IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION, PRETORIA)

CASE NUMBER 2023-132918

SAKELIGA NPC	Applicant
and	
VELENKOSINI HLABISA	First Respondent
AND NINE OTHERS	Second to tenth Respondents

In re:

SAKELIGA NPC	Applicant
and	
THE MINISTER OF COOPERATIVE GOVERNANCE AND	
TRADITIONAL AFFAIRS	First Respondent
AND EIGHT OTHERS	Second to ninth Respondents

ANSWERING AFFIDAVIT TO JOINDER APPLICATION

V.F. KK

I, the undersigned,

VELENKOSINI FIKI HLABISA

do hereby make oath and state as set out below.

1. I am the current National Minister of Cooperative Governance and Traditional Affairs (**"CoGTA"** or the **"first respondent"**), with address at 87 Hamilton Street, Arcadia, Pretoria, Gauteng. This office was originally held by Minister Dr Nkosazana Clarice Dlamini Zuma ("Minister Dlamini Zuma" or the "eighth respondent"). No relief is sought against former Minister Dlamini Zuma, who is cited as the eighth respondent herein.

2. After the departure of Minister Dlamini Zuma, the office was held by Minister Thembi Nkadimeng, cited as the fifth respondent herein, until my appointment to office on 2 July 2024.

3. In my role as the incumbent CoGTA Minister, and because the application seeks my joinder to the contempt proceedings in my personal capacity, I am authorised to depose to this affidavit.

4. The contents of this affidavit fall within my personal knowledge, save where otherwise stated or the contrary appears from the context.

4.1. Such content is to the best of my knowledge and belief both true and correct.

4.2. Where I refer to facts that do not fall within my personal knowledge, I annex the necessary confirmatory affidavits.

4.3. Furthermore, where I make averments not directly within my knowledge, I do so based on information made available to me or which has been ascertained from the persons whose names I disclose. I verily believe such information to be true and correct. To the extent that reliance is placed on any hearsay evidence, I submit that it is in the interests of justice for it to be admitted in terms of section 3(1) of the Law of Evidence Amendment Act 45 of 1988.

5. Where I make legal submissions in this affidavit, I do so on the advice of CoGTA's legal representatives, whose advice I accept as correct.

6. I have had occasion to consider the applicant's application in terms of Rule 10 to join me in my personal capacity to the contempt proceedings seeking to enforce the order of 9 November 2022 obtained under case number 39370/21. I oppose the application. The order was taken against the following persons as set out in the applicant's founding affidavit in the said case:

6.1. "*The first respondent, [who] is the National Minister of Cooperative Governance and Traditional Affairs, currently Dr. Nkosazana Clarice*

Dlamini Zuma, who is cited herein as the nominal head of the National Department of Co-operative Governance and Traditional Affairs..."

6.2. *"The second respondent [which] is the National Department of Co-operative Governance and Traditional Affairs, a department of the National Government of the Republic of South Africa....."*

6.3. *"The third respondent [who] is the Information Officer in the National Department of Co-operative Governance and Traditional Affairs, an office currently held by Ms Avril Williamson, cited herein in her capacity as the appointed information officer of the second respondent in terms of the Promotion of Access to Information Act, No 2 of 2000."*

6.4. *""The fourth respondent [who] is the President of the Republic of South Africa in his capacity as the head of the national executive and the head of Cabinet in terms of the Constitution 1996...."* [1]

7. The deponent to the applicant's founding affidavit elaborated further by stating the following:

"REFERENCING.

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[1] Paragraphs 14 to 17 of the applicant's founding application

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21. For ease of reference and continuity in what follows, where I refer to:

21.1 *"the COGTA Minister"*, I am referring to the first respondent.

21.2 *"the Department"*, I am referring to the second respondent.

21.3 *"the Information Officer"*, I am referring to the third respondent.

21.4 *"the President"*, I am referring to the fourth respondent."[2]

8. I wish to point out that the citation and description of parties in the applicant's founding papers is confusing and contradictory, as set out in paragraphs 14 to 17 and 21.1 to 21.4 of the applicant's founding affidavit. This confusion and contradiction is comprehensively dealt with in the affidavit of Director-General Mbulelo Tshangana ("Tshangana") dated 12 July 2024, filed in these proceedings. It does, however, have a bearing on the current application to have me joined in my personal capacity.

