T.M.A
Thabiso Maseko Attorneys

Introduction

Thabiso Maseko Attorneys (“TMA”) was established in 2013 and is a 100% black-owned business. It was initially founded by Thabiso Maseko (Maseko), the current chairman and in February 2014, Thembela Nqini became an associate member.

TMA is highly competent and has vast lateral experience, which is an essential tool for any firm. Though the firm itself is relatively new, its professionals are highly experienced and have vast collective experience spanning decades.

The TMA Professionals have been working in different areas of the legal field for more than 30 years, specializing in corporate, commercial, labour, public law including administrative law, procurement law and local government law.

TMA has a good understanding of the regulatory regime governing organs of state in the national, provincial and municipal spheres of government and other public entities.

Mission

At MA, we work closely with the client to achieve best results to ensure top quality legal advice and services at the highest possible standards.

We have an incredibly dynamic team that has vast collective experience in Corporate//Commercial Law; Public Law (Administrative and Government Procurement Law and Conveyancing.)
Professionalism
Our professionals have a strong understanding of all laws governing the public and private sectors; excellent drafting skills and the ability to offer sound, expert and timeous advice to our clients.

Working As A Team
We enjoy close working relationships with clients as this enables all the parties to leverage their knowledge for the benefit of the project.

Confidentiality
We adhere to our professional ethic of keeping our clients' matters confidential and undertake not to disclose our clients' matters to third parties unless required by legislation.

Our Approach
Resourceful
We have all the resources and expertise of a small to medium sized law firm to ensure that our clients receive prompt and practical advice.

We also pride ourselves on providing our services cost-effectively.

Understanding
Our business and strategic input at all stages of the transaction helps to ensure that the process moves smoothly and maximizes the prospects of continual success.

Our starting point is always to gain an in-depth understanding of our clients' business objectives, their organization and the infrastructure project itself from our network of partners; we assign personnel that are directly relevant and appropriate to clients' requirements.
The Team and areas of specialisation

**Thabiso Maseko (TMA)-Chairman**

We have all the resources and expertise of a small to medium sized law firm to ensure that our clients receive prompt and practical advice.

**Education**

Maseko has a law degree BA. Law (Wits University) and an LLB degree (UNISA). He is currently registered for a Masters' degree in Corporate Law and has already completed the coursework (Companies Act 1; Companies Act 2(with distinction) and Drafting of Commercial contracts).

**Areas of expertise**

**Procurement Law**

Conducting forensic and factual investigations into irregular practices in supply chain management practices for organs of state.

Drafting Supply Chain Management Charters for organs of state.

Providing advice and support to government departments and public entities in their interface with the Auditor General Regularity audit process, assisting management to draft responses...
to Auditor General Findings, especially queries on supply chain management processes.

Working with clients on Auditor General Regularity queries, putting together presentations to be tabled at the Standing Committee on Public Accounts on behalf of DPTRW, GSSC, G-Fleet, Emoyeni, Impophoma Infrastructure Projects, and Kopanong Precinct etc.

Developing action plans for the improvement of systems of internal control within organs of state.

**Administrative Law**

Providing legal opinions to various organs of state on the termination or cancellation of supplier or service provider contracts to ensure compliance with administrative law.

Successfully litigated various disputes between organs of state and suppliers/service providers.

**Drafting of contracts**

- Maseko has drafted various commercial agreements including the following:
  - Procurement contracts in various disciplines, including Information Communication Technologies; Property; Transport and Goods and Services.
  - Sale of businesses and shares transactions.
  - Service Level agreements;
  - Lease agreements, commercial; residential and development lease agreements.
  - Sale of Shares agreements.
  - Loan agreements.
  - Event Management agreements.
  - Sponsorship Agreements.
  - Memoranda of Incorporation.

**Drafting of Legal Opinions**

Drafting various Legal Opinions on inter alia the:

- Construction disputes (JBCC and NEC);
- Companies Act 71 of 2008.
- Intellectual Property.
- Promotion of Access to Information Act 2 of 2000.
- Promotion of Administrative Justice Act 3 of 2000.
- Public Finance Management Act 1 of 1999.
- Public Private Partnerships.
THEMBELA NQINI - ASSOCIATE

Nqini has a HONS: BA (Social Work) with Distinction obtained from Rhodes University, awarded 7 April 2006 and a law degree LLB obtained from Rhodes University merged with University of Fort Hare from 2005 – 2007. She is currently registered for a Masters’ degree in Corporate Law.

