COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Pretoria

CASE NO: **2023-132918**

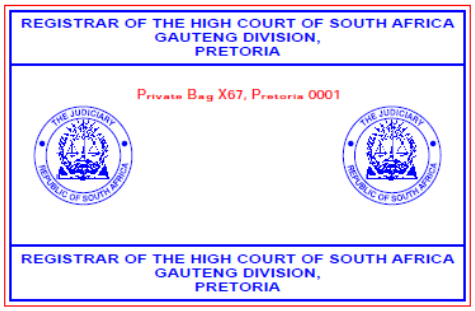
In the matter between:

Sakeliga NPC	Plaintiff / Applicant / Appellant
and	
The Minister of Cooperative Governance and Traditional Affairs,The National Department: Cooperative Governance,The Director General in the Department of Cooperative Governance,The Information Officer: The National Department of Cooperative Governance,Thembi Nkadimeng ,Mbulelo Tshangana ,Thinathyo Skosana ,Nkosazana Clarice Dlamini Zuma ,The President of the Republic of South Africa	Defendant / Respondent

---

Notice of Motion with Hearing Date

NOTE: **This document was filed electronically by the Registrar on 10/1/2024 at 12:50:33 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



ELECTRONICALLY SIGNED BY:

Registrar of High Court of South Africa , Gauteng Local Division,Pretoria

IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION, PRETORIA)

Case number: 2023-132918

In the matter between:

SAKELIGA NPC	Applicant
and	
THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	First Respondent
THE NATIONAL DEPARTMENT: COOPERATIVE GOVERNANCE	Second Respondent
THE DIRECTOR GENERAL IN THE DEPARTMENT OF COOPERATIVE GOVERNANCE	Third Respondent
THE INFORMATION OFFICER: THE NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE	Fourth Respondent
THEMBI NKADIMENG	Fifth Respondent
MBULELO TSHANGANA	Sixth Respondent
THINAYHYO SKOSANA	Seventh Respondent
NKOSAZANA CLARICE DLAMINI ZUMA	Eighth Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA Ninth Respondent

---

NOTICE OF MOTION

TAKE NOTICE THAT the applicant intends to make application to the above Honourable Court on for an order in the following terms:

1 That the first to seventh respondents be declared to be in contempt of paragraph 3 (three) of this Court's order dated 9 November 2022 under Case No 39370/2021.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

2 That the first to fourth respondents be ordered to comply with paragraph 3 (three) of this Court's order dated 9 November 2022 under Case No 39370/2021 within 20 (twenty) days from this order's service date.

3 That in complying with paragraph 2 of this order, the first to fourth respondents must within 20 (twenty) days from the date of service of this order:

3.1 ensure that all documents and/or information provided are properly sorted and collated when delivered to the applicants and/or their attorneys; and

3.2 ensure that all documents and/or information provided clearly indicate to which paragraph or sub-paragraph of the applicant's request for information of 15 December 2020 in terms of the Promotion of Access to Information Act 2 of 2000 ["PAIA request for information"], such documents and/or information relate; and

3.3 thereafter deliver an affidavit to this Court and the applicants that no further documents and/or records falling within the ambit of the applicant's PAIA request for information are in the first to fourth respondents' possession and/or under their control.

4 That the fifth to seventh respondents be sentenced to imprisonment for a period of 60 (sixty) days, alternatively a period of imprisonment which this Court deems appropriate, further alternatively that a sentence, penalty or fine which the Court deems to be appropriate be imposed against the respondents.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

5 That the sentence in paragraph 4 (four) above be suspended on the condition that the first to fourth respondents comply with paragraphs 2 (two) and 3 (three) of this order. Should the first to fourth respondents fail to comply, the South African Police Service must, within one week of the expiry of the period stated in paragraph 2 (two) above, take all steps that are necessary and permissible in law to ensure that the first to fourth respondents are delivered to a correctional centre to commence serving the sentence imposed in paragraph 4 (four).

6 In the alternative to paragraphs 4 (four) and 5 (five) above, that the Court make such and order that it deems just, equitable and necessary under the circumstances to address the respondents' contempt of court and vindicate this Court's honour.

7 That the costs of this application be paid by the first to third respondents, jointly and severally, on a scale as between attorney and client.

8 Further and/or alternative relief.

TAKE FURTHER NOTICE that the founding affidavits of **TOBIAS VIVIAN ALBERTS**, with attachments thereto, which is annexed to this notice of motion will be used in support of the relief sought herein.

FURTHER TAKE NOTICE that the applicant hereby appoints the address for service of all processes and documents in this application the address of **KRIEK WASSENAAR & VENTER INC, 13 STAMVRUG STREET, VAL DE GRACE, PRETORIA, GAUTENG,** as set out hereunder.

TAKE FURTHER NOTICE that if you intend to oppose this application you are required to:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

(a) Within 15 (FIFTEEN) days after the date of receipt of this notice of motion, to deliver a notice to the applicant stating that you intend to oppose this application, and in such notice, appoint an address within 25km of the office of the Clerk of this Honourable Court; and

(b) Within 15 (FIFTEEN) days after you have so given notice of your intention to oppose the application, deliver such answering affidavit(s) or other affidavit(s) together with any relevant documents as you may desire in answer to the allegations made by the applicant in the founding affidavit or any amendment or supplementation thereof.

TAKE FURTHER NOTICE that you are required to appoint in such notification an address at which you will accept notice and service of all documents in these proceedings.

KINDLY TAKE FURTHER NOTICE that if you fail to notify the attorney for the applicant of your intention to oppose the application within 10 (TEN) days after date of

receipt of this notice of motion and/or if you fail to serve and file an answering affidavit within 15 (FIFTEEN) days after expiry of the time period, this application will be set down on the unopposed motion roll on a date to be arranged with the Registrar.

TAKE FURTHER NOTICE that if no notice of intention to oppose and answering affidavit is received as aforesaid, the abovementioned applicant intends to make application to this Honourable Court on **20 June 2024** at 10h00 or as soon thereafter as Counsel may be heard.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

DATED AT PRETORIA ON 13 December **2023.**

KRIEK WASSENAAR & VENTER INCORPORATED
ATTORNEYS FOR APPLICANT
Third Floor
HB Forum Building
13 Stamvrug Road
Val De Grace
Pretoria
Tel: 012 756 76566
Fax: 086 596 8799
E-Mail: melissa@kriekprok.co.za
REF: M JANSEN VAN VUUREN/QB0792

TO: **THE REGISTRAR OF THE ABOVE HONOURABLE COURT**
PRETORIA

AND TO: **STATE ATTORNEY PRETORIA**
ATTORNEYS FOR RESPONDENTS
Ground Floor, SALU Building
316 Thabo Sehume & Francis Baard Streets
Pretoria

AND TO: **THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**
FIRST RESPONDENT
87 Hamilton Street
Arcadia
Pretoria By Sheriff



AND TO: **THE NATIONAL DEPARTMENT: COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**
SECOND RESPONDENT
87 Hamilton Street
Arcadia
Pretoria By Sheriff

AND TO: **THE DIRECTOR GENERAL IN THE DEPARTMENT OF COOPERATIVE GOVERNANCE**
THIRD RESPONDENT
87 Hamilton Street
Arcadia
Pretoria By Sheriff

AND TO: **THE INFORMATION OFFICER: THE NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE**
FOURTH RESPONDENT
87 Hamilton Street
Arcadia
Pretoria By Sheriff

AND TO: **THEMBI NKADIMENG**
FIFTH RESPONDENT
87 Hamilton Street
Arcadia
Pretoria By Sheriff

AND TO: **MBULELO TSHANGANA**
SIXTH RESPONDENT
87 Hamilton Street
Arcadia
Pretoria By Sheriff



AND TO: **THINAYHYO SKOSANA**
SEVENTH RESPONDENT
87 Hamilton Street
Arcadia
Pretoria By Sheriff

AND TO: **NKOSAZANA CLARICE DLAMINI ZUMA**
EIGHTH RESPONDENT
Fedsure Forum Building,
1st Floor, 268 Lilian Ngoyi Street,
Pretoria By Sheriff

AND TO: **PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**
NINTH RESPONDENT
Union Buildings
Government Avenue
Pretoria By Sheriff

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NO.: **2023-132918**

In the application between:

SAKELIGA NPC	**Applicant**
and	
THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	**First Respondent**
THE NATIONAL DEPARTMENT: COOPERATIVE GOVERNANCE	**Second Respondent**
THE DIRECTOR-GENERAL IN THE DEPARTMENT OF COOPERATIVE GOVERNANCE	**Third Respondent**
THE INFORMATION OFFICER: THE NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE	**Fourth Respondent**
THEMBI NKADIMENG	**Fifth Respondent**
MBULELO TSHANGANA	**Sixth Respondent**
THINAYHYO SKOSANA	**Seventh Respondent**
NKOSAZANA CLARICE DLAMINI ZUMA	**Eighth Respondent**
THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	**Ninth Respondent**

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

FOUNDING AFFIDAVIT

Table of contents

THE APPLICANT 3
THE RESPONDENTS 4
PURPOSE OF THIS APPLICATION 6
LOCUS STANDI 10
JURISDICTION 10
FIRST APPLICATION 11

NON-COMPLIANCE WITH ORDER 13
ENFORCIBILITY OF ORDER 30
REQUIRED RECORDS 31
DELIVERED PAIA RECORDS 32
Section 27(1) of the DMA decision records 33
Extension decisions 39
Lockdown regulations 41
Records actually delivered 46
CONTEMPT OF COURT 48
APPROPRIATE RELIEF 50

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

I, the undersigned,

TOBIAS VIVIAN ALBERTS

declare under oath that:

1 I am an adult male legal officer employed by the applicant.

2 I am duly authorised to depose to this affidavit on behalf of the applicant by virtue of an authorising resolution attached hereto, marked as annexure **SA01**.

3 Save where the contrary is expressly stated or appears from the context, the facts and allegations set forth herein fall within my personal knowledge and are, to the best of my knowledge, both true and correct.

4 To the extent that information does not fall within my personal knowledge, I will attempt to obtain confirmatory affidavits, if possible, to do so. To the extent that I am unable to confirm those allegations by confirmatory affidavit, I pray that the Court admits those allegations as evidence in terms of section 3 of the Law of Evidence Amendment Act, No.45 of 1988.

5 The applicant has appointed Kriek Wassenaar & Venter Inc ("**KWV**") as its attorneys of record, with instructions to institute and prosecute this application.

6 To the extent that this affidavit contains matters of a legal nature, the applicant relies on the advice of its legal representatives, which I believe to be correct.

THE APPLICANT

7 The applicant is Sakeliga NPC, a non-profit company duly registered and incorporated in terms of the statutes of the Republic of South Africa under registration number 2012/043725/08, with its principal place of business at Building A, 5th Floor, Loftus Park, 402 Kirkness Street, Arcadia, Pretoria, Gauteng Province.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

8 The applicant was established in the year 2011 and was incorporated and registered as a non-profit company in terms of the Companies Act, No. 71 of 2008, in the year 2012. The applicant's main objective is the protection of constitutional order, rule of law, market mechanisms, and a just and sustainable business environment.

9 The applicant is funded largely by recurring donations from around 10 000 businesses and businesspersons, professionals and investors drawn mostly from small and medium-sized companies, with an additional supporter base of more than 8 000 persons. These businesses and supporters live and conduct business in around 200 municipalities across South Africa and operate across industries. In addition, more than 20 independent chambers of commerce, industry chambers, rate-payers associations, and other not-for-profit business organisations are subscribed to the applicant's chamber support network, with a further 40 000 people subscribing to the applicant's information updates.

10 The applicant is authorised to undertake development projects or, where it deems necessary, litigate to sustain, and promote a favourable business environment in the public interest, including inter alia on matters relating to freedom of trade and property,

TA LM

common infrastructure, and security. To give effect to its main object, the applicant is also authorised to litigate for the common good and in the interest of its supporters.

11 The aforesaid is also evident from an extract of the applicant's memorandum of incorporation, which I attach as **annexure SA02**. I deem it apposite to draw the Court's attention to clause 4 of the memorandum of incorporation, which sets out in more detail the objects, ancillary objects, as well as the powers of the applicant.

12 I do not attach a full copy of the memorandum of incorporation to these papers, because it will make these papers unnecessarily prolix and voluminous. The applicant will make its full memorandum of incorporation available to the Court or any of the respondents who request it.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

THE RESPONDENTS

13 The first respondent is the **NATIONAL MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**, a public office currently held by Ms **THEMBI NKADIMENG** (herein also cited in her personal capacity as the fifth respondent), with address at 87 Hamilton Street, Arcadia, Pretoria, Gauteng Province (the "**Minister**"). The Minister took office on 6 March 2023. The office was previously and at all material times prior to 6 March 2023 held by Dr **NKOSAZANA CLARICE DLAMINI ZUMA** (herein also cited in her personal capacity as the eighth respondent).

14 The second respondent is the **NATIONAL DEPARTMENT OF CO-OPERATIVE GOVERNANCE**, a department of the National Government of the Republic of South Africa, with its principal place of administration at 87 Hamilton Street, Arcadia, Pretoria (hereinafter referred to as the "**Department**").

15 The third respondent is the **DIRECTOR GENERAL IN THE DEPARTMENT OF COOPERATIVE GOVERNANCE,** a public office held by Mr **MBULELO TSHANGANA** (herein also cited in his personal capacity as the sixth respondent), cited herein in his

capacity as the appointed Director General of the Department of Cooperative Governance, with address at 87 Hamilton Street, Arcadia, Pretoria (hereinafter referred to as the "**D-G**"). The D-G was appointed to the office as of 1 May 2023. The office was previously and at all material times prior to 1 May 2023 held by Ms Avril Williamson.

16 The fourth respondent is the **INFORMATION OFFICER IN THE NATIONAL DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**, a public office held by Mr **THINAVHUYO SKOSANA** (herein also cited in his personal capacity as the seventh respondent), in his capacity as the appointed information officer of the second respondent in terms of the Promotion of Access to Information Act, No. 2 of 2000, with address at 87 Hamilton Street, Arcadia, Pretoria (the "**Information Officer**").

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

17 The Information Officer was ostensibly appointed after the COGTA Minister took office. According to the *Government Contact Directory (as https://www.gov.za/about-government/contact-directory/national-government* on 15 August 2023), Skosana is listed as the Department's current Information Officer. I attach hereto an extract of the relevant webpage as annexure **SA03**. However, according to the official manual of the Department issued in terms of the *Promotion of Access to Information Act 2 of 2000* ("**PAIA**"), the appointed Information Officer for the Department is still Ms Avril Williamson, the previous director-general of the Department. The PAIA manual downloaded from the Department's website (https://www.cogta.gov.za/index.php/2021/02/16/paia/ as on 15 August 2023), was seemingly last updated in 2020. A copy of the PAIA manual is attached as annexure **SA04**.

18 The fifth respondent is the current Minister, Ms **THEMBI NKADIMENG**, a major female politician who has since 6 March 2023 occupied the public office of the Minister, with official work address at 87 Hamilton Street, Arcadia, Pretoria, Gauteng Province.

19 The sixth respondent is the current D-G of the Department, Mr **MBULELO TSHANGANA** , a major male government official with official work address at 87 Hamilton Street, Arcadia, Pretoria.

20 The seventh respondent is the current Information Officer of the Department, Mr **THINAVHUYO SKOSANA**, a major male government official with official work address at 87 Hamilton Street, Arcadia, Pretoria.

21 The eighth respondent is the previous minister, Dr **NKOSAZANA CLARICE DLAMINI ZUMA**, a major female politician who occupied the public office of the Minister from 30 May 2019 to 6 March 2023 (the "**Previous Minister**"). On 6 March 2023 the Previous Minister was appointed as the Minister in the Presidency for Women, Youth and Persons with Disabilities, with official work address at Fedsure Forum Building, 1st Floor, 268 Lilian Ngoyi Street, Pretoria, Gauteng Province.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

22 The ninth respondent is the **PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA** in his capacity as the head of the national executive and the head of Cabinet in terms of the Constitution 1996, with principal place of administration at Union Buildings, Government Avenue, Pretoria (the "President"). The President is cited herein because of the potential interest which he as head of the national executive and Cabinet, might have in these proceedings.

23 No cost order will be sought against the eighth and ninth respondents, unless they oppose this application.

24 A copy of this application will be served to the **STATE ATTORNEY PRETORIA**.

PURPOSE OF THIS APPLICATION

25 The applicant was the applicant in an application issued on 6 August 2021 out of the above Honourable Court under case number 39370/2021. In their official capacities, the

1st – 4th and 9th respondents were the 1st – 5th respondents in that application ("**the first application**").

26 A copy of the first application's notice of motion is attached as annexure **SA05**. The applicant does not attach the entire application to prevent these papers from becoming tedious. A complete copy of the first application's CaseLines file can, if necessary, be uploaded to the CaseLines file for this application in due course.

