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Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

THE NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

QUESTION NO. 510

Mr R W T Chance (DA) to ask the Minister of Trade, Industry and Competition:

What is the total amount that the National Lotteries Commission (NLC) has spent on (a) (i) legal fees and (ii) consultants for seeking legal advice and legal opinions against the (aa) media, (bb) politicians and/or political parties and (cc) staff members and (b) litigation from 1 April 2020 to date, and (c) each specified legal firm employed by the NLC in each case? NW691E

REPLY:

I have been advised by the National Lotteries Commission (NLC) as follows.

(a) (i) and (ii) The cost relating to reputational risk matters is all encompassing, that is, it includes, the legal risks management fees, legal advice / legal opinions. Reputational risk matters are line items within an all-encompassing invoice. The table below lists costs associated with seeking legal advice and opinions against the media, politicians and/or political parties and staff members:

(aa) media

No.	DESCRIPTION	COSTS (R)			Legal firm
		2020/2021	2021/2022	2022/2023	
1.	Handling of reputational risk matters	2 108 362	1 233 674	-	Malatji Kanyane Inc.
2.	Governance matters - (Release of Investigation Report)	-	244 548	-	Lawtons Africa
TOTAL		2 108 362	1 478 222	-	

The cost of Legal and consultants' costs incurred (including legal opinions solicited, consultations on all matters relating to advice and costs of litigation as well as drafting of any letters on behalf of the Commission, the Commissioner, Staff members and Board members) to cover inter alia matters relating directly or indirectly to the Ministry, any media house or journalist and parliamentarian:

(bb) politicians and/or political parties

No.	DESCRIPTION	COSTS (R)			
		2019/2020	2020/2021	2021/2022	Legal firms
1	NLC / The Minister of Trade, Industry and Competition (Application which sought to review the decision of the Minister to appoint Ms. Brown (former Board Member) as Interim Chairperson of the NLC Board, and legal opinion thereon. (Matter closed and judgment delivered)	-	-	188 503	Maluks Attorneys & Corporate Law Advisors
2.	NLC // The Minister of Trade, Industry and Competition (Application to review powers of the Minister to institute an investigation into the affairs of the NLC) (Matter closed and judgment delivered)	-	-	720 000	Maluks Attorneys & Corporate Law Advisors
3.	NLC // The Minister of Trade Industry and Competition (Application to compel the Minister to appoint NLC Board during March 2022 – Matter withdrawn when the	-	-	271 907	Maluks Attorneys & Corporate Law Advisors

Minister appointed the Board) (Matter closed and judgment delivered)					
Legal opinion on the powers of the Minister	244 548	-	-	Lawtons Africa	
Media article on groundup	606 819.00	-	-	Malatji Kanyane Inc.	
NLC//Advice on Defamatory Publication Timeslive	376 573.25	-	-	Malatji Kanyane Inc.	
NLC Advice on defamatory publication	395 053.75	-	-	Malatji Kanyane Inc.	
TOTAL	1 622 994	-	1 180 410	-	

(cc) staff members and (b) litigation from 1 April 2020 to date, and (c) each specified legal firm employed by the NLC in each case

NO.	PARTIES	DESCRIPTION	STATUS	COSTS (R) 2019/2020	COSTS (R) 2020/2021	COSTS (R) 2021/2022	COSTS (R) 2022/2023	COSTS (R) 2023/2024	COSTS (R) 2024/2025	Legal firm
1.	Mzukisi Makatse / NLC	<p>The Applicant, a former employee of the NLC lodged an Application in the Eastern Cape (East London) High Court, for general damages for the breach of contract, past and future loss of earnings arising from the termination of his employment contract.</p> <p>The applicant then proceeded to seek leave to appeal, wherein the application was dismissed.</p> <p>An application for special leave to appeal was lodged at the SCA, which was</p>	<p>Finalised</p> <p>NLC was successful and awarded costs from the court <i>a quo</i> to the SCA.</p> <p>Awaiting Taxing Master to tax the bill of costs.</p>	1 950 568	4 523 723	2 308 690	52 493	-	-	Ndobela Lamola Inc.

		subsequently dismissed with costs.								
2.	NLC vs B Mafonjo	Labour Court - Review Application to set aside the outcome report of the Chairperson of the Internal Disciplinary Hearing.	Ongoing Pending a set down date from Labour Court.	1 491 163	1 710 125	1 040 618	25 000.00	84 074	-	Cliffe Dekker Hofmeyer Inc.
3.	Ndonyane vs NLC	Labour Court - Review Application seeking to set aside the CCMA Arbitration Award.	Ongoing Pending a set down date from Labour Court.	221 590	-	576 643	-	-	-	Cliffe Dekker Hofmeyer Inc.
4.	K Malatsi vs NLC	Labour Court - Review Application seeking to set aside the CCMA Arbitration Award dated 20 November 2015 made in favour of the respondent [NLC].	Ongoing Pending a set down date from Labour Court.	21 574	7 859	102 051	-	-	-	Cliffe Dekker Hofmeyer Inc.
5.	Malatsi vs NLC	Constitutional Court – Applicant sought direct access to the Constitutional court to challenge the dismissal.	Finalised The matter was heard at the Constitutional Court on the 15th of October 2021	-	-	-	9 315	-	-	Cliffe Dekker Hofmeyer Inc.