Areas of expertise

Corporate/Commercial Law

- Drafted a Companies Act manual for a number of entities to assist them to have a basic and good understanding of the Companies Act.
- Drafting legal opinions on commercial, corporate, public law, labour matters and various legal matters for private and public sector clients.
- Providing advice on corporate governance issues- both private sector (Companies Act and the King Codes) and the public sector (Public Finance Management Act and Treasury Regulations)
- Drafting commercial contracts, MOUs, sale of business agreements, shareholder agreements etc.
- Draft opinion on legality of various contracts
- Acted as company secretary to the Board of Directors of various companies.
- Provide secretarial support services to the Audit and the Remuneration Committees.
Drafted Various Agreements:

- Sale agreements
- Lease agreements
- Partnership agreements
- Service Level Agreements
- Development Agreements
- Memoranda of Incorporation for Private, SOC Ltds and NPCs
- Drafting legal and business agreements

- Drafting Commercial Opinions and compliance documents in respect of the provisions of the NCA, Consumer Protection Act, Companies Act, King 3.
- Legal research.

Drafted many legal opinions, which amongst others included the:

- Companies Act 71 of 2008
- Labour Relations Act 66 of 1995
- Promotion of Access to Information Act 2 of 2000
- Promotion of Administrative Justice Act 3 of 2000
- Public Finance Management Act 1 of 1999
- Treasury Regulations.

Drafted Various Agreements:

- Advising on and drafting loan security agreements and other documents for all forms of bank lending, including secured loans, syndicating lending, cross-border lending, export credit financing and private equity lending.

- Advises about funding structures and the security relating to such finance.

- Advises foreign investors about the structuring of investments into South Africa, and local investors about the structuring of investments out of South Africa.

Public Law

- Conducting forensic and factual investigations into irregular practices in supply chain management practices for organs of state.
- Reviewing Procurement and Supply Chain Manuals and ED policies.
- Drafted opinions on the MFMA, PMFA, MSA and various agreements:
  - Fraud Prevention Plan
  - Memorandum of Understanding between entities.
  - Delegations of Authority.
  - Drafted Institutional Review Documents and Opinions

- Providing advice on the restructuring (amalgamation and merger) of municipal entities to ensure compliance with the applicable regulatory regime, which includes the Municipal Structures Act, the Municipal Systems Act, the Municipal Finance Management Act, the Companies Act and the Regulations thereto.
Transport Law

- Drafted opinions on the National Transport Act and attended to drafting various opinions on the aforesaid act.

Mining Law

- Drafting opinions on the MPRDA

Litigation

- Legal representation of clients in various Magistrate and High Court matters;
- Liaising with debtors and drafting acknowledgement of debts;
- Liaising with attorneys and liquidators in respect of liquidation orders.
- Litigating on Contractual disputes
- Debt collection
- Complex commercial disputes
- Eviction proceedings on behalf of organs of state and private sector clients.
- Administrative law disputes.
- Construction related disputes.
- Drafting Heads of Arguments
- Drafting of process in both the High Court and Magistrate Court Magistrate Court
- Debt Recovery procedure and process.
- Drafting Letters of Demand, Summons,
- Particulars of Claim and pleadings in the High and Magistrates court.
- Taking instructions and expertise in consulting with clients and witnesses
- Drafting letters to client, regular updated regarding matters.
- Drafting instructions to counsel, dealing with counsel and attending pre-trial preparation with counsel. Discovery procedure and drafting of discovery process.
- Drafting letters to opponents, familiarising oneself with the relevant rules of court.

Labour

- Appearing in the CCMA on behalf of employees.
- Drafting CCMA statements of case
  Drafting Bargaining Council opening and closing arguments
- Drafting Labour Law opinions on all facets of employment law.
- Receiving instructions from client.
- Drafting opinion in respect of various labour matters.
- Drafting CCMA opening and closing arguments
Real Estate

- Familiarization with deeds office
- Familiarization with receiver of revenue
- Presenting lectures on typical transfers, conventional and sectional titles
- Conveyancing and legal aspects of mortgage bonds and ancillary documents
- Presenting and attending lectures on property developments - schemes, subdivision and sectional titles
- Instruction as to drafting of agreements and utilizing the property precedent bank
- Inclusions of consultations and client visits
- Basics of Notarial Practice

Tax

- Tax provisions applications and prosecutions in terms of the Income Tax Act and applicable legislation.
- Commercial transactions involving tax matters
- Due Diligence investigations

Dirk Bouwer (BOUWER) – CONSULTANT

Dirk Bouwer (Bouwer) is a practising advocate of the High Court (with 29 years’ experience). He is currently practising for his own account and is a fellow of the Institute of Directors.

