**National Assembly**

**Question Number: 182**

**Mr C H H Hunsinger (DA) to ask the Minister of Transport:**

(1) (a) What are the details of the process followed to appoint a Ranamane Mokalane Incorporated to represent Metrorail in the matter between Mukoma Technologies and Metrorail in the High Court of South Africa, case number 47482/2009 dated 30 January 2017, (b) what are the names of other legal representatives that were considered, (c) on what date was the specified representative appointed, (d) what amount has been paid by Metrorail to the representative to date, (e) in what number of cases has the specified representative represented Metrorail and (f) what was the outcome in each case;

(2) whether Metrorail verified the registration details of the specified representative; if not, why not; if so, what are the registration details of the representative;

(3) whether Metrorail conducted a background check on the specified representative before appointing it; if not, why not; if so, what are the details of the (a) process and (b) outcome;

(4) whether the specified representative still represents Metrorail?

**NW192E**

**REPLY:**

1. (a) The panel of attorneys was appointed through an open tender process. Once the panel is constituted, work is allocated to the lawyers and the attempt is made to ensure that work is allocated to attorneys in a fair and equitable manner that ensures attorneys are briefed according to their strengths, expertise and experience.

(b) The entire panel is considered when a new instruction is received.

(c) The specific representative was first appointed in 2006 to represent PRASA in the Rail and Road Assessing / Mkhonza matter. In 2009 the representative was appointed to represent PRASA in the Mukoma Technologies matter.

(d) The total amount paid to Ranamane Mokalane to date, amounts to R10,116,561-32.

(e) See table below.

(f) See table below.

|  |  |  |
| --- | --- | --- |
| **Name of Counterparty / Nature of matter** | **Brief synopsis of the issues in dispute** | **Status of the matter** |
| Rail & Road Assessing (“RRA”) | Claim for alleged professional services rendered and not paid for in the amount of R3 466 000.00 | Matter currently pending before South Gauteng High Court – this matter was placed on the roll and later removed after the plaintiff (RRA) failed to produce documents that it was required to produce at the hearing of the matter and that were required to properly assess RRA’s claim. Because of this failure, the matter was removed from the roll. |
| Mukoma Technologies (“MT”)  | MT was engaged to repair, service, maintain and install CCTV cameras at various train stations on an as-and-when basis. MT has claimed for loss of earnings in the amount of R27 353 474.90 | The court of first instance found against MT and granted leave to appeal to the full bench. The full bench denied the appeal. The application for leave to appeal is currently before the Supreme Court of Appeal. |
| Department of Public Works | PRASA is the plaintiff in this matter and it relates to services rendered to the Department of Public Works. PRASA is claiming R24mil | Matter currently pending before the South Gauteng High Court and the parties are engaging in settlement negotiations |
| Internal disciplinary hearing for employees alleged to have been engaged in jobs-for-sale | Ranamane Mokalane Attorneys are acting as initiators in these proceedings | Two of the matters have been finalised. Three other matters are nearing finalisation |

1. One of the requirements for attorneys to be placed on the PRASA panel of lawyers is a fidelity fund certificate issued by the relevant office of the law society. In this case, the firm had a fidelity fund certificate at the time of appointment.
2. Refer to (2) above.
3. PRASA is still represented by Ranamane Mokalane Attorneys and the attorney working on the matters is Mr Grayne Sekhasimbe. On 12 March 2019, PRASA learned that a criminal charge of fraud has been laid against Mr Grayne Sekhasimbe. This is viewed in a serious light by PRASA. PRASA has started engagements with the necessary persons, including the investigating officer in the case to ensure that PRASA’s rights are not imperilled. PRASA will take a decision on the relationship with Ranamane Mokalane Attorneys and Mr Grayne Sekhasimbe by 20 March 2019.