WERKSMANS
ATTORNEYS



Darren Willans

DIRECTOR

Phone: +27 11 535 8324 **Email:** dwillans@werksmans.com **Location:** Johannesburg

Darren Willans is a Director in the Disputes and Investment Funds practice areas. He specialises in arbitration; mediation and alternative dispute resolution; pension fund litigation; and a range of litigation relating to the banking industry and the mining industry. A BCom and LLB graduate of Rhodes University, Darren has been a Director at Werksmans since 2009 and holds a Certificate in Pension Fund Law from the University of South Africa.

PRACTICE AREAS

- Disputes
- Investment Funds

EXPERTISE

- Arbitration
- Mediation and alternative dispute resolution
- Pension fund litigation
- Litigation relating to the banking industry and the mining industry

RELEVANT EXPERIENCE

- “Representing Fireblade Aviation Proprietary Limited in its much-publicised dispute with, inter alia, the Minister of Home Affairs and Denel SOC Limited, pertaining to a declaratory order that the Minister granted Fireblade’s application for approval of an ad hoc international customs and immigration service component of a corporate fixed base aviation operation at OR Tambo International Airport. This complex matter culminated in a number of favourable judgments for Fireblade, with serious judicial findings having been made against various respondents.”
- Representing Tristar (now Malaczynski Burn) in a number of precedent-setting Supreme Court of Appeal judgments, including in relation to:
  - the interpretation of certain provisions of the Financial Advisory and Intermediary Services Act, in respect of which no prior ruling existed; and
  - the recovery of fees against the Chemical Industries National Provident Fund, in a complex matter that spanned approximately 9 years.

- Representing Momentum Retirement Administrators and a number of pension and provident funds being administered by it, including the Transport Pension Fund and the Transnet Second Defined Benefit Fund. Such matters span a wide range of disputes, including:
  - one of the few and largest class actions to have been brought in South Africa;
  - numerous disputes (in most instances determined by way of arbitration) relating to death benefit disposals; and
  - obtaining judgment in the Equality Court, in favour of the Transport Pension Fund and the Transnet Second Defined Benefit Fund, in December 2015, in relation to just under 100 separate complaints lodged.
- Representing Glencore and a number of its subsidiaries in a wide range of matters, including contractual disputes, disputes with local municipalities, engagements with Eskom and NERSA and issues relating to Section 54 of the Mine Health & Safety Act.
- Representing Gold Fields Operations Limited in an action in which the plaintiffs, Rand Gold and Exploration Company Limited and African Strategic Investment (Holdings) Limited (formerly known as Rand Gold Resources (Holdings) Limited) have claimed payment of varying amounts up to approximately R43.7 billion, which the plaintiffs assert constitute damages in respect of shares allegedly stolen. The plaintiffs also claim various additional amounts in respect of dividends lost.
- Representing Gauteng Provincial Government in an insurance claim against Zurich Insurance Company South Africa Limited. The estimated quantum of this claim is in the region of R2.7 billion and arises from damage sustained to a portion of the Gautrain tunnel.
- Representing Investec Bank Limited in a number of litigious matters, including:
  - Defending and successfully resolving (in the aggregate, multi-billion rand) claims instituted by 13 industrial pension and provident funds against Investec Employee Benefits Limited, which included various insurance-related aspects; and
  - Advising Investec on various matters arising from the collapse of the MKB Group.

CAREER

- BCom, LLB (Rhodes University)
- Certificate course in Pension Fund Law (University of South Africa)
- 2009: Director, Werksmans

HIGHLIGHTS

- Named as a recommended lawyer in Dispute Resolution by *TheLegal 500* in (2019 – 2020);
- In 2017 Darren became the leader of a commercial litigation and dispute resolution team, specialising in disputes pertaining to pension funds, mining and resources, banking and insurance law; and
- Darren also has experience in mediations and arbitrations and is a member of the Arbitration Practice Group.

Keep us close