27 The first application sought to set aside the Previous Minister's decision taken on or about 26 June 2021 to refuse the applicant access to certain records and information requested by the applicant regarding a PAIA request for information dated 15 December 2020 ("**PAIA request for information**"). I will provide more background to the first application below.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

28 On 9 November 2022, this Honourable Court made the following order under case number 39370/2021 ("the Order"):

> *"**HAVING** heard counsel and having considered the matter, it is ordered that:*
>
> *1 The First Respondent's decision of 26 June 2021 to refuse the applicant's internal appeal against the Third Respondent's decision not to grant the applicant's request for information of 15 December 2020 in terms of the Promotion of Access to Information Act 2 of 2000 ["PAIA request for information"] is reviewed and set aside;*
>
> *2 The Third Respondent's decision of 25 February 2021 to not to grant the Applicant's PAIA request for information, dated 15 December 2020, is reviewed and set aside;*
>
> *3 The First, Second, Third and Fourth Respondents **are ordered to comply** with the Applicant's PAIA request for information **within 30 days** of the date of this order **and to provide the applicant with all of the documents and/or information requested herein as is in their possession and/or under their control;** and*
>
> *4 The cost of the application be paid by the First Respondent."*

[Own emphasis added]

29 A copy of the Order is attached hereto as **annexure SA06**.

30 The PAIA request for information, which I attach as annexure **SA07**, required that the following records and information be made available to the applicant:

> *"1. All records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation relied upon by the Minister of Cooperative Governance and Traditional Affairs ("COGTA") in making the following decisions and/or taking the following steps:*
>
> *1.1 **The declaration in terms of section 27(1) of the Disaster Management Act 57 of 2002 ("DMA")** in terms of which COGTA declared a national state of disaster having recognised that special circumstances exist to warrant the declaration of a national state of disaster (as published in the Government Gazette of 15 March 2020); and*
>
> *1.2 **The extension of the declaration of a national state of disaster** by COGTA as published in the Government Gazette on 5 June 2020, 13 July 2020, 15 August 2020, 14 September 2020, 14 October 2020, 15 November 2020 and 11 December 2020 (respectively).*
>
> *1.3 **The lockdown regulations** issued in terms of section 27(2) of the DMA, including but not limited to the following:*
>
> *1.3.1 Disaster Management Act, 2002: Regulations published on 18 March 2020 (GG43107);*
>
> *1.3.2 Disaster Management Act, 2002: Amendment regulations published on 25 March 2020 (GG43148);*
>
> *1.3.3 Disaster Management Act, 2002: Amendment regulations published on 2 April 2020 (GG43199);*
>
> *1.3.4 Disaster Management Act, 2002: Amendment regulations published on 16 April 2020 (GG43232);*
>
> *1.3.5 Disaster Management Act, 2002: Amendment regulations published on 20 April 2020 (GG43240);*

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

1.3.6 *Disaster Management Act, 2002: Amendment regulations published on 29 April 2020 (GG43258);*

1.3.7 *Disaster Management Act, 2002: Amendment regulations published on 28 May 2020 (GG43364);*

1.3.8 *Disaster Management Act, 2002: Amendment regulations published on 25 June 2020 (GG43476);*

1.3.9 *Disaster Management Act, 2002: Amendment regulations published on 12 July 2020 (GG43521);*

1.3.10 *Disaster Management Act, 2002: Amendment regulations published on 31 July 2020 (GG43577);*

1.3.11 *Disaster Management Act, 2002: Amendment regulations published on 17 Augustus 2020 (GG43620);*

1.3.12 *Disaster Management Act, 2002: Amendment regulations published on 18 September 2020 (GG43725);*

1.3.13 *Disaster Management Act, 2002: Amendment regulations published on 15 December 2020 (GG43997); "*

[Own emphasis added]

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

31 Despite service and repeated attempts by the applicant to obtain compliance from the respondents, the respondents have refused to fully comply with the Order. The applicant is left with no choice but to seek the assistance of the Honourable Court to compel performance. Securing access to the records described in the PAIA request for information is the applicant's primary concern.

32 However, ignoring court orders, especially if done by government, strikes at the heart of the separation of powers and the rule of law. For this reason, the applicant also requests that the Court take action to vindicate its honour, which has been compromised by the respondents' refusal to comply with the Order.

33 It is submitted that the respondents' refusal to deliver a proper and complete response to the Order constitutes a wilful and *mala fide* contempt of the Order of this Honourable Court.

34 I have been advised that an application for punitive sanction for contempt of court must establish that the alleged contemnor had knowledge of the court order and failed to comply with the order. Once these facts have been established, wilfulness and *mala fides* are presumed unless the respondents can prove to the Court that they have not knowingly or intentionally ignored this Court's orders. Once the service of the Order is proved, the respondents bear the evidential burden. If they fail to show reasonable doubt whether their non-compliance was wilful or *mala fide*, contempt would have been established beyond a reasonable doubt.



35 In the first instance the respondents are called upon to show that the Minister, Department, D-G and Information Officer has in fact fully complied with the Order and the applicants PAIA request for information. In the second instance, the onus is upon the respondents to show good cause as to why their conduct should not be deemed to be in contempt of this Court.

36 This affidavit will contextualise the applicant's attempts at enforcing the Order and the grounds for contempt of court.

LOCUS STANDI

37 The applicant has *locus standi* due to its direct interest in the Order and the application brought initially under number 39370/2021 and in terms of which the Order was granted.

38 All other aspects pertaining to the issue of *locus standi* appear from the remainder of this affidavit.

JURISDICTION

39 This Court has jurisdiction to adjudicate this application because the Order is an order of this Honourable Court, and contempt proceedings directly affect this Court's honour.

40 Furthermore, the first respondents' principal places of business and administration are situated in the area of territorial jurisdiction of this Court.

FIRST APPLICATION

41 As stated previously, the applicant submitted its PAIA request for information on 15 December 2020. As of the date of commissioning this affidavit, the applicant will have been actively pursuing the enforcement of Constitutional rights related to access to information, government accountability, and transparency in governance relating to the Previous Minister's disaster management in respect of the Covid-19 pandemic under the DMA in 2020, for nearly three years.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

42 The applicant's main purpose for requesting access to the records under PAIA was explained in its founding affidavit in the initial application:

> *"THE NEED FOR TRANSPARENCY AND ACCESS TO INFORMATION.*
>
> *66. It is not the aim of this application to call into question the decisions taken by the [Previous] Minister when making the lockdown regulations and issuing directions in terms of section 27(2) of the DMA.*
>
> *67. This is not a review of those decisions.*
>
> *68. Those decisions have been taken and the effects thereof reverberate throughout every business and household in South Africa as, despite the lockdown regulations, at the time of the commissioning of this affidavit the public continues to grapple with renewed restrictions, a third wave of infections, and a debilitated vaccination program.*
>
> *69. People are rightfully asking why we are where we are.*
>
> *70. It is not the aim of this application however to raise debate on the specific issues. This application is about the open and transparent exercise of public power by the [Previous] Minister.*
>
> *71. The applicant has received thousands of complaints regarding the lockdown regulations since their inception - indicative of a public that is distraught, unhappy, and at times even suspicious about the way in which government has managed the national state of disaster to date.*

72. *Businesses and members of the public at large have been required to respond to amendments of the lockdown regulations by closing their businesses or rearranging their affairs, often on mere hours' notice, with little or no explanation as to why particular measures are deemed to be necessary or how long they will last, irrespective of the fall-out.*

73. *By the time press conferences are held or press releases are issued by the Department or other agencies of government, the message has been tailored in such a way as to provide no real insight at all.*

7 4. *The applicant, concerned with a free society based on principles of constitutionalism and the rule of law, has raised its own concerns with the regulations. However, at the end of the day, the applicant is in no better position than the rest of society when it comes to understanding why the [Previous] Minister takes her decisions. The applicant does not question that it is in response to the Covid 19 pandemic. The applicant wants to understand the record considered and process followed by the [Previous] Minister.*

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

75. *Without having access to a full record of what informed the [Previous] Minister's decisions regarding the lockdown regulations and directives, the applicant has been unable to assist its members in distinguishing between substantiated and unsubstantiated positions, between facts and falsehoods, and between justified and unjustified analyses and conspiracy theories.*

76. *Anyone monitoring the media coverage of the national state of disaster would by now have noticed the polarising coverage regarding the ostensible facts on which the [Previous] Minister has supposedly based her decisions to make regulations and her approach more broadly to the national state of disaster.*

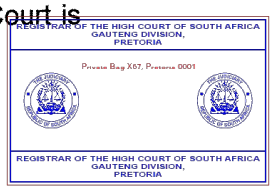
77. *The fact that unnecessarily polarising views and unjustified conspiracy theories have gained traction over time led the applicant to instruct its attorneys of record in December 2020 to prepare a request for information in terms of PAIA in order to gain access to the actual public record of decisions leading up to the making of the [Previous] Minister's lockdown regulations.*

78. *It is the applicant's contention that the public has the right to consider the record of information which led to making of the lockdown*

IM
7A

regulations and, more broadly, informed the [Previous] Minister's disaster management strategy."

43 The applicant's reasons for pursuing its PAIA request for information is stated herein merely to inform this Court of the public interest motivations that has compelled the applicant to persist with the matter, despite stonewalling and sometimes confusingly self-defeating responses received from the respondents. However, the granting of the Order has opened a further concern for the applicant, that being the preservation of the rule of law and constitutional order under circumstances where orders of this Court is being ignored.



NON-COMPLIANCE WITH ORDER

44 As already stated, the Order was granted by this Court on 9 November 2022. In terms of the Order, the Minister, Department, D-G and Information Officer had 30 days to comply.

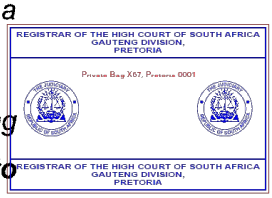
45 On 21 November 2022, KWV directed a letter to the Previous Minister, Previous D-G and the State Attorney, informing them of the order and demanding that all records be delivered. A copy of this letter is attached as annexure **SA08**. The letter was sent by email on 22 November 2022 to an extensive list of staff members within the office of the Previous Minister, Previous D-G, and the Department as is evidenced by the proof of transmission attached as annexure **SA09**.

46 In the 21 November 2022 letter, KWV stated the following:

"3. A copy of the order as well as our client's original PAIA request is attached to this letter and marked annexure A and annexure B respectively.

4. We specifically refer you to annexure B and the list of records requested under the PAIA Annexure A to the original PAIA request. In terms of the request and the order of court, ***you are required to provide our client with all records, reasons, reports, findings,***

deliberations, communications, memoranda and/or further documentation relied upon by the Minister in making the decisions listed in the annexure. *For sake of complete clarity, you are reminded that* ***a PAIA request of this nature requires a complete disclosure of all records***. *In terms of case law, the effect* ***of the request is that every scrap of paper generated, reviewed, considered, received and/or relied upon by the Minister and her Department during the formulation of her 2020 Disaster Management Act Regulations, be made available***. *This will include confidential information, which in any event does not constitute a ground for exclusion in terms of case law.*



5. *Our client will not accept any new grounds of exclusion of records being raised ex post facto the court order.* ***You are therefore requested to ensure that all records are properly sorted and identified as per the relevant paragraphs of our request.*** *Our client has instructed our firm to ensure full compliance with the PAIA request and court order.* ***If your offices fail to provide a full disclosure of all records falling within the ambit of our client's PAIA request, we will deem such a failure to be in contempt of the court order.***

6. *We are willing to accept electronic delivery of the records. Considering that the records will most likely include a substantial number of expert and medical reports, opinions, statistical data, meeting minutes, inter-departmental e-mails, status reports and other documentation generated during 2020, our client would suggest that the most effective manner of delivery would either be the delivery of the data via a cloud-based or virtual drive." [Own emphasis].*

47 The Order and PAIA information request were also served:

47.1 by filing notice to the State Attorney on 22 December 2023, as is evidenced by the filing notice and proof of transmission attached hereto and marked annexure **SA10** and annexure **SA11**.

47.2 by Sheriff to

47.3 the Previous Minister, the Department, the Previous D-G, and the Previous Information Officer on 29 November 2022, as is evidenced by the returns of service attached hereto as annexure **SA12,** annexure **SA13,** annexure **SA14** and annexure **SA15**.

48 On 22 December 2022, the State Attorney uploaded various documents to a newly created section on the first application's CaseLines file called "*0018: Compliance with the PAIA order*". The State Attorney also forwarded to KWV an index of records describing 41 records to be delivered to KWV as part of the Previous Minister's compliance with the Order.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

49 In response to the records uploaded by the State Attorney, KWV on 23 December 2022 directed a letter to the State Attorney, which I attach with proof of transmission as annexure **SA16** and annexure **SA17**. In the letter, KWV stated the following:

> *"2. It is noted that your offices still act on behalf of the Mister of Cooperative Governance and Traditional Affairs ("COGTA Minister") and that you on 22 December 2022 uploaded various files to a new section on the CaseLines file which you have named "0018: Compliance with the PAIA order". Your offices have also served an itemised index of records, in which you describe 41 record items which we assume you are in the process of uploading to the Caselines file.*
>
> *3. We have gleaned the index and the records you have already uploaded. Even though your client has yet to upload all of the records included in your index, it is already clear to our client that your client does not intend to provide complete discovery as required by our client's original information request of 15 December 2020 and the subsequent court order of 9 November 2022.*
>
> *4. Your record consists mainly of already public policy documents and reports. Let's compare the record index to the records which your client disclosed in response to various challenges to her 2020 and 2021 lockdown regulations over the last two years (with specific reference to the bans imposed on alcohol, tobacco, travel and trade). One gets the*

impression that the COGTA Minister (or your offices for that fact) has merely collected already prepared records from her litigation files to give lip service to the 9 November 2022 court order.

5. ***The 9 November 2022 court order requires full compliance with our client's information request**. Your client is fully aware of the scope of that request, having not only unlawfully rejected the request during the internal appeal but also opposed and frustrated our client's litigation in the High Court for approximately 18 months. **There should be no uncertainty from your client's side about the veracity and scope of disclosure required by the court order.***

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

6. *In terms of the 9 November 2022 court order your client must disclose all records, reasons, reports, findings, deliberations, communications, memoranda and documentation relied upon by the COGTA Minister during the making of her lockdown regulations in 2020. The information request is also particular about the delivery of all records considered during the creation of each version of her augmented lockdown regulations during 2020.*

7. *The COGTA Minister's response to the order is clearly unacceptable. Must our client accept that the last two years of opposition to our client's information request was undertaken by the COGTA Minister merely to frustrate and oppose our client's access to records consisting primarily of already public reports, research papers and policies? Where is the inter-departmental correspondence relating to the management of COVID-19? Where are the meeting minutes? Where are the reports on public consultation, inter-departmental meetings, consultations with experts and industry, and the preparation of disaster management regulations? Where are the advisory reports on the framing of the regulations? Must we accept that each amendment to her lockdown regulations between March 2020 and December 2020 relied on the same 41 records you have chosen to discover now?*

8. *We have considered the COGTA Minister's original refusal to our client's information request, and it is clear that she understood the scope and implication of our client's information request when refusing access in 2021. We can, therefore, come to no other conclusion than that the COGTA Minister is wilfully continuing her strategy of frustrating*

our client's right to access the full record of her 2020 regulation-making attempt.

9. *Our client deems the COGTA Minister to be in contempt of the 9 November 2022 order.*

10. *We demand that the COGTA Minister comply with the 9 November 2022 order and that a complete record of all records falling within the ambit of our information request be delivered to our offices by no later than 6 January 2022. Failing full compliance, our client will proceed with an application to hold the COGTA Minister in contempt of court." [Own Emphasis]*

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

50 On 23 December 2022, the State Attorney responded by email, a copy of which is attached as annexure **SA18**. In the email, the State Attorney stated:

"We refer to your letter received on the 23 December 2022. The writer is not sending this email to respond to each and every allegation made in your letter. Ms Sebitso who is the attorney of record will attend to the letter as soon as she comes back from leave. This email is sent to advise you that on the 22 December we tried to contact your offices ***about the service of the full record*** *with no success.* ***Our client advised that the documents are contained in the full record.***

Kindly advise us where and when can we serve the full record." [Own emphasis]

51 On 6 January 2023, KWV sent an email to the State Attorney enquiring whether the Previous Minister was still intending to deliver further documents in addition to those uploaded to the CaseLines file. A copy of this e-mail is attached as annexure **SA19**.

52 During the afternoon of 6 January 2023, the State Attorney delivered two boxes containing eight lever-arch files to the KWV offices. The lever-arch files contained a record which is clearly a printout of pages 005:001 – 005:3756 of the Caselines file in the matter of *Fair-Trade Independent Tobacco Association v President of the Republic of South Africa and others [2020] ZAHCGP (Case number 21688/20220)*. The case sought to challenge the Previous Minister's tobacco-ban during March 2020 – May 2020.

The record delivered to KWV included the Previous Minister's reasons for the tobacco-ban and her supporting records in the Fair-Trade Tobacco litigation and covers a period of 18 March 2020 until 26 May 2020. I attach in support as annexure **SA20,** photographs of the delivered lever-arch files as well as the first and last page of each file as received from the State Attorney.

53 In response, KWV directed a letter to the State Attorney, dated 6 January 2023. The letter and proof of transmission is attached as annexure **SA21** annexure **SA22**. In the letter KWV raised issue with the fact that the record, which it assumed would be a complete record in response to the Order, only included a printout of the Fair-Trade Tobacco record and reasons. KWV also referred the State Attorney to the 23 December 2022 letter and the State Attorney's confirmation on 24 December 2022 that a full record will be delivered. KWV also stated:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

> *"6. It is clear from the above that the COGTA Minister is aware of the order, has considered the contents of our previous letter and that the eight lever-arch files delivered should be deemed to be her 'full record' response to the order.*
>
> *7. Our offices have considered the lever-arch files and can confirm that they consist exclusively of public participation documents and research papers relating to the April 2020 ban on the sale and distribution of tobacco. In fact, the record is clearly a printout of section 005:001 – 005:3756 of the Caselines file in the matter of Fair-Trade Independent Tobacco Association v President of the Republic of South Africa and others [2020] ZAHCGP (Case number 21688/20220). The record only covers the period of 18 March 2020 until 26 May 2020 (the date of the COGTA Minister's signed reasons in the Fair-Trade litigation).*
>
> *8. No further records are included. Your client has in no substantive way discharged her obligation to comply with the 9 November 2022 order. The COGTA Minister has only provided us with a small selection of documents prepared as part of her record during the review of a single aspect of her 2020 disaster management regulations (the tobacco ban).*

9. *The records delivered to us today have confirmed our suspicion that the COGTA Minister has instructed your offices to pooh-pooh our client by regurgitating her already prepared rule 53 litigation record in the Fair-Trade case. Unfortunately, this insult to our client is done in defiance of the authority and dignity of the court.*

10. ***We demand a full and satisfactory explanation for the COGTA Minister's non-compliance with the court's order.*** *Your client's failure to do so by 14h00 on 11 January 2023 will result in our client proceeding with contempt of court proceedings."*

[Own Emphasis].



