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## **STATEMENT**

### **MINISTER MACPHERSON OPPOSES COURT APPLICATION TO OVERTURN IDT BOARD APPOINTMENTS**

*(Note to editors: The answering affidavit by the Minister of Public Works & Infrastructure, Dean Macpherson, can be found [here.](#))*

- The Minister of Public Works and Infrastructure, Dean Macpherson, has filed an answering affidavit opposing a court application by two entities, Black Forum South Africa and Izwi Labantu Forum, to overturn the appointment of five trustees whom the Minister recently appointed to fill existing vacancies in the Independent Development Trust's (IDT) Board of Trustees, whose term expires at midnight on 4 July 2025.
- In his affidavit, the Minister points out that the applicants' challenge to the appointments relies on the incorrect clause in the trust deed to hang their challenge on.
- The Minister also points out that the applicants' affidavits do not raise any concerns about the competency or suitability of the individuals who were appointed.
- The Minister states that he believes that the application is an abuse of court processes and has invited the organisations to withdraw their challenge.

The Minister of Public Works and Infrastructure, Dean Macpherson, this week filed an answering affidavit opposing the court application by two entities, Black Forum South Africa and Izwi Labantu Forum, to suspend his appointment of five trustees to the IDT's Board of Trustees which the Minister recently appointed to fill existing vacancies, and, in terms of Part B of their application to be decided on a later date, to have the appointments set aside.

The two entities last week brought the application following the appointments that were made in line with the IDT's trust deed, which stipulates that the IDT's Board must provide the Minister with recommendations to fill any vacancy which arises when a non-ministerial trustee appointee vacates his or her post during their term, from which the Minister can select a candidate to appoint in order to complete the remainder of the term.

In his answering affidavit, the Minister highlighted that the applicants rely on the incorrect clause of the trust deed—citing clause 8 instead of clause 9—to dispute the process followed in appointing the trustees. Furthermore, the Minister noted several inconsistencies in their application:

- The board members have only been appointed for the remainder of the term of the previous trustees, which ends at midnight on 4 July 2025, after which a new IDT board will be constituted. By the applicants' own admission, the court is unlikely to hear Part B of the application, which seeks an order setting aside the five trustees' appointments, before the end of the year, long after the terms of the new appointees expire.
- The urgency of the court case is self-created, as the applicants were aware of the Minister's intention to fill the vacancies either on 19 February or 3 March, yet only launched the legal challenge last week.
- No objections were raised regarding the suitability of the trustees themselves; rather, the challenge focuses solely on the appointment process.

“It is my firm belief that our answering affidavit clearly demonstrates that Black Forum South Africa's application is an abuse of court processes. Furthermore, as stated in our affidavit, serious questions remain regarding the legal standing of the deponents to the affidavits on behalf of Black Forum South Africa and Izwi Labantu, as the necessary founding documentation was not attached to their affidavits. We must ask why such extraordinary lengths are being taken to protect individuals at the IDT—and what exactly is being hidden,” said Minister Macpherson.

### **Enquiries**

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