

**IN THE LABOUR COURT OF SOUTH AFRICA  
HELD AT CAPE TOWN**

**CASE NO. 2026- 016508**

In the matter between:

**WESLEY NEUMANN**

Applicant

and

**WESTERN CAPE EDUCATION DEPARTMENT**

Respondent

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**RESPONDENT'S ANSWERING AFFIDAVIT**

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I, the undersigned

**BRENT WALTERS**

do hereby make oath and say that:

1. I am the Head of the Western Cape Department of Education ("the Department"), the respondent herein and the first respondent in the review proceedings, with offices at 1 North Wharf Square, 2 Lower Loop Street, Foreshore, Cape Town.
2. The facts contained in this affidavit fall within my personal knowledge, unless the context indicates otherwise, and to the best of my knowledge are true and correct. When I rely on information conveyed to me by others, I believe such information to be true. When I advance any legal submissions in this affidavit,



I do so on the advice of the Department's legal representatives, which advice I believe to be correct.

#### A. Introduction

3. The applicant ("**Mr Neumann**") has, on an extremely urgent basis, brought an application styled as his "application to enforce judgment". The judgment referred to is that handed down by Acting Judge De Kock on 5 January 2026 reinstating Mr Neumann as principal of Heathfield High School ("**HHS**"), the school from which he was dismissed on 20 May 2022. The judgment is attached as annexure WN1 to the applicant's founding affidavit.
4. The respondent ("**the Department**") filed its application for leave to appeal against the judgment in terms of Rule 67, setting out the statement of grounds for appeal, on 23 January 2026. I attach a copy of the application for leave as "**BW1**".
5. At the outset I submit that the applicant's application should be struck from the roll because no proper case was made out for extreme urgency. The only basis alleged by the applicant for urgency is that the suspension of the judgement will impact on his livelihood because he will not be able to return to HHS as principal on 2 February 2026. This is without any merit whatsoever as the applicant is currently employed as a part time councillor by the City of Cape Town metropolitan municipality, earning, according to the latest available Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils, dated 17 October 2024, a total remuneration package of R579 132.00 per annum. I am in either event advised that alleged



financial prejudice is not usually treated as a relevant consideration in cases of this nature. I am advised that legal argument will be presented on this issue at the commencement of the matter.

6. In the event that the Court is inclined to hear the matter, I note that this application should have been brought in terms of section 18 of the Superior Courts Act 10 of 2013 ("**the SC Act**"), which sets out the requirements for such relief to be granted. I am advised that section 18 grants a Court the discretion to, on application and in exceptional circumstances, order that a judgment is not suspended pending an appeal. In order to succeed such an applicant bears the onus to show (a) exceptional circumstances; (b) the presence of irreparable harm to himself and (c) the absence of irreparable harm to the Department.
7. The applicant's papers make no mention of this section. The application is thus fundamentally flawed. This is not simply another further procedural or technical omission in these proceedings. The applicant has failed in his founding affidavit to prove the three requirements for relief that I have referred to. His application is thus without merit. Should he now attempt to cure this in his reply, then I am advised that it will be argued that he should not be permitted to reinvent his case. This would be both prejudicial and unfair to the respondent.
8. I am constrained to point out that the applicant has included much irrelevant (and some scandalous) matter in his application. I am advised that this is, most likely, to create 'atmosphere'. It has been an unfortunate feature of this litigation that the applicant presents himself as an innocent victim standing up for the rights of pupils and educators in a fight that he claims he is waging against a

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so-called pre-1994 regime. In this application, he once again brings politics into his papers - claiming that this case was and is "politically driven."

9. The applicant mentions that he was a SADTU shop steward. The teachers' unions are however not parties to this dispute. The applicant is now a professional politician representing the Good Party. He has involved himself in multiple high profile, headline grabbing campaigns against the Department. Each step of his fight is accompanied by demonstrations, placards, fliers, media statements and the like. On 2 February 2026 his main supporter's group Special Action Committee – Education ("**SAC-E**") in a media statement referred to the employer as "the crooked arm" of the DA. I will refer to this statement again below when I deal with the harm to the respondent if the order is execution pending the appeal.
  