54 In response to this demand, the State Attorney on 11 January 2023 served a further 102 records along with an index, which I attach hereto as annexure **SA23**.

55 On 12 January 2023, the State Attorney addressed a letter to KWV, a copy of which is attached as annexure **SA24**, in which it stated:

"We have been instructed by our clients to debrief counsel in the matter and appoint a new legal team.

We are in the process of appointing a new legal team which will be finalised soon.

We therefore humbly request your indulgence until the 20 January 2023 to afford us time to consult with the new legal team. We are working on the matter and we will respond to your letter dated 06 January 2023. "

56 On 20 January 2023 the State Attorney sent a letter to KWV, attached hereto as annexure **SA25**, in which it stated:

2. *We are instructed to advise that we have appointed a new legal team, and their instructions are to seek a rescission and or variation of the court order inter alia on the basis of section 12 of the Promotion of Access to Information Act 2 of 2000 ("PAIA").*

3. *The intention is to bring the abovementioned application as a matter of urgency.*

4. *Regarding your assertion that there has been contempt of court, this is disputed.*

In this regard we highlight the following:

4.1. *First, documents relating to your clients' PAIA request were already uploaded to Case-Lines on 22 December 2022; and in addition, eight lever arch files were provided to your office.* ***However, the further documents demanded by your clients fall within the exemption of inter alia section 12 of PAIA.***

4.2. *Secondly, unfortunately the court order was taken on unopposed basis (when in fact it should have proceeded as an opposed application). As a consequence, thereof, the court order erroneously does not- cater for any legal exemption, such as section 12 of PAIA. In the circumstances, a rescission and or variation thereof is plainly necessary to cater for such legal exemption(s)."* [Own emphasis]

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

57 Paragraph 4.1 of the letter is a clear admission that further records do exist and that not all records falling within the ambit of the Order have been provided to the applicant.

58 On 26 January 2023, KWV responded with a letter, attached as annexure **SA26**, stating:

"3. *Our client has no intention to litigate the matter over correspondence. However, we do demand that your client's application be served by no later than 6 February 2023.*

4. *Our client's rights remain strictly reserved, which rights do include the right to seek a special punitive cost order against your client. Our client also reserves the right to meet your client's application for rescission/variation of the order with a counter-application to hold your client in contempt of court and to enforce the order which has been properly obtained in law.*

5. *Writer should note that your client's grounds for rescission are self-defeating, illogical, and detached from the facts of the matter and the law. Frankly, it is confusing, to say the least."*

59 The State Attorney responded on 5 February 2023, a copy of the letter is attached as annexure **SA27**, by stating:

> *"2. As you are aware, we have appointed a new team of counsel. Each member of the new team is located in a different province and documents needed to be couriered to them. This has caused some delay. Nonetheless, we have now furnished them with the necessary documentation, which as you are aware, is voluminous.*
>
> *3. The new counsel are hard at work going through all the documents that form the subject-matter of your client's request and the court order.*
>
> *4. Given that the new counsel team were unaware of this matter's historical background, in addition to the considerable work they have already done and are continuing to do in this regard, it became necessary to arrange a consultation with the previous counsel. That consultation took place yesterday on 3 February 2023.*
>
> *5. In light of the voluminous documentation, the work already done and the work that continues to be done, and the consultation with the previous counsel – **our new counsel team have undertaken to provide the final product of their endeavours not later than 9 February 2023.***
>
> *6. We note that your last correspondence has demanded that our client's papers be filed by Monday 6 February 2023. However, given the aforegoing, we kindly request that you provide us with a final indulgence until 9 February 2023, **on which date our client's final response will be delivered."*** [Own emphasis]



60 No urgent application and no application for the setting aside and/or variation of the Order was ever brought.

61 On 22 February 2023, KWV sent a letter to the State Attorney confirming 1) that no further steps have been taken by the Previous Minister, and 2) that the applicant will proceed with contempt of court proceedings. A copy of this letter and proof of transmission is attached as annexure **SA28** and annexure **SA29**.

62 The State Attorney respondent on 23 February 2023, copy is attached as annexure **SA30**, with another about-face on the Previous Minister's position regarding the Order. The State Attorney confirmed the Previous Minister's position as follows:

> *"Kindly be advised that after a very diligent perusal of the documents delivered to you,* ***we are of the firm view that the court order has been complied with.***
>
> ***The documents furnished to you are those on which the Minister relied in taking the decision referred to in your PAIA request and in the court order.***
>
> *Kindly be advised further that any contempt application you might bring will be strenuously resisted and punitive costs order will be sought in the event of dismissal of the said application." [Own Emphasis]*



63 Whereas the scope of records that the Previous Minister had to deliver to the applicant posed such a significant challenge a few weeks before as to compel her to consider an urgent application for the variation or setting aside of the order, the Previous Minister's position had apparently shifted again. According to the Previous Minister, the record delivered to the applicants by the State Attorney to date of the letter, encapsulated all the records on which she based her decisions as described in the PAIA information request.

64 Considering the massive lawmaking endeavour undertaken by the Previous Minister during 2020, the applicant found the Previous Minister's latest explanation to be very difficult to swallow.

65 Recognising the need for a precise analysis of each record delivered, the applicant instructed KWV to consider the full record and to provide it with advice on the issue of compliance with the Order. This analysis was completed during at the end of April 2023. As will be shown later in this document, the records delivered by the Previous Minister undermine this latest defence.

66 However, during May 2023, the applicant was made aware of the appointment of the new Minister on 6 March 2023 and that the Previous Minister was now appointed as Minister in the Presidency for Women, Youth and Persons with Disabilities. Despite what the applicant deems to be clear stonewalling by the Previous Minister to date, any further attempt at securing compliance with the Order, which remains the applicant's primary concern, would necessitate informing the new Minister of the Order and giving her a reasonable opportunity to consider her own position.

67 On 1 June 2023, KWV wrote a letter to the Minister, the Department, D-G, Information Officer, and the State Attorney regarding the Order. The purpose was to inform the new ministry and incumbent Minister about the state of compliance with this Court's Order. A copy of the letter to which a copy of the Order and PAIA information request was attached, is annexed hereto as annexure **SA31**. In the letter, KWV stated inter alia the following:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

> *"3. We have been instructed to bring to the attention of the Minister the court order granted in favour of our client by the Gauteng Division of the High Court on 9 November 2022 under case number 39370/2021 ("the Court Order"). A copy of the Court Order is attached as annexure BB1, You will note that the Court Order was granted against the Minister (of which the office was at that stage still held by the previous Minister), the National Department: Cooperative Governance and Traditional Affairs ("the Department"), the Director-General of the Department (an office still held by Ms Avril Williamson) ("the Director-General") and the Department's Information Officer (which according to the Department's PAIA manual as on date of this letter is also still Ms Avril Williamson).*
>
> *4. A copy of the Court Order order was sent to the previous Minister, the Department, the Director-General and the Information Officer on 21 November 2022 by e-mail. A copy of the Court Order was also filed with the office of the State Attorney via e-mail on 22 November 2022. Our client also instructed the Sheriff to effect physical service of the*

Court Order to the previous Minister, the Department, the Director-General and the Information Officer on 29 November 2022.

5. *In terms of paragraph 3 of the order, the Minister, the Department, the Director-General and the Information Officer have been ordered to comply with a PAIA request for information filed by our client on 15 December 2020 within 30 days of date of the order. The court specifically ordered that "all of the documents and/or information requested therein as is in their possession and/or under their control" be provided to our client.*

6. *On 22 December 2022, the State Attorney uploaded various documents onto the matter's CaseLines court file in response to the court order. Further documents followed these step-in tranches delivered on 22 December 2022 (sent by e-mail), 6 January 2023 (served by hand) and 11 January 2023 (sent by e-mail). The documentation served will be discussed below.*

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

7. *It is our client's position that the previous Minister, the Department, the Director-General and the Information Officer have failed to comply with the court order of 9 November 2022 and our client deems them to be in contempt of court.*

8. *This letter serves as a notification that our client will also now deem the new Minister to be in contempt of court if she and her office persist with the previous Minister's position that the respondent parties have fully complied with the Court Order.*

9. *We attach hereto a copy of a letter to the State Attorney dated 1 June 2023, marked as annexure BB2, in which our client addresses the contempt of court and failure to fully comply with the Court Order in more detail. The contents thereof are hereby incorporated into this letter.*

10. *Our client demands that your offices comply with the court order of 9 November 2022 within 14 days of date of service of this letter.* ***Failing thereto, our offices will deem your offices (with reference to the new Minister) to be in contempt of court. Our client has instructed us to proceed with contempt of court proceedings if the Minister and other respondents continue to ignore the Court Order.***

11. *This letter serves to inform you of the Court Order. However, for professional reasons all further correspondence will be directed at your attorneys, being the State Attorney, as indicated in the attached correspondence.*

12. *We await your response via the office of the State Attorney."*

[Own Emphasis]

68 The letter to the State Attorney dated 1 June 2023, which I attach as annexure **SA32**, attempted to provide more context to the new Minister regarding the Order and why the applicant deemed them to be in contempt of court. It also provided an opportunity to the Minister, the Department, D-G and Information Officer to remedy the failure to comply with the Order and avoid unnecessary litigation. Since by June 2023, no application for the review or setting aside of the Order was ever brought, the applicant wanted to ensure that its position regarding non-compliance with the Order is stated in no uncertain terms before more serious proceedings, such as contempt of court, is brought. If nothing else, the applicant wanted to avoid unnecessary litigation to enforce this Court's Order. The letter explained the applicant's position as follows:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

"4. *It is our instructions to direct this letter **as a final attempt to avoid contempt of court proceedings** by our client against your clients (which we deem to be the new Minister, the previous Minister as well as the Director-General/Information Officer of the Department. Please note that failing complete compliance with the Court Order within 14 days of this letter, our client will proceed with the application for contempt of court against all of the parties stated above.*

5. *We do not intend to litigate the matter over correspondence. This letter is addressed to you in order to inform you of the actual state of compliance with the Court Order and to afford your clients a final opportunity to comply.*

DELIVERY OF RECORDS

6. *We confirm that your clients have attempted compliance with the Court Order by delivering four tranches of documents on 22 December 2022 (CaseLines and e-mail), 6 January 2023 (delivery by hand) and 11 January 2023 (by e-mail).*

7. *We attach hereto, marked annexure AA1, a datasheet breaking down all of the record sets received from your clients in response to the Court Order (a totalling approximately 5 100 pages). For sake of completeness, we confirm that:*

7.1 *Items 1 – 37 were uploaded to section 0018 of the CaseLines file on 22 December 2022. The uploaded CaseLines record consists of 626 pages of record.*

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

7.2 *Items 38 – 46 constitute a further 170 pages of record received by e-mail on 22 December 2022.*

7.3 *Items 47 – 89 constitute a further 444 pages of record delivered by e-mail on 11 January 2023.*

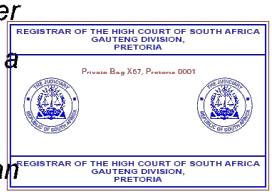
7.4 *Items 90 – 99 constitute an approximate 3860 pages of records delivered in 8 lever arch files on 6 January 2023. These records constitute the Rule 53 record delivered in the Fair-Trade Tobacco review brought during 2020 in the Gauteng Division of the High Court, Pretoria under case number 21688/2020 (Fair-Trade Independent Tobacco Association v President of the Republic of South Africa and others [2020] ZAHCGP 21688), and even include the CaseLines pagination (section 005:0001 – 005-3756). This record also includes 104 pages of unpaginated record which we have identified as item 99 of the schedule attached hereto.*

8. *It is your client's case that the abovementioned records (approximately 4000 pages) constitute the Minister's full 2020 Disaster Management record as described in our client's PAIA request to the Court Order. Our client rejects your client's position as it is not only inconceivable considering the body of regulation created by your client during 2020 but clearly also ignores the scope of the Court Order.*

9. *The contents of the Fair-Trade Tobacco Rule 53 record delivered by your client on 6 January 2023, which focuses only on matters relating to smoking and Covid-19, constitute approximately 75.68 % of the total*

record delivered by your client in response to the Court Order. That record focused solely on your client's response to the challenge brought by Fair-Trade Tobacco and others against the ban on the sale of tobacco during the period of March – April 2020.

10. *Your client's position, as taken in your previous correspondence, is effectively that your client has delivered all of the previous Minister's Disaster Management records for the 2020 period and that, except for her consideration of the tobacco issue, the entirety of all "records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation" relied upon by the Minister in making her decisions and/or the subsequent regulations, would constitute a meagre 1 240 pages (as now delivered by your client).*



11. *There is no way that any reasonable person in our client's position can accept that your client has generated, outside of the tobacco consideration in March – April 2020, a mere 1 240 pages of record which fall within the category of "records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation" as described in our client's PAIA request, during the most prolific period of the Minister's regulation-making under the Disaster Management Act during 2020.*

12. *During the same period as covered in the Free-Trade Tobacco Rule 53 record delivered by your clients (March 2020 – April 2020), the Minister published no less than 6 regulations relating to the national state of disaster (referred to in paragraphs 1.3.1 – 1.3.6 of the PAIA request), which formed part of her so-called 'core regulations' to combat the spread of COVID-19 at that stage. The core regulations published on 18 March 2020 alone are more than 127 pages in extent (as published in more than one language) and, amongst other things, seek to regulate:*

12.1 *Gatherings;*

12.2 *The mandatory isolation and placement in quarantine of persons infected with Covid-19;*

12.3 *The closure of schools;*

12.4 *The suspension of visits to correction centres, child and youth care centres, shelters;*

12.5 *The movement of persons between provinces;*

12.6 *Prohibitions on evictions;*

12.7 *Limitations on the dispencing and sale of liquor;*

12.8 *The creation of offices in respect of any contravention of the regulations.*

13. *The regulations also authorised the other members of cabinet to issue directions to supplement the disaster management regulations of the Minister, which regulation-making would need to be conducted in consultation with the Minister.*

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

14. *The extended regulation-making inter alia resulted in continued adjustments and amendments being made to the regulations and directions, which inter alia included further bans on the sale of toys, prepared food, the ability to exercise outside, curfews on nighttime travel, and the policing of public parks and beaches.*

15. *Your client's position that the Minister and her Department's total record for all of their regulation-making during 2020, which falls within the category of "records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation" is limited to a mere 1 240, can only stand to be rejected.*

16. *The Minister and her Department are clearly intentionally refusing to comply with the Court Order, and no reasonable effort has been made to provide our client with full access to the records falling within the ambit of the PAIA request.*

17. ***A failure to properly comply with the Court Order will result in our client proceeding with contempt of court proceedings** against the new Minister (as from date of demand), the previous Minister (up and until the appointment of the new Minister), the Department, the Director-General and the Information Officer of the Department.*

18. *We request compliance with the Court Order within 14 days of this letter." [Own Emphasis].*

69 Attached to the 1 June 2023 letter to the State Attorney was a schedule identifying every record delivered by the State Attorney to KWV since the granting of the Order. A copy of this schedule is attached as annexure **SA33**. All of these records are in the possession of KWV and are available to any party on notice. KWV will also be instructed to file an indexed bundle in terms of Uniform Rule 35(11). I do not attach each individual record to these papers. An affidavit by Ms Chane Houman ("**Houman**") from KWV will be attached to confirm the accuracy of the schedule prepared.

70 Intended purpose of providing the respondents with the prepared schedule, was to ensure they are aware of the applicant and KWV's record scope. If the record held by KWV did not reflect the actual scope that the Minister wanted to render in compliance with the Order, the Minister would be able to identify such deficiencies and remedy the failure timeously.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

71 The 6 June 2023 letters (letter to the Minister and the letter to the State Attorney, both dated 1 June 2023) were delivered to the respondents in the following manner:

71.1 The letter to the Minister which also enclosed a copy of the Court Order, PAIA information request and the letter to the State Attorney, was sent on 6 June 2023 by email to the Minister, the Department, D-G, Information Officer and the State Attorney, as is evidenced by the proof of transmission attached as annexure **SA34** and annexure **SA35**.

71.2 The letter to the State Attorney as well as a full copy of the letter to the Minister, was also sent separately to the office of the State Attorney on 6 June 2023 by email, as is evidenced by the proof of transmission attached as annexure **SA36**.

71.3 KWV also instructed the Sheriff to serve a copy of the letter to the Minister which also enclosed a copy of the Court Order, PAIA information request and the letter to the State Attorney, to the office of the Minister. The return of service, attached

as annexure **SA37** confirms that the letter was duly served on 22 June 2023 to the Minister's offices at 87 Hamilton Street, Pretoria.

72 On 6 June 2023, the Department conveyed a read receipt, substantiating that the email sent on 6 June 2023 was indeed read by Ms Zandile Zondi ("Zondi") of the Department. Further, on 7 June 2023, the Department sent a formal acknowledgement of receipt, confirming that the letters have been "*forwarded to the relevant office*". A copy of the two emails is appended hereto as annexure **SA38** and annexure **SA39**. I can mention that Zondi has been listed as the professional assistant of both the Previous D-G as well as the new D-G. I attach in support screenshots taken from the Department's website as on 14 August 2023, as annexure **SA40** and annexure **SA41.**

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

73 On 14 August 2023 the State Attorney forwarded a letter to KWV, acknowledging receipt of the letters dated 1 June 2023. A copy of this letter is attached hereto as annexure **SA42**. In the letter, the State Attorney confirmed its representation for the incumbent Minister. The State Attorney then also confirmed that the new Minister has elected to adopt an identical stance to that of her predecessor, as delineated in the State Attorney's letter of 23 February 2023. The new Minister's position was confirmed as follows:

> *"We refer you to our previous correspondence letter dated 23 February 2023. We reiterate that the position, as articulated therein, remains the same."*

74 From the above it is clear that Minister, D-G and Information Officer does not intend to fully comply with this Court's Order, forcing the applicant to bring this application.

