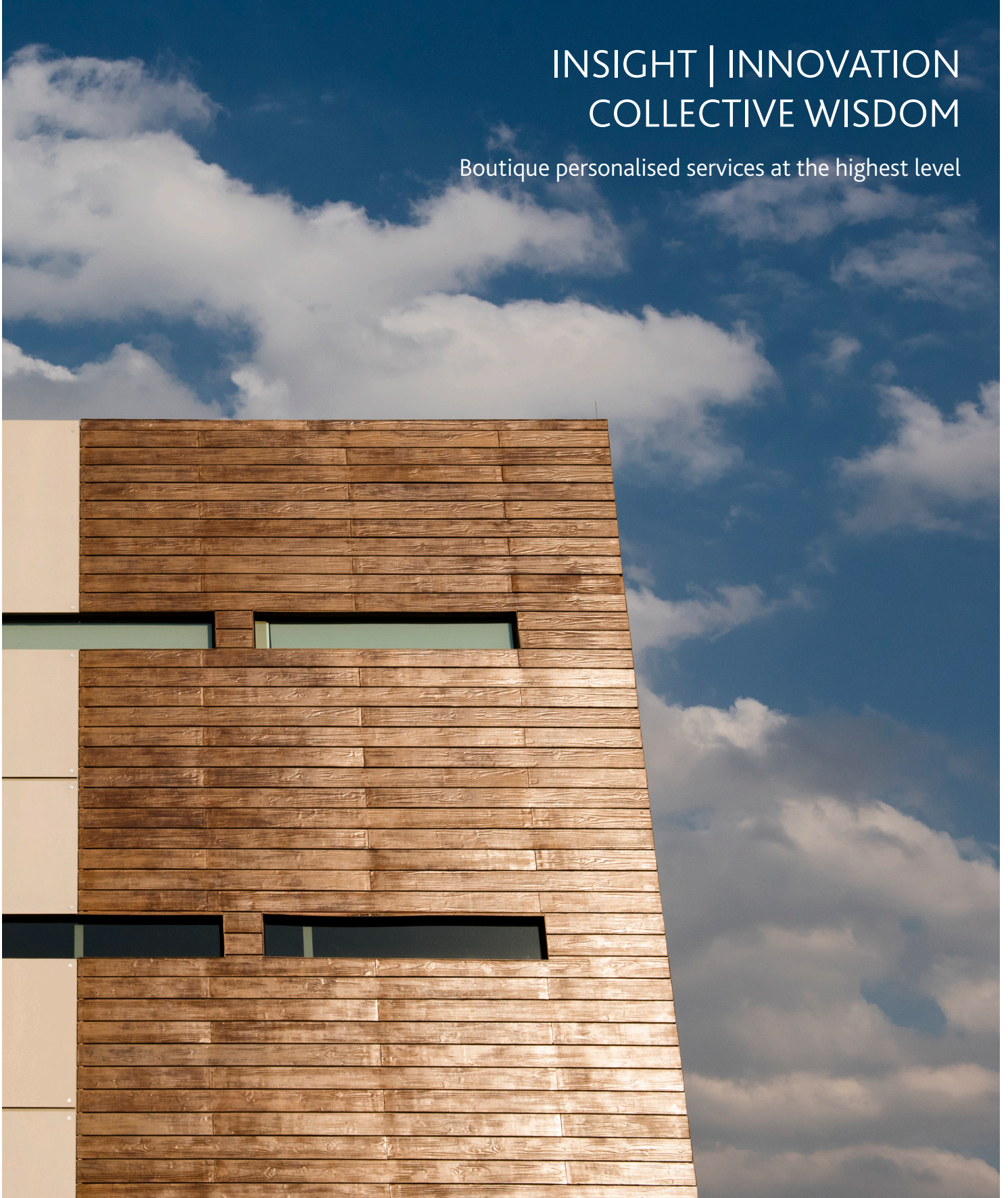


INSIGHT | INNOVATION COLLECTIVE WISDOM

Boutique personalised services at the highest level







INDEX

Introduction	02
Values	03
Partners & Team	04
Peter Harris	05
Charles Nupen	06
Basetsana Molebatsi	07
Rethabile Mokgatle	08
Sereeka Ananmalay	09
Experience and Expertise	10
Clients	14



ABOUT US

Harris Nupen Molebatsi Inc. “HNM” is a boutique law firm with an exceptional track record in providing highly specialised legal advice and services to clients across the private and public sectors.