10. On the one hand, the nub of much of this publicity is to rubbish his employer and to depict it as run by callous and immoral people. On the other hand, the applicant wants to argue that if he was reinstated a positive working relationship could be maintained. I respectfully submit that, but for the enjoyment of being in the limelight and his political motives, this case would indeed have been settled years ago. The applicant's public lambasting of his employer is a continuation of activities that underpinned the charges and affirms the employer's evidence at the disciplinary hearing about why reinstatement was inappropriate even if the dismissal was unfair. (See leave to appeal application at Paras 56 and 57.)



11. Even the judgment which the Department is appealing confirmed that the applicant was indeed correctly found guilty of insolence and that his reinstatement should be subject to a final written warning. Yet even before his scheduled return to the school as per that court order he sees fit to attack his employer and besmirch its reputation by characterising the disciplinary action as having been a political act on the part of an immoral employer. Further, he characterises the employer's application for leave to appeal as being a politically driven step aimed at him personally rather than what it is - a legitimate expression of a constitutional right.
12. Where this sort of irretrievably broken-down relationship already exists I respectfully submit it would be untenable to expect the employer to have a constructive relationship with the principal of the school pending the outcome of an appeal where one of the most significant issues on appeal relates to his resistance to the receipt of instructions from his employer.
13. The Head of department ("**HOD**") is, by law, the employer of the applicant. Also as a matter of law the applicant, as principal, would be the representative of the HOD on the School Governing Body ("**SGB**"). It cannot seriously be suggested that if temporarily reinstated the applicant will conscientiously and faithfully promote his employer's best interests on the SGB. Uplifting the suspension of the reinstatement order temporarily would undermine the appeal against that order by permitting the very harm apprehended by the applicant's destabilising presence at the school to continue pending the final decision of the Labour Appeal Court ("**LAC**").



14. To the extent that an allegation in the founding affidavit is not directly addressed, it is denied to the extent that it is inconsistent with what is set out herein and contained in the application for leave to appeal.
15. This affidavit is structured as follows:
  - 15.1. Lack of urgency.
  - 15.2. The relevant legal principles.
  - 15.3. Failure to meet the threshold.
  - 15.4. A sequential response to the founding affidavit.

**B. Lack of urgency**

16. The application was initially brought under the review case number and on two days' notice, set down for 30 January 2026. The applicant ignored the Court Directive 1 of 2024 and the respondent was required to attend court on 30 January 2026 without having access to the court file on Court Online.
17. As a result, the Court postponed the application to 13 February 2026, directing the applicant to comply and setting out a timetable for the conduct of the matter in the interests of a full ventilation of the issues in dispute.
18. While the applicant's non-compliance has now been condoned by the court the issue of urgency remains to be addressed.



19. I am advised that the application ought to be struck from the roll, on this ground alone.

20. Rule 38 provides that:

*“(2) The affidavit in support of the application must also contain:*

*(a) the reasons for urgency and why urgent relief is necessary;*

*(b) the reasons why the requirements of the rules were not complied with, if that is the case; and*

*(c) if a party brings an application in a shorter period than that provided for in terms of section 68(2) of the Act, the reasons why a shorter period of notice should be permitted.”*

21. The applicant fails to provide adequate reasons for the urgency with which this application is brought. As stated above, the only reason proffered is at paragraph 92 of his affidavit:

*“It is submitted that the matter is manifestly urgent because it has an impact on the Applicant’s livelihood.”*

22. There is no detail provided regarding what the alleged impact on Mr Neumann’s livelihood will be. In fact Mr Neumann is currently employed and is earning a salary. The net effect of bringing the application on such truncated time frames is for the applicant to potentially receive a higher salary for a few months. I am advised that financial prejudice is not usually treated as a ground for urgency in this court when it comes to suspension of a reinstatement order pending the outcome of an appeal. Even if it was, the applicant currently occupies well remunerated employment and thus cannot begin to make out a proper case.



23. This application has been launched even before the adjudication of the application for leave to appeal by the learned Acting Judge who heard the matter. Why this has been done is difficult to understand and it is not explained by the founding affidavit.
24. I am also advised that not only must urgency be justified but furthermore the degree of urgency must be justified. The affidavit contains no explanation for the harm that is apprehended if the case is not heard within extremely truncated time periods.
25. Consequently, I am advised that the matter should be struck for lack of urgency.

