

IN THE EQUALITY COURT

HELD UBOMBO MAGISTRATES COURT

CASE NO: 01 /2017

IN THE MATTER BETWEEN

ISIMANGALISO WETLAND PARK AUTHORITY

FIRST APPLICANT

DEPARTMENT OF TOURISM

SECOND APPLICANT

AND

SODWANA BAY GUEST HOUSE

FIRST RESPONDENT

ENKI ANDRE M. SLADE

SECOND RESPONDENT

APPLICANTS' REPLYING AFFIDAVIT

I, the undersigned,

Andrew Zaloumis

do hereby state under oath that:

1.

I previously deposed to an affidavit in this application and confirm that I am authorized to depose to this affidavit on behalf of the First Applicant. The facts deposed hereto are to the best of my knowledge and belief both true and correct unless specifically otherwise stated. To the extent that statements of the Respondents are not dealt with in this affidavit, they are denied.



B.B.M

2.

This purpose of this affidavit is to provide the Honourable Court with the Applicants' response to the following documents filed and served by the Respondents viz.: Respondents Affidavits; Witness List; Request for Admission; Request for Discovery Order and Interrogatory. This affidavit must be read together with and in conformity with my founding affidavit, which was submitted to the above Honourable Court on or about 24 May 2017.

3.

I have read the Respondents' Affidavits that were filed at the above Honourable Court on or about 20 June 2017, and deny the contents thereof in its entirety. Detailed arguments relating to the relevance of the Respondents specific averments will be submitted to the above Honourable Court at the hearing of this matter.

4.

I object to the admission of the following witnesses and submit that they have no relevance to the application which is before the above Honourable Court.:

- 4.1. Slindile N. Mthiyane;
- 4.2. Lindsay Cooke;
- 4.3. Peter Jacobs;
- 4.4. Brother Thomas;
- 4.5. Jan Pretorious;
- 4.6. Kevin Richardson;

5.

I humbly submit that none of the questions posed in the below- mentioned documents have any relevance and/or significance to the application that is before the Honourable Court, viz.

- 5.1. "Request for Admission";
- 5.2. "Request for Discovery Order";
- 5.3. "Interrogatory"



B.B.M

6.

I submit that given the nature of the summary of the evidence of the Respondents' witnesses, it is clear that these witnesses are not going to be relevant to determining the matter which is currently before Court. The Respondents' witnesses are going to deal with issues that have no bearing to the central issues before the Court. If they are allowed to testify, the trial will become unduly lengthy as these witnesses will not be assisting the Court in dealing with the merits of the matter.

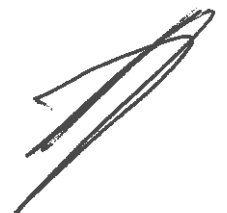
7.

Since the Respondents do not dispute the comments which are referred to in paragraphs 7, 8 and 9 of my Founding Affidavit, I submit that the said comments and/or conduct constitutes a *prima facie* violation of the right to Equality and Human Dignity, in terms of Sections 9 and 10 of the Constitution. Furthermore, that the said comments and/or conduct further amounts to unfair discrimination on the grounds of race, as provided for in Sections 6 and 7 of the Promotion of Equality and Prevention of Unfair Discrimination Act. More detailed argument will be submitted to the above Honourable Court at the hearing.

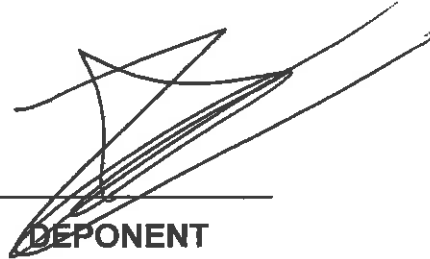
8.

I therefore submit on the grounds of relevance and the rules of evidence that the witnesses listed in paragraph 4 above not be permitted to testify.

I accordingly request the Honourable Court to grant the relief as set out in my Founding Affidavit.


A handwritten signature in black ink, appearing to be 'B.B.M.', written in a cursive style.

B.B.M


DEPONENT

Signed at St Lucia on this 19th day of September 2017.

I HEREBY CERTIFY THAT the deponent has acknowledged that ~~she~~ she knows and understands the contents of this affidavit which was sworn to/affirmed and signed before me at St. Lucia this 19th day of September 2017 in compliance with regulations contained in Government Notice R.1258 dated 21 July 1972 as amended.

 06/2018? w/o
.....
COMMISSIONER OF OATH
FULL NAME BONGANI MNCWANGO
DESIGNATION WARRANT OFFICER
BUSINESS ADDRESS LOT 52 Pelican
Street St. Lucia
.....



**AUTHORISATION BY THE CHAIRPERSON OF THE BOARD OF THE iSIMANGALISO WETLAND
PARK AUTHORITY**

RECOGNISING that the iSimangaliso Wetland Park Authority is the first applicant in the Equity Court, Ubombo in the matter involving a certain Mr. I. A. Slade.

RECOGNISING that the matter has become opposed and may in due course be referred to oral evidence where *inter alia* the iSimangaliso Wetland Park Authority will be required to file a replying affidavit

ACKNOWLEDGING that the former Chief Executive Officer of the iSimangaliso Wetland Park Authority deposed to the founding affidavit in that matter.

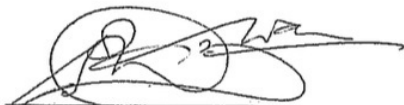
RESOLVED, generally, that the Board of the iSimangaliso Wetland Park Authority, hereby authorises the Business Director of the iSimangaliso Wetland Park Authority with specific reference but not limited to the Slade matter:

- 1) institute, defend or settle any legal proceedings of whatsoever nature (including any appeal, review, arbitration, alternative dispute resolution or similar proceedings) on behalf of the iSimangaliso Wetland Park Authority, and to act on behalf of the iSimangaliso Wetland Park Authority in any proceedings in the Equity Court, Ubombo;
- 2) instruct attorneys and advocates, as well as such other external service providers as may be required in the aforesaid regard;
- 3) on such terms and conditions as he deems fit, sub-delegate such powers, including the power of sub-delegation, provided that such sub-delegation, inclusive of any terms and conditions, is reduced to writing; and
- 4) to sign and/or depose to any document which may be required or necessary in respect of such proceedings.

RESOLVED that the Board of the iSimangaliso Wetland Park Authority, hereby endorses, ratifies and authorises the former Chief Executive Officer of the iSimangaliso Wetland Park Authority to depose to a replying affidavit on behalf of the iSimangaliso Wetland Park Authority in the Slade matter.

RESOLVED, that the Board of the iSimangaliso Wetland Park Authority, authorises the reimbursement of the reasonable out of pocket expenses to be incurred by the former Chief Executive Officer in supporting the iSimangaliso Wetland Park Authority in the Slade matter, including but not limited to travel, accommodation and a *per diem* allowance.

Signed at Johannesburg on the 19th day of September 2017.



Buyani Zwane – Chairman of the Board