Our extensive experience in advising corporates, governments and state owned entities at the highest level – in South Africa, Africa and internationally – gives our clients a unique advantage and perspective.

Our expertise in corporate, commercial and employment law, combined with our expertise in administrative law, enables us to provide the highest standard of legal advice on all aspects of conducting business in South Africa and Africa. Our comprehensive knowledge of the socio-political environment further enables us to add value to our clients and society.

The breadth and depth of our work in mediation and arbitration has earned us the reputation of being one of Africa’s leading alternative dispute resolution firms.

Working across sub-Saharan Africa, the partners of HNM have provided legal advice to multi-national corporations, governments and non-profit organisations. HNM’s services include the development and drafting of policy, legislation and regulatory frameworks, advising on cross-border transactions and drafting trade and business agreements, lease agreements and inter-governmental bilateral cooperation agreements, as well as establishing dispute resolution mechanisms.

OUR VALUES

Insight, innovation and collective wisdom play a key role in the complex and challenging work we undertake. This equips us to provide our clients with advice and assistance specifically suited to their needs.

Teamwork and transparency, coupled with an inclusive and consultative approach allows us to be agile and responsive to our clients' needs.

Our values of Integrity, Excellence and Accountability form the bedrock of our firm. They inform everything we do, from how we interact and engage with our clients, to the decisions we make in advising our clients.

Our commitment to equality, empowerment and transformation is clear and is evident in the work we undertake.

Social responsibility is woven into the fabric of our firm, and is reflected in the many non-profit organisations and charities to whom we provide pro-bono legal advice and financial contributions.

We believe in contributing to and investing in the growth and development of South Africa. HNM has a level 2 B-BBEE rating and continues to strive to champion the progress and empowerment of all South Africans.

PARTNERS & TEAM

Our partners play an instrumental role in all work we take on, and are supported by a dedicated team of lawyers.

Our well-established and extensive network of highly specialised lawyers equips us to provide excellent legal services. Our acquisition of the law practice of Richard Rosenthal in Cape Town affords us the opportunity

to expand our specialised services into the field of philanthropy law, structuring of trusts, non-profit companies and tax issues. It also provides the ideal basis to serve our Cape Town clients.





PETER HARRIS

BA LLB LLM | *Founding Partner*

Peter focuses on advisory services in commercial, public and employment law, as well as dispute resolution where he manages complex and sensitive multi-stakeholder mediations and facilitations. He has conducted numerous mediations and arbitrations since qualifying as a mediator and arbitrator in 1986. He is a CEDR accredited commercial mediator.

Peter has also chaired numerous Commissions of Enquiry and conducted complex forensic investigations in the private and public sector.

After receiving his legal training at Webber Wentzel, Peter went on to become a founding member and, later, managing partner of Cheadle Thompson and Haysom. In the 1980s and 1990s Peter was legal advisor to the ANC national office, the COSATU executive, anti-apartheid organisations, as well as international organisations and governments.

In 1993, Peter was appointed Director of the Wits/Vaal region of the National Peace Accord and was responsible for brokering agreements between political parties to promote peace and stability in South Africa.

In 1994, he was Chief Director for the Monitoring Directorate of the Independent Electoral Commission

of South Africa, which was responsible for ensuring the freeness and fairness of South Africa's first democratic election.

Peter then accepted a position as Director of Programmes at the International Institute for Democracy and Electoral Assistance in Stockholm, where he was responsible for all electoral and conflict resolution programmes worldwide, advising governments in Africa, Latin America, Australasia and Eastern Europe. He is an operations consultant to the United Nations (EAD) and has advised in numerous countries for the UN.

On his return to South Africa in 1999, he co-founded, managed and later chaired the Resolve Group, a management consultancy bought by Ernst and Young in 2012.

Peter is the author of 'In a Different Time, the Inside Story of the Delmas Four', which won the 2009 Sunday Times Alan Paton award for best non-fiction book of the year, 'Birth' and 'Bare Ground', a novel.

Peter has been awarded an Honourary Degree of Doctor of Laws by Warwick University in the United Kingdom.



CHARLES NUPEN

BA LLB | *Founding Partner*

Charles has a general law practice with an emphasis on employment law, philanthropy law and forensic investigations. After completing his articles at Buchanans Attorneys in Cape town, Charles joined the Legal Resources Centre, where he served under Chief Justice Arthur Chaskalson, specializing in human rights and labour law.