### C. Legal framework for suspension of a judgment

26. Section 18 of the SC Act provides as follows:

*“Suspension of decision pending appeal.*

*(1) Subject to subsections (2) and (3), and unless the court under exceptional circumstances orders otherwise, the operation and execution of a decision which is the subject of an application for leave to appeal or of an appeal, is suspended pending the decision of the application or appeal.*

*(2) ....*

*(3) A court may only order otherwise as contemplated in subsection (1) or (2), if the party who applied to the court to order otherwise, in addition proves on a balance of probabilities that he or she will suffer irreparable harm if the court does not so order and that the other party will not suffer irreparable harm if the court so orders.” (Emphasis added)*

27. The test for not suspending the operation of an order is twofold:



27.1. First, whether or not exceptional circumstances exist, and

27.2. Second, proof on a balance of probabilities by the applicant of—

27.2.1. the presence of irreparable harm to the applicant/victor, who wants to put into operation and execute the order, and,

27.2.2. the absence of irreparable harm to the respondent/loser, who seeks leave to appeal.

27.3. It is trite that the test for execution of a suspended judgement is an onerous one.

#### **D. Exceptional circumstances**

28. I am advised that exceptional circumstances require something beyond the ordinary and of an unusual nature; something which is exceptional in the sense that the general rule does not apply to it.

29. Mr Neumann makes reference to his intention to show the exceptional circumstances which would entitle him to the relief sought, in paragraph 21 of his affidavit. However, there is no further mention of exceptional circumstances in the affidavit.

30. Mr Neumann is in the same position as any employee who has been dismissed and reinstated by the Court. The fact that his return to HHS is suspended by law is not exceptional. Nor is the fact that while he is employed as a Councillor he is allegedly earning less than what he would have earned at HHS. In fact Mr



Neumann is in a much better position than many or most employees who have no salary while waiting for the appeal process to run its course.

31. I am advised that none of these factors constitute exceptional circumstances.
32. I am advised that the relevance of prospects of success on appeal to an application of this nature is a complex legal issue. To the extent that it is a relevant consideration in proceedings of this nature I respectfully submit that the Department enjoys good prospects of success on appeal.

#### **E. Irreparable harm**

##### **a) The applicant**

33. The applicant must prove, on a balance of probabilities, the presence of irreparable harm to himself.
34. Mr Neumann deals with the alleged irreparable harm he will suffer at paragraphs 44 to 62 of his affidavit. Essentially he says that:
- 34.1. The appeal process will lead to another delay in the process and there have been many delays in the matter; and
- 34.2. His current contract is not a fixed term contract and he may lose his income in the future if his contract is revoked.
35. The delay that results because of the appeal process is a natural consequence of the process and the right of either party to appeal. This in and of itself cannot in law constitute irreparable harm.



36. Mr Neumann is currently employed – the possible future loss of income is purely speculative. I am advised that should the appeal process be decided in Mr Neumann's favour he will receive any income that he was due and so he will be fully recompensed for any loss of income. This too does not qualify as irreparable harm.

37. Later on in his affidavit (paragraph 16), Mr Neumann says that:

*"If I have to wait another two or three years, I would not be able to afford payment of legal fees to my attorneys without an income. It would be sad if I have to abandon my case at this stage."*

38. Mr Neumann also fails to explain how he has been able to afford private legal representation for the several years that this case has been running. Without an explanation for how this case has been funded for all these years it is difficult to believe that he might suddenly be left in the lurch by his legal representatives if he has to wait another two or three years. In this regard I should note that as is apparent from the judgment on appeal this is not the only case brought against the Department by Mr Neumann with the assistance of attorneys. I submit that litigation on this scale is not normally the path followed by the impecunious.

39. I am advised that the applicant's alleged financial predicament not an exceptional circumstance. Every employee reinstated faces a similar predicament where the reinstatement order is appealed.



**b) Absence of harm to the respondent**

40. The applicant has to prove, on a balance of probabilities, the absence of harm to the Department.
41. Mr Neumann says that there will be no irreparable harm to the Department. This is not correct. As I explain below it has taken years to bring stability back to HHS after Mr Neumann left. Ms Anhuizen, the current principal, has also informed me that she has been approached by staff members who have concerns about Mr Neumann's potential return, particularly safety concerns. This will become clearer from what is set out below.
42. The post of principal at HHS has been vacant since 20 May 2022. Mr Neumann left without an official handover despite having been requested to do one by the Circuit Manager.
43. In the week leading up to Mr Neumann leaving, there were disruptions, protests, school walk outs, early school closures and high teacher absenteeism.
44. At this time a small group of teachers continued to campaign and to create instability by encouraging learners not to attend class. They did not teach and often dismissed learners before official dismissal times. A group was formed in support of Mr Neumann, the Special Action Committee ("**SAC**"). SAC members entered the school without permissions and conducted meetings with RCL<sup>1</sup> members and certain teachers.

