

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CC CASE NO.:

HIGH COURT CASE NO.

(GAUTENG DIVISION, PRETORIA) 3558/2013

In the matter between:

SOUTH AFRICAN MUNICIPAL WORKERS' UNION

Applicant

and

**THE MINISTER OF CO-OPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS**

First Respondent

THE SPEAKER OF THE NATIONAL ASSEMBLY

Second Respondent

**THE CHAIRPERSON OF THE NATIONAL COUNCIL
OF PROVINCES**

Third Respondent

THE PREMIER OF THE EASTERN CAPE

Fourth Respondent

THE PREMIER OF THE FREE STATE

Fifth Respondent

THE PREMIER OF GAUTENG

Sixth Respondent

THE PREMIER OF KWAZULU-NATAL

Seventh Respondent

THE PREMIER OF MPUMALANGA

Eighth Respondent

THE PREMIER OF THE NORTHERN CAPE

Ninth Respondent

THE PREMIER OF LIMPOPO

Tenth Respondent

THE PREMIER OF NORTH WEST

Eleventh Respondent

THE PREMIER OF THE WESTERN CAPE

Twelfth Respondent

**THE SOUTH AFRICAN LOCAL GOVERNMENT
ASSOCIATION**

Thirteenth Respondent

NOTICE OF APPLICATION: RULES 16 AND 19

KINDLY TAKE NOTICE THAT the applicant hereby applies for orders:

1. Confirming the order made by the High Court of South Africa, Gauteng Division, Pretoria, in its judgment in Case No. 3558/2013 delivered on 23 February 2016 (“the High Court judgment”), declaring that the Local Government Municipal Systems Amendment Act 7 of 2011 is invalid in its entirety for want of compliance with the procedures set out in s 76 of the Constitution.
2. Granting the applicant leave to appeal to this Court against the High Court judgment in respect of:
 - 2.1 its failure to determine whether s 56A of the Local Government: Municipal Systems Act 32 of 2000, read together with the definition of ‘*political* office’ in s 1 of the Act, is inconsistent with the Constitution and invalid; and
 - 2.2 its failure to award the applicant costs.
3. Upholding the applicant’s appeal to this Court.

4. Directing the first, second and third respondents to pay the applicant's costs, jointly and severally, in respect of both the confirmation proceedings and the appeal.

5. Granting the applicant further and/or alternative relief.

BE PLEASED TO TAKE NOTICE FURTHER that the affidavit of **GLYN ERIC WILLIAMS**, with annexures, shall be used in support of this application.

BE PLEASED TO TAKE NOTICE FURTHER that any affidavits in answer to the relief sought in this application must be lodged within ten (10) days after service of the application on the respondents.

BE PLEASED TO TAKE NOTICE FURTHER that the applicant has appointed the offices of their attorneys below as the address at which they will accept all notices and process in these proceedings.

DATED AT CAPE TOWN ON THIS THE DAY OF MARCH 2016.

CHENNELLS ALBERTYN
Per:

Applicant's Attorneys
18A Greenwich Grove
Station Road
RONDEBOSCH
Tel No.: (021) 685-8354
Fax No.: (021) 685-0710
Email: info@chennellsalbertyn.co.za

**c/o LISEL VAN RENSBURG
ATTORNEYS**

3rd Floor, 347 Hilda Street
Cnr Hilda & Arcadia Streets

PRETORIA

Tel: (012) 430 6290 / Fax: 086 623 6905

Ref: Mrs van Rensburg/mo/F270

**c/o FAIRBRIDGES WERTHEIM
BECKER ATTORNEYS**

Ground Floor

Fricker Road

Illovo

JOHANNESBURG

GAUTENG

(Ref: David Short)

TO: THE REGISTRAR
Constitutional Court
Cnr Queen & Sam Hancock/Hospital Streets
Constitutional Hill
Braamfontein
JOHANNESBURG

AND TO: THE REGISTRAR
High Court
PRETORIA

AND TO: THE STATE ATTORNEY, PRETORIA
First Respondent's Attorneys
Salu Building
316 Thabo Sehume Street
Cnr Thabo Sehume & Francis Baard
PRETORIA
Private Bag X91
PRETORIA
Enq: AGF Mokgale
Ref: 0289/13/Z66/me
Tel: (012) 309 1662
Fax: (012) 309 1649/50

AND TO: THE STATE ATTORNEY, CAPE TOWN
Second & Third Respondents' Attorneys
Fourth Floor
Liberty Life Centre
22 Long Street
CAPE TOWN
Ref: Mr L Gava
Email: lgava@justice.gov.za
Tel: (021) 441 9200