**National Assembly**

**Question Number: 431**

**Mr M S F de Freitas (DA) to ask the Minister of Transport:**

(1) What are the (a) details of litigation that has taken place in which (i) his department and (ii) entities reporting to him were party to in the past 12 months, and (b) reasons in each case;

(2) (a) what was the outcome of litigation in each case and (b)(i) which matters are outstanding and (ii) why in each case;

(3) (a) what are the cost implications of each litigation case and (b) why in each case?

**NW494E**

**REPLY :**

**Department**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **(1) (i)**  **MATTERS** | **(a)**  **DETAILS** | | **(2) (a) OUTCOME** | **(b) (i) (ii)**  **OUTSTANDING** | **3 (a) (b)**  **COST IMPLICATIONS** |
| DOT/Bowman /Ngidi and Morar | Proceedings to recover amounts paid to consultants without following procurement procedures | | Settled |  | R448 121.15  Legal costs |
| Tasima/ DOT, RTMC | Application by Tasima to enforce payment of R30 million for services rendered on the eNatis. Constitutional Court ruled against Tasima | | In favour |  | R691 050.00  Legal costs |
| Athol Terence Baikie / Minister of Transport | Application to court to have SANRAL pay R12 million for an expropriation of land by the Minister in favour of SANRAL for extension of the N3 | |  | Not finalized | No costs as yet |
| Central African Road Services / Minister of Transport and CBRTA | Review application to set aside the promulgations of the 2014 permit tariffs | | In favour |  | No costs as yet |
| Road Freight Association / Minister of Transport and CBRTA | Review application to set aside the promulgations of the 2014 permit tariffs | |  | Not finalized | No costs as yet |
| Reinford Sinegugu Zukulu & others / SANRAL, Minister of Transport, Minister of Environmental Affairs | Challenge on the environmental authorisations granted by DEA for the construction of the N2 in the Wildcoast | |  | Not finalized | No costs as yet |
| Siyakhuphuka Investments / Minister of Transport and Department of Public Enterprises | Siyakhuphuka challenging the Minister of DPE on failure to incorporate the National Ports Authority as a company and Transnet as a sole member and shareholder. Minister of Transport on failure to ensure incorporation |  | | Not finalized | R37 620.00  Legal costs |
| Jamela Norah Khoza | RAF : Claimants challenging the constitutionality of the abolition of the common law right to claim general damages from the wrong doer – all injured in a road accident and cannot claim from RAF as their injuries fall under non serious |  | | Not finalized | no costs as yet |
| DOT/Thwala | Disciplinary proceedings on the unlawful extension of the eNatis contract. Found guilty and has brought a review application to the labour court | |  | Not finalized | R518 818.00  Legal costs |
| Nqobile Precious Fakude | RAF : Claimants challenging the constitutionality of the abolition of the common law right to claim general damages from the wrong doer – all injured in a road accident and cannot claim from RAF as their injuries fall under non serious | |  | Not finalized | no costs as yet |
| JV Ndorum/ Minister of Transport, Finance, Defence, Transport Eastern Cape | Summons by JV Ndorum for payment of extra works conducted at the Mthatha Airport | |  | Not finalized | R82 512.50  Legal costs |
| Nomusa Maeko / Department of Transport | Alleged unfair labour practice for non appointment to the position of Chief Director International relations | |  | Not finalized | R52 500.00  Legal costs |
| Levers Mabaso/DOT | Application to set aside the process followed in appointing the Chief Director : Legal Services | | In favour |  | R29 070.00  Legal costs |
| Marine Court of enquiry, Haartebeespoort dam | Marine Court of enquiry on the sinking of a boat at the Haartbespoort Dam that led to loss of lives | | In favour |  | R653 200.00  Legal costs |
| PSA obo H. Sayd / Department of  Transport | Labour dispute over a written warning given to employee on gross insubordination. An award granted in favour of the employee has been rescinded. | |  | Not finalized | R25 375.00  Legal costs |
| #Unite Behind and Equal Education / Minister of Transport and PRASA | Application to set aside the decision of the Minister to appoint an interim Board of PRASA | | Settled |  | R16 800.00  Legal costs |
| Selepe / DOT | Application to set aside the decision of the Minister not to confirm the probation period of Mr Selepe | | Settled |  | R432 345.00  Legal costs |
| P. Sekhula & others / Minister of Transport | Urgent application to set aside decision to appoint new members of the international air services licensing council. Urgent application dismissed with costs. | | infavour |  | R64 170.00  Legal costs |
| African Harvest / Minister of Transport and ACSA | Application to compel the Minister of Transport and ACSA to purchase the shares of the minority shareholders in ACSA | |  | Not finalized | No costs as yet |
| Brackenfell Trailer Hire / Minister of Transport | Challenging the presumption in the National Road Traffic Act about the owner of the driver of a motor vehicle and also constitutionality of prosecutions based on the presumptions | |  | Not finalized | No costs as yet |
| Ramahuma Mmaphila Caiphus / Minister of Police and Minister of Transport | Summons for alleged unlawful arrest by traffic officers and detention by police, claiming R500 000 | |  | Not finalized | No costs as yet |
| PRIVISOL and others / SANRAL, Minister of Transport, Minister of Environmental Affairs and others | Summons by SANRAL for non payment of e-tolls by privisol and others | |  | Not finalized | No costs as yet |
| Gakona Properties / SANRAL and Minister of Transport | Summons for payment of the amount of R12,287,254 for land expropriated on behalf of SANRAL. |  | | Not finalized | No costs as yet |
| Nkululeko Poya / Minister of Transport and RSR | Urgent application at the Labour Court to set aside disciplinary proceedings for alleged lack of powers of the Board of RSR | In favour | |  | R87 643.80  Legal costs |

