



(1) Reportable Yes: Yes  
(2) Of interest to other Judges: Yes  
(3) Revised: yes



Signature

9 JUNE 2026

Date

**THE LABOUR COURT OF SOUTH AFRICA, CAPE TOWN**

Case no: C25/2023

In the matter between:

**THOMAS MATTHEE**

**Applicant**

and

**OUTSHOORN LOCAL MUNICIPALITY**

**First Respondent**

**SOUTH AFRICAN LOCAL GOVERNMENT**

**BARGAINING COUNCIL**

**Second Respondent**

**COMMISSIONER W RIEKERT**

**Third Respondent**

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**JUDGMENT ON APPLICATION FOR LEAVE TO APPEAL**

**MAY, AJ**

Introduction

[1] This is an unopposed application for leave to appeal against my judgment and order handed down on 27 March 2026.

The test for leave to appeal

[2] Leave to appeal is governed by section 17(1)(a) of the Superior Courts Act, 2013 and may only be granted where the Court is of the opinion that either (i) the appeal would have a reasonable prospect of success; or (ii) there is some other compelling reason why the appeal should be heard.

[3] The main principles governing leave to appeal are:

3.1 The threshold is that a different court '*would*' come to a different conclusion, not that it '*could*' do so. The test is thus a stringent one.<sup>1</sup>

3.2 An applicant for leave to appeal must demonstrate, on proper grounds, a realistic prospect of success. It is not enough that the case is arguable or not hopeless. There must be a sound and rational basis to conclude that another court would likely reach a different result.<sup>2</sup>

3.3 A compelling (meaning '*cogent*; *strong*; *convincing*')<sup>3</sup> reason may lie in an important question of law or a discrete issue of public importance with wider impact, but the merits nevertheless remain vitally important and often decisive.<sup>4</sup> There is, however, no closed list and each case turns upon its own facts.

[4] Having considered the judgment and the submissions made by the Applicant, I am not persuaded that the applicant's grounds of appeal warrant a conclusion that an appeal would have a reasonable prospect of success or that any other compelling reasons exist why the appeal should be heard.

[5] It follows therefore that the application for leave to appeal should be dismissed.

Order

1. The application for leave to appeal is dismissed.

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<sup>1</sup> *Seathlo and Others v Chemical, Energy, Paper, Printing, Wood and Allied Workers' Union and Others* (2016) 37 ILJ 1485 (LC) at para 3.

<sup>2</sup> *Member of the Executive Council for Health, Eastern Cape v Mkhitha and Another* [2016] ZASCA 176 (25 November 2016) at para 16; *City Tshwana Metropolitan Municipality v Kleinot N.O. and Others (Leave to Appeal)* [2025] ZALCJHB 314 (15 July 2025) at para 8.

<sup>3</sup> *Erasmus Superior Court Practice* RS 5, 2025, D-108.

<sup>4</sup> *Caratco (Pty) Ltd v Independent Advisory (Pty) Ltd* 2020 (5) SA 35 (SCA) at para 2.

2. No order is made as to costs.



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C. May

Acting Judge of the Labour Court of South Africa

9 June 2026

LABOUR COURT