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<sup>1</sup> Representative Council of Learners.

45. On 23 May 2022 Mr Kannemeyer and Ms Human, both circuit managers, assumed management of the school. The school's bank balance had been depleted and SGB appointed employee's salaries and service contracts could not be paid, nor could monthly obligations be met.
46. On 1 June 2022 the Department appointed two caretaker principals, Mr Robin Botes and Mr Benjamin Schereka. The teachers who supported Mr Neumann and opposed the Department sought to ban Departmental officials from the school.
47. The Department then appointed Prof Brian Williams to mediate. He visited the school on 3 June 2022 and met with the teachers, despite one of the teachers having attempted to physically prevent him from doing so. Mr Williams was, however, able to obtain the buy in of the SGB, teachers, learners and the district office. He implemented a system of Peace Ambassadors on the school premises.
48. In July 2022 Mr Williams described the situation as "ongoing weaponization of the school". He reported that learners were the ones who were being prejudiced and the rights of teachers, parents and the community were being placed at risk. I attach a copy of his closing report as "**BW2**". I also respectfully submit that the attempted mobilisation and disruption of learners at the school around this application (see below) is unfortunately a continuing weaponisation of HHS to the detriment of the learning and teaching environment.
49. After the mediation process ended, the school saw mass SGB member resignations and there were several interim SGBs appointed. By April 2024 a



properly constituted SGB, which was committed to stabilising the school, was appointed.

50. Ms Anhuizen was appointed as principal in January 2025. I am advised that she has worked hard to restore cohesion amongst staff that were divided and traumatised. Many staff reported to her (and the caretaker principals) that they had felt bullied by Mr Neumann's supporters and had been afraid to speak up in the past. Currently, the staff are working well together, and the school is stable.
51. To provide some context I need to explain that certain groupings and unions have over the years mobilised around Mr Neumann's dismissal to present it as a struggle of sorts against what they characterise as some form of illegitimate continuing pre-1994 educational regime. Mr Neumann is heralded by his supporters as a victim and interference in and disruption of school activities became commonplace after his dismissal. After some years normality was finally restored.
52. Discipline has also been restored and there is no longer tardiness and absenteeism. The strong influence of gangsterism at HHS has been curtailed and the children now feel safe attending the school. This can be seen in the excellent matric results obtained in 2025, the highest pass rate in 15 years.
53. Ms Anhuizen has also had to put systems in place in respect of administration, curriculum management and financial management. The curator principals and Ms Anhuizen discovered a number of irregularities after Mr Neumann left – and Ms Anhuizen has put in place systems and protocols which have improved the



governance and efficiency of HHS. Further, the teachers have responded well to her transparent and inclusive approach – as opposed to Mr Neumann’s alleged favouritism and selective sharing of important information.

54. It cannot possibly be in the best interests of the school community and the learners for conditions as they were under Mr Neumann to potentially be resuscitated pending the outcome of the appeal.
55. Contrary to Mr Neumann’s assertions, there are indeed educators who are deeply concerned about his possible return to the school. In substantiation hereof I attach a letter from a concerned staff member Ms Jacobs as “**BW3**”, which reflects the concerns raised by the staff with Ms Anhuizen clearly:

*“I am writing to formally raise serious concerns regarding the return of Principal Wesley Neumann to the school and the emotional, psychological, and professional impact this has had on me as an educator.*

...

*It is my sincere concern that the return of Mr Neumann may have a negative effect on school morale and undo much of the progress that has been achieved during this period. The prospect of his return has already caused heightened anxiety and uncertainty among staff, and I fear that it may reintroduce instability into an environment that has only recently begun to heal.”*

56. These fears are not unfounded. I am advised that while the matter was argued before Court on 30 January 2026, some of Mr Neumann’s supporters went to HHS and handed out pamphlets to learners. I attach a copy of one of the pamphlets, as “**BW4**”, which wrongly announces that:



*“Judge Rules*

*Wesley Neumann must return as principal of Heathfield High School Monday 2<sup>nd</sup> February 2026”.*