**Air Traffic and Navigation Services SOC Limited (ATNS)**

(1)(i) Urgent Application for dismissal /Interdict of Internal Disciplinary Process.

(ii) Review the decision of the board to remove CFO as the Board Director of ATNS.

(iii) Review Application to interdict the disciplinary hearing and appointment of the Chairperson of the Hearing.

(iv) Review Application of the CCMA Arbitration ruling in relation to ATA theft of assessment papers

(v) Application in terms of Promotion of Administrative Justice Act (“PAJA”).

(ii) We have had 5 litigation matters in the past 12 months

(b) The matter has been defended in each case on behalf of ATNS

1. (a) what was the outcome of litigation in each case and (b)(i) which matters are outstanding

* Labour Court – pending / ongoing
* High Court – withdrawn with costs in favour of ATNS
* Labour Court- pending / ongoing
* Labour Court - pending / ongoing
* High Court – pending / ongoing

(b)(ii) The matters are being defended on behalf of ATNS and Counsel has been briefed in all matters.

(3)(a)

|  |  |  |
| --- | --- | --- |
| Labour Court | High Court | Cost Implication |
| 1 |  | R 312,115.20 |
|  | 1 | R 327 269.21 |
| 1 |  | R 131 250.00 |
| 1 |  | R 131 387.50 |
|  | 1 | R40 380.00 |

(b) Defending litigation matters on behalf of ATNS.

