



**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION: DURBAN**

CASE NO.: 2174/2015

BEFORE THE HONOURABLE JUDGE OLSEN

AT DURBAN ON 11TH MAY 2018

In the matter between:

NOMVULA BARBARA ZULU

FIRST APPLICANT & OTHERS

AND

ETHEKWINI MUNICIPALITY

FIRST RESPONDENT

MEC HUMAN SETTLEMENTS KWAZULU-NATAL

SECOND RESPONDENT

MEC DEPARTMENT OF HEALTH



THIRD RESPONDENT

MEC DEPARTMENT OF SOCIAL DEVELOPMENT



FOURTH RESPONDENT

UPON the Motion of Counsel for the Applicant and upon reading the *NOTICE OF MOTION* and the other documents filed of record



IT IS ORDERED

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL LOCAL DIVISION, DURBAN		
Private Bag X84314, Durban 4000		
	2018 -05- 1 1	
KZNLD-DBN-008		
GRIFFIER VAN DIE HOOGGEREGSHOF SUID-AFRIKA KWAZULU-NATAL PLAASLIKE AFDELING, DURBAN		

1. The application is adjourned *sine die*.
2. The Member of the Executive Council for Human Settlements for the Province of KwaZulu-Natal is joined as the second respondent.
3. The Member of the Executive Council for Health for the Province of KwaZulu-Natal is joined as the third respondent.
4. The Member of the Executive Council for Social Development for the Province of KwaZulu-Natal is joined as the fourth respondent.
5. The first respondent is directed to serve on second, third and fourth respondents:
 - 5.1 A full set of the papers;
 - 5.2 A copy of this order.
6. The service contemplated in paragraph 5 above shall take place within TEN (10) days of the granting of this order and be confirmed by a service affidavit.
7. The second, third and fourth respondents so joined are directed to report to this court on affidavit within 180 days of the date of service of the order.
8. The affidavits delivered on behalf of the second respondent (the Member of the Executive Council for Human Settlements for the Province of KwaZulu-Natal) shall follow an investigation of, and shall report on, the following, with specific reference to the dispute over the accommodation of children at the Thokoza Women's Hostel.
 - 8.1 The steps the second respondent has taken to support the first respondent in the exercise of its powers and performance of its duties in respect of the First Respondent's management of the Thokoza Women's Hostel as contemplated in section 7(2)(e) Housing Act 107 of 1997 (hereinafter referred to as "the Housing Act");
 - 8.2 Steps and measures the second respondent could take to resolve the disputes over the Thokoza Women's Hostel house rules as contemplated in section 7(2)(f) Housing Act;

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL LOCAL DIVISION, DURBAN		
Private Bag X64314, Durban 4000		
	2018 -05- 11	
KZNLD-DBN-008		
GRIFFIER VAN DIE HOOGGEREGSHOF SUID-AFRIKA KWAZULU-NATAL PLAASLIKE AFDELING, DURBAN		

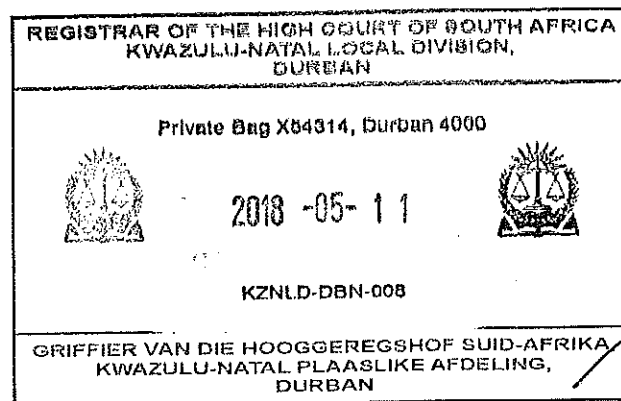
- 8.3 The feasibility of making funds available to the first respondent for the purposes of making renovations to the facilities of the Thokoza Women's Hostel including, but not limited to, ablution facilities, kitchen facilities and rooms;
- 8.4 The progress of the upgrading of the Thokoza Women's Hostel; and further what funds can be made available to the first respondent for the purposes of construction of family units which will be made available to present occupants of Thokoza Hostel;
- 8.5 The time frames within which the steps and measures referred to in the preceding paragraphs may be undertaken.
9. The affidavits delivered on behalf of the third respondent (the Member of the Executive Council for Health for the Province of KwaZulu-Natal) shall follow an investigation of, and shall report on, the following, with specific reference to the dispute over the accommodation of children at the Thokoza Women's Hostel.
- 9.1 Whether any communicable diseases have broken out in the Thokoza Women's Hostel for the period 2015 to 2018;
- 9.2 Measures for controlling the outbreak of any communicable diseases amongst the occupants residing at the Thokoza Women's Hostel;
- 9.3 Recommendations relevant to the health environment which would be to the assistance of the above Honourable Court.
- 9.4 The time frames within which the steps and measures referred to in the preceding paragraphs may be undertaken.
10. The affidavits delivered on behalf of the fourth respondent (the Member of the Executive Council for Social Development for the Province of KwaZulu-Natal) shall follow an investigation of, and shall report on, the following, with specific reference to the dispute over the accommodation of children at the Thokoza Women's Hostel.
- 10.1 The individual circumstances of the children and the mothers presently residing in the Thokoza Women's Hostel;

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL LOCAL DIVISION, DURBAN		
Private Bag X54314, Durban 4000		
	2013 -05- 11	
KZNLD-DBN-008		
GRIFFIER VAN DIE HOOGGEREGSHOF SUID-AFRIKA, KWAZULU-NATAL PLAASLIKE AFDELING, DURBAN		

[Handwritten Signature]

- 10.2 Whether it is in the childrens' best interest to remain with their mothers at the Thokoza Hostel or to be placed elsewhere;
 - 10.3 Whether the children who are resident at the Thokoza Hostel are minors who are in need of care;
 - 10.4 The status of pubescent male children in the Thokoza Women's Hostel and suggestions about their future care;
 - 10.5 Suggestions which the fourth respondent can provide as to how the living conditions for the children in Thokoza Women's Hostel may be improved; and
 - 10.6 The time frames within which the steps and measures referred to in the preceding paragraphs may be undertaken.
11. On delivery of the reports as aforesaid:
- 11.1 The applicants are given leave to supplement their founding affidavit within a period of twenty (20) days;
 - 11.2 The first respondent is given leave to deliver a supplementary answering affidavit within a further period of twenty (20) days; and
 - 11.3 The applicants are given leave to deliver a reply, if any, within fifteen (15) days thereafter.
12. Costs are reserved.

BY ORDER OF THE COURT




T.P. MUSANA
REGISTRAR

LUTHULI SITHOLE INCORPORATED
/lc