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26 NOVEMBER 2024

Enquires: **MS O SEBITSO**
Email: OSebitso@justice.gov.za

My ref: 0060/24/Z71
ref:

KRIEK WASSENAAR AND VENTER INCORPORATED
3RD FLOOR, HB FORUM BUILDING
13 STAMVRUG ROAD
VAL DE GRACE
PRETORIA

EMAIL: melissa@kriekprok.co.za

RE: SAKELIGA / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS AND OTHERS

1. The above matter and your client's notice in terms of Rule 35(12) issued on 11 November 2024 bear reference.

2. We note the record furnished to your offices on 13 November 2024. We are instructed to advise, as we hereby do, that the record was furnished in error.

3. Further, our clients object to your client's notice in terms of Rule 35(12) and we enclose under cover hereof our clients' notice of objection.

4. Kindly note that our clients maintain that they have provided your client with all relevant information. We have thus been instructed to inform you that should this 'fishing expedition' of your client continue, it will necessitate our clients to seek an appropriate costs order at the appropriate time.

5. Our clients' rights are reserved. Please be guided accordingly.

Yours Faithfully

P.P

O SEBITSO
FOR: STATE ATTORNEY (PRETORIA)

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NO.: 2023-132918

In the matter between:

SAKELIGA NPC	Applicant
and	
THE MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	First Respondent
THE NATIONAL DEPARTMENT: COOPERATIVE GOVERNANCE TRADITIONAL AFFAIRS	Second Respondent
THE NATIONAL DIRECTOR IN THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Third Respondent
THE INFORMATION OFFICER: THE NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Fourth Respondent
THEMBI NKADIMENG	Fifth Respondent
MBULELO TSHANGANA	Sixth Respondent
THINAHYO SKHOSANA	Seventh Respondent
NKOSAZANA CLARENCE DLAMINI	Eighth Respondent
THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	Ninth Respondent

NOTICE OF OBJECTION TO APPLICANT'S NOTICE IN TERMS OF RULE 35(12)

TAKE NOTICE that the respondents object to the applicant's notice in terms of 35(12) filed on 11 November 2024.

TAKE NOTICE FURTHER that the grounds of objection are as set out hereunder:

1. The notice is irregular for want of compliance with Rule 35(13) of the Rules of this Honourable Court.

2. Furthermore, the entire notice is a fishing expedition that is not conducive to the expeditious finalisation of this contempt application.

3. By filing this notice, the applicant appears to be oblivious to the judgment of Moshoana J, handed down in this matter on 12 September 2024.

4. **Ad Para 1**

   4.1. Although certain documents were furnished on 13 November 2024 in ostensible response to this request, the response was done in error.

4.2. Nonetheless, the documents sought are irrelevant to the issues with which this court is seized.

4.3. This request is a fishing expedition, which if entertained will involve this Court in an investigation and determination of an entirely collateral issue.

5. **Ad Para 2**

5.1. Paragraph 43 of the answering affidavit does not refer to material that may be validly requested via Rule 35(12).

5.2. In any event, the request is vague and embarrassing and fails to identify with any degree of reasonable certainty the information that the respondents are required to produce.

5.3. We repeat that the applicant has been provided with all the information that some of the respondents were ordered to provide.

6. **Ad Para 3**

6.1. The documents sought herein are privileged. They are exempt from disclosure in terms of section 12(a) of the Promotion of Access to Information Act, 2 of 2000 ("**PAIA**").

7. **Ad Para 4**

7.1. Paragraph 55 of the answering affidavit does not refer to material that may be validly requested via Rule 35(12).

7.2. Nonetheless, the request pertains to information which is clearly not within the respondents' possession.

7.3. Furthermore, the request is vague and embarrassing and fails to identify with any degree of reasonable certainty the documents that the respondents are allegedly required to produce.

7.4. In addition, the information sought, to the extent that it exists and can be disclosed, is not under the respondents' control and or in their possession. We repeat, *ad nauseam*, the relevant respondents furnished the applicant with all of the documents in their possession and under their control.

DATED AT PRETORIA ON THIS THE 26TH DAY OF NOVEMBER 2024.

C.E. SNYMAN

RESPONDENTS ATTORNEYS
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CNR THABO SEHUME &
FRANCIS BAARD STREET
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Enq: MS O SEBITSO

TO: **THE REGISTRAR OF THE ABOVE HONOURABLE COURT**
PRETORIA

AND

TO: **KRIEK WASSENAAR & VENTER INCORPORATED**

ATTORNEYS FOR THE APPLICANT

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