**(ii) The Cross-Border Road Transport Agency - Details of litigation that has taken place in the past 12 months**

**TABLE: 1**

| **1(ii)**  **Commencement date** | **1(a)**  **Title of the Matter** | **1(b)**  **Fact of the Matter** | **(2)**  **Status** | **3(a)**  **Cost** | **3(b)**  **Cost-Driver Reason** |
| --- | --- | --- | --- | --- | --- |
| 14 September 2014  (carried over from previous financial year) | **Central African Road Services //Minister of Transport, C-BRTA** | Review application to review the legislative process followed regarding promulgation of the 2014 Permit Tariffs. | Matter dismissed, each party to pay its costs | R 1, 096, 813 | Legal costs including fees |
| 16 April 2014 (carried over from previous financial year) | **Road Freight Association //Minister of Transport and C-BRTA** | Review application to review the legislative process followed with regard to promulgation of the 2014 Permit Tariffs. | Dormant | R 1, 049, 736 | Legal costs including fees |
| 16 April 2014  (carried over from previous financial year) | **Dermit O Brein // C-BRTA** | Court Applicant claim for unlawful arrest. | Dormant | R0,00 | No cost claimed |
| 10 September 2016  (carried over from previous financial year) | **C-BRTA // Shavana Ni Vukosi Trading and Projects (PTY) LTD** | Recovery of monies from a service provider that failed to deliver all the stationary that was ordered by the Agency. | At a level of consultation with the State Attorney | R0,00 | No cost claimed |
| 10 June 2015  (carried over from previous financial year) | **Employee // C-BRTA** | Claim for defamation of character, the applicant claims she was wrongfully accused, for stealing the amount of R1000-00. | A pretrial consultation was held in January 2019 | R 143,109 | Legal costs including fees |
| 25 June 2015  (carried over from previous financial year) | **Manyatseng, Ficksburg, Borolelo-Trans Free State // C-BRTA** | Review and setting aside of Regulatory Committee decision to issue cross-border permits to operate from South Africa to the Kingdom of Lesotho be reviewed and set aside. | Dormant | R 57, 547 | Legal costs including fees |
| April 2017  (carried over from the previous financial year) | **JJ Trauernicht, Amos Lelope** | Application for damages and injuries following collision with Road Transport Inspector. | Awaiting a trial date | R 168, 859 | Legal costs including fees |
| 19 November 2018 | **Employee // C-BRTA** | The applicant has lodged a salary disparity grievance. | The statement of case was prepared and filed | R0,00 | No cost claimed |
| August 2018 | **C-BRTA // Boshielo** | Review and setting aside of the CCMA decision to start the recruit process de-nova regarding a post that the respondent applied however was unsuccessful. | CCMA has filed the record however it is not complete; a complete record has been requested. | R 103, 700 | Legal costs including fees |

