

**IN THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE HIGH COURT, CAPE TOWN**

CASE NO: 11635/10

In the matter between:

MARIO GASPARE ORIANI-AMBROSINI, MP

Applicant

And

MAXWELL VUYISILE SISULU, MP

Respondent

SPEAKER OF THE NATIONAL ASSEMBLY

**AFFIDAVIT IN SUPPORT
OF MOTION TO CONDONE
AMICUS CURIAE'S LATE INTERVENTION**

I, the undersigned,

JOHN SMITH

do hereby make oath and say that:

1. I am the Applicant's attorney of record in this application.
2. I am acting also for the Hon. J.H. van der Merwe, MP who seeks to intervene as an *Amicus Curiae* ["the *Amicus*"].
3. I am making this affidavit

- 3.1 based on the averments made by the Amicus in his affidavit, and
- 3.2 in support of the Amicus' motion to condone his late intervention..
4. As more fully stated at Para 7 et seq. of the *Amicus*' affidavit, the need for the *Amicus*' intervention arose out of hearing held in this matter on March 9, 2011,
5. Applicant sought to satisfy such need by means of his Third Supplementary Affidavit which Respondent objected to in correspondence directed to me.
6. As more fully stated at Paras 5 to 8 of the *Amicus*' affidavit
- 6.1 through his intervention, the Amicus will be making submissions to this Honorable Court based on his unique and extensive knowledge,
- 6.2 the Amicus' submissions
- 6.2.1 assist this Honorable Court in that they provide information in respect of matters queried by the Court at the March 9 hearing,
- 6.2.2 consist of a mixture of law and factual averments which is typical of parliamentary procedures and praxis, and
- 6.2.3 are in the interest of justice in a matter of public importance, and
- 6.3 no prejudice is caused to Respondent in that
- 6.3.1 Respondent, by virtue of the duty of his office, is intimately familiar with the *Amicus*' averments,
- 6.3.2 copy of the *Amicus*' affidavit in draft form has been with Respondent's office since April 6, 2011 for consultation with Respondent on it, and
- 6.3.3 Respondent has had ample time to consider the contents of the *Amicus*' affidavit and has sufficient time to answer it.

7 In light of the foregoing, I respectfully submit that

7.1 under the specific circumstances of this case a more timely intervention would have not been possible, and

7.2 it would be appropriate for this Honourable Court to condone the Amicus's late intervention.

8 Being duly authorized to do so, on the *Amicus*' behalf, I pray that this Honourable Court condones the *Amicus*' late intervention and grants him leave to intervene..

DEPONENT

I certify that the Deponent has acknowledged that he knows and understands the contents of this declaration, which was signed and sworn to before me at Cape Town on this 5th day of May 2011, the regulations contained in Government Gazette notice number R1258 of 21 July 1972, as amended by Government Notice number R1648 of 19 August 1977, by Government Notice R1428 of July 11 1980, and by Government Notice number R774 of 23 April 1982, having been complied with.

COMMISSIONER OF OATHS