INTRODUCTION AND OVERVIEW

9. The applicant seeks an order joining me in my personal capacity to contempt proceedings for the enforcement of this Court's order of 9 November 2022.

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[2] Paragraphs 21.1 to 21.4 of the applicant's founding affidavit.

The order is attached hereto as **AA 1"**. It is brought on the premise that should this court exercise its discretion to grant an order of committal, if the contempt is established, "*the individuals who hold at that point in time the office of Minister or the Director General or the Information Officer of the department are liable to undergo the sentence imposed.*"

10. In other words, so goes the argument, it is irrelevant that I was not the Minister at the time the order was granted and that I was not personally responsible (even in an official capacity) to implement the order of 9 November 2022. My imprisonment – once again, were the applicant able to demonstrate that the order was not implemented – is, according to the applicant, solely dependent on my appointment as Minister on 2 July 2024 (i.e. after the grant of the order).

THE BASIS OF THE OPPOSITION

11. I am advised that a party is only joined to any proceedings where they have a direct and material legal interest in the order being sought. The test is not one of convenience.

12. I have no direct and substantial legal interest in my personal capacity in the enforcement of the 9 November 2022 order. I was not in the National Department of Cooperative Governance and Traditional Affairs when the

order was granted; I did not make any decisions on the implementation of the order; and I have no personal knowledge of why certain decisions may have been made in the proper enforcement of the November 2022 order. Nor can I speak to the nature of the PAIA record delivered. At the time that CoGTA implemented the order under former Minister Dlamini Zuma and persons in her administration, there were no personal obligations on me in my official capacity to give effect to the November 2022 order that could form the basis of a committal order against me in my personal capacity.

13. As a result of the foregoing, it is my firm belief that this application is an abuse of process. There is an ulterior motive in bringing these proceedings. The applicant seeks to join me in my personal capacity merely to threaten and harass me with contempt proceedings to gain traction with its supporters. This plainly does not meet the legal threshold test for joinder.

THE MATERIAL FACTS

14. When I acquainted myself with the background facts of the matter, it is clear that Minister Dlamini Zuma and CoGTA implemented the order of 9 November 2022. The applicant was furnished with a record on three occasions. This was done firstly by uploading several documents that formed part of the record onto the Caselines platform. Next, documents were delivered to the applicant's attorneys of record in December 2022, and finally,

further documents were delivered in January 2023, after the applicant's attorneys closed their offices in December 2022.

15. As indicated by the said Tshangana in his affidavit opposing the contempt application, and supported by former Minister Nkadimeng in her confirmatory affidavit, the then CoGTA Minister, Minister Dlamini Zuma delivered to the applicant, in accordance with the order of 9 November 2022, all of the documents that she had at her disposal, and that could be shared with a public body such as the applicant.

16. The applicant's view, however, was that the record remained incomplete and, as a result, on 13 December 2023, it issued a contempt application against Minister Nkadimeng and her administration, namely the Director-General, Mbulelo Tshangana (the third respondent); and the then Information Officer, Thinavhuyo Skosana (the fourth respondent). They were also cited in their personal capacities as the fifth, sixth, and seventh respondents, respectively, and an order was sought for their committal to prison, despite not being parties to the 9 November 2022 order.

17. As with the joinder sought against me in my personal capacity, it appears that they were sued for contempt and an order for their committal was sought, even though no averments were made on how they were alleged, in their personal capacities, to have wilfully failed to comply with the 9 November 2022 order.

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18. In sum, they were blandly cited without more, in their personal capacities – as the fifth to seventh respondents – for the sole reason that an order of imprisonment be issued against them. The same motivation applies here. My joinder is sought for the sole purpose of committal and not because I am alleged to have played any personal or official role in the implementation of the 9 November 2022 order. This is the second time this approach has been adopted by the applicant. It is no longer a material misdirection, but a blatant stratagem and thus an abuse of process. Taking a misguided approach once may be excused as a mistake. But repeating that approach shows intention.

19. Tshangana's affidavit has already highlighted the respects in which that application is materially flawed. I have read that affidavit, taken advice thereon, and align myself with its contents. What I wish to do, however, is demonstrate to this court that these proceedings have become a vexatious abuse of this court's process, deserving of censure.

