who is a well-respected remuneration and reward expert in the industry.

12.

The above process took approximately three months of consideration and due application of the Minister's mind. This can be ascribed to Minister Gordhan's way of work and his approach to decision making. He would consider a request by asking questions, upon receipt of initial information ask further inputs from experts, covering different angles, and only after due consideration of a matter, would he make a decision. It should be noted that during this time, Minister followed similar lengthy processes in applying his mind to bonus and salary increases of amongst others, SARS, National Treasury, DBSA and the Land Bank, and at times he was criticised for his "conservative" approach to such matters. Minister Gordhan was always at pains to apply his mind to remuneration matters and trying to balance the individual's needs and due performance rewards with the cost of such decisions on public institutions.

13.

After approximately 3 months, and within the context of the above information at Mr Gordhan's disposal, the submission was approved by him. I returned the original signed document to SARS in a sealed envelope. A copy would have been kept in the Ministry as mentioned above. SARS in turn processed the approval as per its processes and the Ministry had no further involvement in this matter, nor was there any further follow-ups or queries.

14.

SARS has re-employed staff that have retired and were reappointed into positions at SARS on a contract basis – both before and after Mr Pillay's approval in 2010.

15.

I was taken by complete surprise when I read about the NPA charges that were being levelled against Messrs Gordhan, Pillay and Magashula in 2016 as I recalled how diligently the submission was considered. I reached out to Minister Gordhan and I asked him if he remembered all the steps he had taken in the process and that I would be willing to attest to the steps taken during the time I was in the Ministry of Finance and dealing with this matter. Mr Gordhan indicated that he did not want officials caught up unnecessary in this case as there were political issues at play. I indicated my willingness to attest to these facts should it ever become necessary. The subsequent events with Mr Vlok Symington made me to better understand the context.

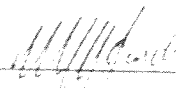
16.

I have decided to submit these comments to the Nugent Commission of Enquiry as it has always troubled me that such charges could have been brought against Minister Gordhan, Mr Pillay and Mr Magashula.

I know and understand the contents of this declaration.

I have no objection in taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.



Deponent



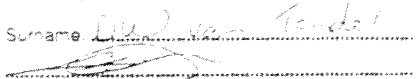
I certify that the dependent knows and understand the contents of her statement

Thus signed and sworn before me at Bonobon
on 20th day of June 2018



Commissioner of Oaths

I hereby certify that this document is a true copy/reproduction of the original which was examined by me and that from my observations the original has not been altered in any manner.

Name and Surname Duane van Tonder
Signature 
Capacity Special Officer SARS
Ex-Officio Commissioner of Oaths
Date 2018/06/20 Place PTP