57. The protestors, who appeared to have been misinformed, approached the learners to hand them fliers and spoke to learners about the alleged return of Mr Neumann to HHS on 2 February 2026. The protestor’s actions caused distress and disruption and were stressful for the learners, many of whom have no idea who Mr Neumann is. Ms Anhuizen advises that the morning briefing was disrupted because educators were concerned that learners might be incited to abstain from entering classes as had been the case in 2022/2023. Consequently, the educators ushered learners to classes out of concern for their safety. The timetable was disrupted, and efforts had to be made to settle learners down. Ms Anhuizen reports that educators expressed concerns for their safety should demonstrations be intensified, which would also have a debilitating effect on learners.
58. The Department requested the State Attorney to address a letter to Mr Neumann to remind him that after the hearing on 30 January 2026 the judgment remains suspended and that he was not required to return to HHS on 2 February 2026. The letter further stated:

*“We hope and trust that there will be no disruption of normal schooling activities on 2 February 2026 caused by your client and his supporters to give effect to his physical reinstatement despite the suspension of the order.”*



59. The letter was however, only sent on Saturday, 1 February 2026 (due to problems with the State attorney's server). I attach a copy of the letter as "BW 5.1" and the response from the applicant's attorneys as "BW5.2"
60. Mr Neumann's attorney responded, objecting to the "impression" being created that his client intended to effect a "physical reinstatement", claiming this was "character assassination".
61. On 2 February 2026 SAC-E released the following media statement ("BW6"):

*"At a SAC-E meeting held on 1/02/2026 the following facts were noted:*

- Mr. Neuman's legal standing is spelt out in the Labour Court judgement of Coen De Kock of 5/01/2026 which instructs the employer to reinstate Wesley and remunerate him for the entire period that he was unfairly dismissed for*
- The employer (WECD) has shown itself to be vexatious in its actions and remains steadfast in causing maximum harm to Wesley Neuman.*
- The "crooked arm" of the DA and their legal team have abused their power and wasted millions of tax payer's rands in keeping Wesley from returning to school as the principle (sic) of Heathfield High school.*
- The law and justice must ultimately prevail when Wesley returns to Court on 13/02/2026 to enforce the order of the Labour Court.*
- The WCED has abused processes from the outset of charging Wesley, suspending him and ultimately dismissing him.*
- Wesley has endured systematic victimization for over 5 years and even when the Labour Court ordered him to be reinstated on 2/02/2026, the abuse and victimization continued via letters from the WECD and DA politician's and their attorneys instructing him not to return to work.*

*Notwithstanding the above facts the meeting resolved to support Wesley's decision not to return to work on 2/02/2026 as there is a risk that the school*

  
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could potentially be disrupted by supporters and actions of the community at large. In the interests of education, pupils, teachers, stakeholders and all other role players, Wesley will wait on outcome of the enforcement court process to determine the way forward.” (Emphasis added)

62. This statement confirms:

62.1. That the message is still being conveyed to the public that the judgment is not suspended and that Mr Neumann is entitled to return to work. This misleading approach continues to create confusion and provoke anger with the Department.

62.2. Mr Neumann’s supporters themselves accept that should Mr Neumann return to HHS “there is a risk that the school could potentially be disrupted by supporters and actions of the community at large.”

63. As I have indicated, the curator principals picked up on financial irregularities during Mr Neumann’s tenure at HHS which were reported to the Department. These allegations were forensically investigated and *prima facie* evidence of several financial irregularities was uncovered. At that stage the question was academic as Mr Neumann had been dismissed and had appealed the outcome of his dismissal to the MEC. The recommendation however was that were Mr Neumann to return to his post he would then be charged with a series of financial irregularities which occurred during the time that he occupied the position of principal. For that reason alone, I submit that any temporary reinstatement would be highly inappropriate.



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64. I cannot unequivocally state that the allegations of financial irregularities are true and correct as I personally did not investigate the matter. This will have to be tested in a hearing should Mr Neumann be permanently reinstated and indeed succeed at the appeal stage.
65. I should also note that were the Department to have to pay him backpay pending the appeal and then eventually succeed on appeal its prospects of recovering taxpayer's funds so expended are slim. On the other hand, should the applicant succeed on appeal the Department's ability to pay is effectively guaranteed.

#### **F. Response to individual paragraphs in the Founding Affidavit**

##### **Ad paragraphs 1 to 4**

66. The contents hereof are noted. No case has been made out for the blanket admission of hearsay and it is denied that the Court would be permitted to do so.