ENFORCIBILITY OF ORDER

75 The Order unequivocally and expressly directs the Minister, the Department, DG, and the Information Officer to comply with the applicant's request for information within 30 days from the date of said Order.

76 Furthermore, the Order emphasised that:

76.1 all aspects of the applicant's PAIA request for information must be complied with; and

76.2 all documents and information encompassed by the PAIA request for information, within the possession or control of the Minister, the Department, DG and/or Information Officer, must be furnished to the applicant.

77 The applicant submits that the Order is clear, unambiguous, and enforceable. Both the Previous Minister as well as the incumbent Minister have clearly accepted that they have a duty to comply with the specific Order, having tendered partial records during January 2023 and confirming the enforceability of the order on 23 February 2023 and 14 August 2023 (albeit with a refusal to properly comply with this Court's Order).

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

78 None of the respondents have raised any dispute or complaint regarding the proper interpretation of the Order, nor have they informed the applicant of any problems that they have regarding the interpretation of the applicant's PAIA request for information.

REQUIRED RECORDS

79 This Court has already ordered that "**all of the documents and/or information** requested by the applicant that is in the Minister, the Department, DG and Information Officer's "possession and/or under their control" relating to the applicants' PAIA request for information, must be **"provided"** to the applicant.

80 The applicants PAIA request for information focussed on specific regulatory steps taken by the Previous Minister during 2020, each of them having been formally gazetted in the Government Gazette by the Previous Minister and her Department.

81 The PAIA request for information, and specifically Annexure A thereto, was prepared in an unambiguous manner, and required that the respondents provide "**all *records, reasons, reports, findings, deliberations, communications, memoranda and/or***

further documentation *relied upon by the [Minister] in making"* effectively three main categories of regulations issued during 2020 under the Disaster Management Act 57 of 2002 ("**DMA**"), namely:

81.1 The declaration in terms of section 27(1) of the DMA (the "**section 27(1) declaration**");

81.2 The various extensions of the declaration of a national state of disaster (the "**extension decisions**");

81.3 The specific disaster management regulations issued during the period of 18 March 2020 until 15 December 2020 (the "**lockdown regulations**").

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

DELIVERED PAIA RECORDS

82 The PAIA records that were delivered to the applicant were not sorted and contained numerous undated records that are difficult to identify and categorize according to the three categories of records set out in the PAIA request for information. Despite these issues, upon analysing the records, it became evident that there are significant gaps in the information provided.

83 The applicant in its analysis of whether the respondents have properly complied with the request categories contained in the PAIA request for information, can only refer to those records which are linked to one of the specific categories and/or sub-categories. It would of course be helpful if the respondents had properly identified and sorted their records before delivery, as was requested by KWV in their letter of 21 November 2023.

84 It will be argued at the hearing of this case that to provide an unsorted and uncategorised bundle of documents, without any indication of which document would address which portion of the PAIA request, also constitutes non-compliance with the court order. It is

an act of deliberate disregard and contempt towards an instruction given by this Court to the respondents.

85 According to the schedule prepared by Houman of KWV (see annexure **SA33**), the respondents have delivered a mere 99 individual record items in response to the PAIA request for information. The applicant had to collate the documents so that some order be restored in the chaotic bundles that were delivered. During argument the applicant shall rely on this said schedule.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Section 27(1) of the DMA: decision records

86 In respect of the section 27(1) decision, one would at least expect that the following records would have been generated during the process:

86.1 Records relating to the Previous Minister and her Department's communications, deliberations, and findings relating to the existence of a *national disaster* as required by section 27(1) of the DMA. One would reasonably expect the Previous Minister to have been placed in possession of reports and expert advice regarding the actual and potential nature, scope, impact and severity of COVID-19 and the need for declaration in terms of section 27(1).

86.2 Communications, reports, records of deliberation and memoranda exchanged between the Minister and her Department, and the National Disaster Management Centre ("**NDMC**") regarding the NDMC's own classification of Covid-19 as a *national disaster* in terms of section 23 of the DMA. Classification by the NDMC is a prerequisite for a declaration in terms of section 27(1), and the Previous Minister would be required to consider these findings before making her own decision under the section.

86.3 Considering section 23 of the DMA, one would expect that the following records would be in the possession of the Minister and her Department:

86.3.1 The NDMC's assessment of Covid-19 as a *disaster* or *disastrous event* (section 23(1) of DMA read with the definition of a *disaster* in section 1);

86.3.2 The NDMC's assessment of the magnitude and severity or potential magnitude and severity of Covid-19 (section 23(1)(a) of DMA);

86.3.3 The NDMC's reasons for classifying Covid-19 as a national disaster (section 23(1)(b), and its communication with the various provincial disaster management centre's in this regard (section 23(1)(bA) of DMA);

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

86.3.4 The information and recommendations regarding Covid-19 received from the various municipal and provincial disaster management centre's (section 23(2)(a) of DMA);

86.3.5 The reports, evaluations, communications, and recommendations solicited and received from independent assessors (section 23(2)(b) of DMA);

86.3.6 The reasons given by the NDMC for designating primary responsibility to the Previous Minister, as well as all recommendations, communications, deliberations, and reports exchanged between the NDMC and the Previous Minister and the Department relating to disaster management of the declared national disaster (section 23(8));

86.3.7 The NDMC's assessment of the magnitude and severity or potential magnitude and severity of Covid-19 (section 23(1)(a) of DMA);

86.3.8 The NDMC's reasons for classifying Covid-19 as a national disaster (section 23(1)(b)), and its communication with the various provincial disaster management centres in this regard (section 23(1)(bA) of DMA);

86.3.9 The information and recommendations regarding Covid-19 received from the various municipal and provincial disaster management centre's (section 23(2)(a) of DMA);

86.3.10 The reports, evaluations, communications, and recommendations solicited and received from independent assessors (section 23(2)(b) of DMA);

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

86.3.11 The reasons given by the NDMC for designating primary responsibility to the Previous Minister, as well as all recommendations, communications, deliberations, and reports exchanged between the NDMC and the Previous Minister and the Department relating to disaster management of the declared national disaster (section 23(8)).

86.4 If one is to glean the Previous Minister's section 27(1) declaration as gazetted on 18 March 2020, a copy is attached hereto as annexure **SA43,** it is also clear that, in addition to the general reports, communication and records that she and her Department will need to produce in making a decision under section 27(1), records relating to the following would also have been generated in 2020:

86.4.1 Communication, reports, advisories, agreements and/or deliberations between the Previous Minister, the Department, the NDMC, and the World Health Organisation (**"WHO"**) relating to Covid-19 and the declaration of a global pandemic;

86.4.2 Communication, reports, advisories, agreements and/or deliberations regarding the *special circumstances* considered by the Previous Minister and her Department;

86.4.3 Communication, reports, advisories, agreements and/or deliberations between the Previous Minister, the Department, the NDMC, the WHO and other state organs regarding:

(a) the regulations and directions which the Previous Minister would need to issue, at that time;

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

(b) The types of assistance and protection that the public required at that time;

(c) The relief which the public required at that time;

(d) The risks to property which was to be protected at that time;

(e) The types of disruption which was foreseen at that time and the measures to combat or prevent such disruptions which was being considered and/or discussed at that time;

(f) The measures which were being considered and discussed at that time to deal with the destruction and effects of the disaster as identified at that time.

87 In addition to the strict statutory communication, reporting and deliberations which would have been exchanged by the Previous Minister and her Department at that point in time, one would expect quite a flurry of communication, consultation and deliberation with various state departments, other organs of state, non-government organisations, international bodies, stakeholders, experts and consultants in order to come to a

decision regarding the section 27(1) declaration. All of these activities would have generated correspondence, meeting minutes, reports and records.

88 If one considers the PAIA records delivered to KWV by the State Attorney, the only records that seem to pre-date 18 March 2020 (or which were generated on 18 March 2020) are the following:

88.1 A Guideline for Contingency Planning and Arrangements dated 19 April 2019, ostensibly prepared by a Directorate: Policy and Regulatory Frameworks and approved by the Head of the National Disaster Management Centre;

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

88.2 A presentation ostensibly prepared by Prof Dewald van Niekerk of the Northwest University, African Centre for Disaster Studies, dated 5 March 2020;

88.3 A statement by the Academy of Science South Africa (ASSAF), which despite being undated, from its contents seems to have been issued prior to the declaration of a *national disaster by* the NDMC;

88.4 A legal opinion by a GB La Foy of the Office of the Deputy Director-General: Constitutional Development dated 14 May 2020, titled *Legal Opinion on the Legal Instruments Applicable to the Country Response to the N COVID-19 Virus, (Coronavirus);*

88.5 A document ostensibly prepared by a *Containment Preparedness Workstream* and simply dated *March 2020*, titled *Containment Preparedness Plan for the Covid-19.* I attach a copy of this document as annexure **SA44**;

88.6 A document prepared by the Western Cape Department of Health dated *March 2020* titled *Interim Novel Coronavirus Disease (COVID-19) 72-Hour Preparedness and Response Plan.* I attach a copy of this document as annexure **SA45**;

88.7 A document signed by a Dr Beth Engelbrecht, Head of Health of the Western Cape Department of Health, titled *Department Health Republic of South Africa: Novel Coronavirus (Covid-19) Provincial Readiness Checklist: Province: Western Cape* dated 6 March 2020. I attach a copy of this document as annexure **SA46**;

88.8 A document which the State Attorney on 22 December 2022 titled as *NDMC Legal basis for control – Legal workstream March 2020,* when uploading the record to the CaseLines file. A copy of this document is attached hereto marked annexure **SA47**;

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

88.9 A letter issued by the Department Basic Education dated 11 March 2020 and titled *Containment/Management of Covid 19 for Schools and School Communities*;

88.10 A draft version of a document titled *Trave Advisory / Ban (Legal Work-stream)* dated 13 March 2020;

88.11 A document titled *Containment Plan for Covid-19 Disease* ostensibly prepared by *Nine (9) South African Provincial Disaster Management Centres* dated *March 2020*. A copy of this document is attached as annexure **SA48**. According to the document, the main contributors to the document was the NDMC, the nine provincial disaster management centres, *sector departments* and *state entities;*

89 It is plainly inconceivable that the respondents have in their possession only 11 records that fall within the description of "**all *records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation*** *relied upon by the [Previous Minister] in making" her* section 27(1) of the DMA decision. The declaration of Covid-19 as a national state of disaster is probably one of the most significant governmental events in recent history.

90 The applicant finds the position taken by both the Previous Minister as well as the incumbent Minister that they have fully complied with the Order in respect of the Previous Minister's section 27(1) of the DMA decision to be unfathomable and unsatisfactory.

91 The respondents are called upon to explain to this Court how it can be accepted that the principal ministry and department responsible for disaster management during 2020 would only be in possession of approximately 11 records pertinent to the Previous Minister's decision under section 27(1).

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Extension decisions

92 Section 27(5) of the DMA stipulates that a national state of disaster, declared pursuant to section 27(1), shall automatically lapse three months after its declaration (section 27(5)(a)). The Minister has the power to extend a national state of disaster with one month at a time by issuing a notice in the Government Gazette before it lapses (section 27(5)(c)).

93 For the Previous Minister to extend a national state of disaster, it would be imperative for her to determine that all the necessary conditions required for a declaration of a national state of disaster are indeed still present at the time the decision is made. The power to declare a national state of disaster lies with the Minister (historically the Previous Minister), and she and her department must ensure that the decision to extend the national state of disaster is made lawfully by applying her mind to the matter.

94 Considering the aforementioned, it is reasonable to assume that the Previous Minister and the Department would have been obligated to obtain and evaluate pertinent information regarding the continuance of the conditions for a national state of disaster, and also generate requisite advisories, memoranda, and communication during the consideration of each extension in a similar fashion as discussed in paragraphs 86 and 87 above.

95 The wording of the Previous Minister's extension notices as published each month during 2020 in the Government Gazette are important to note. I attach as annexure **SA49** an example the extension notice published on 14 October 2020, in which the following was stated:

> *"EXTENSION OF A NATIONAL STATE OF DISASTER (COVID -19)*
>
> *"I, the Minister of Cooperative Governance and Traditional Affairs, as designated under section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002) ("the Act "), in terms of section 27(5)(c) of the Act, hereby further* ***extend the national state of disaster*** *that I extended to 15 October 2020 by Government Notice 995, published in Government Gazette 43713, to 15 November 2020,* ***taking into account the need to continue augmenting the existing legislation and contingency arrangements undertaken by organs of state to address the impact of the disaster"*** *[Own emphasis added].*

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

96 Similar wording was used in all the extension notices filed in 2020.

97 It is clear from the wording of the extension notices that a large number of records must have been generated by the Previous Minister and her Department during each month of disaster management. The notice suggests that there were numerous interactions between the Previous Minister, her department, other state departments, other organs of state, non-government organisations, international bodies, stakeholders, experts, and consultants. Considering only what the notice itself says, one can assume that records would exist for each month of the Previous Minister's disaster management relating to:

97.1 The consideration of the changing scope, impact and magnitude of Covid-19 in South Africa;

97.2 Evidence and support for the extension of a national state of disaster for Covid-19 at that specific point in time;

97.3 The need to augment existing legislation, which implies correspondence, meeting minutes, reports and documentation between the Minister, her department and the various ministries, ministerial clusters and state departments regarding specific legislation allocated to them;

97.4 Specific contingency arrangements undertaken by various organs of state to address the impact of Covid-19 in the country, which again implies correspondence, meeting minutes, reports and documentation between the Minister, her department and various organs of state.



Lockdown regulations

98 The lockdown regulations portion of the PAIA request for information specified 13 regulations and amendment regulations issued by the Previous Minister as part of her disaster management regulations in 2020. The PAIA request for information required that the respondents deliver to the applicant "**all *records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation*** *relied upon by the [Minister] in making" the* following specific regulations published in 2020:

98.1 Disaster Management Act, 2002: Regulations published on 18 March 2020 (GG43107);

98.2 Disaster Management Act, 2002: Amendment regulations published on 25 March 2020 (GG43148);

98.3 Disaster Management Act, 2002: Amendment regulations published on 2 April 2020 (GG43199);

98.4 Disaster Management Act, 2002: Amendment regulations published on 16 April 2020 (GG43232);

98.5 Disaster Management Act, 2002: Amendment regulations published on 20 April 2020 (GG43240);

98.6 Disaster Management Act, 2002: Amendment regulations published on 29 April 2020 (GG43258);

98.7 Disaster Management Act, 2002: Amendment regulations published on 28 May 2020 (GG43364);

98.8 Disaster Management Act, 2002: Amendment regulations published on 25 June 2020 (GG43476);

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

98.9 Disaster Management Act, 2002: Amendment regulations published on 12 July 2020 (GG43521);

98.10 Disaster Management Act, 2002: Amendment regulations published on 31 July 2020 (GG43577);

98.11 Disaster Management Act, 2002: Amendment regulations published on 17 Augustus 2020 (GG43620);

98.12 Disaster Management Act, 2002: Amendment regulations published on 18 September 2020 (GG43725);

98.13 Disaster Management Act, 2002: Amendment regulations published on 15 December 2020 (GG43997).

99 Each person residing in South Africa during 2020 would have also experienced the near daily reports, press releases and public statements made by various members of the government relating to the national state of disaster, its monthly extension and the specific measures implemented and actions taken by the Previous Minister, her

Department and the other ministries and organs of state tasked with responding to the declared national state of disaster.

100 It suffices to direct this Court's attention to the lockdown regulations issued by the Previous Minister on 29 April 2020, which would become the cornerstone regulations for the rest of 2020 and beyond. These regulations are a testament to the extensive efforts in regulation-making and disaster management undertaken by the Previous Minister and her Department during the aforementioned period. For reference, the published regulation dated 29 April 2020 is appended as annexure **SA50**.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

101 Given the circumstances, one might reasonably anticipate a comprehensive trail of communications, including correspondence, meeting minutes, reports, and other relevant documents existing between the Minister, her department, and various ministries, ministerial clusters, and state departments in the lead-up to the development of these regulations.

102 Furthermore, the regulation enacted on 29 April 2020 introduced significant and multifaceted restrictions on the everyday lives of citizens. It also distinctly impacted the operational modalities of businesses during the continued national state of disaster, indicating a substantial deviation from the norm in regard to ordinary business, trade and commercial operations.

103 The 29 April 2020 lockdown regulations *inter alia*:

103.1 Issued general provisions applicable during the national state of disaster included measures to contain the spread of Covid-19, directives regarding medical examination, prophylaxis, social distancing, mask-wearing, treatment, isolation, quarantine, contact tracing, and the release of resources amongst branches of government and state organs.

103.2 Addressed the creation and maintaining of shelters and sites identified for the management of Covid-19;

103.3 Created emergency procurement procedures, powers and indemnities for organs of state;

103.4 Specifically, under Alert Level 4 (as on 29 April 2020), the regulations introduced severe restrictions and directives regarding:

103.4.1 Restriction on the movement of person: The regulations imposed significant constraints on the movement of individuals and children. This included limitations on the reasons for which individuals could leave their homes, such as for essential services or medical emergencies, thereby curtailing the freedom of movement and daily activities of citizens.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

103.4.2 Public gatherings and social activities: Gatherings were strictly regulated under these rules, which had a direct impact on social activities, religious congregations, and community events. This limitation affected not only personal freedoms but also the operations of businesses, religious and social organisations and institutions that host such gatherings.

103.4.3 Restrictions on business operations and economic sectors: Specific guidelines were set for the operation of various economic sectors. This included determining which businesses could operate during the lockdown, under what conditions, and with what safety measures in place. The closure of certain sectors and the stringent operational guidelines for others significantly affected the economic freedom and viability of businesses.

103.4.4 Restrictions on public transport and border closure: The regulations also impacted the operation of public transport systems and the closure of borders, affecting both personal travel and the movement of goods. This had implications for businesses reliant on cross-border trade and individuals dependent on public transport for daily commuting.

