



University of Venda
Office of the Chairperson of Council
Private Bag x5050, Thohoyandou
0950 South Africa
Cell: 083 376 0455
E-mail: Juneas.Lekgetha@univen.ac.za
ester.munano@univen.ac.za

07 May 2021

Hon MP Mapulane, MP
Chairperson of Portfolio Committee on Higher Education,
Science & Technology
National Assembly

PORTFOLIO COMMITTEE ON HIGHER EDUCATION, SCIENCE & TECHNOLOGY: OVERSIGHT ENQUIRY INTO THE APPOINTMENT OF PROFESSOR P MBATI AS VICE CHANCELLOR OF SEFAKO MAKGATHO UNIVERSITY AND RELATED MATTERS

SUPPLEMENTARY STATEMENT: J LEKGETHA

I, the undersigned,

JUNEAS LEKGETHA,

do hereby make oath and state that:

1. I am an adult male and the Chairperson of the University of Venda Council.
2. On 21 April 2021, I received correspondence from the Honourable Mr Mapulane, the Chairperson of the Portfolio Committee on Higher Education, Science & Technology (the **Portfolio Committee**). In terms of this correspondence, I am required to prepare a supplementary statement to address certain issues. Further, I am required to appear before the Portfolio Committee's Enquiry into the appointment of Professor Peter Mbatlana as Vice Chancellor of Sefako Makgatho University and related matters (the **Enquiry**).

3. It should be noted that I was first requested to provide information to the Portfolio Committee on 12 August 2020. On 21 August 2020 I provided a detailed response to the Portfolio Committee attaching relevant annexures.
4. On 10 November 2020 I received a further request to provide the Portfolio Committee with additional information. I complied with this request and submitted the required information on 18 November 2020.
5. On 10 February 2021 I received a request to appear before the Portfolio Committee. I attended at the Enquiry on 16 February 2021.
6. I have now been requested to provide additional information to the Portfolio Committee, which information I address hereunder.
7. **Whether Prof Mbatl used University resources to defend himself during the process of review and set aside the Commission for Gender Equality (CGE) report.**

7.1 The factual matrix relating to the decision to review the CGE Report was set out in my previous correspondence submitted to the Portfolio Committee.

7.2 The University records show that the Interim Chairperson of the University's Council at the time, Mr S Maja, took a decision to review the CGE Report pursuant to the CGE's refusal to amend the report and note the evidence submitted by the University. This decision was communicated and ratified by Council.

7.3 The High Court proceedings to review and set aside the CGE Report were instituted by the University as the CGE Report contained adverse findings against the University. The University's Council and Professor Mbatl were joined to the proceedings as co-applicants purely because the University had a direct interest in the matter by virtue of the outcomes in the GCE Report.

7.4 Professor Mbatl would have been consulted by the University's legal representatives regarding his role pertaining to the CGE Report; however, he did not instruct a firm of attorneys to act on his behalf, including Bowmans. As far as the proceedings were concerned, Professor Mbatl was what could be described as a passive litigant. The proceedings were driven entirely by the University, through its attorneys of record.

7.5 Accordingly, Professor Mbatl did not use University resources to defend himself during the proceedings initiated to review the CGE Report. The decision to take the CGE Report on review was that of the University Council and the proceedings were initiated by the University.

8. **Settlement offer drafted by Bowman Gilfillan Inc. (Bowmans).**

8.1 Bowmans, as one of the University's legal representatives, acted and continues to act based on the mandate provided to them by the University. As such, any proposal made during without prejudice discussions in respect of an offer of settlement would be made in the execution of instructions provided to Bowmans by the University.

8.2 Bowmans was instructed to draft the offer of settlement by the then Director of Legal Services, Mr Edward Lambani, acting within his mandate. The offer was made without prejudice and was not accepted by Professor Phendla. As a result, Council was not apprised of the offer having been made as it was not accepted. Had the offer been accepted by Professor Phendla, the University Council would have been made aware that there were prospects of settling the matter and Council would have taken the final decision on whether to approve the settlement or otherwise. That not being the case this offer is of no relevance to any proceedings as it was not accepted. Council was never involved on the settlement negotiations by the Director Legal Services (Adv Lambani).

8.3 Furthermore, and in the light of the above, it is irrelevant why copies of the offer letter could not be found the offer is inconsequential.

9. **Task team report prepared by Messrs Mashego and Maimela.**

9.1 As at the date of this statement, I have not been able to locate the requested report and I am unable to confirm whether such a report exists. I am, however, able to confirm the following:

9.1.1 The University records show that the decision to take the CGE Report on review was communicated to Council in a letter dated 30 January 2015 by the then Interim Chairperson of Council, Mr Serobi Maja. This letter forms part of the record of these proceedings having been previously submitted.

9.1.2 The decision to take the CGE Report on review was ratified by Council.

9.2 I submit that it was appropriate and correct for the University to take the CGE Report on review. The CGE Report contained adverse findings against the University. Before finalising the report by the CGE, the University was not afforded an opportunity to state its case. However, as a result of the action taken by the University, the CGE agreed to excise substantive parts of the report that expressed adverse findings against the University.

9.3 The decision by the CGE to excise certain parts of its report was significant. In my view, which view I believe is shared by the Council, the outcome of the review application vindicated the Council's decision to challenge the CGE Report.

9.4 I submit, therefore, that the review of the CGE Report was ratified by Council as per minutes Council minutes dated 17 April 2015, EXCO minutes dated 19 June 2015 and 04 September 2015 respectively. See Council and EXCO minutes attached hereto and marked Annexure **JL 1, JL 2, JL 3 and the Task Report report marked Annexure JL 4.**

10. **Council's request to the University management for a report on breakdown of legal costs**

10.1 The then Director of Legal Services, Advocate Lambani, prepared a report on legal costs by Bowmans for the period 2011 to 2017 as requested by EXCO.

10.2 A copy of legal costs breakdown is attached hereto and marked Annexure **JL5**.

10.3 It should be noted that the legal fees contained in this report are inclusive of Counsels' costs as briefed by Bowmans in line with the University's instructions from time to time.

11. Finally, I confirm my attendance at the Enquiry on 11 May 2021 and note that I remain committed to assisting the Portfolio Committee in respect of matters relating to the University's Council.

12. I am responding clearly to the questions that were put to me in writing and that I will not be able to respond to any other matter not covered in the invitation letter.



Juneas Lekgetha
Chairperson: University of Venda Council