**National Assembly**

**Question No: 2027**

**Mr R A Lees (DA) to ask the Minister of Transport:**

(1) With reference to the Cabinet announcement on 21 October 2020 regarding non-executive members of the Board of the Passenger Rail Agency of South Africa, what (a) are the legal requirements for the proper composition and constitution of the specified board, including but not exclusive to the (i) maximum number of board members, (ii) minimum number of board members, (iii) details of any qualifications required of one or more of the board members and (iv) entities, state departments and/or organisations that must have representatives on the board and (b) are the details of the representatives from (i) his department, (ii) National Treasury and (iii) the SA Local Government Association (Salga) who were appointed following the announcement;

(2) what are the details of all the members of the board, including the representatives from his department, National Treasury and SALGA as at 15 August 2021;

(3) whether he has found that the board is properly and/or legally constituted; if not, (a) why not and (b) what (i) action has been taken to rescind all decisions made and action taken by and/or influenced by a certain administrator (name furnished) who allegedly was unlawfully appointed to act as the administrator and (ii) are the details of all remuneration and benefits paid to and/or accrued to the specified administrator;

(4) whether the recovery of the payments and benefits made to and/or accrued to the unlawfully appointed administrator were recovered; if no recoveries were made, why not; if so, who were benefits recovered from?

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**REPLY:**

**1 (a) Section24 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989 is the legal framework for the Board Composition and it provides as follows-**

***24 (1) The affairs of the corporation shall be managed by the Board of Control of not more than 11 members including the Chairman, who shall be appointed and dismissed by the Minister***

(ii) The Act do not expressly indicate the maximum but provides that not more than 11 members.

(iii) Section 24 (2)(d) provides that three of the members of the Board of Control shall have expertise and experience in the management of a private enterprise.

(iv) Section 24(2)(a)(b)(bA) and (c) provides that one of the members of the Board of Control shall be an officer in the (a) Department of Transport

 (b) Department pf Finance

 (c) Department of State Expenditure

 (d) South African Local Government Association (SALGA)

(b) The details of the Departmental Representatives are as follows-

 (i) Dept. of Transport: Mr Ngwako Makaepea

 (ii) Dept. of Finance: Mr Themba Zulu

 (iii) SALGA: Mr Xolile George

2. The details of the Board members are as follows-

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| --- | --- | --- | --- | --- | --- |
| **NO** | **NAME** | **GENDER** | **RACE** | **EXPERTISE** | **DESIGNATION** |
| **1.** | Mr. Leonard Ramatlakane | Male | African | Governance | Chairperson |
| **2.** | Adv. Smanga Sethene | Male | African | Legal | Non-Executive |
| **3.** | Mr. Mukhuba Matodzi | Male | African | Mechanical Engineering | Non-Executive |
| **4.** | Ms. Boitumelo T Mokgoko | Female | Black | Chartered Accountant | Resigned |
| **5.** | Mr. Dinkwanyane K Mohuba | Male | African | Governance | Non-Executive |
| **6.** | Dr Allison E Lewis  | Female | White | Civil Engineering | Resigned |
| **7.** | Ms. Nosizwe Nokwe-Macamo | Female | African | Private Sector Enterprise | Non-Executive |
| **8.** | Ms. Thinavhuyo N Mpye | Male | African | Chartered Accountant | Non-Executive |
| **9.** | Mr Ngwako Makaepea | Male | African | DoT Rep | Non-Executive |
| **10.** | Mr Themba Zulu | Male | African | Dept. of Finance | Non-Executive |
| **11g.** | Mr Xolile George | Male | African | SALGA Rep | Non-Executive |

1. Yes the Board is properly constituted with nine (9) members and has two vacancies, the process of filling those vacancies is underway, however, the Board if quorating.
2. See the response in 3 above (N/A)
3. (i)The Western Cape High Court declared the appointment of the Administrator unlawful and thus reviewed and set aside. The Court however did not declare that the decisions therein taken by the Administrator were also unlawful, invalid and set aside as such there is no need to review those decisions.

(ii) Mr Mpondo’s remuneration package R5 450 549.00 p annum. He did not contribute to the PRASA Provident Fund. He did not receive any other benefits.

1. There were no recoveries made and reference is made to (b) (i) above.