##### **Ad paragraph 5**

67. I note that the affidavit is filed in support of Mr Neumann's application.

##### **Ad paragraph 6**

68. The application for leave to appeal was served on Mr Neumann's attorney on Friday 23 January 2026. He should accordingly have known about it long before the press release. As early as 6 January 2026 the departmental spokesperson



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was quoted in the press as saying they were considering an appeal. An article which appears on News 24 is attached hereto as annexure "BW7", in which Mr Neumann's supporters and his attorney are quoted in the press saying that an appeal was expected. This was indeed the kind of test case where the Department would have been expected to appeal.

### Ad paragraph 7

69. The content of this paragraph is speculative, scandalous and mischievous, considering that Adv Boshoff is the Chief Director for Legal Services in the Western Cape Government and the applicant cited not only the Department but also the previous Head of Department and the then Premier in his litigation.<sup>2</sup> The innuendo herein should be disregarded. Mr Neumann's suspicions are irrelevant. There can however be no doubt that Mr Neumann's litigation is politically driven as has been made clear in innumerable emotive public statements by *inter alia* the ANC, COSATU, SADTU who have described this as a battle against the "DA-led WCED." It is accordingly hypocritical to now describe the employer's exercise of its constitutional right to defend itself in legal proceedings as "politically driven" because a senior legal representative was present throughout to give instructions.

### Ad paragraph 8 and 9

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<sup>2</sup> This was the first urgent application brought by Mr Neumann reported as *Neumann v Western Cape Education Department and Others* (C387/2020) [2020] ZALCCT 29; (2021) 42 ILJ 561 (LC) (2 November 2020). He unsuccessfully attempted to interdict the disciplinary hearing.



70. The content of these paragraphs is denied – these are facts that were in dispute at the arbitration and are dealt with in the application for leave to appeal. I am advised that the allegations of a political conspiracy against Mr Neumann are not only without substance but are also irrelevant to the issues that this Court is required to determine.

#### **Ad paragraph 10**

71. It is denied that the trust relationship between Mr Neumann and the Department was not irretrievably broken. That is one of the grounds of appeal.

#### **Ad paragraph 11**

72. I cannot explain why Mr Neumann's attorney did not inform him about the notice of leave to appeal, it was served on his office at 15h05 which is certainly not "late" in the day – it is well before close of business. I attach a copy of the email reflecting service as "**BW8**". The remainder of this paragraph is denied – to the extent that it is insinuated that there was an ulterior motive behind the subsequent press release, this too is unsubstantiated, scandalous, irrelevant and should be disregarded.

#### **Ad paragraph 12**

73. Save to point out that the judgment was suspended by operation of law and that the Department was not required to comply with it, the content hereof is admitted to the extent that it accurately reflects the judgment.

#### **Ad paragraphs 13 to 19**



74. The contents hereof are admitted to the extent that they accurately reflect the judgment. However, many of the factual findings made by the Court were disputed. One of the grounds of appeal is that the Court accepted the applicant's factual background as "undisputed" when it was highly contested. The application for leave to appeal sets this out in more detail.

#### **Ad paragraph 20**

75. I note the applicant's description of the test on appeal, which is admitted to the extent that it is consistent with the SC Act and the relevant jurisprudence in that regard. I submit that a perusal of the application for leave to appeal will show that not only is there reasonable prospect that another court would come to a different conclusion, but there are also compelling reasons for a higher court to consider the findings made in the judgment as set out in the statement of grounds of appeal. The application for leave to appeal is a comprehensive document supported by authority. I am in either event advised that prospects of success on appeal cannot readily be ascertained by a court hearing an application of this nature in a complex matter with a long history and a substantial record of several hundred pages.

#### **Ad paragraph 21**

76. It is denied that the applicant has shown exceptional circumstances, irreparable harm to himself, and the absence of irreparable harm to the Department – all of which are required by section 18(3) of the SC Act.

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77. Further I am advised that any order made in terms of section 18(3) of the SC Act is only operational pending the Labour Court's decision to grant leave to appeal or - if leave is granted - then pending the appeal decision from the Labour Appeal Court. The relief sought by the applicant for any order to remain binding in respect of "future applications for leave to appeal and/or appeals" is incompetent. It would also breach section 18(4) of the SC Act. The question is however academic as the basic requirements for relief under section 18 are not met.

