

# Lawyers outline charges for top Acsa officials

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14 Feb 2017

A legal opinion prepared by law firm Norton Rose Fulbright spells out the damning allegations against Airports Company SA (Acsa) CEO Bongani Maseko, and the charges that should be brought against him and other officials suspended in 2016.



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The Acsa board roped in Norton Rose Fulbright to provide it with guidance on what to do with the rot uncovered by Dr VS Mncube Consulting during a forensic investigation and a legal opinion prepared by Adv Fezile Reeves Memani on the parastatal's supply chain management lapses.

The Norton Rose Fulbright legal opinion, which *Business Day* has seen, was submitted on 2 February 2017, when the Acsa board convened an emergency teleconference.

## Nature of charges

In the legal opinion, Norton Rose Fulbright formulated the nature of the charges that should be brought against Maseko, procurement manager Percy Sithole, GM for regional airports Jabulani Khambule and legal counsel Bongani Machobane.

Norton Rose Fulbright recommended that the suspensions of Sithole, Khambule and Machobane be extended. The senior managers' suspensions took effect from 7 November 2016 to 3 February.

The law firm recommended that Maseko be suspended, saying his continued presence at work might deter witnesses from coming forward.

## **Presuspension scripts**

Norton Rose Fulbright also recommended in the legal opinion that presuspension scripts be prepared for all the officials, including Maseko. The law firm suggested that the officials concerned be issued with notices of disciplinary inquiries and letters of suspension.

The charge sheet prepared against Maseko includes allegations that he "contravened section 45(c) of the ... [Public Finance Management Act] by failing to take effective and appropriate steps to prevent unauthorised, irregular, fruitless and wasteful expenditure".

Acsa said on Sunday it was unaware of any board meeting at which the CEO's suspension was discussed, nor had he received notice of suspension.

In a document prepared for the teleconference, an Acsa board ad hoc committee asked for an extension of Dr VS Mncube Consulting's contract from 30 January to 31 May.

The scope of the firm's work would include evaluating evidence and preparing witnesses.

**Source:** Business Day

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