

**IN THE EASTERN CAPE HIGH COURT, BHISHO  
(REPUBLIC OF SOUTH AFRICA)**

CASE NO. **81/2012**

In the matter between:

<b>EQUAL EDUCATION</b>	First Applicant
<b>INFRASTRUCTURE CRISIS COMMITTEE OF MWEZENI SENIOR PRIMARY SCHOOL</b>	Second Applicant
<b>INFRASTRUCTURE CRISIS COMMITTEE OF MKANZINI JUNIOR SECONDARY SCHOOL</b>	Third Applicant

and

<b>MINISTER OF BASIC EDUCATION</b>	First Respondent
<b>MEC FOR EDUCATION: EASTERN CAPE</b>	Second Respondent
<b>GOVERNMENT OF THE EASTERN CAPE PROVINCE</b>	Third Respondent
<b>GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA</b>	Fourth Respondent
<b>MEC FOR EDUCATION: FREE STATE</b>	Fifth Respondent
<b>MEC FOR EDUCATION: GAUTENG</b>	Sixth Respondent
<b>MEC FOR EDUCATION: KWAZULU-NATAL</b>	Seventh Respondent
<b>MEC FOR EDUCATION: LIMPOPO</b>	Eighth Respondent
<b>MEC FOR EDUCATION: MPUMALANGA</b>	Ninth Respondent
<b>MEC FOR EDUCATION: NORTHERN CAPE</b>	Tenth Respondent
<b>MEC FOR EDUCATION: NORTH WEST</b>	Eleventh Respondent
<b>MEC FOR EDUCATION: WESTERN CAPE</b>	Twelfth Respondent
<b>MINISTER OF FINANCE</b>	Thirteenth Respondent

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**SUPPLEMENTARY NOTICE OF MOTION**

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**TAKE NOTICE THAT** the first applicant intends making application to the above court on Thursday 11 July 2013 at 10:00, or as soon thereafter as counsel may be heard, for an order in the following terms:

- 1 The forms and service provided for in the Uniform Rules of Court are dispensed with to the extent necessary, and the matter is disposed of as one of urgency;
- 2 It is declared that the First Respondent (the Minister) is in breach of the settlement agreement attached marked 'A', which was signed on 19 November 2012;
- 3 The Minister is ordered, within 45 calendar days of the making of this order, to prescribe minimum uniform norms and standards for school infrastructure, in terms of section 5A(1)(a) of the South African Schools Act 84 of 1996 (the Act), which
  - 3.1 provide for the availability of the school infrastructure referred to in section 5A(2)(a) of the Act; and
  - 3.2 create determinable and legally binding obligations as to the availability of the school infrastructure referred to in section 5A(2)(a) of the Act.
- 4 The Minister is ordered to pay the costs of this application on the attorney and client scale, including the costs of two counsel.

**TAKE NOTICE FURTHER** that the affidavit of Yoliswa Dwane and the annexures thereto will be used in support of this application.

**TAKE FURTHER NOTICE** that the applicants have appointed Shaun Naidoo Attorneys of 96 Cambridge Road, King William's Town as the address at which they will accept notice and service of all process in these proceedings.

**TAKE NOTICE FURTHER THAT** any respondent who intends to oppose this application is required to:

- a) file a notice of intention to oppose within two (2) ordinary days of receipt of this notice;
- b) appoint in such notification an address referred to in Rule 6(5)(b) at which he or she will accept notice and service of all documents in these proceedings
- c) within seven (7) days after filing a notice of intention to oppose the application, file an answering affidavit, if any;

**DATED** at **GRAHAMSTOWN** on this **10th<sup>th</sup>** day of **JUNE 2013**.

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TO: THE REGISTRAR  
HIGH COURT  
BHISHO

AND TO: FIRST RESPONDENT  
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