



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

## OFFICE OF THE DIRECTOR GENERAL

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**Mr P Janisch**  
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Parklands  
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Email: [paul@caird.co.za](mailto:paul@caird.co.za)

Dear Mr Janisch

### **Request for information on the draft revised B-BBEE Codes of Good Practice**

Your letter dated 19 October 2013 addressed to the Minister of Trade and Industry regarding the above matter refers.

Your request in terms of the aforesaid letter is to be provided with a written explanation for certain issues relating to the gazetting of the revised B-BBEE Codes of Good Practice (Gazette No. 36928) in terms of section 33 of the Constitution and section 5 of the Promotion of Administrative Justice Act, 2000 (PAJA) as well. In considering your request, I had regard to the provision of the said legislation, and would like to respond as follows:

**1. Re: Question 1 – *The reasons behind your rejecting my comments regarding the Codes of Good Practice?***

It is acknowledged that just like many other members of the public, you did submit comments in relation to the draft revised Codes of Good Practice. All submission, including yours, were considered before the final revised Codes were finalised and gazetted. The fact that your particular proposals may not have been reflected in the final Codes does not imply that **the dti** did not apply its mind to your inputs.

**2. Re: Question 2 – *As a white business owner, I request that you furnish me the reason why my 100% black-owned counterparts whose turnover of less than R50m should be accelerated to a level on status without contributing to any form of nation building or empowerment?***

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The principle behind B-BBEE is to empower black business and to accelerate black economic empowerment in general. This is in line with Section 9 (2) of the Constitution which states as follows: *“To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken”*. Therefore, the revised Codes are in compliance with the Constitution and the law as they aim to promote equality and advance people who were previously disadvantaged.

3. Re: Question 3: ***It is respectfully requested for the Minister to explain why the current BEE Codes of Good Practice (29617) are no longer adequate to address the empowerment needs of South Africa?***

As stated above, the main aim of B-BBEE is to empower black business and to accelerate black economic advancement, and the Codes are meant to achieve this purpose. Where it is apparent that the current mechanisms are not effective enough to achieve this purpose, the Codes are reviewed from time to time. The fact that there is very little progress regarding transformation, especially in relation to big business, prompted the review of the Codes.

4. Re: Question4: ***“Would the Minister please explain to me in writing as to how he could have published a document that lacks the clarity that is needed to implement such dramatic changes in the empowerment arena?”***

Although your question is very broad and you do not indicate how the document lack clarity, I would like to assure you that **the dti** has invested greatly in the process of publishing the revised Codes, including a consultative process which ensured to clarify all stakeholders about a need to amend the Codes.

Yours sincerely



Lionel October  
Director-General

Date: 29/11/2013