**(ii) Road Accident Fund (RAF)**

**Table: 2**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **(1)(ii)(a) the details of which are,** | **and, (b) the reason in each case is,** | **(2)(a) the outcome of litigation in each case was,** | **(b)(i) the following matters are still outstanding,** | **(ii) because,** | **(3)(a) the cost implications in each case are,** | **(b) because,** |
| **Employee Relation Unit** | | | | | | |
| RAF vs Nonjongo | RAF took the decision of the CCMA in relation to unfair dismissal on review | ongoing | refer to the response in respect of paragraph (2)(a) | awaiting court hearing date | salary from date of dismissal to date of judgment | the Labour Court may find for the employee |
| Gcanabana vs RAF | employee took the decision of the CCMA in relation to unfair dismissal on review | ongoing | refer to the response in respect of paragraph (2)(a) | awaiting court hearing date | salary from date of dismissal to date of judgment | the Labour Court may find for the employee |
| Matodzi vs RAF | RAF took the decision of the CCMA in relation to constructive dismissal on review | finalised in favour of the RAF | refer to the response in respect of paragraph (2)(a) | judgment delivered | None | review application was dismissed with costs in favour of the RAF |
| Mahlangu vs RAF | employee took the decision of the CCMA in relation to unfair dismissal on review | finalised in favour of the RAF | refer to the response in respect of paragraph (2)(a) | judgment delivered | none | review application was dismissed with costs in favour of the RAF |
| **Corporate Secretariat** | | | | | | |
| Dr. T Kommal vs the Chairperson of the Board of the RAF | dispute related to governance | settlement of the dispute is being considered | refer to the response in respect of paragraph (2)(a) | settlement of the dispute is being considered | the dispute does not relate to a capital award | the dispute relates to governance |
| **Legal Unit** | | | | | | |
| MTF Consultants (Pty) Ltd v RAF | contractual dispute | finalised | refer to the response in respect of paragraph (2)(a) | judgment delivered | R2 905 986.00 | R2 714 943.22 plus interest at 9% was awarded |
| Mohlala Attorneys v RAF | contractual dispute | litigation pending | refer to the response in respect of paragraph (2)(a) | awaiting court hearing date | none | application for review |
| Caveonet (Pty) Ltd v RAF | Commission of Enquiry in terms of section 417 and 418(a) of the Companies Act, No. 71 of 2008 (liquidation) | finalised | refer to the response in respect of paragraph (2)(a) | Commission of Enquiry withdrawn | none | declaratory order |
| Anne Jamotte v Hogan Lovells Attorneys and RAF | outstanding payments | finalised | refer to the response in respect of paragraph (2)(a) | settlement was reached | R1 873 632.90 | as per settlement |
| Frans Schutte and Matthews Phosa Attorneys v RAF | outstanding payments | finalised | refer to the response in respect of paragraph (2)(a) | settlement was reached | R48 256 939. | as per settlement |
| Mac Ndhlovu Inc v RAF | contractual dispute | litigation pending | refer to the response in respect of paragraph (2)(a) | pleadings stage | none | declaratory order |
| JS Thokoane and 20 Others v RAF and NPA | contractual dispute | finalised | refer to the response in respect of paragraph (2)(a) | judgment delivered | none | declaratory order |
| ML Hlakola vs Acting Chief Executive Officer and RAF | outstanding payments | finalised | refer to the response in respect of paragraph (2)(a) | settlement was reached | R1 287 350.00 | as per settlement |
| LS Sambo vs Acting Chief Executive Officer and RAF | outstanding payments | finalised | refer to the response in respect of paragraph (2)(a) | settlement was reached | R980 617.95 | as per settlement |
| Thusanang Enabling Support Services (Pty) Ltd v RAF | outstanding payments | finalised | refer to the response in respect of paragraph (2)(a) | summons withdrawn | none | legal action has been withdrawn |
| ES Mawai v RAF and 2 Others | subpoena served on the Acting Chief Executive Officer | finalised | refer to the response in respect of paragraph (2)(a) | subpoena withdrawn | none | declaratory order |
| NP Fakude and 46 Others v RAF and Minister of Transport | constitutionality of certain provisions within the Road Accident Fund Act, No. 56 of 1996 and its Regulations | litigation pending | refer to the response in respect of paragraph (2)(a) | awaiting court hearing date | none | declaratory order |
| Ntuli Pretty Rose Jabu obo Minors and 14 Others | appointment of curators | finalised | refer to the response in respect of paragraph (2)(a) | judgment delivered | none | declaratory order |
| JM Makuwe v RAF and Acting Chief Executive Officer | request in terms of the Promotion of Access to Information Act, No. 2 of 2000 | finalised | refer to the response in respect of paragraph (2)(a) | settlement was reached | none | declaratory order |
| V G Martin obo TND v RAF and the Minister of Transport | constitutionality of certain provisions within the Road Accident Fund Act, No. 56 of 1996 and its Regulations | finalised | refer to the response in respect of paragraph (2)(a) | settlement was reached | R 6 400 000.00 | as per settlement |
| Corlia Olivier v RAF | contractual dispute | pending | refer to the response in respect of paragraph (2)(a) | pleadings stage | R 72 417.30 | as per amount claimed |
| Adv. Brain Hitchings NO v RAF, Netcare LTD, and Netcare Hospitals (PTY) LTD | constitutionality of certain provisions within the Road Accident Fund Act, No. 56 of 1996 and its Regulations | finalised | refer to the response in respect of paragraph (2)(a) | settlement was reached | R41 000 000 | as per settlement |
| J Matlala v RAF, Acting Chief Executive Officer and Chief Financial Officer | outstanding payment | finalised | refer to the response in respect of paragraph (2)(a) | settlement was reached | R2 261 8714.83 | as per settlement |
| B Mbalu v RAF | unfair dismissal | litigation pending | refer to the response in respect of paragraph (2)(a) | awaiting court hearing date | None | declaratory order |
| W J Mkhonza Assessors v RAF | contractual dispute | litigation pending | refer to the response in respect of paragraph (2)(a) | awaiting court hearing date | R 2 298 456 | as per amount claimed |
| Synka Projects (Pty) Ltd v RAF | contractual dispute | litigation pending | refer to the response in respect of paragraph (2)(a) | awaiting court hearing date | R 432 495.80 | as per amount claimed |
| LW Mofokeng v Minister of Transport, HPCSA, RAF and Chairperson of the Appeal Board | constitutionality of certain provisions within the Road Accident Fund Act, No. 56 of 1996 and its Regulations | pending | refer to the response in respect of paragraph (2)(a) | pleadings stage | none | declaratory order |
| Adv. WS Coughlan No v Minister of Transport, HPCSA, RAF and Chairperson of the Appeal Board | constitutionality of certain provisions within the Road Accident Fund Act, No. 56 of 1996 and its Regulations | finalised | refer to the response in respect of paragraph (2)(a) | settlement was reached | none | declaratory order |
| Kusini Holdings (Pty) Ltd v RAF | contractual dispute | litigation pending | refer to the response in respect of paragraph (2)(a) | pleadings stage | R16 219 518.75 | as per amount claimed |
| K Malao Inc and KPL Malao v RAF, Acting Chief Executive Officer and 5 Others | defamation | litigation pending | refer to the response in respect of paragraph (2)(a) | pleadings stage | R 3 500 000.00 | as per amount claimed |