Charles was appointed executive director of the Independent Mediation Service of South Africa (IMSSA) in 1987. He steered IMSSA's growth into a national organisation, and conducted several hundred mediations and arbitrations across all sectors of the South African economy.

In the early 1990's, during a time of heightened political conflict in South Africa, he chaired the Soweto Peace Committee.

In 1994, Charles was appointed a commissioner of the Independent Electoral Commission, which oversaw South Africa's first national democratic elections.

In 1995, under the auspices of the International Labour Organisation (ILO), Charles acted as chief technical adviser to the establishment secretariat of the CCMA, South Africa's first national public dispute settlement agency and went on to serve as the CCMA's first national director.

From 1998 to 2008, Charles directed technical cooperation projects in Africa for the ILO.

Charles has facilitated labour law reform projects and the establishment of several national dispute settlement agencies in Southern African countries. This work required him to build relationships with government, business and unions at a senior level in South Africa, Lesotho, Botswana, Swaziland, Namibia, Zimbabwe and Mozambique. In addition, he has undertaken work with the tripartite partners in Angola, Nigeria and Tanzania.

Charles has served as an adjunct professor of law at the University of Cape town. In 2009 he received Tokiso's Mediator of the Year Award. He mediates construction, commercial, and labour disputes, and is a CEDR accredited commercial mediator.



BASETSANA MOLEBATSI

BA LLB | *Founding Partner*

Basetsana has over sixteen years experience in corporate and commercial law, public law, procurement law and intellectual property law, including technology and telecommunications law.

Before establishing HNM, Basetsana was a Director at Dm5 Inc. a law firm in Johannesburg. Prior to that, she held the position of managing director at Nozala Trust, a Broad-Based shareholder of Nozala Investments (Pty) Ltd with a mandate to fund and develop SMME business ventures established and run by previously disadvantaged women.

Basetsana gained her experience and exposure in intellectual property law at Spoor and Fisher, where she completed her articles and conducted her trade as a junior attorney. Thereafter, she moved on to pursue her

passion in public and constitutional law at the Open Democracy Advice Centre ("ODAC").

Basetsana read for her Bachelor of Arts and Law Degrees ("BA" and "LLB") at Wits University. In 2003, she completed a certificate course on Advanced Administrative law at the University of Cape Town and in 2005 she completed a certificate course on Comparative Media Law and Policy from Oriel College at Oxford University.

Basetsana is the Chairperson of the Women's Legal Centre Trust, a public interest law centre that upholds and advances women's rights in South Africa, and is a member of the disciplinary committee of the National Soccer League of South Africa.



RETHABILE MOKGATLE

BA LLB | *Director*

Rethabile joined HNM as a Candidate Attorney in 2015. She has a general law practice with an emphasis on commercial law, philanthropy law, labour law advisory including chairing disciplinary hearings, litigation, forensic investigations, and multi-stakeholder facilitations. She trained and qualified as a commercial mediator in 2017 and has since chaired a number of complex facilitations and mediations.

Rethabile read for her Bachelor of Arts and Law degrees ("BA" and "LLB") at Wits University where she graduated Cum Laude and received Dean's List academic awards for two consecutive years during her two-year LLB programme. She also graduated top of her class in Labour Law which earned her an award from the South African Society for Labour Law, a non-profit organisation aimed at promoting the advancement of labour law as a legal and academic discipline.

Rethabile gained her experience and exposure in the areas of law in which she specialises under the leadership and mentorship of the Directors of HNM and subsequently joined the HNM board as a Director in November 2019.



SREEKA ANANMALAY

BA LLB | *Director*

Sereeka joined HNM as a Candidate Attorney in 2016. She has a general law practice with an emphasis on litigation, forensic investigations, labour and employment law, intellectual property law, media and entertainment law, technology law and commercial law. She also trained and qualified as a commercial mediator in 2022.

Sereeka read for her Bachelor of Arts (economics major) and Law ("BA" and "LLB") degrees at Wits University where she graduated Cum Laude and received Dean's List academic awards for two consecutive years during her LLB programme.

Sereeka gained her experience and exposure in the areas of law in which she specialises under the leadership and mentorship of the Directors of HNM and subsequently joined the Board as a Director in June 2022.

