

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE: CCT 333/23

In the matter between:

**CORRUPTION WATCH (RF) NPC**

Applicant

and

**SPEAKER OF THE NATIONAL ASSEMBLY**

First Respondent

**PRESIDENT OF THE REPUBLIC  
OF SOUTH AFRICA**

Second Respondent

**COMMISSION FOR GENDER EQUALITY**

Third Respondent

**INFORMATION REGULATOR**

Fourth Respondent

**NTHABISENG SEPANYA-MOGALE**

Fifth Respondent

**THANDO GUMEDE**

Sixth Respondent

**BONGANI NGOMANE**

Seventh Respondent

**PRABASHNI SUBRAYAN NAIDOO**

Eight Respondent

**LEONASHIA LEIGH-ANN VAN DER MERWE**

Ninth Respondent

and

**MEDIA MONITORING AFRICA TRUST**

*Amicus Curiae*

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**APPLICANT'S SUPPLEMENTARY AFFIDAVIT**

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I, the undersigned,

**ELIZABETH CHRISTINA POWER**

do hereby make oath and state that:

*Eds*  
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1. I am an admitted and enrolled legal practitioner of the High Court of South Africa, practising as an attorney at Power & Associates Incorporated.
2. Power & Associates are the Applicant's attorneys of record in this matter and I am duly authorised to bring this application and to depose to this affidavit on behalf of the Applicant.
3. The facts set out in this affidavit are within my personal knowledge, unless expressly stated or the context indicates otherwise, and are to the best of my belief both true and correct.

#### **PURPOSE OF THE APPLICATION**

4. The Applicant seeks leave to file a supplementary affidavit to bring incontrovertible factual material relevant to the determination of the issues before the court to the court's attention.
5. The factual material relates to the question of remedy. Specifically, it relates to the quorum of the Commission for Gender Equality ("Commission") and the contention that the Commission would be without any leadership if the relief sought by the applicant is granted.<sup>1</sup>
6. The facts occurred after the delivery of the Applicant's Replying Affidavit in September 2024.

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<sup>1</sup> Fifth respondent's AA vol 6 p 503 para 35.

## APPOINTMENT OF NEW COMMISSIONERS

7. The record refers to the most recent process for the recommendation and appointment of new members to the Commission.<sup>2</sup> At the time when the affidavits were delivered in September 2024, Parliament had adopted a report recommending eight candidates to be appointed as new members of the Commission, but the President had not yet appointed the new members.
8. In or around October 2024, the President appointed six new members to the Commission. The applicant has been unable to source an official announcement of the members' appointment. However, the appointment is apparent from the Commission's website and a Commission newsletter dated 4 October 2024. A copy of the relevant extract from the newsletter and the screenshot of the website is attached marked "SA1" and "SA2".
9. The six new commissioners are: (1) Ms Eurika Mogane; (2) Mr Mfundiso Nomvungu; (3) Ms Samaai Seehaam; (4) Mr Kamohelo Teele; (5) Dr Charnell Naidu; and (6) Ms Mulalo Nemataheni.
10. Currently there are eleven commissioners, including the Fifth to Ninth Respondents.


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<sup>2</sup> Fifth respondent's AA vol 6 p 503 para 35; applicant's RA vol. 6 p 573 para 26.4; annexure KS34 vol 6 p 584.


11. The Applicant only became aware of the appointment of the new Commissioners in late February 2025. An extensive search of publicly available information reveals that the appointment of the new members was not widely publicised.
12. As soon as the Applicant became aware of these facts, it instructed Power & Associates to prepare this application and to bring these facts to the court's attention.

**LEAVE TO FILE THIS SUPPLEMENTARY AFFIDAVIT**

13. I submit that it is in the interests of justice to permit the filing of this supplementary affidavit because:
  - 13.1. the factual material is relevant to the determination of the issue of remedy;
  - 13.2. the facts only occurred after all affidavits had been filed and consequently do not appear on the record;
  - 13.3. the facts are incontrovertible;
  - 13.4. the applicant prepared this application as soon as it became aware of the appointment of the new Commissioners; and
  - 13.5. there is no prejudice to any party.
14. Wherefore, the Applicant asks that it be permitted to file this Supplementary Affidavit.

  
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**DEPONENT**

I certify that this affidavit was signed and sworn to before me at Rosebank on this the 26<sup>th</sup> day of February 2025, the deponent having acknowledged that she knows and understands the content of this affidavit, with the Regulations contained in Government Notice No 1258 of 21 July 1972 and R1648 of 19 August 1977, having been complied with.