103.4.5 Prohibition on evictions: The prohibition on evictions provided some protection for tenants but also imposed restrictions on property owners, which affected their ability to sustain rental property investments.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

103.4.6 Prohibition funerals, and controlled visits: The attendance of funerals was strictly controlled, impacting cultural, religious, and personal practices. Moreover, controlled visits to various places limited public access to certain services and locations.

103.4.7 Sale and transportation of liquor and tobacco products: The regulations imposed a ban on the sale, dispensing, and transportation of liquor and tobacco products. This not only impacted individual freedoms but also had significant commercial implications for businesses in these sectors.

103.5 Established offences and penalties, which resulted in the arrest, detention and conviction of thousands of persons for contravening the regulations.

104 The applicant would, if nothing else, expect a substantial record of the interactions between the Previous Minister, her Department and the Minister of Health, Minister of Trade, Industry and Competition, Minister of Police, Minister of Justice and Constitutional Development, Minister of Basic Education, and the Minister of Small Business Development (and specifically their relevant state departments). Such interactions would also have occurred during the process of considering augmented the

29 April 2020 regulations, which occurred at least 7 times between April and December 2020 (see paragraphs 101.7 - 101.13 above).

Records actually delivered

105 The inadequate categorisation and identification of records furnished by the respondents significantly impedes the applicant's ability to evaluate the extent of the Minister's compliance with this Court's Order. Despite these challenges, the applicant has endeavoured to examine the records, specifically to identify which records might form part of the quite extensive disaster management period of April 2020 to December 2020, with a view to discerning their contents and ascertaining the degree to which the Minister has adhered to the PAIA request for information concerning both the Previous Minister's extension decisions and her lockdown regulations.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

106 The applicant contends that the most cogent method to demonstrate the issues concerning the extent and comprehensiveness of the records provided in response to the PAIA request for information is by examining the quantity and range of records delivered between April and December 2020. Employing logical analysis, a comparison should be made between the number of records delivered by the respondents and what, based on experience, one would reasonably foresee to have been generated and obtained by the Previous Minister and the Department during the national state of disaster period. This is particularly pertinent considering the matters addressed by the Minister in her 29 April 2020 lockdown regulations.

107 For this purpose, I again refer the Court to the schedule of records prepared by Houman (see annexure **SA33**) in which the applicant has itemised and dated (where possible) each record delivered by the applicant. The schedule shows a total of 99 individual records of which 10 record sets (items 90 – 99 on the records schedule prepared by Houman) make up the rule 53 record delivered by the Minister in the *Fair-Trade Tobacco*-case.

108 It is pertinent at this juncture to note that the Fair-Trade Tobacco records, as catalogued in Houman's record schedule, have not been individually itemised. These documents primarily pertain to the rule 53 review proceedings concerning the tobacco ban spanning March to May 2020. While these records certainly fall under the scope of the PAIA request for information, their preparation has been executed in accordance with rule 53. These records where collected and prepared for the purpose of justifying the Previous Minister's tobacco ban. They do not encompass any substantial correspondence, meeting minutes, reports, or other forms of documentation between the Minister, her department, and the various ministries, ministerial clusters, and state departments that were involved in the monitoring and management of the tobacco ban.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

109 This latter category of documents would (and has *in casu*) ordinarily be generally excluded from a rule 53 record, whilst still being integral to the applicant's PAIA request for information. Despite being possibly the most extensive collection of records provided by the respondents, these documents should still be regarded as inadequate and non-compliant with the Order in terms of the breadth and depth of the applicant's PAIA request for information.

110 The applicants' best efforts to sort the records delivered by the respondents render the following results:

110.1 Total record items delivered in respect of the *Fair-Trade Tobacco*-case = 10 out of 99 record items;

110.2 Total record items delivered in respect of period prior to the end of April 2020 = 28 out of 99 record items;

110.3 Total record items delivered in respect of May 2020 – December 2020 = 39 out of 99 record items;

110.4 Total undated /unidentifiable record items delivered = 22 out of 99 record items.

Total = 99 record items delivered

111 Considering all of the regulations made and extension decisions taken by the Previous Minister during the period of May 2020 to December 2020, the actual number of dated record items delivered to KWV for that period is quite surprising:

111.1 Delivered in respect of May 2020 – 4 identifiable records;

111.2 Delivered in respect of June 2020 – 8 identifiable records;

111.3 Delivered in respect of July 2020 – 8 identifiable records;

111.4 Delivered in respect of August 2020 – 8 identifiable records;

111.5 Delivered in respect of September 2020 – 2 identifiable records;

111.6 Delivered in respect of October 2020 – 0 identifiable records;

111.7 Delivered in respect of November 2020 – 0 identifiable records;

111.8 Delivered in respect of December 2020 – 9 identifiable records;

Total for period = 39 out of 99 record items delivered

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

112 Should the respondents contest the applicant's analysis, they are hereby called upon to furnish this Court with an alternative examination of the records submitted to KWV pursuant to the Order.

113 The applicants find the respondents' contention that a mere 99 record items would fall within the scope and ambit of the Order and the PAIA request for information to be most unsatisfactory and unbelievable.

CONTEMPT OF COURT

114 It is a conceded fact that the respondents did not comply with the Order.

115 On the respondents' own version, the Minister was advised to bring an application for the recission of the Order/s granted by this Court. The recission would be premised on the notion that there are many documents that the Minister does not want to disclose, because she wants to rely on exceptions such as section 12 of PAIA. This is set out in her letter of 20 January 2023 (para 56 *supra).* This constitutes an acknowledgement that there exist several documents that the minister does not wish to disclose, being a deliberate rejection of this Court's order.

116 Accepting that the Minister did not bring the recission application, she has no choice but to comply with the Order of this Court. The Previous Minister made a total about turn approximately a month after the 20 January 2023 letter, in that she on 23 February 2023 (opposed to what she had already conceded) adopted suddenly the stance (which stance was subsequently also adopted by the new Minister), that all documents had been delivered. This is on the prior concession made incorrect.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

117 Bearing in mind, that numerous somewhat draconic regulations flowed from publicly and well recorded decisions taken by the previous Minister, her bald denial of the existence of further documents is not only implausible, but farfetched and legally untenable.

118 In addition, I have now demonstrated that in respect of several of the decisions taken by the previous minister, not one single identifiable record has been delivered. It can surely not be the case of the Minister that she extended the national state of disaster and/or issued several regulations, without having considered one single record on which such far reaching decisions may have been based. If that is the case, which is as stated implausible and far-fetched, the Minister must say so. She unequivocally has a duty toward the citizens of the Republic of South Africa, being part of a democratic constitutional dispensation, built on the rule of law, to account and be held accountable.

119 Given the patent lack of documents, it follows that the Previous Minister and her successor, the new Minister, as well as the other respondents, have decided (whatever

their reason may be) to wilfully disregard this Court's Order. One reason that was proffered is that they believe that they can rely (in the face of a court order) on section 12 of PAIA (presumably being "cabinet privilege"), but that was never raised, and the order has not been rescinded. It does not assist the Minister.

120 It may be that the some of the other respondents such as the D-G and the Information Officer have not been privy to the decisions that were made by the Previous Minister during 2020, and might not be able to attest to the question whether further documents exist or not, that surely does not apply to the Previous Minister herself (as well as the new Minister who retains direct access to such information).

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

121 Should the Minister therefore decide to oppose this application, it would be incumbent on her to state on oath that she persists with her stance as communicated in the letter, dated 23 February 2023 (as confirmed in the letter of 14 August 2023), and that the impactful decisions taken during the period of the national disaster, were premised on the limited information that she has provided.

122 The applicants express profound dissatisfaction and incredulity at the Minister and her predecessor's assertion of full compliance with the Order and the applicant's PAIA request for information.

123 The respondents are called upon to demonstrate grounds as to why this Court should not view their failure to supply a complete and comprehensive record as contemptuous.

APPROPRIATE RELIEF

124 No specified sentence is prescribed for contempt of court proceedings. The applicant is in the hands of the Court in this regard. The applicant submits that a period of imprisonment of between 30 and 90 days is appropriate to vindicate the Court's honour.

125 The applicant submits that it would be appropriate for the Court to suspend an order for committal in order to allow the respondents an opportunity to comply with the original Order of this Court before the need for imprisonment arises. By framing the order in that way, the Court will ensure that justice is served to all Parties. If any doubt exists as to the respondents proper understanding of the Order, such a constructive order would allow the respondents time to remedy the failure on their side. If the failure to comply persists, no doubt will remain that the respondents are indeed in persistent contempt of this Court's Order.



126 A punitive cost order in favour of the applicant is also warranted. There is no reason why the applicant should be left out of pocket for having to bring an application to compel an already granted court order, especially considering the applicant's patience and the lengths undertaken in trying to get the respondents to comply with this Court's orders.

127 I submit that a proper case has been made for the relief sought in the notice of motion and for an appropriate costs order in the applicant's favour.

TV Alberts

I HEREBY CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED:

(a) he knows and understands the contents of this affidavit;

(b) he has no objection to taking an oath;

(c) he considers the oath to be binding on his conscience.

THUS signed and sworn before me, at **PRETORIA** on this the 13th day December **2023**, the Regulations contained in Government Notice No. R1648 of 19 August 1977 (as amended) having been fully complied with.

52

COMMISSIONER OF OATHS

FULL NAMES:

BUSINESS ADDRESS:

DESIGNATION:

LESEDI MALATJI
COMMISSIONER OF OATHS
Practising Attorney Gauteng
Gildenhuys Malatji Inc
164 Totius Street
Groenkloof, Pretoria 0001

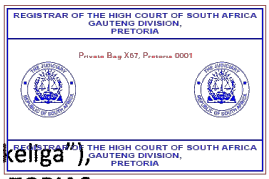
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

SA01

SAKELIGA NPC
REG: 2012/043725/08

DELEGATION OF AUTHORITY

I the undersigned



PIETER JACOBUS LE ROUX

in my capacity as a duly authorised chief executive officer and representative of Sakeliga NPC ("Sakeliga"), so duly authorised by the board of directors with the authority to delegate, do hereby delegate to **TOBIAS VIVIAN ALBERTS**, the following powers and authority:

1) the authority to authorise and/or to institute on behalf of Sakeliga, legal proceedings, which may include but are not limited to urgent proceedings, against the **MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS** ***and such further parties as may be necessary***, which includes but is not limited to applications, contempt of court proceedings and/or appeals and/or reviews of any matter related thereto, and/or the right to authorise that Sakeliga and its legal representatives appear, argue, act, support and/or oppose any matter before any state authority or judicial body in furtherance of this delegation. This delegation and authority implies a broad authority to authorise, institute, oppose and/or participate in litigation on behalf of Sakeliga in the aforementioned matter.

2) the authority to represent Sakeliga in all matters referred to in paragraph 1) above, and to authorise and sign any process, step or document on behalf of and in the name of Sakeliga as its lawful representative.

3) the authority to incur costs on behalf of Sakeliga and to appoint, instruct and direct attorneys, experts and/or consultants to assist Sakeliga with any matters relating to paragraph 1) above.

4) **KRIEK WASSENAAR & VENTER INC** is appointed as attorneys of record for Sakeliga in all matters relating to this delegation.

Signed at Fraserburg **on** 12/12/2023

PIETER JACOBUS LE ROUX – CEO

teenstrydigheid effektiewelik aan te spreek, en

3.3.3. Die aksies neem wat binne hul uitsluitlike diskresie nodig is om die oortreding, botsing en/of teenstrydigheid aan te spreek, wat insluit maar nie beperk is tot die voorstel van wysigings tot die Akte en die belê van 'n spesiale Ledevergadering ten einde daardie wysigings goed te keur.

4. DOELSTELLINGS EN MAGTE VAN DIE MAATSKAPPY

4.1. Ter nakoming van artikel 1 van bylaag 1 tot die Wet, verklaar die Maatskappy hiermee die volgende hoofdoelstellings:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

4.1.1. Die bevordering van konstitusionele orde, vryemarkbeginsels en 'n kapitaalkragtige, regverdige, en volhoubare sake-omgewing in die Republiek;

4.1.2. Die skepping van 'n selfstandige sakegemeenskap in die Republiek;

4.1.3. Die behoud van eiendomsreg, holisties gesien, ooreenkomstig die Grondwet van die Republiek;

4.1.4. Om, sonder inperking, bydraes en skenkings te doen tot die Helpende Hand Beursfonds en/of die Solidariteit Helpende Hand NPC;

4.1.5. Om kollektief namens Lede, ondersteuners en die publiek met Owerhede te onderhandel en verhoudinge met Owerhede asook plaaslike, nasionale en internasionale instansies en persone te beding te einde die doelstellings van die Maatskappy te bevorder;

4.2. Die Maatskappy verklaar hiermee die volgende aanvullende doelstellings, maar sonder inperking van die algemene aard van die Maatskappy hoofdoelstellings:

4.2.1. Om as 'n openbare sakewaghond wat fokus op die regte en belange van sy Lede, ondersteuners en lede van die publiek in die algemeen, op te tree;

4.2.2. Om ondersoek in te stel oor gevalle waar die regte van Lede, ondersteuners asook die publiek oor die algemeen, geskend en/of ingeperk word, en om waar nodig ook op te tree ten einde daardie regte te beskerm of te bevorder.

4.3. Die volgende magte word ook, sonder inperking van die algemene magte van die Maatskappy soos uitgeoefen Direksie kragtens die Wet, aan die Maatskappy verleen:

4.3.1. Om deur selfregulering en privaat institusionele infrastruktuur 'n alternatiewe

sake-omgewing te skep waarbinne ekonomiese aktiwiteit voortgesit kan word;

4.3.2. Om die Maatskappy se Lede, ondersteuners en lede van die publiek in die uitoefen van hul belange en regte, hetsy op plaaslike, nasionale of internasionale vlak, by te staan, te adviseer, te ondersteun en/of te verteenwoordig.

4.3.3. Om die publiek oor die algemeen by te staan met die bevordering van hul regte op `n plaaslike, nasionale en internasionale vlak;

4.3.4. Om 'n vrye, onafhanklike en goedgunstige sake-omgewing in die Republiek te beskerm, stimuleer en waar nodig te skep;

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

4.3.5. Om regsgedinge in te stel, daartoe toe te tree, om sake te opponeer en/of te verdedig, om as *amicus curiae* in sake op te tree, deel te neem aan appèlle, hersienings, en om voor enige Owerheid te verskyn, submissies te maak, te argumenteer, op te tree, teen te staan en/of te ondersteun.

4.3.6. Om met die Owerhede, politieke partye, lede van die sakewêreld, die media asook enige ander lid van die publiek te kommunikeer, te onderhandel, in te debat te tree en om ook waar nodige daardie persone en/of instansies te voorsien met voorstelle, vertoë, submissies, verslae, argument en/of inligting.

4.3.7. Om navorsing ter bevordering van hierdie doelstellings te doen asook om inligting in te samel, statistiek op te bou, te verwerk en te publiseer;

4.3.8. Om onafhanklike regsadvies oor enige saak wat enige doelstelling van hierdie Akte raak, te bekom en waar nodig om ook regsverteenwoordiging aan te stel om die Maatskappy te verteenwoordig in die bevordering van hierdie doelstellings.

4.3.9. Om met ander organisasies of persone met soortgelyke doelstellings te onderhandel, ooreenkomste te sluit, projekte te hardloop, sake te bevorder, befondsing te voorsien, befondsing te ontvang, ondersteuning te bied en/of te affilieer.

4.3.10. Om deel te neem in die bestuur, beheer of aktiwiteite van enige ander organisasie wat soortgelyke doelstellings as die van die Maatskappy het en om in hulle te belê, belange te bekom en/of om vennootskappe of samewerkingsooreenkomste met hulle aan te gaan.