ABUSE OF PROCESS

20. There is no basis for my personal joinder to these proceedings, just as there is no basis for the contempt proceedings and committal orders that were sought against Minister Nkadimeng and her administration.

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21. Similar to the position Minister Nkadimeng found herself in, the order of 9 November 2022 does not grant the applicant any relief against me in my capacity as the current Minister. Therefore, the joinder application must fail because the November 2022 order creates no obligations for me to give effect to personally.

22. Rather, it was issued against Minister Dlamini Zuma and her administration, and the President. To the extent that the order compels compliance with the applicant's PAIA request of 15 December 2020, it was only Minister Dlamini Zuma and her administration, including the erstwhile Information Officer, who assumed personal obligations to give effect thereto in their official capacities. This is a core component of a contempt order. Since I am not a party to the court order alleged to have been ignored, no order can be sought for my committal.

23. But the joinder application must fail for the more fundamental reason that I simply have no knowledge of the reasons for the decisions taken by Minister Dlamini Zuma in the declaration and subsequent extensions of the national State of Disaster, and I am not privy to the information relied on by her when she took these decisions. This is relevant since it demonstrates that I am not in a position to give effect to the court order, since it compels Minister Dlamini-Zuma, her administration, the erstwhile Information Officer and even the President (although the said founding affidavit disavows any relief being sought against him) to provide *"[a]ll records, reasons, reports, findings,*

deliberations, communications, memoranda and/or further documentation ***relied upon by the Minister of Cooperative Governance in making the following decisions and/or taking the following steps****..."* (emphasis supplied)

24. My position is similar to that of Minister Nkadimeng, and as confirmed by her in her confirmatory affidavit opposing the contempt application, namely that the decisions referred to are the thirteen extensions of the state of disaster and the seven occasions when the Regulations issued under the Disaster Management Act were amended.

25. As indicated by Tshangana, supported by Minister Nkadimeng, it is Minister Dlamini Zuma, and perhaps the former Information Officer, Ms Williamson, who have direct knowledge of the record relied on in declaring and extending the state of disaster and amending the Regulations. Neither my administration nor I have such direct knowledge. Furthermore, section 12(a) of PAIA has been invoked by my predecessors to deal with records that are protected against disclosure. Therefore, similarly to Minister Nkadimeng, no personal obligation can be attributed to me in my personal or official capacity to give effect to the order of 9 November 2022.

26. Yet, the applicant approaches this court on the premise that I might have failed to give effect to the 9 November 2022 order simply on taking office on 2 July 2024.

27. The abuse of process is further underscored by the new relief sought outside the framework of the order of 9 November 2022. The applicant seeks, as part of its contempt application, an order that this court directs Minister Nkadimeng and her administration to:

"3.1 ensure that all documents and/or information provided are properly sorted and collated when delivered to the applicants and/or their attorneys; and

3.2 ensure that all documents and/or information provided clearly indicate to which paragraph or sub-paragraph of the applicant's request for information of 15 December 2020 in terms of the Promotion of Access to Information Act 2 of 2000 ["PAIA request for information"] relate; and

3.3 thereafter deliver an affidavit to this Court and the applicants that no further documents and/or records falling within the ambit of the applicant's PAIA request for information are in the first to fourth respondent's possession and/or under their control."

28. If I am joined to these proceedings in my personal capacity for the purposes of enforcing a committal order, I would be palpably prejudiced. On issue of a committal order, I would lose my liberty for the alleged failure to comply with an order not even issued against me, and which I cannot give effect to. This is because I have no direct knowledge of the documents relied on in the declaration and extension of the state of disaster and the amendment of the

Regulations. Therefore, I cannot sort and collate them, number them appropriately, and declare under oath that there are no further documents to be disclosed.

29. As attested to by Tshangana and Minister Nkadimeng, this information is within the sole remit of Minister Dlamini Zuma and Ms Williamson, and it is these officials who, in their official capacities, were personally responsible for the implementation of the order, not me or my administration. No relief is sought against them.

30. As stated above, in my capacity as Minister, I have no personal or direct knowledge of the documents relied upon by Minister Dlamini Zuma when she made the decisions and took the actions referred to. This is a central component of the 9 November 2022 order, since it must be read together with the December 2020 PAIA request, to which it gives effect.