**(ii) South African National Roads Agency Limited (SANRAL)**

**TABLE: 3**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Plaintiff** | **Defendant** | **Initiation date** | **Details and status** | **Outcomes and result** | **Amount spent from 1 April 2015 to date** |
| Reinford Sinegugu Zukulu | SANRAL | 30/03/2010 | Wild Coast environmental review application. The defendant finalised and lodged a replying affidavit. | Judgement to be handed down 7 March 2019 | R 9 658 071.29 |
| Tau Pele | SANRAL | 08/11/2018 | This is an application lodged by Tau Pele Construction (Pty) Ltd against SANRAL for the payment of the amount of R36 447 840.08 based on payment certificate 29, and certificate 30 in the amount of R22 652 194.62. | Matter settled by agreement between the parties on 28 February 2019 | R 950 000 |
| Mr S Nhlapo | Ms N Modise | 23/04/18 | Ms Modise (Sanral employee) received summons in her personal capacity due to allegations of unfair treatment of black contractors. Attorneys have been appointed by Sanral to defend Ms Modise because the allegations are as a result of her performing her duties.  A Plea and discovery affidavit have been filed. We are now waiting for a Notice of Set down. | Awaiting trial date in April 2019 | R 17 036.33 |
| Quality Plant Hire | SANRAL | 10/11/2018 | An application has been instituted against SANRAL on the 1st of November 2018 for imposing delay penalties upon Quality Plant Hire were received.  SANRAL has served and filed their answering affidavits and are waiting upon the applicants to reply. In the absence of a reply, SANRAL will file their practice notes heads of arguments after which the matter will be ready for a hearing. | Awaiting court date for hearing | R300 000 |
| ASJV | SANRAL | 10/02/2019 | ASJV unlawfully terminated FIDIC contract for the construction of the Mtentu Bridge and launched an urgent application against SANRAL in order to interdict the latter from calling upon the performance and retention guarantees – upon acceptance of ASJV’s abandonment of site. | Awaiting judgment pending | Awaiting statements of account |