4.3.11. Om enige persoon of organisasie te vergoed vir hul dienste gelewer aan of

Republic of South Africa

South African Government
www.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Cooperative Governance [Department of]

If you are the owner of the contact information below, you can send updated contact information to electronic@gcis.gov.za

Website:	http://www.cogta.gov.za
Email:	info@cogta.gov.za
Facebook:	https://www.facebook.com/NationalCoGTA/
Twitter:	https://twitter.com/NationalCoGTA
Postal Address:	Private Bag X804, PRETORIA, 0001 Private Bag X9123, CAPE TOWN, 8000
Street Address:	87 Hamilton Street, Arcadia, PRETORIA 120 Plein Street, Floor 11, CAPE TOWN
Phone:	012 334 0600 021 461 0330
Fax:	012 334 0603 021 461 0340
Directories:	National Government Directory: National Government Departments

Director-General: Mbulelo Tshangana, Mr

Postal Address: Private Bag X804, PRETORIA, 0001

Street Address:	87 Hamilton Street, Arcadia, PRETORIA
Phone:	012 334 0518
Fax:	086 293 4966
Cell:	060 844 0112
E-mail:	Zandilez@cogta.gov.za

Personal Assistant to the Director-General: Zandile Zondi, Ms



Postal Address:	Private Bag X804, PRETORIA, 0001
Street Address:	87 Hamilton Street, Arcadia, PRETORIA
Phone:	012 334 0518
Fax:	086 293 4966
Cell:	060 844 0112
E-mail:	ZandileZ@cogta.gov.za

Information Officer (PAIA): Thinavhuyo Skosana, Mr

Postal Address:	Private Bag X804, PRETORIA, 0001
Street Address:	87 Hamilton Street, Arcadia, PRETORIA
Phone:	012 334 0518
Fax:	086 293 4966
E-mail:	ThinavhuyoN@cogta.gov.za

Departmental Librarian: Sthembele Faleni (Acting), Mr

Postal Address:	Private Bag X804, PRETORIA, 0001

Street Address: 87 Hamilton Street, Arcadia, PRETORIA

Phone: 012 334 0795

Fax: 012 334 0751

E-mail: stembelef@cogta.gov.za

EXPLORE GOV.ZA



Statements

Documents

Events

Key issues

Government opinion pieces

About government

About South Africa

Contact your government

Feedback

Sitemap

Get e-mail updates

Services for residents

Services for organisations

Services for foreign nationals

FAQs

Terms and conditions

RSS feeds



DEPARTMENT OF HEALTH'S COVID-19 ONLINE RESOURCE AND NEWS PORTAL

Copyright 2023 Government of South Africa. All Rights Reserved

SEND ME
TO BUILD THE MZANSI I WANT

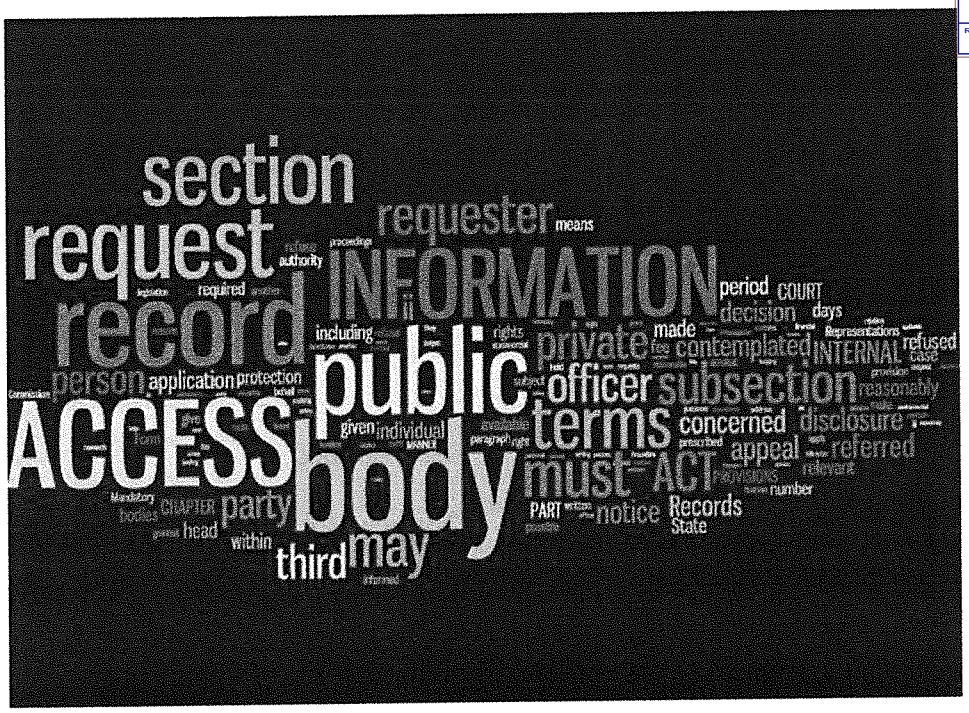
067
SA04

cooperative governance

Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA

PROMOTION OF ACCESS TO INFORMATION ACT:
SECTION 14 MANUAL

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA



Revision number 1.0, 2.0, 3.0, 4.0

Reference number 8/1/1/1/1

Date completed March 2012, Revised 2013, Revised 2016, Revised 2020

TABLE OF CONTENTS

1. INTRODUCTION 3
2. PURPOSE 4
3. EXCLUSIONS 4
4. THE ROLES AND FUNCTIONS OF THE DEPARTMENT 4
The Department's Vision 4
The Department's Mission 4
The Department's Values 4
The Department's Strategic Objectives 5
High-Level organisational structure 5
5. CONTACT DETAILS 6
5.1 Information Officer 6
5.2 Deputy Information Officer (Head of Communication) 7
5.2 Addresses 7
6. THE SECTION 10 GUIDE ON HOW TO USE THE ACT 7
7. ACCESS TO RECORDS HELD BY THE DEPARTMENT 8
7.1 Categories of records held by the Department 8
7.2 Publications available 9
7.3 Categories of records automatically available from the Department 9
8. REQUEST PROCEDURE 10
8.1 Process 10
8.2 Fees 12
8.2.1 Fees in respect of public bodies 13
8.2.2 Exemptions and determinations for purposes of section 22(8) 14
9. GRANTING / REFUSAL OF REQUESTS 15
9.1 Refusal of request 15
9.2 Appeal 16
10. APPENDIXES 17

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

FORM A 18
FORM B 21
FORM D 23

1. INTRODUCTION

The Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), section 32 stipulates that everyone has the right of access to any information held by the State or any another person provided the information is required for the exercise or protection of any rights. The Act further stipulates that national legislation must be enacted to give effect to this right.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) hereafter referred to as "the Act" gives effect to the constitutional right of access to information held by any public or private body and is required for the exercise or protection of any rights. The Act details the procedures to be followed when making such request for information held either by a public body or private body.

Section 9 of the Act, however, recognizes that such right to access to information is subject to certain justifiable limitations such as those including, but not restricted to:

- The reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance.

Section 14 of the Act obliges public bodies to compile a manual to assist a person to obtain access to information held by the public body. The Act also stipulates the minimum requirements with which such a manual has to comply.

The purpose of this manual is therefore to inform a person on how to obtain access to records held by the Department of Cooperative Governance (DCoG), hereafter referred to as "the Department" thus giving effect to section 14 of the Act.

2. PURPOSE

This manual sets out to provide the requester, invoking "the Act", with the necessary contact details and procedures to obtain specific information from the Department.

The manual also endeavors to supply the requester with a clear overview of the structure, functions, services and index of information of the Department to enable the requester to identify the area of possible existence of the required information.

The manual also provides the required forms and fees applicable to the request.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

3. EXCLUSIONS

This manual only provides for the records of the Department and not for any of its agencies or linked entities. Any requests for access to information from any of the agencies must be directed to the Information Officer of the relevant organisation.

4. THE ROLES AND FUNCTIONS OF THE DEPARTMENT

The Department's Vision

An integrated, responsive and highly effective governance system, including communities, to achieve sustainable development and improved service delivery.

The Department's Mission

Our mission is to facilitate cooperative governance and support all spheres of government, promote traditional affairs and support associated institutions through:

- Developing appropriate policies and legislation to promote integration in government's development programmes and service delivery;
- Providing strategic interventions, support and partnerships to facilitate policy implementation in the Provinces and Local Government; and
- Creating enabling mechanisms for communities to participate in governance.

The Department's Values

Our values are informed by the Batho Pele (People First) principles of the South African Public Service and the specific the Department focus on the following:

- Professionalism;
- Activist approach;
- Partnership and collectivism
- Service excellence

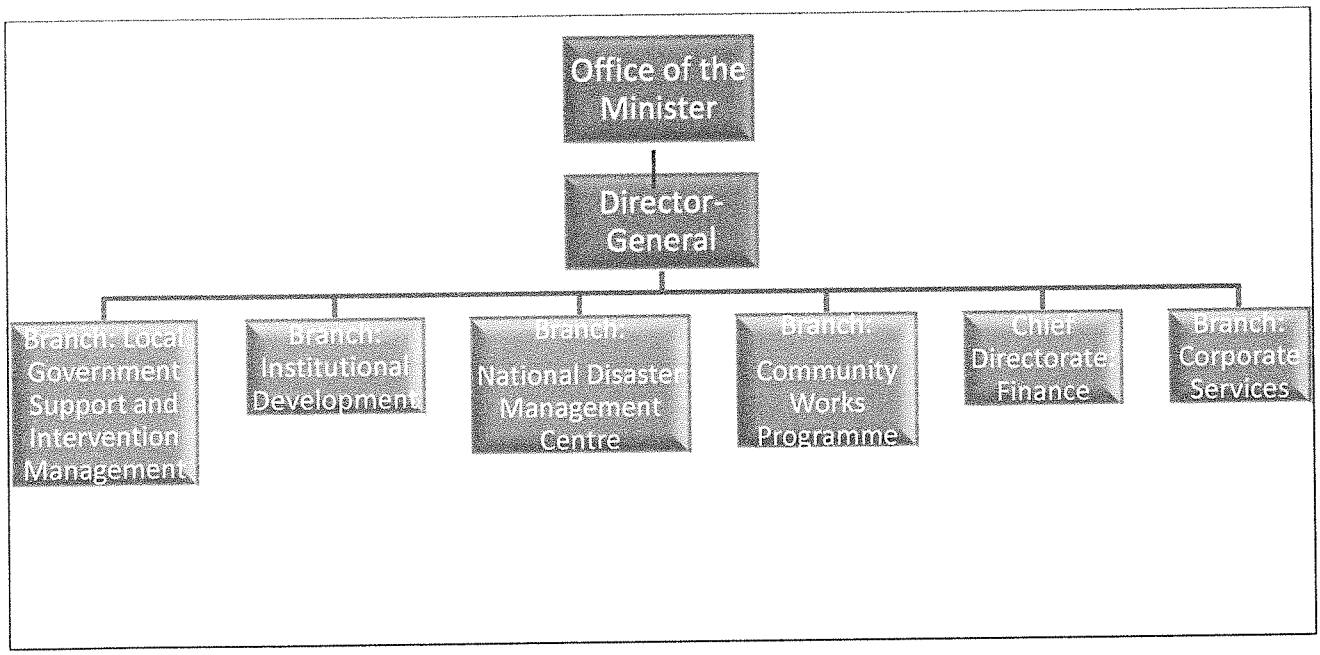
The Department's Strategic Objectives

The Department had adopted the following five strategic objectives:

1. Contribute to building a developmental State in National, Provincial and Local Government that is efficient, effective and responsive;
2. Strengthen Accountability and Clean Government
3. Accelerating Service Delivery and supporting the vulnerable
4. Fostering Development Partnerships, Social Cohesion and community mobilisation and
5. To strengthen the Department's organisational capability and performance to deliver on its mandate

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

High-Level organisational structure



The Department's objectives are pursued through the following programmes:

Functions	Description
Local Government Support and Interventions Management	To coordinate and drive Back to Basics activities across Department and Government as a whole in order to create change on the ground.
Policy and Legislation	To analyse, develop policy in order to drive transformation in local Government and in the system of planning and Cooperative Governance more broadly.
Institutional Development	To build institutional resilience in the local government system through system development, capacity building and revenue management.
National Disaster Management Centre	To promote an integrated and coordinated system of disaster prevention, mitigation and risk management.
Community Work Programme	To manage the provision of work opportunities in all municipalities ensuring community development.
Finance	To manage the provision of sound financial management services in line with legislative prescripts.
Corporate Services	To manage integrated and innovative corporate solutions to enable the Department to achieve its strategic and operational goals.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Services provided by the Department:

Each of the Department's divisions has forged a medium-term plan that outlines the contribution of that division to the achievement of the Department's strategic objectives. These detailed strategy documents are available on request.

5. CONTACT DETAILS

5.1 Information Officer

DIRECTOR-GENERAL	PHONE	FAX	EMAIL
Ms Avril Williamson	(012) 334 0518	086 558 0479	Avrilw@cogta.gov.za

5.2 Deputy Information Officers

DIO	PHONE	FAX	EMAIL
Mr Themba Fosi	(012) 334 0800	086 558 0479	ThembaF@cogta.gov.za
Ms Thinavhuyo Skosana	(012) 334 4883	086 558 0479	ThinavhuyoN@cogta.gov.za
Ms Manahano Mokone	(012) 336 5813	086 558 0479	ManahanoM@cogta.gov.za
Dr Mmaphaka Tau	(012) 334 4602	086 558 0479	MmaphakaT@ndmc.gov.za

5.2 Addresses

POSTAL ADDRESS	PHYSICAL ADDRESS	WEBSITE
The Information Officer Department Cooperative Governance Private Bag x 804 PRETORIA 0001	The Information Officer Department Cooperative Governance 87 Hamilton Street Arcadia PRETORIA	www.cogta.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

6. THE SECTION 10 GUIDE ON HOW TO USE THE ACT

Section 10 of the Act imposes a duty on the Human Rights Commission to "compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may be reasonably required by a person who wishes to exercise any right contemplated in the Act. This Guide had to be published on 15 August 2003. Through regulations, the Minister of Justice has however granted the commission an extension until 31 August 2004 to produce this guide.

Any enquiries regarding this guide should be directed to:

The South African Human Rights Commission,
At PAIA Unit (The Research and Documentation Department).
Private Bag X2700, HOUGHTON, 2041;
Telephone number: 011 484 8300;
Fax number: 011 484 1360
Website: www.sahrc.org.za
Email address: paia@sahrc.org.za

7. ACCESS TO RECORDS HELD BY THE DEPARTMENT

7.1 Categories of records held by the Department

1. Divisional Administration
   This category mainly deals with information relating to administration and internal documents of the Department and its division. The type of information that is included in this category is business plans and divisional expenditure and progress reporting, processes, procedures and the Department's internal policies.
2. Contact Management and Stakeholders
   Contact management information includes information about all key stakeholders and clients and the relationship that the Department has with these as well as interactions. Requests, status requests and complaints raised by stakeholder or client will also be kept as part of contact information.
3. Financial and Human Resources Administration
   This includes the Department's financial information such as budgets, financial expenditure against budgets, and financial position of budgeted incentives. This information directly relates to both salaries and procurement activities. Human resources information relates to salaries, leave, skills and development plans for individuals, as well as objectives for individuals and their performance against these.
4. Supplier and Skills
   This category includes information about suppliers of skills and services to the Department as well as the BEE status of such organisations or individuals. This information forms part of the procurement information.
5. Programme/Project Management
   This is information related to the Department's programmes and projects that vary from donor-funded development, the Department's programmes events. This includes the planning, budgeting, monitoring, deliverables and outcome details.
6. Regulatory and Legal
   The Department administers a range of related acts, regulations and policies. In addition, the Department has records of legal cases related to cooperative governance issues.
7. Policies
   There are a number of policies related to local government aspects that drive the actions and interventions of the Department. These policies are revisited and improved at regular intervals and form the central framework for the regulatory information. Operational policies are also available to all of the Department's employees by means of the intranet, to familiarize themselves with the functionality of all divisions and any change that may have an impact on the manner in which they perform their work.
8. Provincial Governance

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

This category of records relates to the financial monitoring and evaluation of provincial structures' governance and financial functions as well as to the local government oversight and monitoring.

9. Anti-corruption and fraud
   This is information related to the provision and support of anti-corruption and fraud management to external stakeholders.
10. Infrastructure and Economic Development
    These records relate to the development and review of the Economic Framework and the provision of support and facilitation of Local Economic Development. This also includes the records on planning and support of economic development on local and provincial level.
11. National Disaster Management
    This category of records relates to the planning, development and implementation of frameworks and management of national disasters.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

7.2 Publications available

Annual Reports
Acts
Bills
Policies
Strategic Plans
Medium Term Strategic Frameworks
The Integrated Development Framework (IUDF)
The IUDF Implementation Plan
IUDF Background Papers
The Back to Basics Approach concept Document
Local Government Summit papers – Back to Basics

7.3 Categories of records automatically available from the Department

All information available on the Department's website. www.cogta.gov.za
Information as listed in Form C of this manual

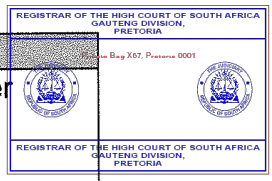
8. REQUEST PROCEDURE

8.1 Process

In order to process requests for information through the Access to Information Act, the following processes have been implemented in the Department:

Step 1: Application process

To request information, the requestor has to complete the request form (see Annexure A) and submit it to:



BY POST	BY HAND	BY FAX
The Information Officer Department Cooperative Governance Private Bag x 804 PRETORIA 0001	The Information Officer Department Cooperative Governance 87 Hamilton Street Arcadia PRETORIA	The Information Officer 086 558 0479

As require by the Act an amount of R35.00 must accompany the request for information if it is not from a Personal Requester. This is payable by cheque, cash (if delivered by hand) or deposited into the Department's bank account (proof of the deposit must accompany the request form):

Bank: South African Reserve Bank
Account name: Cooperative Governance and Traditional Affairs
Account no: 00080332382
Branch code: 910145
Account type: Paymaster General Account

Contact Person: Josias Moloto
E-mail:Josiasm@cogta.gov.za
Tel no: 012 334 0909

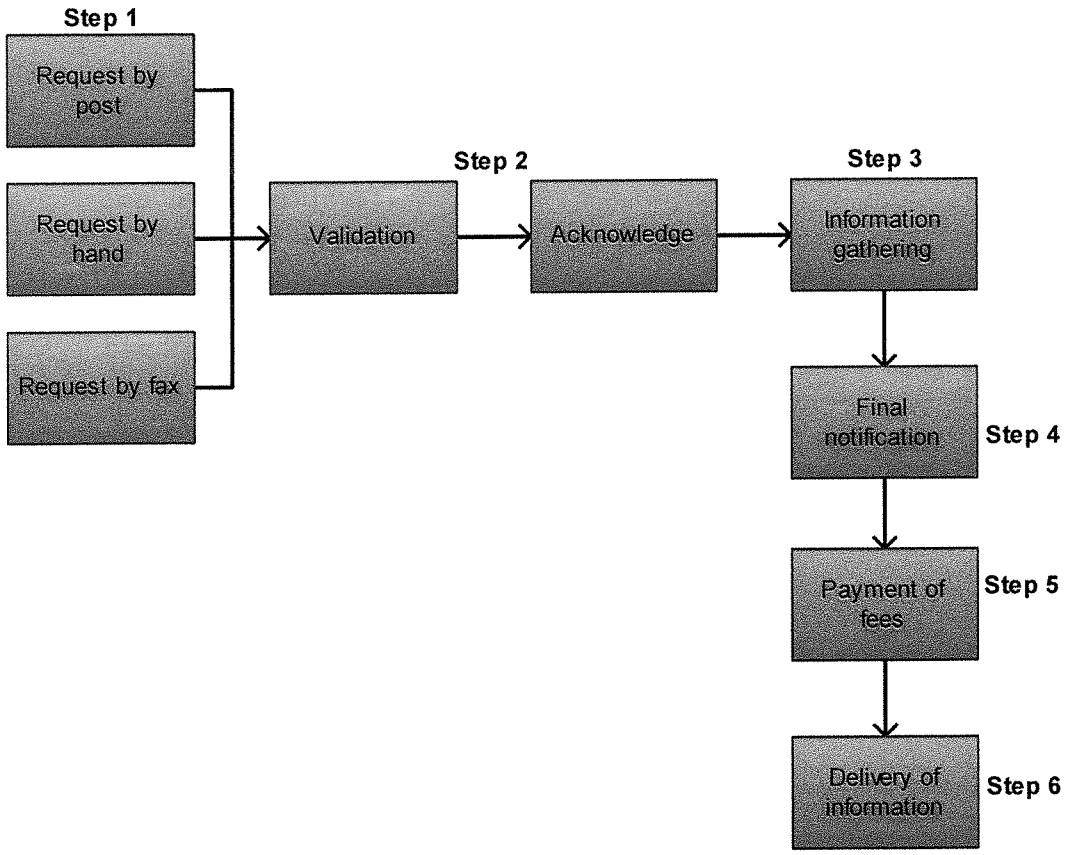
Step 2: Validation and acknowledgement
The Information Officer of the Department receives and validated the request to see whether the required information is available in the Department. The request is then accepted, rejected or transferred to the rightful keepers of the required information. An acknowledgement is then forwarded to the requester to confirm the status of the request.