31. But the circumstances that give rise to the joinder application and the nature of the information actually sought by the applicant further demonstrate the abuse of process.

32. As attested to by the respondents' deponents to the contempt application, there was a morass of paper and without clarity on the nature of the "*records, reasons, reports, findings, deliberations, communications, memoranda and/ or further documentation*", the best that could be done was to furnish the applicant with the information that could be disclosed and, of course,

information that was in CoGTA's possession or under its control. The respondents attached the indices to the documents given to the applicant to the answering affidavit deposed to by Tshangana and confirmed by them.

33. In their affidavits, the respondents reiterated that confidential documents, such as Cabinet records, could not be disclosed and that the information made available by the former Information Officer was information that she, and indeed the rest of the administration, had access to. They confirmed that, given the coordinated way COVID-19 was managed, there may be other information that can be publicly disclosed, but that CoGTA has acquitted itself in discharging the order by furnishing all the information at its disposal.

34. I align myself with these submissions and that the previous administration acted in terms of the wording of the applicant's request by providing all the information upon which the then CoGTA Minister relied. I also align myself with the submission that the information on the declaration of the state of disaster, its extension, and the amendment of the Regulations all fell within the framework of submissions to Cabinet. They were classified and shared on a need-to-know basis with relevant officials only.

35. The circumstances in which this application is being brought are also worthy of consideration. Not only is there no cause to join me in my personal capacity, but the state of disaster commenced more than five years ago; and ended more than three years ago; the order compelling access to information was issued, and the contempt initiated almost three years ago. Yet, the

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applicant has taken no steps to bring its contempt application to finality. It rather opportunistically set down on the unopposed roll an application to compel the very documents that it alleges form the subject matter of the contempt application. In addition, it sought to do so without even bringing an application in terms of Rule 35(12), and its application was dismissed in scathing terms by His Lordship Mr Justice Moshoana. He, no less than ten (10) times in his short judgment, described the application brought by the Applicant as a "*strange application*" and ordered the Applicant to pay the costs of opposition, including the costs of two counsel.

36. The applicant also contends falsely that there is no condonation application to the filing of the answering affidavit, when the respondents seek condonation in the affidavit for its late filing. In the applicant's replying affidavit, the deponent thereto says the direct opposite.

> In paragraph 5 of the replying affidavit, the deponent states the following:
>
> "*Although this affidavit is filed several months after the answer of the opposing respondents was received, it is submitted that procedurally, it cannot be regarded as late. This is so since the late filing of the opposing respondents' affidavit has not yet been condoned and is thus not properly before court. Until such time, the replying affidavit cannot be regarded as due. The applicant, however, does not oppose the respondents' condonation application, and to avoid further delays*

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in the adjudication of the case, has decided to, as a matter of caution, plead over and file this reply".

37. Furthermore, in paragraph 81 of the replying affidavit, the following appears:

"81 AD PARAGRAPHS 191 – 205 (The issue of condonation).

81.1 It is for this Court to decide whether to condone the late filing of the answering affidavit. The applicant has no objection to the condonation application."

38. The applicant is being disingenuous, particularly after it engaged with the answering affidavit twice, first in the "strange application" referred to above; later, in the Rule 35(12) notice it issued. The applicant is involved in a pathetic attempt to explain why it filed its replying affidavit more than a year (not several months) after service on it of the respondents' answering affidavits, and why, generally, it has been conducting this litigation in a leisurely and protracted manner.

39. I point out that the last time any papers were issued in this matter was in the unopposed hearing before Justice Moshoana, where judgment was delivered in September 2024. Since then, apart from an irrelevant Rule 35(12) notice issued on 11 November 2024 and finally responded to on 26 November 2024, no further steps were taken by the applicant. After about nine (9) months, without any cogent or credible explanation for the delay, the applicant filed a

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replying affidavit to the contempt application. A few days later, this unmeritorious application for my personal joinder was filed, in circumstances where there is no basis in fact or law to the order sought. As a matter of fact, the same deponent deposed to both the replying affidavit and the affidavit in support of the joinder application on the same day, 8th August 2025, before the same Commissioner of Oaths, Mr Herman Kelderman.