**Ad paragraphs 23 to 24**

78. The contents hereof are noted.

**Ad paragraphs 25 to 30**

79. The contents hereof are disputed to the extent that they do not accord with the record of the arbitration and the application for leave to appeal. I have pointed out that Mr Neumann's version was highly contested. The application for leave to appeal sets this out in more detail. Mr Neumann's background to what led up to his dismissal is further not relevant to the issue that this Court must determine.

**Ad paragraph 31**

80. Save to admit that Mr Neumann was dismissed for misconduct committed during June and July 2020, the remainder hereof is denied.

**Ad paragraph 32 to 36**

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81. Save to note that Mr Neumann did unsuccessfully try to interdict his disciplinary hearing, the remainder of these paragraphs is irrelevant to this application. These allegations were raised in support of Part A of the Labour Court review which was then withdrawn (as is explained in the judgment ) as the same relief is also sought in the High Court. Why this content is resuscitated for purposes of these proceedings is not understood. It is entirely irrelevant for purposes of this application.

**Ad paragraphs 37 to 43**

82. The contents hereof are irrelevant, untrue and mischievous. These were scandalous allegations disallowed at the disciplinary hearing which the applicant seeks to resuscitate for the purpose of casting the Department in a negative light. These should be struck from the record. How can the applicant expect this court, in an application based on arbitration and Labour Court proceedings already finalised, to entertain his post arbitration scurrilous claims disallowed at the arbitration itself. (And the decision to disallow this evidence is not even a ground of review.) I can only surmise that it has been included in this affidavit in the hope that further publicity will be achieved and that the press will be motivated to repeat these scurrilous and defamatory allegations because they are now in court papers, including allegations made against the deceased Mr Allie. The inclusion of this scurrilous irrelevant material justifies a special costs order.

**Ad paragraph 44 to 59**

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83. Mr Neumann sets out what he characterises as numerous delays. Many of these were in the ordinary course of litigation and so I do not respond to each event set out in the chronology. I am unable to prepare a full litigation history with reasons for all the delays in the time available to me. However, I am advised that there were delays on the part of both Mr Neumann and the Department. These were condoned and cannot be relied upon to source a claim of irreparable harm as Mr Neumann seeks to do.
84. Moreover, to the extent that Mr Neumann claims to have suffered harm as a result of the costs of the litigation, I note that in addition to the urgent application to interdict the disciplinary action and the review in the Labour Court he has also brought a review in the High Court (in identical terms to Part A of his Labour Court review). He has been legally represented throughout including the lengthy disciplinary hearing and the arbitration. The extent of his litigation is inconsistent with someone who claims not to have deep pockets.

#### **Ad paragraphs 49 to 61**

85. Significantly, the applicant, although claiming irreparable harm in the form of financial prejudice, does not make any disclosure of his financial circumstances to this Court. He does not tell the Court what other employment he has had since his dismissal; when he became a councillor; what his current salary is; or what benefit he has received from the fund-raising efforts to pay for his litigation. He also does not set out the nature and extent of his liabilities, such as his bond repayments, nor does he disclose other income in the household, such as the employment of his domestic partner with the Department. I mention this with



reluctance and only to the extent that it is relevant to the dire financial circumstances alleged (but not substantiated) by the applicant.

**Ad paragraph 62**

86. I deny that reputational damage is an exceptional circumstance or that Mr Neumann has suffered irreparable reputational harm. To the contrary, Mr Neumann claims to have extensive community support.

**Ad paragraph 63**

87. This is denied. As I have explained above, many of the current staff and teachers do not want Mr Neumann back and some will find it intolerable to work with him. The matric pass rate has improved under the current principal and the school has reached a level of stability and performance which would be undermined by the disruption of his return. It is denied that Mr Neumann had a good team spirit with his fellow educators, as there were allegations of favouritism and preferential treatment of his supporters made by the remaining staff after he left.

**Ad paragraph 62**

88. I note that Mr Neumann had supporters. I have also set out the disruption that they have caused at HHS and in the surrounding community, to the extent that people felt unsafe and a professional mediator had to be called in to try and bring stability to the school.

**Ad paragraph 65**

89. I note Mr Neumann's sentiments. However, the principal and current staff have expressed reservations about working with him and it is unlikely that he will be as warmly received as he hopes, or that his return will be smooth. In fact, the current school leadership take the view that his return will undermine cohesions and learner performance.

**Ad paragraph 66**

90. I have met Mr Neumann. However, my personal view of him is irrelevant – he has broken the trust relationship with the Department, his employer, by his conduct and this cannot be restored.