EXPERIENCE & EXPERTISE

CORPORATE AND COMMERCIAL

HNM provides general advisory services on a range of commercial matters. Our experience includes the following areas of work:

- Conducting legal due diligences;
- Advising on mergers and acquisitions, joint ventures, subscription of shares agreements, shareholder's agreements, and memoranda of incorporation ("MOI");
- Generally, advising and drafting corporate and commercial agreements, including funding agreements, financial services advisory agreements, agency agreements, and management of funds agreements;
- General commercial litigation.

LABOUR & EMPLOYMENT LAW

HNM provides advice on labour relations and employment law, including the development of policy and legislation. Our clients include corporates, state owned entities and national and provincial governments in South Africa and Southern Africa.

Our advice and services encompass the entire employment cycle with particular emphasis on the legal implications of restructuring, retrenchment, mergers and acquisitions, disciplinary matters and the management of the employment relationship.

DISPUTE RESOLUTION

HNM has played a key role in facilitating and mediating wages and terms and conditions of employment across many key sectors in South Africa. HNM has also mediated major disputes that have arisen during the course of the employment relationship.

HNM has also mediated numerous complex commercial disputes, particularly in the mining sector. The quantum involved has been substantial.

HNM has also advised a number of private and public sector organisations, including national government departments, on conflict resolution models and provided advice at executive level in relation to conflict within organisations.

HNM has also facilitated and mediated the introduction of bus rapid transit systems in several metros in South Africa.

TECHNOLOGY AND TELECOMMUNICATIONS LAW

HNM has extensive experience and expertise in technology and telecommunications law, having advised numerous clients in the public and private sectors on the drafting of master services agreements for the outsourcing of Network Services, IT Data services as well as procurement agreements and agreements relating to the development of mobile applications.

With respect to telecommunications law, HNM has:

- Facilitated discussions on Set-Top Box Control and the Broadcast Digital Migration Policy with key industry and public sector clients;
- Advised on the Broadcast Digital Migration Policy and various other issues related to broadcasting and the Electronic Communications Act of 2005;
- Advised the first independent television broadcaster in Zimbabwe;
- Evaluated applications for accreditation of service providers for the provision of authentication services and products in terms of the Electronic Communications and Transactions Act of 2002 "ECTA"; and
- Drafted regulations on critical databases and critical information infrastructure in terms of ECTA.



EXPERIENCE & EXPERTISE

INTELLECTUAL PROPERTY LAW AND MEDIA LAW

HNM's experience in general Intellectual Property and Media law advisory services comprises the following:

- Drafting and advising on publishing agreements for several publishers and media houses;
- Drafting and advising on film production agreements;
- Drafting and advising on recording, management and music publishing agreements for recording artists and performers; and
- Drafting software development agreements for mobile applications, hosting, deeds of assignments, and licensing, distribution and sponsorship agreements, amongst others.

LEGISLATIVE AND POLICY DEVELOPMENT

HNM has considerable experience in successfully developing and drafting policies and procedures in South Africa for corporations and government.

HNM partners' experience comprises the following:

- Drafted South Africa's National Language Policy;
- Led the drafting of Human Resources Staff Regulations for municipalities on behalf of South Africa's Department of Cooperative Governance;
- Led the drafting of Freedom of Information Legislation in Ethiopia;
- Led the labour law reform process in Tanzania and the drafting of six inter-related sets of labour market legislation, welfare legislation and policy;

- Advised the Government of Sierra Leone on judicial reform and the design of a Legal Aid System;
- Led the programme for the alignment of the National Ports Authority in South Africa with the new National Ports Act, 12 of 2005, with the aim of improving port management performance and promoting an efficient, effective and productive industry. This included the drafting of the Port Rules for South Africa;
- Developed and drafted policy and draft legislation in the education sector in South Africa.

FORENSIC INVESTIGATIONS: AUDIT AND COMPLIANCE

HNM has conducted a wide range of legal and forensic investigations into procurement irregularities, corrupt activities, maladministration, leadership incapacity, executive over-reach and employee misconduct in both the public and private sector.

HNM has also reviewed and audited a number of organisations for legislative and regulatory compliance and performance. This has included reviews of the performance of organisations such as the Company and Intellectual Property Registration Office (now CIPC), the Legal Aid Board, South African Management Development Institute, and the Pan South African Language Board, amongst others.