Step 3: Information processing
If the request is accepted, the Department will gather and prepare the information and calculate the relevant cost involved (See paragraph 8.2)

Step 4: Final Notification
The requester will be informed of the completion of the request as well as the outstanding fees payable to the Department.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

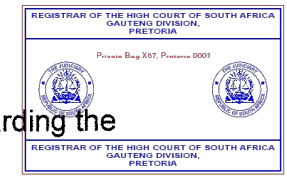
Step 5 and Step 6: Payment and Delivery
Once the payment as stipulated in Step 4 is received (following the same payment process as stipulated in Step 1), the information is released to the requester.



General Information

A person wishing to obtain access to a record held by the Department must complete the request form contained in Form A of Annexure B to the regulations promulgated under the Act, and contained as Appendix A to this manual. The regulations (and Section 18 of the Act), require the requester to furnish the following information:

- Particulars of the person requesting access to the records
- Particulars of the person on whose behalf the request is made
- Particulars of the record or records to which access is requested
- Which form of access is required, e.g. written or printed form, electronic or computer readable form, etc.
- The postal address or fax number of the requester
- Whether the record concerned should be in a specific language
- An indication as to how the requester wishes to be notified of the decision regarding the request for access to the record(s) concerned.



Any request received will be dealt with within 30 days from receipt, unless the requester has stated special reasons, which would satisfy the Information Officer, that circumstances dictate that the above time periods not be complied with. The thirty day period within which the Department has to decide whether or not to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large number of information, or the request requires a search for information held at another office of the institution and the information cannot reasonably be obtained within the original thirty day period. The Department will notify the requester in writing should an extension be sought.

If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally. The Information Officer of the Department will then reduce that oral request to writing in the prescribed form, and provide a copy thereof to the requester.

8.2 Fees

The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee payable only by requesters, and not personal requesters.
- An access fee, which is calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

Once the Information Officer receives a request, he/she will, by notice:

- Require the requester to pay the prescribed request fee before further processing the request.
- If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer will notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- The Information Officer will withhold the record until such time the requester has paid the fees as indicated in Section 8.2.1
- A requester, whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.
- If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer will repay the deposit to the requester.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

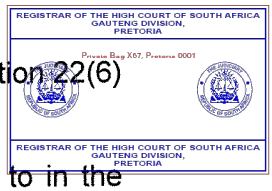
8.2.1 Fees in respect of public bodies

For purposes of section 22(2) if the Act, the following applies:

DESCRIPTION	AMOUNT (R)
The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2)	35.00
Copy of the manual as contemplated in regulation 5(c) (for every photocopy of an A4 size page or part thereof)	0.60
The fees for reproduction referred to in regulation 7(1) are as follows:	
1) For every photocopy of an A4 page or part thereof	0.60
2) For every printed copy of an A4 page or part thereof held on a computer or in electronic device or machine	0.40
3) For a copy in a computer readable form on a) Stiffy drive b) Compact disc (readable form)	 5.00 40.00
4) For a transcription of visual images a) For an A4 page or part thereof b) For a copy of visual images	 22.00 60.00
5) For a transcription of an audio record a) For an A4 page or part thereof b) For a copy of the audio record	 12.00 17.00
The access fees payable by a requester referred to in regulation 7(3) are as follows:	
1) For every photocopy of an A4 page or part thereof	0.60
2) For every printed copy of an A4 page or part thereof held on a computer or in electronic device or machine	0.40
3) For a copy in a computer readable form on c) Stiffy drive	 5.00

d) Compact disc (readable form0	40.00
4) For a transcription of visual images, for an A4 page or part thereof	22.00
5) For a copy of visual images	60.00
6) For a transcription of an audio record c) For an A4 page or part thereof d) For a copy of the audio record	 12.00 17.00
To search for and prepare the record for disclosure, excluding the first hour, reasonably required for such search and preparation	15.00 per hour or part thereof
The actual postage is payable when a copy of a record must be posted to a requester. Postage cost is dependent on the relevant tariff in terms of postage destination	Actual cost

8.2.2 Exemptions and determinations for purposes of section 22(8)



The following persons are exempt from paying the access fee contemplated in section 22(6) of the Act:

- A single person whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R 14,712.00 per annum.
- Married persons or a person and his or her life partner whose annual income does not exceed R 27,192.00 per annum.

It is further determined that:

- Where the cost of collecting any fee contemplated in section 22 of the Act, exceeds the amount charged, such fee does not apply.
- The access fee contemplated in section 22(8) of the Act does not apply to the personal record of a requester.
- The request fee contemplated in section 22(l) of the Act and the access fee contemplated in section 22(6) of the Act do not apply to a record requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act 99 of 1998) or the regulations made under section 44 of that Act.

9. GRANTING / REFUSAL OF REQUESTS

9.1 Refusal of request

The main grounds on which the Department can refuse a request for information relate to:

- The mandatory protection of the privacy of a third party who is a natural person, if the request entails the unreasonable disclosure of personal information regarding that third party;

  However, a record may not be refused if it consists of information:
  - About a third party who has consented in writing to the disclosure of the information
  - Given to the public body by the individual to whom it relates, and that individual is informed by the public body, before it is disclosed, and the information belongs to a class of information that might already be publicly available.
  - That is already publicly available.
  - Relating to the individual's physical or mental health, or well-being, who is under the care of the requester, and who is under the age of 18 years or is incapable of understanding the nature of the request, and further the disclosure would be in the best interest of the individual.
  - About an individual who is deceased and the requester is the individual's next of kin, or is making the request with the written consent of the individual's next of kin
  - About an individual who is or was an official of a public body, and the information relates to the position or functions of the individual.

- Mandatory protection of the commercial information of a third party, if the record contains: trade secrets of that third party; financial, commercial, scientific or technical information, if the disclosure is likely to cause harm to the financial or commercial interests of that third party;

  However, a record may not be refused if it consists of information:
  - Already publicly available.
  - About a third party who has consented in writing to its disclosure to the requester concerned.
  - About the results of any product or environmental testing (not preliminary testing) or other investigation carried out or on behalf of a third party; where the disclosure thereof would reveal a serious public safety or environmental risk.

- Information disclosed in confidence by a third party to the institution, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

  However, a record may not be refused if it consists of information:
  - Already publicly available
  - About the third party and the third party has already consented in writing, to its disclosure to the requester.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings;

- The commercial activities of the Department, which may include trade secrets of the Department's financial, commercial, scientific or technical information; disclosure of which is likely to cause harm to the financial or commercial interests of the Department and information which, if disclosed could put the Department at a disadvantage in negotiations or commercial competition.
  However, a record may not be refused is he record consists of information:
  - Already publicly available.
  - About or owned by the public body, other than the public body to who the request is made, and this public body has consented in writing to its disclosure to the requester.
  - About the results of any product or environmental testing or other investigation (excluding preliminary testing) supplied to the public body, or the results of any such testing or investigation carried out by or on behalf of a public body, and the disclosure thereof would reveal a serious public safety or environmental risk.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

- A computer programme which is owned by the Department, and which is protected by copyright.

- The research information of the Department or a third party, if it entails the disclosure of the identity of the Department, the researcher or the subject matter of the research and would as a result place the research at a serious disadvantage.

- Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

Mandatory disclosure in the public interest
Despite the above listed grounds of refusal, the Information Officer must grant a request for access to a record of the Department if, the disclosure thereof would reveal evidence of:

- Substantial contravention of, or failure to comply with the law; or an imminent and serious public safety or environmental risk; and the public interest in the disclosure of the record outweighs the harm contemplated under the grounds for refusal.

9.2 Appeal

A requester may lodge an internal appeal against a decision of the Information Officer
- to refuse a request for access;
- Regarding the request fee, a deposit on the access fee, or the access fee
- Regarding the extension for the period to deal with the request

- Regarding access being granted in a different form than requested.

A third party may lodge an internal appeal against a decision of the Information Officer to grant a request for access.

Manner of appeal, and appeal fees
An appeal must be lodged in the prescribed form (see Appendix B) within 60 days; if notice to a third party is required, within 30 days after notice is given to the appellant of the decision appealed against; or if notice to the appellant is not required, after the decision was taken the notice of appeal must be delivered or sent to the Information Officer of the Department at his/her address, fax number or electronic mail address.

It must identify the subject of the appeal and state the reasons for the appeal and may include any other relevant information known to the appellant;

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

If, in addition to a written reply, the appellant wishes to be informed of the decision on the appeal in any other manner, he/she must state that manner and provide the necessary particulars to be so informed.

Where applicable, the appeal must be accompanied by the prescribed appeal fee, and must specify a postal address or fax number.

If an appeal is lodged after the expiry of the period referred to, the Minister of Cooperative Governance, or a person designated in writing by the Minister, must - upon showing good cause - allow the late lodging of the appeal. If the Minister or the person designated in writing by the Minister disallows the late lodging of the appeal; he or she must give notice of that decision to the person who lodged the appeal.

An applicant lodging an appeal against the refusal of his or her request for access must pay the prescribed appeal fee. If the prescribed appeal fee is payable in respect of an appeal, the decision on the appeal may be deferred until the fee is paid.

As soon as reasonably possible, but in any event within ten (10) working days after receipt of an appeal, the Information Officer of the Department must submit the appeal to the Minister, or the person designated in writing by the Minister, together with his or her reasons for the decision concerned; and if the appeal is against the refusal or granting of a request for access, the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified of the request.

10. APPENDIXES

084

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000, Act 2 of 2000)

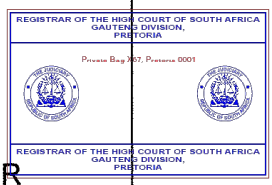
[Regulation 6]

FOR DEPARMENTAL USE

Reference number:

Request received by (state rank, name and surname of Information Officer/Deputy Information Officer) on (date) at (place).
Request fee (if any) R .....
Deposit (if any) R .....
Access fee R .....

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER



A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

a) The particulars of the person who requests access to the record must be given below
b) The address and/or fax number in the Republic to which the information is to be sent, must be given.
c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____

Identity number: _____

Postal Address: _____

Fax number: _____

Telephone number: _____

Email address: _____

Capacity in which request is made, when made on behalf of another person:

_____

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form.* ***The requester must sign all the additional folios.***

1. Description of record or relevant part of record:
   _____
2. Reference number, if available: _____
3. Any further particulars of record: _____



E. Fees

a) A request for access to a record, other than a record containing personal information about entities, will be processed only after a ***request fee*** *has been paid.*
b) You will be notified of the amount required to be paid as request fee.
c) The ***fee payable for access*** *to a record depends on the form in which access is required and the reasonable time required to search for and prepare the record.*
d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

_____

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an ***X*** *Notes:* *a) Compliance with your request for access in the specified form may depend on the form in which the record is available.* *b) Access in the form requested may be refused in certain circumstances. In such case you will be informed if access will be granted in another form.* *c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*	
1. If the record is in written or printed form:	
	Copy of record / Inspection of record

2. If the record consists of visual images: (this includes photographs, slides, video recordings, computer generated images, sketches, etc):			
	View the images		Copy of images
	Transcription of the images		
3. If the record consists of recorded words or information which can be reproduced in sound:			
	Listen to the soundtrack		Transcription of the soundtrack
4. If the record is held on computer or in electronic or machine-readable form:			
	Printed copy of record		Printed copy of information derived from the record
	Copy in computer readable form		
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? ***Postage is payable.***		YES	NO
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.			
In which language would you prefer the record?			

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

G. Notice of decision regarding the request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record? _____

Signed on this _____day of _____ 20_____

_____

SIGNATURE OF REQUESTER/PERSON ON WHO'S BEHALF REQUEST IS MADE

FORM B

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000, Act 2 of 2000)

[Regulation 8]

STATE YOUR REFERENCE NUMBER:

A. Particulars of Public body

The Information Officer/Deputy Information Officer:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

B. Particulars of requester/third party who lodges the internal appeal

a) The particulars of the person who lodge the internal appeal must be given below.
b) Proof of the capacity in which the appeal is lodged, is applicable, must be attached.
c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.

Full names and surname: _____

Identity number: _____

Postal Address: _____

Fax number: _____

Telephone number: _____

Email address: _____

Capacity in which an internal appeal on behalf of another person is lodged:

_____

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname: _____

Identity number: _____

D. The decision against which the internal appeal is lodged

*Mark the decision against which the internal appeal is lodged with an **X** in the appropriate box:*

	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of the Act
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
	Decision to grant request for access

E. Grounds for appeal

If the provided space is inadequate, please continue on a separate folio and attach it to this form. ***You must sign all the additional folios.***

State the grounds on which the internal appeal is based. State any other information that may be relevant in considering the appeal:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner: _____

Particulars of manner: _____
Signed on this _____day of _____20_____

_____
SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:
OFFICIAL RECORD OF INTERNAL APPEAL:
Appeal received on _____(date) by _____
(state rank, name and surname of Information Officer/Deputy Information Officer)

Appeal accompanied by the reasons for the Information Officer's/Deputy Information Officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the Information Officer/Deputy Information Officer on (date) to the Minister.
OUTCOME OF APPEAL:
Decision of the Information Officer/Deputy Information Officer
CONFIRMED/NEW DECISION SUBSTITUTED
NEW DECISION_____
DATE (Minister): _____
RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE MINISTER ON (date): _____

FORM D

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS

(Section 15 of the Promotion of Access to Information Act, Act 2 of 2000)

[Regulation 5A]

DESCRIPTION OF CATEGORY RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	**MANNER OF ACCESS TO RECORDS (e.g. website) (SECTION 15(1)(b)**
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):	
The records as listed below	The records may be obtained on request in writing from the Information Officer as described in paragraph 8. Copy charges may be payable
FOR PURCHASING IN TERMS OF SECTION 15 (1)(a)(ii):	
The records as listed below	The records may be obtained on request in writing from the Information Officer as described in paragraph 8. Copy charges may be payable
FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii):	
The records as listed below	The records may be obtained on request in writing from the Information Officer as described in paragraph 8. Copy charges may be payable
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii):	
Revised National Capacity Building Framework draft 4, 2012-2016	www.cogta.gov.za
Section 54A and 56 Managers Skills Audit, 2008	www.cogta.gov.za
General Notices/Regulations/Circulars	www.cogta.gov.za
Municipal Property Rates Act basic information, 2006	www.cogta.gov.za
Basic Information for Ratepayers, 2006	www.cogta.gov.za
Regulations concerning financial reporting by municipalities, 2006	www.cogta.gov.za
Amendment of Regulations concerning the publication of particulars of the remuneration of certain municipal officials, 2006	www.cogta.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Regulations concerning the publication of particulars of the remuneration of certain municipal officials, 2006	www.cogta.gov.za
Regulations regarding the calling of tenders, 2007	www.cogta.gov.za
Local Government Municipal Performance Regulations, 2006	www.cogta.gov.za
Remuneration of Public Office Bearers Act (20/1998), 2008	www.cogta.gov.za
Cross-boundary Municipalities Laws Repeal and Related Matters Amendment Act (2007), 2008	www.cogta.gov.za
Local Government Performance Regulations (2006), 2008	www.cogta.gov.za
Councillor Remuneration Final Notice, 8 December 2008	www.cogta.gov.za
Formulae for determination of number of councillors, 15 July 2009	www.cogta.gov.za
Participation of municipal staff in elections, 10 March 2011	www.cogta.gov.za
Circular on Transitional arrangement before and after the 18 May 2011 Local Government election	www.cogta.gov.za
Regulations on Municipal Staff – LG Elections 2011	www.cogta.gov.za
Payment of Gratuity to qualifying ex-councillors, 2012	www.cogta.gov.za
Reports	www.cogta.gov.za
Development Planning Indaba 2004 Report, 2006	www.cogta.gov.za
2003 Municipalities Study Tour Report by Portfolio Committee on Provincial and Local Government, 2006	www.cogta.gov.za
IDP Reports, 2008 – 2011	www.cogta.gov.za
Annual Reports, 1997– 2011	www.cogta.gov.za
Local Government Frameworks	www.cogta.gov.za
Local Economic Development Guidelines, 2006	www.cogta.gov.za
A Guideline Document on Provincial Local Intergovernmental Relations, 2006	www.cogta.gov.za
Local Government Anti-corruption Strategy, 2006	www.cogta.gov.za
Local Government Gender Policy Framework, 2007, 2008	www.cogta.gov.za
Municipal Systems Improvement Grant Framework, 2010	www.cogta.gov.za
Draft Youth Development Framework for Local Government, 2008	www.cogta.gov.za
Framework for Integrated LG Response to HIV and AIDS, 2008	www.cogta.gov.za
IDP Format Guide, 2008	www.cogta.gov.za
IDP Analysis Framework 2008, 2009	www.cogta.gov.za
Local Economic Development KPA 3 analysis, 2009	www.cogta.gov.za
Community-based Workbook and Guide Planning Programme, 2009	www.cogta.gov.za
Communication Facilitation Workbook and Guide and Dealing with Conflict, 2009	www.cogta.gov.za
Core Municipal Processes Workbook and Guide and Service Delivery, 2009	www.cogta.gov.za
Gender, Equity Workbook and Guide and Diversity, 2009	www.cogta.gov.za
Meeting Procedures and Guide and Reporting, 2009	www.cogta.gov.za
National Framework and Ward Funding Model, 2009	www.cogta.gov.za
Public Participation Workbook and Guide in Local Governance, 2009	www.cogta.gov.za
Industry Guide – Infrastructure Service Delivery Level and unit cost, 2012	www.cogta.gov.za
Revised National Capacity Building Framework, 2012-2016	www.cogta.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Programme Information	www.cogta.gov.za
Business Adopt-a-Municipality: FAQ's for the 2014 Flagship Projects, 2011	www.cogta.gov.za
Clean Cities and Towns Programme: Strategy Framework, 2011	www.cogta.gov.za
Clean Cities and Towns Programme: Operations, 2011	www.cogta.gov.za
Operation Clean Audit: Booklet, 2010	www.cogta.gov.za
Guideline for Establishment of Municipal Public Accounts Committees, 2011	www.cogta.gov.za
Outcome 9: Technical Implementation Forum (28 June 2010) Delivery Agreement, 2010	www.cogta.gov.za
LG Turnaround Strategies	www.cogta.gov.za
Cabinet LG TAS Final (9 November 2009), 2010	www.cogta.gov.za
Implementation of MTAS, 22 June 2010	www.cogta.gov.za
LG TAS Booklet, 2010	www.cogta.gov.za
MinMEC Media Briefing, 4 March 2010 Municipal Guidelines, 2010	www.cogta.gov.za
Phase 3 Guidelines Final, 2010	www.cogta.gov.za
State of LG Overview Report (16 November 2009), 2010	www.cogta.gov.za
Strategic Plans	
COGTA Strategic Plans, 2004-2014	www.cogta.gov.za
COGTA Business Plan, 2010-2011	www.cogta.gov.za
Legislation	
Municipal Property Rates Act and Implementing Tool	www.cogta.gov.za
Step-by –Step Guide on Valuation and Rating, 2007	www.cogta.gov.za
Generic Rates Policy Format, 2007	www.cogta.gov.za
General Guidelines, 2007	www.cogta.gov.za
Guidelines on Valuations for Municipalities, 2007	www.cogta.gov.za
Municipal Property Rates Amendment Act, 2009	www.cogta.gov.za
Draft Municipal Property Rates Amendment Bill, 2011	www.cogta.gov.za
General Brochures	www.cogta.gov.za
HIV and AIDS Brochure, 2008	www.cogta.gov.za
Youth Brochure, 2008	www.cogta.gov.za
HIV and AIDS Local Government Network, 2010	www.cogta.gov.za
Annexure B – CWP-Communities at Work Publication, 2011	www.cogta.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

