

**IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA**

CC CASE NO.: CCT54/16

HIGH COURT CASE NO.

(GAUTENG DIVISION, PRETORIA) 3558/2013

In the matter between:

**SOUTH AFRICAN MUNICIPAL WORKERS' UNION** Applicant

and

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| <b>THE MINISTER OF CO-OPERATIVE GOVERNANCE<br/>&amp; TRADITIONAL AFFAIRS</b> | First Respondent      |
| <b>THE SPEAKER OF THE NATIONAL ASSEMBLY</b>                                  | Second Respondent     |
| <b>THE CHAIRPERSON OF THE NATIONAL COUNCIL<br/>OF PROVINCES</b>              | Third Respondent      |
| <b>THE PREMIER OF THE EASTERN CAPE</b>                                       | Fourth Respondent     |
| <b>THE PREMIER OF THE FREE STATE</b>   | Fifth Respondent      |
| <b>THE PREMIER OF GAUTENG</b>  | Sixth Respondent      |
| <b>THE PREMIER OF KWAZULU-NATAL</b>  | Seventh Respondent    |
| <b>THE PREMIER OF MPUMAL5NGA</b>   | Eighth Respondent     |
| <b>THE PREMIER OF THE NORTHERN CAPE</b>                                      | Ninth Respondent      |
| <b>THE PREMIER OF LIMPOPO</b>  | Tenth Respondent      |
| <b>THE PREMIER OF NORTH WEST</b>   | Eleventh Respondent   |
| <b>THE PREMIER OF THE WESTERN CAPE</b>                                       | Twelfth Respondent    |
| <b>THE SOUTH AFRICAN LOCAL GOVERNMENT<br/>ASSOCIATION</b>                    | Thirteenth Respondent |

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**SUPPLEMENTARY AFFIDAVIT**

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I, the undersigned

**BLAIR WASSMAN**

do hereby make oath and say that:

1. I am an adult female attorney practicing as a senior associate at Fairbridges Wertheim Becker Incorporated, the correspondent attorney of record in this matter for the applicant. I am duly authorized to depose to this affidavit on its behalf.
2. The content of this affidavit is within my personal knowledge, except where the contrary is apparent from the context, and is true and correct.
3. The purpose of this affidavit is to supplement the application for condonation as sought in the Notice of Motion and affidavit of Mr. Glynn Williams (“Mr. Williams”), filed at the Constitutional court on the 16<sup>th</sup> August 2016.

4. For the sake of convenience this application will be referred to as the Second Condonation Application
5. This affidavit served to explain the delay filing both the First Condonation application seeking Condonation for the non-compliance of the practice directive of the above Honourable Court (“First Application for Condonation”) and the Heads of Argument dated 2 June 2016, as well as the Second Condonation Application as described in paragraphs 3 and 4 above.
6. Thus, this affidavit is merely to explain the delay which occurred between the 12<sup>th</sup> August when Mr. Williams deposed to his affidavit and the 16<sup>th</sup> August 2016 when the aforementioned documents were filed at the above Honourable court.
7. Our candidate attorney, Keorapetse Matlala, attempted to file the documentation (condonation in respect of non-compliance with practice directive dated 2 June 2016 in that heads of argument exceeded 50 pages; as well as the heads of argument) on 11 August 2016 at the above Honourable Court. He was informed that the documentation was late and a condonation for the late filing thereof would need to be delivered. We

duly advised our instructing attorney's office that a condonation application would be required.

8. Mr. Williams duly attended to prepare the necessary condonation application which was sent to our offices on the afternoon of 12<sup>th</sup> August 2016. I attach hereto a copy of the email sent to our offices from Mr. Williams, marked "BW1". Mr. Williams indicated that the original documentation would be couriered to our offices to ensure that we could file the documentation in accordance with the constitutional court rules.
9. I telephoned Mr. Williams on the afternoon of 12<sup>th</sup> August 2016, and advised him that we would not be able to file the condonation application, without same being served, and further that the court would require the original documentation.
10. Our offices in the interim served a hard copy of the second condonation application on the State attorney in Pretoria, and our instructing attorney served the second condonation application electronically on the State attorney in Cape Town.
11. On 16<sup>th</sup> August 2016, we received the original documentation from our instructing attorneys and were thus in a position to file all the

documentation as we were now in possession of all the original documents.

12. I respectfully submit that the further delay of one day being the 15<sup>th</sup> August 2016 was occasioned by the fact that we needed to serve a hardcopy of the second condonation application on the state attorney in Pretoria, as well as await receipt of the original condonation application from our instructing attorneys.
13. I respectfully submit that the non-compliance in respect of the practice directive dated 2 June 2016 is minimal, and that there has been no prejudice to the parties in the matter, and that a proper case has been made out for condonation to be granted to the applicant for the failure to serve and file the documents within the stipulated time frame as contemplated in the amended practice direction dated 2 June 2016.
14. I respectfully request that the applicant is granted the relief sought as contemplated in the notice of motion dated 16<sup>th</sup> August 2016.

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**BLAIR WASSMAN**

I certify that the above signature is the true signature of the deponent who has acknowledged that she knows and understands the contents of this affidavit, which affidavit was signed and sworn to at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2016 in accordance with the provisions of R128 dated 21 July 1972, as amended by Regulation R1648 dated 19 August 1977, R1428 dated 11 July 1980 and GNR774 of 23 April 1982.

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**COMMISSIONER OF OATHS**