Bouwer is contracted by several companies as principal legal advisor to provide ad hoc corporate governance, commercial, legal compliance and other legal assistance per assignment and project basis.
Education

Bouwer is highly academically qualified with masters’ and other qualifications being: B PROC (UFS); LL B (UFS); LL M (UJ); CORP GOV (GMIT); DIP IR (DMS); DPIR (SBL UNISA); NAD (UJ) (with distinction & academic merit) in law, corporate governance and risk management.

Bouwer has published 22 local and internationally researched academic articles in recognised journals, and co-author of two legal text books.

Areas of expertise:

- Legal Compliance, Governance, Drafting & Litigation.
- Contract (GCC, SCC, CIDB, NEC & SAICE)
- Supply Chain, Commercial, Property, Labour, IP & IT Law.
- Risk, Compliance & Project Management.
- Legal & Corporate Management.
- Corporate Governance Management.

Specifically practising within the following environments:

- Commercial Law.
- Legal Compliance Management.
- Corporate Governance Management.
- Engineering and Energy Management.
- Supply Chain Management (Demand, Acquisition, Performance & Contract Management).
- Information Technology Management.
- Technology Management (including Telecommunication, Forensic & Radio Technology).
- Financial Management (budgeting & auditing).
- Property & Property Development Management.

Bouwer has extensive experience in the following:

Corporate Managerial Experience as member (Director) of Boards of Directors (Legal & Financial), “Chairperson of Audit Committees: and member of “Executive/Project Committees”.

Drafting Corporate Founding & Governing Documentation (Memorandum of Incorporation), Charters (for Board and its Committees), Codes, Delegations & Policies.
Ensuring Corporate Legal Compliance and Governance.

Contract Negotiation, Drafting, Management, Administration and Dispute Settlement (International/National multi-billion/million rand).

Risk and Issue Management (per Risk/Legal Register, Issue Log & Governance Documentation).

Civil litigation.

Fyshe is an admitted conveyancer with more than 33 years’ experience in conveyancing.

Fyshe has done bond registrations for Standard Bank, Masters Office work and Company Office registrations.

Over the last five years, Fyshe conducted research with regard to land claims which required detailed research into the history of ownership of farms dating back to original ownership by the State or Crown to current ownership by the owners of the property.

This required following the transfer of ownership from the farm books, verification by examining the title deeds on each transfer, both in the old book form and since 1982 on microfilmed or scanned deeds.

Part of Fyshe’s normal services to clients requires providing information on searches into properties, and copies of diagrams, title deeds or historical data relating thereto.

Fyshe has over the last 33 years of experience developed a good understanding of how to correctly interpret legislation applicable to specific properties and as to correct information on official property records and an ability to report effectively on these details.

During this period Fyshe has collaborated with several correspondents in attending to various property developments.
Some of this work has been highly technical and complicated conveyancing.

Fyshe has vast experience in most conveyancing matters including developments both in township and sectional title schemes.

His expertise includes the following:

- Settlement negotiation, conciliation, mediation and arbitration;
- Conducting internal investigations for matters referred to the Legal Department;
- Evaluation and writing opinions on contracts and other matters;
- Assisting in major contract negotiations and phrasing of terms and clauses to reflect the significant areas of agreement (or disagreement);
- Giving guidance and training to the SABC’s commercial division in respect of shortcomings in contracts and suggesting corrective measures.

Mathibe also has sound expertise and knowledge of the following:

- Basic conditions of employment
- Labour relations
- Unemployment Insurance
- Employment equity
- Skills development Act

Thabang Mathibe - PROFESSIONAL ASSISTANT

Mathibe has vast Litigation and General legal experience, having worked as General Manager Litigation for the South African Broadcasting Corporation.
Our Clients...

- Rose Travel (Ltd)
- Centurion Aerospace Village
- Johannesburg City Parks
- City of Johannesburg
- G-Fleet
- Department of Public Transport, Roads and Works
- South African Post Office
- Letsema Consulting