PUBLIC LAW AND PROCUREMENT LAW

HNM is well versed in the Public Finance Management Act "PFMA", Treasury Regulations and the public sector regulatory framework applicable to procurement. HNM has provided legal advice on legislation governing the Public Service and continues to provide legal advice and litigate on behalf of clients in public law and constitutional law matters. HNM's experience includes the following:

- Constitutional Court litigation;
- Litigation in terms of the Promotion of Access to Information Act "PAIA" and the Promotion of Administrative Justice Act "PAJA";
- Electoral Court litigation on contraventions of the Electoral Act 73 of 1998.

EDUCATION LAW

We have an in-depth knowledge of legislation pertaining to the private and public education sector in South Africa, having:

- Advised a number of independent schools and NGOs;
- Advised and assisted in the drafting of Regulations for provincial education departments;
- Advised public sector education departments;
- Provided legal opinions to numerous independent schools pertaining to education law in South Africa;
- Litigated in terms of Education law.

PHILANTHROPY LAW

We have provided legal assistance to clients in the following areas:

- Advice on the business structure of a Non-Profit Organisation;
- Registering Non-Profit Trusts, Voluntary Associations and Non-Profit Companies;
- Applications for tax-exemption in terms of the Income Tax Act 58 of 1962;
- Applications for registration with the Non-Profit Organisations Directorate;
- Assisting with changes in the structure of Non-Profit Organisations, such as changes in Board Composition and amendments to the founding document of the Organisation;
- Assisting with compliance with the Broad-Based Black Economic Empowerment Act insofar as it relates to a Non-Profit Organisation requiring recognition as a Broad-Based Ownership Scheme;
- Strategic advice on governance structures and compliance with King IV;
- Drafting grant agreements.

CLIENTS

PUBLIC & PRIVATE SECTOR

HNM has been privileged to work with remarkable clients, which clients include the following:

- Alfabet Media (Pty) Ltd
- Automotive Industry Development Council (AIDC)
- Business Day, Financial Mail
- The Chamber of Mines
- Citi Bank
- City of Johannesburg
- City Power
- Clariant International
- Coca-Cola South Africa
- Competition Commission
- Conflict Dynamics
- Denis Goldberg Foundation
- The Department of Agriculture, Forestry and Fisheries
- The Department of Arts and Culture
- The Department of Communications
- Department of Cooperative Governance and Traditional Affairs
- The Department of Justice and Constitutional Development
- The Department of Public Service and Administration
- Discovery Health
- The Engineering Council of South Africa
- EnviroServ (Pty) Ltd
- The Gauteng Department of Education
- The Gauteng Department of eGovernance
- The Gauteng Department of Sports, Arts, Culture and Recreation
- Gefran SA
- Grand Parade Investments (Pty) Ltd
- Harambee Youth Accelerator
- H.L. Hall and Sons Holdings
- Independent Electoral Commission of South Africa
- Independent Schools of South Africa
- International Carbon PLC
- Investec Charitable Trustees
- Kalahari Resources (Pty) Ltd
- Lister Clinic (Pty) Ltd
- Mamepe Capital (Pty) Ltd
- MultiChoice Group
- Phumelela Gaming and Leisure Limited
- National Horse Racing Association
- Nedbank Limited
- Norwegian People's Aid
- Programme to Improve Learning Outcomes NPC
- PioTrans
- Pula Pharmaceuticals (Pty) Ltd
- Sasol Limited
- Sishen Iron Ore Company
- Sling Shot Digital (Pty) Ltd
- South African National Aids Council
- Sparks Schools
- Stuart Coal (Pty) Ltd
- Sun International
- Telkom Limited
- Third Way Investment Partners
- Tokiso
- Transnet SOC Limited
- Volkswagen
- Umotho we Sizwe Group (Pty) Ltd
- Walter Sisulu Pediatric Healthcare Foundation
- 1st TV (Pty) Ltd





Printed on Munken, an environmentally friendly paper

HNM ATTORNEYS

Johannesburg 3rd Floor, 1 Bompas Road, Dunkeld West, Johannesburg
P.O. Box 411268, Craighall, Johannesburg, 2024 | Tel +27 [0] 11 017 3100
Cape Town Ubunye House, 70 Rosmead Avenue, Kenilworth, Cape Town, 7708
Tel +27 [0] 21 671-4288 | Tel +27 [0] 21 020 0757
info@hnmattorneys.co.za | www.hnmattorneys.co.za