			and was dismissed. No costs were awarded.								
6.	K Malatsi vs NLC	This was a High Court urgent application brought by the applicant against various respondents, including the Judicial Services Commission, Constitutional Court, the Minister, NLC, KPMG and further respondents are also cited.	Finalised Judgment was handed down on 13 September 2022 in favour of the NLC and KPMG. Applicant was ordered to pay costs for NLC & KPMG.		-	-	102 051	-	-	Cliffe Dekker Hofmeyer Inc.	
7.	K Aphane vs NLC	Labour Court - Review Application to set aside the Arbitration Award handed down on 19 April 2022 in favour of the employer.	Ongoing The matter is pending a set down date.		-	-	179 200	169 159	-	186 961	Gildenhuys Malatji Inc. Adv. Patrick Thobakgale Malatji Kanyane Inc.
8.	NLC vs Y Mvakwa	Labour Court - Review Application	Ongoing		--	594 017	246 549	181 391	314 189	451 003	Malebye Motaung

		challenging the CCMA Arbitration Award handed down on 10 November 2021 in favour of the Applicant.	Matter heard at CPT Labour Court on 12 July 2024 and judgment is reserved.								Mtembu Inc. Adv. Mapara
9.	Sello Qhina vs NLC	Labour Court - Review Application to set aside the Arbitration Award handed down on 05 May 2021.	Ongoing The matter is pending a set down date	758 563	937 834	1 307 702	646 663	482 856	-		Malebye Motaung Mtembu Inc.
10.	NUPSAW obo Members vs NLC	Labour Court - Review Application to set aside the Arbitration Award handed down on 20 May 2022 in favour of the 1st and 2nd Applicant respectively.	Ongoing The matter is pending a set down date.	--856 500	-	353 323	561 600	-	496 768		Gildenhys Malatji Inc. Ramulifho Attorneys
11.	Sershan Naidoo vs NLC	Labour Court - Sershan Naidoo vs NLC	Finalised	331 013	60 360	166 921	-	-	-		Diale Mogashoa Attorneys
12.	Jeffrey Du Preez vs NLC	Legal opinion - Additional liability owing to the Government Employees Pension Fund (GEPPF)	Finalised	-	111 120	-	-	-	-		Maluku Attorneys & Corporate Law Advisors

13.	NLC / Mpho Shabangu	<u>Internal Disciplinary Hearing</u> – Misconduct	Finalised	--	694 601	-	-	-		Ndobela Lamola Inc.
14.	Mashudu Muhanelwa / NLC	<u>Internal grievance</u>	Finalised	-	3 312	-	-	-	-	Lawtons Africa
15.	NLC / Thabo Masenya	<u>Internal Disciplinary Hearing</u> – Misconduct	Finalised	-	2 765 522	-	-	-	-	Ndobela Lamola Inc.
16.	NLC / Tshepo Chuene	<u>Internal Disciplinary Hearing</u> – Misconduct	Ongoing	1 336 153	32 697	463 042	-	-	-	Lawtons Africa Cliffe Dekker Hofmeyer Inc.
17.	NLC / Mavis Molobi	<u>Internal Disciplinary Hearing</u> – Misconduct	Finalised	-	1 028 675	216 085	-	-	-	Manong Pilane Mokotedi Inc. Adv. Patrick Thobakgale
18.	Nupsaw OBO Kelebogile Mokgathla / NLC	<u>Internal Disciplinary Hearing</u> – Labour dispute	Finalised	173 423	19 105	-	-	-	-	Ramulifho Attorneys

19.	Iveda Smith vs NLC	<u>Labour Court / LAC</u> – Review Application to set aside the CCMA Arbitration award.	Finalised Order granted in favour of the NLC. Costs awarded in favour of the NLC. Bill of costs, taxed and finalised.	905 513	63 575	6 371	-	-	-	Lawtons Africa
20.	NLC / Thembakazi Nondudule	<u>Internal Disciplinary Hearing</u> – Misconduct	Finalised	-	-	500 000	-	248 988	-	Adv. Mapara
21.	NLC / Richmond Moshidi	<u>Internal Disciplinary Hearing</u> – Misconduct	Ongoing	-	-	263 790	1 455 393	149 490	-	Adv. Mapara Popela Maake Inc.
22.	NLC / Phillemon Letwaba	<u>Internal Disciplinary Hearing</u> – Misconduct	Finalised	-	-	3 889 420	1 476 620	-	-	Malabye Motaung Mtembu Inc. Maluks Attorneys & Corporate Law Advisors