  
\_\_\_\_\_  
**COMMISSIONER OF OATHS**

**COMMISSIONER OF OATHS**  
**BENJAMIN DA SILVA**  
Practising Attorney RSA  
011 447 8188 | [www.jmsa-inc.com](http://www.jmsa-inc.com)  
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## CGE Engages Stakeholders on the Effectiveness of Gender Focal Persons in South Africa. By: Mikateko Shipalana

The Commission for Gender Equality (CGE) hosted a policy dialogue to promote evidence-informed policymaking through discussions of key issues and evidence emerging from its research report titled: "Assessing the Effectiveness of Gender Focal Persons in South Africa: Government's Response to the CGE Findings and Recommendation" (2022/23). One of the objectives of the dialogue was to encourage relevant government institutions to develop policies and programming actions to improve or address challenges raised in the report's findings and recommendations. "This report is part of CGE's programme of follow-up reviews, where we evaluate the implementation of our recommendations," said Naledi Selebano, CGE's Acting HoD for Policy and Research.

CGE's Free State Provincial Manager, Leandi Esterhuizen, spoke on the challenges that Gender Focal Persons experience within the Public Service. She began her presentation by providing the historical context of gender mainstreaming. "Gender mainstreaming is an approach to policy-making that considers both women's and men's interests and concerns. The concept of gender mainstreaming was first introduced at the 1985 Nairobi World Conference on Women. It was established as a strategy in international gender equality policy through the Beijing Platform for Action, as adopted at the 1995 Fourth United Nations World Conference on Women in Beijing," Esterhuizen said.

The functions of GFPs are but not limited to ensuring the implementation of the national gender policy, ensuring that gender issues are routinely considered in departmental strategic planning exercises, ensuring that departments reflect gender considerations in their business plans," she added. Esterhuizen also identified challenges faced by GFP units in fulfilling their mandate. One of the report's recommendations



is for government departments to collaborate with the CGE to establish roles for the GFPs, respond to the failure to establish gender units, and collaborate with other entities to initiate public hearings. CGE researchers, Gontse Motaung and Thabani Mdlongwa made presentations on the methodology used in the research study, the problem areas, as well as key findings and recommendations. The dialogue was attended by senior managers and representatives from national government departments, provincial governments and civil society organisations. "

## The Commission for Gender Equality welcomes six new Commissioners. By: Mikateko Shipalana

On 1st and 2nd October 2024, the Commission held an induction session for six newly appointed Commissioners. The induction sought to provide them with in-depth information on the CGE's mandate and functions. The first former Deputy Chairperson of the Commission, Ms Phumelele Nzimande, addressed the Commissioners. As one of the first Commissioners at the establishment of the CGE in 1996, Ms Nzimande provided an extensive historical context of the Commission.

"Having Commissioners come and go helps the organisation to be alive because new Commissioners offer new eyes and ears as they are appointed," said Ms Nzimande. She also reminded officials and Commissioners of the importance of having a strategic vision and working in harmony against the complex public service Planning Framework and working closely with the Forum of Institutions Supporting Democracy. The Chairperson of the Commission, Adv Nihabiseng Sepanya-Mogale, gave an in-depth presentation on the Commission's constitutional mandate. "The CGE is independent and subject only to the constitution and must be impartial in performing its functions", she said and further

stressed that the CGE must promote respect for gender equality. The six new Commissioners are:

1. Ms Eurika Mogane
2. Mr Mfundo Nomvungu
3. Ms Samaai Seehaam
4. Mr Kamohelo Teele
5. Dr Charnell Naidu
6. Ms Mulalo Nemataheni



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Commissioners - CGE

SA2

Commission for Gender Equality

Home/ Commissioners

Commissioners

Commission for Gender Equality

ABOUT MEDIA REPORTS VACANCIES TENDERS CONTACT LODGE A GENDER COMPLAINT

Advocate Nthabiseng

Prabashni Subravan Naidoo

Advocate Thando



Advocate Nthabiseng



Prabashni Subravan Naidoo



Advocate Thando

Commissioners - List

oga.org.za/commissioners/

Practice Panther

Webmail

Caselines

JHS Court Rolls

PIA Court Rolls

Lexis

Uniform Rules of Co...

Practice Directives

Court Online

Adobe Acrobat

Tesoro's Web Access...

LegalCourier

Proposals

HRH Eurika Mogane  
Commissioner

Bongani Ngomane  
Commissioner

Leonashia Leigh-Ann  
Van Der Merwe  
Commissioner

Dr Charnell Naidu  
Commissioner

Kamohelo Teele  
Commissioner

Mulalo Nematsheni  
Commissioner

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Bongani Ngomane  
Commissioner



Leonashia Leigh-Ann  
Van Der Merwe  
Commissioner



Dr Charnell Naidu  
Commissioner



HRH Eurika Mogane  
Commissioner



Kamohelo Teele  
Commissioner



Mulalo Nematsheni  
Commissioner





**Mfundo Nonyungu**  
Commissioner



**Seeham Samadi**  
Commissioner

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