40. I am advised that in these circumstances this application is vexatious, frivolous, improper and instituted without sufficient ground for the order it seeks. Its sole purpose is to serve as an annoyance to CoGTA for the ulterior motive of gaining access to confidential information it was never entitled to through the enforcement of a committal order against me when I was not even a party to the order of 9 November 2022.

41. I am advised further that the Supreme Court of Appeal has held that in these circumstances, the "*process is employed for some purpose other than the attainment of the claim in the action. If the proceedings are merely a stalking-horse to coerce the defendant in some way entirely outside the ambit of the legal claim ... they are regarded as an abuse for this purpose...*".

42. This is precisely the case here, as demonstrated by the stop-and-start manner in which the applicant litigates, the joining of parties to the proceedings who were not even parties to the court order; and finally seeking to join me and further citing Minister Nkadimeng and her administration for the sole purpose of seeking our committal, all in circumstances where we

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cannot even give effect to the order of 9 November 2022. Moreover, Tshangana and Minister Nkadimeng point out that the order has already been implemented and complied with.

43. Thus, there is no basis to the joinder sought against me. I have no direct and substantial interest in the outcome of the contempt application in my personal capacity, since I have no personal obligation in my official capacity to enforce the order.

44. What is more, I am unable to enforce the order for the reasons set out in this affidavit. Finally, the order has, in any event, been implemented when the record was delivered to the applicant's attorney of record on three separate occasions.

45. To make matters worse, the deponent to the application is a "legal officer" and appears to be legally trained. As an officer of this Court, more is expected. This conduct is deserving of censure.

46. I turn now to answer *seriatim* the allegations in the founding affidavit. Anything not specifically addressed should be taken as being denied.

U.F.

***SERIATIM* RESPONSE TO THE FOUNDING AFFIDAVIT**

Ad paras 1 to 5

47. Save to deny the truth of the allegations herein and the correctness of the legal submissions made, I note the remaining content of these paragraphs.

Ad paras 6 to 8

48. I note the contents herein. I deny for the reasons stated in Tshangana's affidavit that all of the parties as cited are parties to the order of 9 November 2022.

49. I deny further that a case has been made out to join me in my personal capacity as a party to the contempt application.

Ad para 9

50. I admit the contents hereof.

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Ad paras 10 and 11

51. I deny that a case has been made out to join me as a party to these proceedings in my personal capacity. Save for the foregoing, these paragraphs are noted.

Ad para 12

52. I have no knowledge of the advice taken by the applicant.

Ad para 13.1 and 13.2

53. I admit the content of these paragraphs.

Ad para 13.3

54. I have no knowledge of the aim of the PAIA request. I am aware only that the applicant's PAIA request of 15 December 2020 was granted in an unopposed court order on 9 November 2022.

Ad para 13.4

55. I have no knowledge of the contents of this paragraph.

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Ad paras 13.5 and 13.6

56. I admit only that an unopposed order was granted on 9 November 2022. The order forms part of the Caselines record and the terms thereof speak for themselves. I deny that the order compelled the Director-General to comply with the PAIA request.

Ad para 13.7

57. I deny the contents hereof. Tshangana, supported by the deponents to confirmatory affidavits, has made submissions on why the order was complied with. I align myself fully with those submissions, in particular, with the fact that the record was delivered to the applicant's attorneys of record on three separate occasions.

Ad paras 13.7.1 to 13.7.3

58. I admit the content hereof.

Ad para 13.8

59. I have no knowledge of the contents of this paragraph, but I persist that to the best of my belief, and as appears from the respondents' opposing affidavits, the documents were delivered in accordance with the order of 9 November 2022.

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Ad para 13.9 and 13.10

60. I have no knowledge hereof. I deny, however, that the record was inadequate, and align myself with respondents' affidavits that CoGTA delivered all the documents at its disposal that it could disclose. Naturally, this excluded confidential Cabinet records.

Ad para 13.11 to 13.14

61. I deny the contents hereof. I refer once again to Tshangana's affidavit and the confirmatory affidavits. The State Attorney's acknowledgement was within the context that the complete record was not uploaded onto Caselines.

62. Subsequent thereto, the record was physically delivered to the applicant's attorneys of record in December 2022 and January 2023.

