Chairman of Portfolio Committee on Public Enterprises.

South African Parliament

Dear KhayaMagwaxa

I am an activist based in Durban. I am head of an organisation called VOICE. It's an organisation that is run with all of us as volunteers and take no remuneration for helping to serve our people especially victims of crime and those that have been robbed of justice and fairness.

I assisted and is still assisting a company called Thekweni Marine and Steel (TMST) This company had a contract with Transnet RORO...called RORO 0069. The company had the contract terminated unfairly. Transnet succeeded in court to evict Thekweni Marine using the unconstitutional clause of 19.6. I was then asked to assist the Thekweni Marine to find justice. The evidence then showed that Transnet unfairly evicted the company based on a stolen BMW from the Port in which they were not responsible. The security company was finally found responsible after my intervention yet Transnet did not act against them. They were still allowed to operate. However the investigation started to unravel the lies deceit and corrupt activities that was operating at Transnet. Thereafter the company tendered again on RORO 119 only to be unfairly dismissed. We have the damning evidence on this as well.

I have contacted the previous minister Hon Lynn Browne. She instructed Lebohang Twampe from Public Enterprises to investigate. His findings were in Thekweni Marine favour. The matter was set for arbitration and upon Transnet rethinking their fight asked us to cancel arbitration and we go forward in resolving this issue. Lebohang Twampe representing Public Enterprise then mediated. Transnet insisted in documents prior and even in the eviction court hearing that they only owed TMST R25 000.00. This mediation process was broken up into two parts..one the invoices which Transnet owed and the other was the settlement. We met and agreed upon the invoices payment of R1.9 million even though it was less than what was actually owed in which they caused many workers to go without their salaries and for the company to suffer financially. It was intentional. A devious way to make sure the company cannot fight in court using the silk advocates Transnet can afford.

We then started the settlement mediation and the new minister Hon Gordhan took office at Public Enterprise. Hon Gordhan was briefed and He also asked the present chair to meet with me in Durban. I met with him on differentoccassions and it was agreed upon to settle this matter. With all the relevant authorities intervention a settlement of R20 million was made. An apology was also made by Transnet. A date was promised to settle the amount. All relevant documents and audited invoices were handed to the CE Transnet Durban. The minister was clear that he wanted this matter resolved without him dictating how it should be done. The minister never favored us. He just wanted justice and fairness. However Transnet backtracked and abused their powers. ThekweniMarine had to go to court to enforce payment. Sadly Transnet as usual uses their best legal silk advocates using our public monies to win their unjust battles. Transnet said that the head of legal did not sign so therefore it cannot be paid. The former head of legal Mr Siling just refuses to sign based on arrogance and ignorance.

The minister and chairman then stated that this is an operational issue, therefore the now former COO Mlamuli Buthelezi...had to make a decision. Mr Buthelezi perused all facts before him and decided with others to settle. The CE decided with her legal the amount of settlement. I was asked by Popo Molefe to speak to the company to accept the R20 million on a take it or leave it basis. I contacted the company and it agreed on the R20 million settlement.

Transnets executives then signed the settlement offer. Arrangements were made for the payment. Processes were followed until the chief legal went on holiday. We were asked to wait until he returns. When he returned he refuses to sign. No reason given. We then contacted the Minister's office again. A gentleman Ben Theron from the office of the minister was sent by the minister to intervene. Ben then advised that the settlement offer is like an IOU that we should take it to court to ensure payment is made. The vicious and unethical behaviour of Transnet legal then came into action again. They refused oral evidence in court. They also made known that if all audited invoices are handed in then they would pay..which I will prove to you in transcript. However the court accepted that with the legal head not signing the offer it therefore cannot be paid. IT MUST BE MADE KNOWN THAT THE COURT DID NOT SAY NO PAYMENT MUST BE MADE. It's a matter that needs to be concluded at the table with Public Enterprises, Transnet and TMST present.

Sadly the Public Enterprises Ministry now refuses to assist in concluding this matter that they intervened in. I am convinced that it is for the Minister to request for the CEO Transnet to request that the new chief legal peruse the matter and either sign if she refuses to sign, THEN SIMPLY GIVE US A REASON WHY NOT. I have been pleading for these departments to make this decision. Instead Transnet CEO decides not to respond in resolving the matter but threatens me with the SIU. I immediately contacted the SIU who responded that they were shocked at such threat and sent a letter condemning such threat to me. I requested protection from the Minister against such intimidation and bullying but received none.

This kind of corporate bullying is destroying good companies and jobs. Transnet was being destroyed because of corruption that exists until now. Transnet use our own tax paying monies to destroy us. This must STOP IMMEDIATELY. They use legal firms to investigate and it always shows in Transnet favour because Transnet is paying them for work done.

I humbly request an urgent meeting to discuss our issues and bring the files of communication and evidence we have. I appeal to you to hear us and resolve this matter. We are prepared to come to your offices.

Looking forward to your favourable response.

Kind regards

Alvin Brijlal

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VOICE