**(ii) Road Traffic Management Corporation (RTMC)**

**TABLE: 4**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **LITIGATION 2018/2019** | **REASONS FOR LITIGATION** | **OUTCOME / OUTSTANDING** | **REASONS** | **COST** |
| - Rekwele vs RTMC | Rekwele issued summons to claim purported outstanding costs for rental of vehicles by the RTMC. RTMC defended the matter and filed a special plea. Special plea set down for hearing. | Litigation ongoing | Special Plea to set - down for hearing (awaiting directive from court) | R 408 129.62 |
| - Putcomofami vs RTMC | Service provider issued summons against the RTMC for breach of contract – Repudiation. The RTMC defended the matter and took exeption. Claim abandoned. | Litigation ongoing - Claim abandoned, | RTMC to persue costs | R 133 332.54 |
| * RTMC vs Telkom | RTMC bring Urgent Application to order Telkom to seize service suspension | Order made in favour of RTMC | Litigation ongoing - Telkom appealed to Supreme Court Of Appeal. Awaiting directive from SCA | R 1 154 331.00 |
| * JPSA vs Minister of Transport & Others (4 December Answer) (Application) | JPSA brought application to contest AARTO Procedure. RTMC Opposed the application. Application dismissed by court | Application dismissed | Matter closed | R 0 .00  Costs covered by JPSA |
| - Tasima vs RTMC | Application to enforce Section 197 of Labour Relations Act and Tasima bring several interim order applications. RTMC opposed applications   * (Steenkamp J ) (LCA) * (Rabkin Naicker J)(LCA) * (Solejee J)(LCA) * (Nkutha – Nkontwana)(LCA) * Tasima Petition * Tasima Warrant of Execution * Servest Landscaping vs Tasima (Joinder) * Rohland Industrial Design vs Tasima (Joinder) * Labour Appeal Court * Section 18(3) Labour Court * Section 18(4) Labour Appeal Court * Constitutional Court (RTMC) * Constitutional Court (Tasima Cross Appeal) | Labour Appeal Court Order appealed by both Parties to the Constitutional Court) | Litigation ongoing – Section 18(4) appeal to be heard by Labour Appeal Court and awaiting directive from the Constitutional Court | R 2 948 108.57 |
| - Nkwatsi and Others vs RTMC (Unlawful Arrest) | The complainant issued summons against the RTMC for purported unlawful arrest. RTMC opposed the action and filed its exception and plea. Matter abandoned by complainant | Claim abandoned | Matter closed | R15 000 .00 |
| - RTMC vs Silvercoin | RTMC issued summons for payment of undue paid amount | Litigation on going | Summons issued | R 14 381.73 |
| - Howard Dembovsky vs RTMC (Application | Mr. Howard Dembovsky, in his personal capacity and as the chairperson of Justice Project South Africa aims to bring an application for an order, which amongst others and in as far as it relates to the Department, RTIA and the Corporation. RTMC filed answering papers as per directive of court. | Litigation on going | Applicant to file reply to answer of respective Respondents | R 267 278.00 |
| - Waymark vs RTMC (20 Novemebr CC) | Waymark instituted legal action against the RTMC in 2010, following a contractual dispute for the outstanding contract price. | Litigation ongoing | Litigation ongoing – awaiting Constitutional Court Judgement | R 493 119.36 |
| ­ Mohlaleng vs RTMC | RTMC instituted legal action against Mohlaleng for the outstanding deposit, paid on the Silver Lakes Offices offices and other amounts owed. | Litigation ongoing | Matter postponed sine dies and to be set-down for hearing | R 532.83 |
| - RTMC Declaratory | RTMC to declare certain administrative actions taken by erstwhile Acting CEO void and unlawful. | Litigation ongoing | Hearing date to be set by court | R 0 .00 (awaiting invoices) |
| - Munsammy vs RTMC | Claim for damages – matter settled out of court | matter settled | Mater closed | R 0 .00 |
| - Doorleen Investment vs RTMC | Successfully settled matter out of court | matter settled | Mater closed | R 0 .00 |
| - NEHAWU vs RTMC | Urgent Application against RTMC | Application abandoned | Mater closed | R 0 .00 |
| - Wechoemang vs RTMC | Urgent Application against RTMC | Application Dismissed | Mater closed | R 790 280.00 |

**(ii) Road Traffic Infringement Agency (RTIA)**

**TABLE: 5**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1. **(a) LITIGATION** | 1. **(b) REASONS FOR LITIGATION** | 1. **(a)(b)(i) OUTCOME / OUTSTANDING** | 1. **(b) (ii) REASONS** | **(3) (a)(b) COSTS** |
| **Demborvsky v Minister of Transport and Others** | The Applicant challenges constitutionality of certain provisions of the AARTO Act and the NRTA Act. The provisions of the AARTO Act which are being challenged are subject to amendments through the AARTO Amendment Bill. | The Demborvsky application is still outstanding | The pleadings have not closed in the Demborvsky application and therefore the matter has not been set down. | **R 1 148 204 .00**  The litigations were extensive and threatened the very existence of the Agency hence, the services of the external legal experts were procured. |
| **JPSA v Road Traffic Infringement Agency and Others** | The application was about the method of serving AARTO notices as prescribed in the AARTO Act. The applicant argued that the RTIA and other cited parties were utilizing a  secure mail instead of the registered mail | The JPSA matter was finalized and decided in favour of the Registrar of the Road Traffic Infringement Agency. | Matter is finalised | **R 0 .00**  Costs covered by JPSA |

**Ports Regulator of South Africa (PRSA)**

1. There are no litigations that have taken place where the Ports Regulator was party to in the past 12months
2. Not applicable
3. Not applicable

**South African Maritime Safety Authority (SAMSA)**

|  |  |  |
| --- | --- | --- |
| **Year** | **Nature of Litigation** | **Cost** |
| 2018- To Date | Contractual dispute. An amount of R280 000 is being claimed for work allegedly done for SAMSA. SAMSA served our Plea on the Plaintiff on 15/02/2019. | The matter is ongoing. Total costs in legal fees to date R45 000.00 |

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

(1) (ii) Please find attached a spreadsheet in response to the above.