**Ad paragraph 67**

91. For the reasons set out herein, this is denied.

**Ad paragraphs 60 to 81**

92. These paragraphs deal with the prospects of success. I submit that the Department has excellent prospects of success as set out in the application for leave to appeal. The content of these paragraphs is denied to the extent that it is inconsistent with the application leave to appeal.

**Ad paragraph 82 to 88**

93. Half the staff are new and do not know Mr Neumann. Some Grade 11 and 12 learners may remember him. However, leadership is not about popularity. Ms Anhuizen has managed to put in place good governance systems, made the



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school safer and improved the performance of the learners. More importantly, the school community is no longer divided.

94. Mr Neumann did seek that the recruitment process be halted. His supporters in fact approached the High Court to attempt to halt the recruitment process. However, after the Department filed answering papers the case was never pursued. I point out that the answering papers included an affidavit by the then SGB chairperson, Mr Joshua in which he stated that:

*"I am compelled to point out the possibly devastating consequences for the school if the principal post is not expeditiously filled by one of the candidates who have been recommended to the HOD. The principal post is crucial to stabilising Heathfield High. Stability is the main goal. The SGB, together with the curator principal, have managed to bring some stability to the school over the last few months but strong, consistent and permanent leadership is now necessary to ensure that Heathfield High can meet its constitutional mandate – that of providing learners with a quality education. Heathfield High has been without permanent leadership since 2022. The school has been through a long period of disruption and instability and the best interests of the learners should be prioritised. The SGB takes the view that delaying the appointment of a new principal elevates the narrow interests of one dismissed principal above the rights and needs of the entire school community."*

95. I attach a copy of that affidavit as **"BW9"**.
96. The current principal applied for HHS specifically and cannot simply be moved to another school to accommodate Mr Neumann. She has indicated that she will consult her trade union if that is the case. In either event, but for Fairmount



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High School (which is still in progress), the posts at the schools mentioned in paragraph 87 all have candidates nominated for appointment.

**Ad paragraphs 90 to 95**

97. The contents hereof are denied for the reasons set out above.

**Ad paragraphs 12 to 13 (sic)**

98. The applicant has failed to bring the requisite application in terms of section 18(3) of the SC Act. I cannot sensibly respond to these paragraphs which relate to some form of mandatory interdictory relief and appear to have been copied from another document.

**Ad paragraphs 14 to 17 (sic)**

99. The contents hereof are denied.

**Ad paragraph 18**

100. The applicant has an alternative remedy – if he succeeds in opposing any appeal he can claim his salary from date of reinstatement.

**Ad paragraph 19 (sic)**

101. The balance of convenience weighs heavily in favour of the respondent – the disruption to HHS and prejudice to the learner's ability to access education in a stable learning environment far outweighs any possible financial prejudice to



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the applicant. The facts relied on by him did not come close to satisfying the "exceptional circumstances" test set by section 18 of the SC Act.

**Ad paragraphs 21 to 22 (sic)**

102. The applicant has not made out a case for the upliftment of the suspension of the order, nor is he entitled to the enforcement of the suspended order.

**G. Conclusion**

103. The application should be dismissed, with a special order as to costs. A further factor relevant to the question of costs is that the applicant has once again ignored the process prescribed by this court for the initiation of urgent court proceedings. This application is clearly and self-evidently not one of extreme urgency and yet it has impermissibly been pursued with great fanfare as if that were the case.



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**BRENT WALTERS**

I certify that:

1. the deponent acknowledged to me that:
  - a. he knows and understands the contents of this declaration;
  - b. he has no objection to taking the prescribed oath;
  - c. he considers the prescribed oath to be binding on her conscience;

2. the deponent thereafter uttered the words, "I swear that the contents of this declaration are true, so help me God"; the deponent signed this declaration in my presence at the address set out hereunder on this <sup>4<sup>th</sup></sup> day of 2026.

FEBRUARY 2026



BRIGADIER  
J TRUTER  
LEGAL SERVICES  
WESTERN CAPE

COMMISSIONER OF OATHS  
25 ALFRED STREET  
GREENPOINT  
JOHAN TRUTER  
RANK: BRIGADIER

SOUTH AFRICAN POLICE SERVICE  
CIVIL CLAIMS  
04 FEB 2026  
LEGAL AND POLICY SERVICES  
WESTERN CAPE  
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