23.	NLC / Zacharia Mathopa	<u>Internal Disciplinary Hearing</u> – Misconduct	Finalised	-	-	-	887 095	103 838	-	Ngeno & Mteto Inc.
24.	NLC / Nyiko Shivambu	<u>Internal Disciplinary Hearing</u> – Misconduct	Finalised	-	-	-	917 854	-	553 952	Ngeno & Mteto Inc.
25.	S / M Ramatsekisa	Mr. Ramatsekisa, an employee of the NLC had a motor vehicle accident in the EC Province while on duty.		80 919		-	-	-	-	Cheadle Thompson and Haysom Inc. Maenetja Attorneys
26.	ADVICE IN RELATION TO CHIEF RISK OFFICER & OTHERS	This relates to the disciplinary of the NLC senior employees that were suspended in 2022		-	-	-	2 611 854	6 981 360	4 284 006	Cheadle Thompson and Haysom Inc.
27.	Opinion on COO contract			-	-	-	263 804	-	-	Malatji Kanyane Inc.
28.	MABONTLE MOKWEBO			-	-	-	26 450	-	-	Cheadle Thompson and Haysom Inc.
29.	Legal Opinion Re Employee Benefit			-	-	-	342 300	546 608	26 582	Marivate Attorneys

										Popela Maake Inc.
30.	NATIONAL LOTTERIES COMMISSION / NLC EMPLOYMENT LAW MATTERS			-	-	-	266 995	240 810	-	Cheadle Thompson and Haysom Inc.
31.	NATIONAL LOTTERIES COMMISSION / REVIEW APPLICATION: MN MAHUNELWA			-	-	-	89 088	254 067	-	Malatji Kanyane Inc.
32.	T SIKONELA			104 530	-	-	-	-	-	Ndobela Lamola Inc.
33.	NLC vs T Matemane			102 599	-	-	-	-	-	Ndobela Lamola Inc.
34.	NLC VS Zintle Rungqu disciplinary			371 178	-	-	-	98 988	-	Ndobela Lamola Inc. Maenetja Attorneys
35.	Advice on irregular expenditure disciplinary			-	-	-	-	1 648 389	-	Maphosa Attorneys

36.	Disciplinary hearing – national lotteries commission / Sibonelo Vilakazi			-	-	-	-	924 760	448 683	Maenetja Attorneys
37.	DISCIPLINARY HEARINGS – NATIONAL LOTTERIES COMMISSION /DLAMINI			-	-	-	-	1 276 896	861 580	Cheadle Thompson and Haysom Inc.
38.	DISCIPLINARY HEARINGS – NATIONAL LOTTERIES COMMISSION/AOBAKW E GAOBUSE			-	-	-	-	1 303 271	30 003	Maenetja Attorneys
39.	DISCIPLINARY HEARINGS – NATIONAL LOTTERIES COMMISSION/ DORAH MAODI			-	-	-	-	195 332	-	Maenetja Attorneys
40.	GRIEVANCE HEARING – NATIONAL LOTTERIES COMMISSION / B. MATHYE			-	-	-	-	167 420	143 895	Maenetja Attorneys
41.	GRIEVANCE HEARING – NATIONAL LOTTERIES			-	-	-	-	135 518	-	Maenetja Attorneys

	COMMISSION / H. MALETE									
42.	GUGU YAKO (DISCIPLINARY HEARING)		Matter ongoing	-	-	-	-	386 503	173 993	Cheadle Thompson and Haysom Inc.
43.	NENE (HIGH COURT REVIEW)		Matter ongoing and awaiting set down date	-	-	-	-	983 219	355 569	Cheadle Thompson and Haysom Inc.
44.	GIGU YAKO (HIGH COURT APPLICATION)		NLC prevailed in this matter and Ms Yako is appealing the judgment	-	-	-	-	509 959	333 323	Cheadle Thompson and Haysom Inc.
45.	Disciplinary Hearing- Matseke			-	-	-	-	329 726	-	Maenetja Attorneys
46.	Disciplinary Hearing Mandyu Serakoana & Molobi			-	-	-	-	-	95 237	Cheadle Thompson and Haysom Inc.
47.	Dlamini Labour Court Application		Matter heard and awaiting decision	-	-	-	-	-	270 132	Cheadle Thompson and

			of the Disciplinary Chairperson							Haysom Inc.
48.	GRIEVANCE HEARING – NATIONAL LOTTERIES COMMISSION / JOLENE PHILANDER & MADUO SEGALE			-	-	-	-	-	169 490	Maenetja Attorneys
49.	NATIONAL LOTTERIES COMMISSION (NLC) // JOSEPH LESIBA MALATSI			-	-	-	-	-	345 603	Maenetja Attorneys
50.	RE: NATIONAL LOTTERIES COMMISSION (NLC) // JABULANI SINDANE			-	-	-	-	-	342 055	Maenetja Attorneys
	Totals			8 705 286	12 552 525	11 620 405	10 085 125	17 366 261	9 568 835	

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