**South African Civil Aviation Authority (SACCA)**

| **LEGAL MATTERS INSTITUTED AGAINST SACAA – OVER THE PAST 12 MONTHS:** | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| # | (1)(a) Details of the litigation | | (1)(b) Reasons in each case | (2)(a) What was the outcome? | (2)(b)(i) Which matters are outstanding? | (2)(b)(ii) Why is the matter outstanding? | (3)(a) Cost for 2018/19 Financial year | (3)(b) Why this cost? |
| Applicant/Plaintiff | Respondent |
| 1 | Berwick  (Partially finalized – pending legal costs being paid to SACAA) | SACAA | The SACAA, the South African Hang-gliding and Paragliding Association (SAHPA) and the Minister of Transport were sued by Berwick who was injured in a paragliding accident. | SACAA defended claim successfully | Finalised | N/A | R 803,825.92 | Legal fees |
| 2 | Ruiter | DCA; Minister of Transport, SACAA and SAA | An application to set aside a decision taken by the Director in respect of a medical certificate. | Settlement | Pending | Cost recovery | R3,375.54 | Legal fees |
| 3 | ALPA-SA  (Zerwick) | Director, Gawie Bestbier, Thabang Phahlane and the Minister | Zerwick appealed against an enforcement decision for non-compliance with SACAA regulations. The enforcement action of the Inspector was upheld on appeal to the DCA. | High Court Appeal pending | Pending | Re-hearing of appeal | R350,819.55 | Legal fees |
| 4 | SB Keyser  (*Partially finalized – pending legal costs being paid to SACAA)* | SACAA | An appeal against the judgement delivered by the Civil Aviation Appeal Committee. | Appeal dismissed in favour of SACAA | Pending | Cost recovery | R 217,728.44 | Legal fees |
| 5 | SB Keyser | Director | An urgent application in the High Court to set aside the notice of intention to suspend a Pilot Licence. | Pending High Court appeal | Pending | Awaiting judgement | R 1,046,139.50 | Legal fees |
| 6 | Kelderman | SACAA | High Court appeal against the Director’s decision to issue a fine, which was confirmed by the Appeal Committee. | Pending High Court appeal | Pending | Awaiting date of set down | R184,915.00 | Legal fees |
| 7 | Quantum Leap Investments (PTY) Ltd | SACAA & Civil Aviation Appeals Committee (CAAC) | SACAA appeal against the judgement of the Appeals Committee relating to a licensing compliance. | Appeal was dismissed | Finalised | N/A | R235,923.52 | Legal fees |
| 8 | South African Flight Training Academy | Minister of Transport / SACAA | SACAA sued for damages for loss of income and reputational harm. | Pending trial action | Pending | Exchange of pleadings and interim application | R 537,580.25 | Legal fees |
| 9 | Former Employee | SACAA | Labour matter. | CCMA referral for arbitration | Pending | Awaiting transcript | None | Legal fees |
| 10 | Kishugu Aviation (Pty) Ltd and others // Minister of Transport  *(The matter closed)* | SACAA | **Kishugu** is requesting the setting aside of findings of an accident investigation report. | Withdrawal of the matter | Finalised | N/A | R 199 797.67 | Legal fees |
| 11 | National Union of Metal Workers on behalf of a Former Employee | SACAA | Labour matter | Labour court review | Pending | Interim applications | Not billed as yet | N/A |
| 12 | AAL-SA  *(Matter closed)* | SACAA | Aircraft registration matter. An application was launched to compel the SACAA to register aircraft. | Application was dismissed | Finalised | N/A | None | N/A |
| 13 | AEROPRECISION | SACAA: | **AEROPRECISION** issued summons claiming damages for enforcement action taken by the SACAA. | Decision in SACAA favour with cost | Pending | Recovery of cost | R48,604.75  Matter commenced in 2014. Payment made in 2014 amounting to total mentioned above | Legal fees |
| 14 | Bosman | SACAA | **Bosman,** a Commercial Pilot licence holder challenged the suspension of his licence through an urgent High Court application, at the Civil Aviation Appeal Committee and instituted an appeal in the High Court, Gauteng North against a decision of the Civil Aviation Appeal Committee. | High Court Appeal pending | Pending | N/A | R746,351.26 | Legal fees |
| 15 | Former Employee | SACAA | Labour matter. | Pending claim for damages | Pending | N/A | No bill as yet | N/A |
| 16 | Fair Aviation | SACAA | FAIR AVIATION sought an interim interdict in the High Court, asking the court to condone a non-compliance to civil aviation regulations. | Dismissal of application | Finalised | N/A | R177,606.70 | Legal fees |
| 17 | Former Employee | SACAA | Labour matter. | Pending labour court review | Pending | Employee raising funds for legal representation | No bill as yet | N/A |
| 18 | CEMAIR | SACAA | CEMAIR instituted two urgent applications in the High Court, seeking interim interdicts to set aside audit findings that resulted in the suspension of their operations. | 1st application was settled. 2nd application was dismissed by the court | Finalised | N/A | No payment yet | N/A |