63. In addition, I am advised that it was explained to the applicant that a new legal team had been appointed during this time, and CoGTA, after implementing the order of 9 November 2022, indeed advised the applicant that it would oppose any contempt application and seek punitive costs.

64. I deny further that there was any reversal. Tshangana and other respondents record that the order was complied with and that this was the basis for CoGTA's decision to oppose the applicant's contempt application.

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Ad para 13.15

65. I have no knowledge of the contents of this paragraph. I confirm that Minister Nkadimeng was appointed with effect from about 6 March 2023.

Ad paras 13.16 and 13.17

66. I admit only the content of the letter, but deny the truth of the allegations contained therein. I persist, as explained by my predecessors, that the order of 9 November 2022 was complied with.

Ad para 13.18

67. I admit the contents hereof. The applicant was aware of CoGTA's unequivocal and unambiguous stance since 23 February 2023.

Ad para 13.19

68. I deny the contents hereof. There was no entrenched refusal to provide records. The records were provided and the order complied with. What the applicant sought was access to confidential Cabinet records that CoGTA could not furnish to it.

N.F.

Ad para 13.20

69. I deny the contents hereof. The order was implemented as appears from the affidavit of Tshangana, as confirmed by former Minister Nkadimeng.

70. These are, in any event, bald statements that I am unable to respond to. The applicant fails to indicate in which respects compliance with the order was "misrepresented" as alleged, and what alleged delay tactics are being referred to.

71. Finally, CoGTA advised the applicant that it complied with the court order and thus responded to its invitations.

Ad paras 14 to 16

72. I admit the contents hereof.

Ad para 17

73. This is a bare-faced lie, and I categorically deny the contents hereof. As stated in paragraphs 36 - 39 above, on 8 August 2025, the deponent to the affidavit to which I am responding, deposed before one and the same Commissioner of Oaths, Mr Herman Kelderman, to the applicant's replying affidavit and confirmed that the applicant had received the respondents'

application for condonation, dealt with it and stated under oath that condonation will not be opposed.[3]

74. By conducting himself in this manner, the deponent to the applicant's affidavit has rendered himself liable to prosecution for contravening section 9 of the Justice of the Peace and Commissioners of Oaths Act 16 of 1963, which states as follows:

> "9. *Penalties for false statements in affidavits and certain other declarations. – Any person who, in an affidavit, affirmation or solemn or attested declaration made before a person competent to administer an oath or affirmation or take the declaration in question, had made a false statement knowing it to be false, shall be guilty of an offence and liable upon conviction to the penalties prescribed by law for the offence of perjury".*

Ad para 18

75. I deny the contents hereof. The applicant is not indulging CoGTA. It is engaging in vexatious stop-start litigation for the sole purpose of harassing me to attempt to gain access to confidential Cabinet documents that it is

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[3] See paragraphs 5 and 81 of the applicant's replying affidavit quoted above.

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simply not entitled to. This is an abuse of process as clearly demonstrated by the fact that it seeks my personal joinder for purposes other than committal.

Ad para 19

76. I have no knowledge of the caution that the applicant may or may not have exercised. I persist, however, with the contentions confirmed by the opposing respondents that the correct parties were not before the court, and with my submission that my personal joinder was misguided, as I was not personally responsible for the implementation of the 9 November order in any official capacity. Therefore, I have no direct and material interest in the outcome of the contempt application and certainly no basis has been laid for an order that I am committed to prison.

Ad para 20

77. I admit that these averments were indeed confirmed by, among others, Minister Nkadimeng, and I align myself therewith.

Ad para 21

78. I deny the contents hereof. The requirements for contempt are trite and they are certainly not as stated in these paragraphs. I can only be joined personally to the extent that I had to implement the order of 9 November 2022 in my official capacity. This is not the case. This duty fell on Minister Dlamini Zuma,

and she discharged it when she delivered the PAIA record and implemented the order.

79. I deny further that such an interpretation exonerates all government officials. I cannot be joined personally for the sole purpose of committal. In other words, I cannot be held personally liable for the decisions taken by my predecessor on how to implement the order, and consequently, for the prospect of committal by the mere fact that I have taken office.

