

Court rescinds order that Acsa explain why it did not act against CEO

The High Court in Pretoria has rescinded an order issued last week against the Airports Company SA (Acsa) to provide reasons for its failure to act against its CEO, Bongani Maseko, over corruption allegations and breaches of the Public Finance Management Act. It said the order, handed down by Judge Cynthia Pretorius, had been granted erroneously.



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Last week's order was sought by Acsa's group legal counsel, Bonginkosi Mfusi. His application was based on a 2016 forensic report that recommended the suspension of Maseko and others while a disciplinary process was under way. The report lists contraventions of the Public Finance Management Act, the Prevention and Combating of Corrupt Activities Act, fraud, gross violations of Acsa's own codes and negligence in oversight duties. It finds that the contraventions amount to wilful or grossly negligent conduct over which criminal and civil proceedings might be instituted against senior Acsa personnel and the board.

Mfusi's court action was supported by a group calling itself "concerned employees" at all levels of seniority at Acsa.

Mfusi said the rescission did not mean the matter was not going ahead.

"All it means is we are waiting for new court date."

The rescission followed representation by Norton Rose Fulbright Attorneys, though Mfusi questioned the firm's standing in the matter.

However, an Acsa spokesman said it had been appointed after a board resolution in December 2017.

Acsa said that a notice to oppose Mfusi's application - which Acsa's attorneys had delivered to Mfusi's attorneys - had not been brought to the judge's attention when Mfusi's attorney argued the matter without Acsa's attorneys being aware of the hearing.

"Mr Mfusi's attorney was also required to notify Acsa's attorneys of the hearing of the matter, which he did not do. It was on this basis that the court found that the order was granted erroneously against Acsa," the spokesman said.

Source: Business Day

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