| **LEGAL MATTERS INSTITUTED BY SACAA – OVER THE PAST 12 MONTHS:** | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| # | (1)(a) Details of the litigation | | (1)(b) Reasons in each case | (2)(a) What was the outcome? | (2)(b)(i) Which matters are outstanding? | (2)(b)(ii) Why is the matter outstanding? | (3)(a) Cost for 2018/19 Financial year | (3)(b) Why this cost? |
| Applicant/  Plaintiff | Respondent |
| 1 | Former Employee **(**Matter closed) | SACAA | Labour matter | Claim could not be pursued due to the absence of the employee in South Africa | N/A | N/A | R149,838.05 | Legal fees |
| 2 | SACAA | Phoebus Apollo Aviation | SACAA served summons to recover costs from a service provider. | Settlement agreement | Finalised | N/A | R30, 898.97 | Legal fees |
| 3 | SACAA | AOPA DEFAMATION CASE | SACAA instituted a defamatory lawsuit against an association. | Awaiting trial date | Pending | Interim applications | R291 909.94 | Legal fees |
| 4 | SACAA | Interface Technologies | SACAA issued summons for recovery of outstanding debt against an operator. | Court order in favour of SACAA | Finalised | N/A | R157 671.59 | Legal fees |
| 5 | SACAA | Tshungu Multimedia Enterprises | Setting aside of a tender related decision in favour of SACAA. | Decision successfully overturned | Finalised | N/A | R438,671.75 | Legal fees |

**Railway Safety Regulator (RSR):**

1. (a) The details of litigation that has taken place are:

Full Facilities Management v Railway Safety Regulator – August 2018

PRASA v RSR – October 2018

(b) The reasons in each case are:

**Full Facilities Management v Railway Safety Regulator – August 2018**

This matter relates to a contractual dispute between the parties. The RSR terminated the contract for the provision of turnkey offices pursuant to a dispute between the parties. The matter is finalised.

**PRASA v RSR – October 2018**

PRASA launched an urgent application after it was served by ga notice of suspension of its safety permit. This follows several non-compliance notices that were served to PRASA by the RSR. The court decided to place PRASA under supervision until PRASA has complied with all the conditions imposed by the RSR.

1. (a) The outcome of litigation in each case is:

**Full Facilities Management v Railway Safety Regulator – August 2018**

Parties are currently busy with an arbitration process.

**PRASA v RSR – October 2018**

Parties are required to give feedback to the Judge by 19 June 2019.

(b) (i) There are no matters outstanding.

(ii) Not applicable.

|  |  |  |
| --- | --- | --- |
| **Litigation Case** | **(a)**  **Cost Implication** | **(b)**  **Reason** |
| Full Facilities Management v Railway Safety Regulator | R339,436 | Relates to an eviction order that was launched by Full Facilities Management |
| PRASA vs RSR | R529,154 | Application was brought by PRASA to stop or interdict the RSR from suspending its safety permit. |

**Passenger Rail Agency of South Africa (PRASA):**

1. (a) Please refer to attached Annexure for details of litigation that taken place. It must be noted

that there are matters dating back as far as 2012 as these matters have been active in the past twelve months.

(b) Please refer to attached Annexure for reasons in each case.

1. (a) Refer to attached Annexure.

(b) Refer to attached Annexure.

1. Refer to attached Annexure.
2. Refer to attached Annexure.
3. (a) Refer to attached Annexure.

(b) Refer to attached Annexure.