80. My official responsibility is to assess what my predecessors have done, but I certainly cannot be imprisoned for their policy choices or indeed their administrative choices as to how a court order is to be implemented. I can determine only whether I wish to adopt the same approach or depart therefrom, and even this decision cannot warrant being joined personally to a contempt application and possibly face imprisonment.

81. While I may be liable to determine whether the order has been implemented, I had no personal obligation in my official capacity at the time that the order was made to give effect thereto. This was Minister Dlamini Zuma's responsibility, and she states that she complied with the order. For the reasons stated above, I am not in a position to second-guess her.

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Ad para 22

82. I note the contents hereof but deny that a case has been made out for my personal joinder in this matter.

Ad paras 23 to 28

83. I note the contents hereof, but once again deny the correctness of these submissions. This is, in any event, legal argument which will be addressed in the legal submissions to be made to this court. It suffices to state at this stage that no case has been made out for my joinder in terms of Rule 10.

Ad paras 30 to 32

84. I deny the contents hereof. I deny further that the applicant has made out a case for, or that it is entitled to an order joining me to the contempt application in my personal capacity.

Wherefore, I pray that the joinder application is dismissed with costs, including the costs of two counsel (one senior, one junior) on an attorney-client scale, alternatively Scale C.

DEPONENT

SIGNED and **SWORN** to before me at Pretoria on this 17th day of September 2025, the deponent having acknowledged that he knows and understands the contents of this affidavit, that he has no objection to taking the prescribed oath and that she considers the oath to be binding on his conscience.

COMMISSIONER OF OATHS

LUYANDA KOPMAN
Practising Attorney R.S.A
Commissioner of Oaths
Suite 326 3rd Floor
Standard Bank Chambers
236 Paul Kruger Street
Pretoria. 0002

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THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

9 November 202:

On this 9th day of November 2022 before the Honourable Justice Lukhaimane AJ.

Case number: 39370/2021

In the matter between:

SAKELIGA NPC Applicant

and

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
2022 -11- 09
GD-PRET-005
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS First Respondent

THE NATIONAL DEPARTMENT COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS Second Respondent

THE DIRECTOR GENERAL IN THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS Third Respondent

THE INFORMATION OFFICER: THE NATIONAL DEPARTMENT COOPERATIVE GOVERNANCE Fourth Respondent

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA Fifth Respondent

This Order is made an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties/their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or his/her Secretary. The date of this Order is deemed to be **9 November 2022.**

DRAFT ORDER

HAVING heard counsel and having considered the matter, it is ordered that:

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1 The First Respondent's decision of 26 June 2021 to refuse the Applicant's internal appeal against the Third Respondent's decision not to grant the Applicant's request for information of 15 December 2020 in terms of the Promotion of Access to Information Act 2 of 2000 ["PAIA request for information"] is reviewed and set aside;

2 The Third Respondent's decision of 25 February 2021 to not to grant the Applicant's PAIA request for information, dated 15 December 2020, is reviewed and set aside;

3 The First, Second, Third and Fourth Respondents are ordered to comply with the Applicant's PAIA request for information within 30 days of the date of this order and to provide the Applicant with all of the documents and/or information requested therein as is in their possession and/or under their control; and

4 The costs of the application be paid by the First Respondent.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
2022 -11- 09
GD-PRET-005
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

BY ORDER

Matter number: 90

Counsel for the Applicant: **Adv Miek Bester**
Email address: bester@lawcircle.co.za
Contact number: 083 6619257

Instructed by: **Kriek Wassenaar & Venter Attorneys**
Pretoria
Tel: 012 756 7566
Email: peter@kriekprok.co.za
Ref: PJ Wassenaar/QB0792

J750

REPUBLIC OF SOUTH AFRICA

FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 6]

FOR DEPARTMENTAL USE

Reference number: .....

Request received by ..... (state rank, name and surname of information officer/deputy information officer) on ..... (date) at ..... (place).

Request fee (if any): R .....

Deposit (if any): R .....

Access fee: R .....

