



**NATIONAL
BARGAINING COUNCIL
FOR THE WOOD AND PAPER SECTOR**

NOTICE OF APPLICATION IN TERMS OF S142A

(Application to make a settlement agreement an arbitration award where a party failed to comply with its obligations in terms of this agreement)

NBCWPS Case Reference Number.....

In the matter between:

Applicant(s)

.....

and

Respondent(s)

.....

Take notice that the above-named applicant(s) will make application on a date to be determined by the Council for an order in the following terms:

- That the annexed settlement agreement entered into between the abovementioned parties be made an arbitration award in terms of Section 142A.
- Take further notice that the affidavit of the applicant, annexed hereto, will be used in support of this application.
- Take further notice that if the respondent wishes to oppose the application, it must deliver an answering affidavit within **five** days from the day on which this application was served on the respondent, failing which the matter may be heard/ considered in the respondent's absence.
- Take further notice that the applicant has appointed the address below at which notices and service of all documents and proceedings will be accepted.
- By completing this application form, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that by completing this application form, my/our personal information may be used for the lawful and reasonable purposes in as far as the NBCWPS (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the NBCWPS must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available. Further details are available on the NBCWPS website.

Dated at this day.....2025

Applicant/ Union Signature:

Address

AFFIDAVIT IN SUPPORT OF APPLICATION IN TERMS OF S142A

I, the undersigned,

.....
(full name and surname of the Applicant)

do hereby make an oath and state as follows:

1. Background

1.1. The settlement agreement annexed hereto and marked "A" was concluded between the parties on _____ (specify date).

1.2. The settlement agreement is in respect of a dispute that a party has the right to refer to arbitration or to the Labour Court, excluding a dispute that a party has the right to refer to arbitration in terms of Section 74(4) or 75(5).

1.3. The dispute in respect of which the settlement agreement was concluded was referred for conciliation on _____ (specify date) under NBCWPS case number _____.

1.4. The parties have/have not agreed to the settlement agreement being made an arbitration award. (please circle as appropriate)

2. Reasons (It is important for sections 2.1 and 2.2 to be completed)

2.1 The respondent failed to comply with the terms of the agreement (Tick) ☐ Y or ☐ N

2.2 Specify to which extent the respondent failed to comply with the terms of the settlement agreement (e.g. was the whole amount unpaid or was only a partial amount paid. If partial payment was made, indicate the date that payment was made.....)(specify date).

Name and surname of applicant/ union _____

Signature of applicant/ union _____

Sworn before me at _____ on this the _____ day of _____, by the deponent who acknowledges that he/ she knows and understands the contents of the affidavit, has no objection to taking the oath/ affirmation and considers it binding upon his/ her conscience.

COMMISSIONER OF OATHS

NOTE: Please attach any documentary proof that supports your application. If there is insufficient space under any of the above questions, please attach additional pages of information.