



KRIEK WASSENAAR & VENTER ING

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Our ref: PJ Wassenaar/es/QB0792

Your ref: 1354/20/Z71/ME

14 December 2021

**THE STATE ATTORNEY PRETORIA
SALU BUILDING
CNR THABO SEHUME & FRANCIS BAARD STREETS
PRETORIA**

By e-mail: OSebitso@justice.gov.za
KaNgwatle@justice.gov.za

Sir/Madam

SAKELIGA NPC / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS & OTHER

1. The abovementioned matter refers and, more specifically, the First to Fourth Respondents' notice to remove cause of complaint which was served on our offices on 10 December 2021 ("the notice").
2. At the outset, we remind you that the First to Fourth Respondent's answering affidavits were due on or before 1 December 2021 and that those affidavits are now 10 days late in terms of Uniform Rule 6(5)(d)(ii), without any explanation or request for an extended opportunity to file.
3. It is highly regrettable that your clients appear intent on delaying a matter of public importance which raises questions of governmental transparency and accountability by merely avoiding compliance with their obligations.
4. Turning to the notice, we transmit herewith a notice in terms of Uniform Rule 30(2)(b), calling upon your clients' to withdraw the notice, which is patently misconceived for the following reasons:
 - 4.1 Firstly, the notice threatens the filing of an *exception* should our client fail to remove the cause of complaint within 10 days, which clearly identifies the notice as one in terms of Uniform Rule 23(1)(a).

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Direkteure/ Directors: Johan Kriek (B Proc, LLM), Péter Johannes Wassenaar (LLB)
Bygestaan deur/assisted by Tertia Johanna Wassenaar (LLB), Kayla Oosthuizen (LLB);
Konsultante / Consultants: Catherina Elizabeth Pienaar (BA, BCur, LLB, LLM, PhD), Sylvia Adriana Venter (LLB)

• Reg: 2012/030418/21

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- 4.2 It is trite that Uniform Rule 23(1) and the exception procedure provided for therein is not applicable to a notice of motion or to applications more broadly and is expressly limited to *pleadings* in the context of actions.
- 4.3 Secondly, and even if one could conceive that the notice constitutes a valid notice to remove cause of complaint in terms of any other of the Uniform Rules of Court, the complaint itself is factually and legally incorrect.
- 4.4 The application is one brought in terms of the Promotion of Access to Information Act, 2000 [“PAIA”]. That is apparent to anyone reading the notice of motion and founding affidavit.
- 4.5 The application is not a review brought within the contemplation of Uniform Rule 53 and, as such, the Applicant is not compelled to comply with the provisions of sub-Rule 53(1) and (2) as complained of in paragraph 3 of the notice.
5. It is therefore apparent that the notice is a nothing more than a contrived and subversive attempt by the First to Fourth Respondents to perpetuate delay in this matter to the prejudice of the Applicant and at the expense of South Africans’ constitutional right to access information.
6. We are accordingly instructed to require the First to Fourth Respondents to withdraw the notice within 10 days of receipt of this letter together with the attached notice in terms of Uniform Rule 30(2)(b), failing which the Applicant will be compelled to approach the Court for and order setting the notice aside, together with an appropriately punitive costs order.

Yours faithfully



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Elektronies geteken
Electronically signed