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SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer

Department of Cooperative Governance Republic of South Africa
Information officer:
Ms Avril Williamson
Tel: 012 334 0518
Fax: 012 334 0603
E-mail: Avrilw@cogta.gov.za

Physical Address:
The Information Officer
Department of Cooperative Governance
87 Hamilton Street
Arcadia
Pretoria

Deputy Information officers
Tozi Faba - Tozi@cogta.gov.za; Tel: 012 334 0778
Fax: 012 334 0603
Themba Fosi - ThembaF@cogta.gov.za

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent, must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: Péter Johannes Wassenaar

Identity number: 8 7 0 1 2 5 5 1 2 0 0 8 6

Postal address: HB Forum Building, Floor 3, 13 Stamvrug Street, Val de Grace, Pretoria

Telephone number: (012) 803 4719 Fax number: (086) 596 8516

E-mail address: peter@kriekprok.co.za

Capacity in which request is made, when made on behalf of another person:

Attorney of record for Sakeliga NPC. Power of attorney attached

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: Sakeliga NPC - 2020/043725/08

Identity number:

D. Particulars of record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

Kindly refer to Annexure A attached hereto.

2. Reference number, if available: .....

3. Any further particulars of record:

Kindly refer to Annexure A attached hereto.

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E. Fees

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
(b) You will be notified of the amount required to be paid as the request fee.
(c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: Form in which record is required:

Mark the appropriate box with an **X**.

NOTES:
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:					
X	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images	X	copy of the images*		transcription of the images*

3. If record consists of recorded words or information which can be reproduced in sound:						
X	listen to the soundtrack (audio cassette)	X	transcription of soundtrack* (written or printed document)			
4. If record is held on computer or in an electronic or machine-readable form:						
	printed copy of record*		printed copy of information derived from the record*	X	copy in computer readable form* (stiffy or compact disc)	

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO X
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.		
In which language would you prefer the record? English/Afrikaans		

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

By email addressed to peter@kriekprok.co.za and rohann@kriekprok.co.za

Signed at Pretoria this day 15th of December year 2020

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

ATTORNEY FOR SAKELIGA NPC
PETER WASSENAAR
KRIEK WASSENAAR & VENTER INC

PAIA ANNEXURE A

1. All records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation relied upon by the Minister of Cooperative Governance and Traditional Affairs ("COGTA") in making the following decisions and/or taking the following steps:

    1.1 The declaration in terms of section 27(1) of the Disaster Management Act 57 of 2002 ("DMA") in terms of which COGTA declared a national state of disaster *having recognised that special circumstances exist to warrant the declaration of a national state of disaster* (as published in the Government Gazette of 15 March 2020); and

    1.2 The extension of the declaration of a national state of disaster by COGTA as published in the Government Gazette on 5 June 2020, 13 July 2020, 15 August 2020, 14 September 2020, 14 October 2020, 15 November 2020 and 11 December 2020 (respectively).

    1.3 The lockdown regulations issued in terms of section 27(2) of the DMA, including but not limited to the following:

        1.3.1 Disaster Management Act, 2002: Regulations published on 18 March 2020 (GG43107);

        1.3.2 Disaster Management Act, 2002: Amendment regulations published on 25 March 2020 (GG43148);

        1.3.3 Disaster Management Act, 2002: Amendment regulations published on 2 April 2020 (GG43199);

1.3.4 Disaster Management Act, 2002: Amendment regulations published on 16 April 2020 (GG43232);

1.3.5 Disaster Management Act, 2002: Amendment regulations published on 20 April 2020 (GG43240);

1.3.6 Disaster Management Act, 2002: Amendment regulations published on 29 April 2020 (GG43258);

1.3.7 Disaster Management Act, 2002: Amendment regulations published on 28 May 2020 (GG43364);

1.3.8 Disaster Management Act, 2002: Amendment regulations published on 25 June 2020 (GG43476);

1.3.9 Disaster Management Act, 2002: Amendment regulations published on 12 July 2020 (GG43521);

1.3.10 Disaster Management Act, 2002: Amendment regulations published on 31 July 2020 (GG43577);

1.3.11 Disaster Management Act, 2002: Amendment regulations published on 17 Augustus 2020 (GG43620);

1.3.12 Disaster Management Act, 2002: Amendment regulations published on 18 September 2020 (GG43725);

1.3.13 Disaster Management Act, 2002: Amendment regulations published on 15 December 2020 (GG43997);

SIGNED AT PRETORIA ON 15 DECEMBER 2020

ATTORNEY FOR SAKELIGA NPC

PETER WASSENAAR

KRIEK WASSENAAR & VENTER INC