**National Assembly**

**Question Number: 356**

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

(a) What legal action has taken place between Airports Company South Africa and a certain company (name furnished) (i) in the past three financial years and (ii) since 1 January 2019, (b) why was legal action instituted in each case, (c) what has been the outcome in each case and (d)(i) which matters are still outstanding and (ii) why is each of the specified matters still outstanding?

 **NW380E**

**REPLY:**

**Airports Company South Africa SOC Limited (ACSA)**

1. An application under case number 25363/2018 to declare that the Invitation for bidders to submit a proposal to be issued a license to provide ground handling services issued to market was in violation of the Constitution of the Republic of South Africa, 1996 and the Promotion of Administrative Justice Act 3 of 2000.
2. The only legal action is as per (a) above and it was only in the last financial year 2018/2019
3. There has been a continuation of the matter under case number 25363/2018. Swissport South Africa Proprietary Limited have been successful in joining the Minister of Finance in relation to the argument pertaining to the constitutionality of the Preferential Procurement Policy Framework Act 5 of 2000

(b) Airports Company South Africa issued a request for an “Invitation for bidders to submit a proposal to be issued a license to provide ground handling services” to market on 16 May 2018, following which Swissport South Africa Proprietary Limited launched the application under case number 25363/2018 as it believed the Invitation was unlawful and in violation of the Constitution of the Republic of South Africa, 1996 and the Promotion of Administrative Justice Act 3 of 2000.

(c) The matter is still *sub judice*

(d)(i) The matter under case number 25363/2018

 (ii) The matter is still *sub judice* as a result there can be no finality until a competent court has handed down judgment and the parties do not appeal or cannot appeal the judgment.