0

THE HIGH COURT OF SOUTH AFRICA

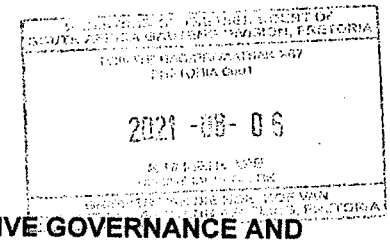
GAUTENG DIVISION, PRETORIA

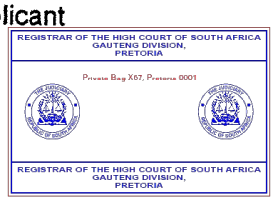
Case number: 39370/21

In the matter between:

SAKELIGA NPC Applicant

and





THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS First Respondent

THE NATIONAL DEPARTMENT: COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS Second Respondent

THE DIRECTOR GENERAL IN THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS Third Respondent

THE INFORMATION OFFICER: THE NATIONAL DEPARTMENT COOPERATIVE GOVERNANCE Fourth Respondent

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA Fifth Respondent

NOTICE OF MOTION

002-1

KINDLY TAKE NOTICE that the abovementioned Applicant intends to make application to this Honourable Court for an order in the following terms:

1. That the First Respondent's decision of 26 June 2021 to refuse the Applicant's internal appeal against the Third Respondent's decision not to grant the Applicant's request for information of 15 December 2020 in terms of the Promotion of Access to Information Act 2 of 2000 ["the Applicant's *PAIA* request for information"] be reviewed and set aside;

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

2. That the Third Respondent's decision of 25 February 2021 to not to grant the Applicant's PAIA request for information, dated 15 December 2020, be reviewed and set aside;

3. That the First, Second, Third and Fourth Respondents be ordered to comply with the Applicant's PAIA request for information within 30 days of the date of such order and to provide the Applicant with all of the documents and/or information requested therein as is in their possession and/or under their control; and

4. That the costs of the application be paid by the First Respondent, jointly and severally together with any other party opposing.

5. Further and/or alternative relief.

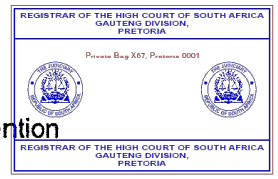
TAKE FURTHER NOTICE that the founding affidavit of **PIETER JACOBUS LE ROUX** together with the annexures thereto, shall be used in support of the application.

002-3

TAKE FURTHER NOTICE that the Applicant has appointed the address set-out below as the address at which it will accept service of all process in these proceedings.

TAKE FURTHER NOTICE that if you intend opposing this application, you are required:

(a) To notify the Applicant's attorneys in writing within 15 (FIFTEEN) days after service of the application papers; and



(b) Within 15 (FIFTEEN) days after you have so given notice of your intention to oppose the application, to file your answering affidavit, if any,

and further that you are required to appoint in such notification an address at which you will accept notice and service of all documents in these proceedings.

TAKE FURTHER NOTICE that if no notice of intention to oppose and answering affidavit is received as aforesaid, abovementioned Applicant intends to make application to this Honourable Court on **09 NOVEMBER 2022** at 10h00 or as soon thereafter as Counsel may be heard.

SIGNED AT Pretoria ON THIS 5th DAY OF AUGUST 2021.

002-3

002-4

KRIEK WASSENAAR & VENTER INC
ATTORNEYS FOR THE APPLICANT
THIRD FLOOR, HB FORUM BUILDING
13 STAMVRUG STREET
VAL DE GRACE
PRETORIA
TEL: 012 803 4719
EMAIL: peter@kriekprok.co.za
REF: PJ Wassenaar/QB0792

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

TO: **THE REGISTRAR OF THE HIGH COURT**
PRETORIA

AND TO: **THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**
THE FIRST RESPONDENT
87 HAMILTON STREET
ARCADIA
PRETORIA
c/o **THE STATE ATTORNEY, PRETORIA** (*Per Sheriff*)
316 THABO SEHUME STREET
PRETORIA CENTRAL
PRETORIA.

AND TO: **THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**
THE SECOND RESPONDENT
87 HAMILTON STREET
ARCADIA
PRETORIA
c/o **THE STATE ATTORNEY, PRETORIA** (*Per Sheriff*)
316 THABO SEHUME STREET
PRETORIA CENTRAL
PRETORIA.

002-4

AND TO: **THE DIRECTOR-GENERAL IN THE**
DEPARTMENT OF COOPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS
THE THIRD RESPONDENT
87 HAMILTON STREET
ARCADIA
PRETORIA
c/o **THE STATE ATTORNEY, PRETORIA** (*Per Sheriff*)
316 THABO SEHUME STREET
PRETORIA CENTRAL
PRETORIA.



AND TO: **THE INFORMATION OFFICER IN THE**
DEPARTMENT OF COOPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS
THE FOURTH RESPONDENT
87 HAMILTON STREET
ARCADIA
PRETORIA
c/o **THE STATE ATTORNEY, PRETORIA** (*Per Sheriff*)
316 THABO SEHUME STREET
PRETORIA CENTRAL
PRETORIA.

AND TO: **THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**
THE FIFTH RESPONDENT
UNION BUILDINGS
GOVERNMENT AVENUE
PRETORIA.
c/o **THE STATE ATTORNEY, PRETORIA** (*Per Sheriff*)
316 THABO SEHUME STREET
PRETORIA CENTRAL
PRETORIA

002-5

(12)

000-1

THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

9 November 202

On this 9th day of November 2022 before the Honourable Justice Lukhaimane AJ.

Case number: 39370/2021

In the matter between:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

SAKELIGA NPC Applicant

and

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
2022 -11- 09
GD-PRET-005
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS First Respondent

THE NATIONAL DEPARTMENT COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS Second Respondent

THE DIRECTOR GENERAL IN THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS Third Respondent

THE INFORMATION OFFICER: THE NATIONAL DEPARTMENT COOPERATIVE GOVERNANCE Fourth Respondent

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA Fifth Respondent

This Order is made an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties/their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or his/her Secretary. The date of this Order is deemed to be **9 November 2022.**

DRAFT ORDER

HAVING heard counsel and having considered the matter, it is ordered that:

000-3

1 The First Respondent's decision of 26 June 2021 to refuse the Applicant's internal appeal against the Third Respondent's decision not to grant the Applicant's request for information of 15 December 2020 in terms of the Promotion of Access to Information Act 2 of 2000 ["PAIA request for information"] is reviewed and set aside;

2 The Third Respondent's decision of 25 February 2021 to not to grant the Applicant's PAIA request for information, dated 15 December 2020, is reviewed and set aside;

3 The First, Second, Third and Fourth Respondents are ordered to comply with the Applicant's PAIA request for information within 30 days of the date of this order and to provide the Applicant with all of the documents and/or information requested therein as is in their possession and/or under their control; and

4 The costs of the application be paid by the First Respondent.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
2022 -11- 09
GD-PRET-006
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

BY ORDER

Matter number: 90

Counsel for the Applicant: **Adv Miek Bester**
Email address: bester@lawcircle.co.za
Contact number: 083 6619257

Instructed by: **Kriek Wassenaar & Venter Attorneys**
Pretoria
Tel: 012 756 7566
Email: peter@kriekprok.co.za
Ref: PJ Wassenaar/QB0792

SA07

J750

REPUBLIC OF SOUTH AFRICA

FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 6]

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

FOR DEPARTMENTAL USE

Reference number: .....

Request received by ..... (state rank, name and surname of information officer/deputy information officer) on ..... (date) at .....(place).

Request fee (if any): R .....

Deposit (if any): R .....

Access fee: R .....

.....

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer

Department of Cooperative Governance Republic of South Africa
Information officer:
Ms Avril Williamson
Tel: 012 334 0518
Fax: 012 334 0603
E-mail: Avrilw@cogta.gov.za

Physical Address:
The Information Officer
Department of Cooperative Governance
87 Hamilton Street
Arcadia
Pretoria

Deputy Information officers
Tozi Faba - Tozi@cogta.gov.za; Tel: 012 334 0778
Fax: 012 334 0603
Themba Fosi - ThembaF@cogta.gov.za

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent, must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: Péter Johannes Wassenaar

Identity number:

8	7	0	1	2	5	5	1	2	0	0	8	6

Postal address: HB Forum Building, Floor 3, 13 Stamvrug Street, Val de Grace, Pretoria

Telephone number: (012) 803 4719 Fax number: (086) 596 8516

E-mail address: peter@kriekprok.co.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Capacity in which request is made, when made on behalf of another person:

Attorney of record for Sakeliga NPC. Power of attorney attached

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: Sakeliga NPC - 2020/043725/08

Identity number:

D. Particulars of record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

Kindly refer to Annexure A attached hereto.

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

2. Reference number, if available: .....

3. Any further particulars of record:

Kindly refer to Annexure A attached hereto.

.....

.....

.....

.....

.....

E. Fees

(a) A request for access to a record, other than a record containing personal information about yourself will be processed only after a request fee has been paid.
(b) You will be notified of the amount required to be paid as the request fee.
(c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.



Reason for exemption from payment of fees:

.....

.....

.....

.....

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: Form in which record is required:

Mark the appropriate box with an **X**.

NOTES:
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:					
X	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images	X	copy of the images*		transcription of the images*

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

3. If record consists of recorded words or information which can be reproduced in sound:						
X	listen to the soundtrack (audio cassette)	X	transcription of soundtrack* (written or printed document)			
4. If record is held on computer or in an electronic or machine-readable form:						
	printed copy of record*		printed copy of information derived from the record*	X	copy in computer readable form* (stiffy or compact disc)	

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO X
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.		
In which language would you prefer the record? English/Afrikaans		

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

By email addressed to peter@kriekprok.co.za and rohann@kriekprok.co.za

Signed at Pretoria this day 15th of December year 2020

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

ATTORNEY FOR SAKELIGA NPC
PETER WASSENAAR
KRIEK WASSENAAR & VENTER INC

PAIA ANNEXURE A

1. All records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation relied upon by the Minister of Cooperative Governance and Traditional Affairs ("COGTA") in making the following decisions and/or taking the following steps:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

1.1 The declaration in terms of section 27(1) of the Disaster Management Act 57 of 2002 ("DMA") in terms of which COGTA declared a national state of disaster *having recognised that special circumstances exist to warrant the declaration of a national state of disaster* (as published in the Government Gazette of 15 March 2020); and

1.2 The extension of the declaration of a national state of disaster by COGTA as published in the Government Gazette on 5 June 2020, 13 July 2020, 15 August 2020, 14 September 2020, 14 October 2020, 15 November 2020 and 11 December 2020 (respectively).

1.3 The lockdown regulations issued in terms of section 27(2) of the DMA, including but not limited to the following:

1.3.1 Disaster Management Act, 2002: Regulations published on 18 March 2020 (GG43107);

1.3.2 Disaster Management Act, 2002: Amendment regulations published on 25 March 2020 (GG43148);

1.3.3 Disaster Management Act, 2002: Amendment regulations published on 2 April 2020 (GG43199);

1.3.4 Disaster Management Act, 2002: Amendment regulations published on 16 April 2020 (GG43232);

1.3.5 Disaster Management Act, 2002: Amendment regulations published on 20 April 2020 (GG43240);

1.3.6 Disaster Management Act, 2002: Amendment regulations published on 29 April 2020 (GG43258);

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

1.3.7 Disaster Management Act, 2002: Amendment regulations published on 28 May 2020 (GG43364);

1.3.8 Disaster Management Act, 2002: Amendment regulations published on 25 June 2020 (GG43476);

1.3.9 Disaster Management Act, 2002: Amendment regulations published on 12 July 2020 (GG43521);

1.3.10 Disaster Management Act, 2002: Amendment regulations published on 31 July 2020 (GG43577);

1.3.11 Disaster Management Act, 2002: Amendment regulations published on 17 Augustus 2020 (GG43620);

1.3.12 Disaster Management Act, 2002: Amendment regulations published on 18 September 2020 (GG43725);

1.3.13 Disaster Management Act, 2002: Amendment regulations published on 15 December 2020 (GG43997);



SIGNED AT PRETORIA ON 15 DECEMBER 2020

ATTORNEY FOR SAKELIGA NPC

PETER WASSENAAR

KRIEK WASSENAAR & VENTER INC

KRIEK WASSENAAR & VENTER ING
Prokureurs • Aktevervaardigers • Attorneys • Conveyancers

Our ref: PJ Wassenaar/es/QB0792
Your ref:

21 November 2022

THE MINISTER: COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
PRETORIA

By e-mail:
MandisaMB@cogta.gov.za
PamelaS@cogta.gov.za
ThinavhuyoN@cogta.gov.za
Avrilw@cogta.gov.za
Tozi@cogta.gov.za
ThembaF@cogta.gov.za
Dudleyp@cogta.gov.za
ManahanoM@cogta.gov.za
hazelm@cogta.gov.za
MathoM@cogta.gov.za
PetronellaP@cogta.gov.za
CarolineM@cogta.gov.za
Kgopelop@cogta.gov.za
Kgopelop@cogta.gov.za
unathis@cogta.gov.za
khanyisam@cogta.gov.za
meganl@ndmc.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

By sheriff

THE NATIONAL DEPARTMENT: COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
PRETORIA

By e-mail:
MandisaMB@cogta.gov.za
PamelaS@cogta.gov.za
ThinavhuyoN@cogta.gov.za
Avrilw@cogta.gov.za
Tozi@cogta.gov.za
ThembaF@cogta.gov.za
Dudleyp@cogta.gov.za
ManahanoM@cogta.gov.za
hazelm@cogta.gov.za
MathoM@cogta.gov.za
PetronellaP@cogta.gov.za
CarolineM@cogta.gov.za
Kgopelop@cogta.gov.za
Kgopelop@cogta.gov.za

unathis@cogta.gov.za
khanyisam@cogta.gov.za
meganl@ndmc.gov.za

By sheriff

THE DIRECTOR-GENERAL
DEPARTMENT: COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
PRETORIA

By e-mail: MandisaMB@cogta.gov.za
PamelaS@cogta.gov.za
ThinavhuyoN@cogta.gov.za
Avrilw@cogta.gov.za
Tozi@cogta.gov.za
ThembaF@cogta.gov.za
Dudleyp@cogta.gov.za
ManahanoM@cogta.gov.za
hazelm@cogta.gov.za
MathoM@cogta.gov.za
PetronellaP@cogta.gov.za
CarolineM@cogta.gov.za
Kgopelop@cogta.gov.za
Kgopelop@cogta.gov.za
unathis@cogta.gov.za
khanyisam@cogta.gov.za
meganl@ndmc.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

By sheriff

THE INFORMATION OFFICER
DEPARTMENT: COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
PRETORIA

By e-mail: MandisaMB@cogta.gov.za
PamelaS@cogta.gov.za
ThinavhuyoN@cogta.gov.za
Avrilw@cogta.gov.za
Tozi@cogta.gov.za
ThembaF@cogta.gov.za
Dudleyp@cogta.gov.za
ManahanoM@cogta.gov.za
hazelm@cogta.gov.za
MathoM@cogta.gov.za
PetronellaP@cogta.gov.za
CarolineM@cogta.gov.za
Kgopelop@cogta.gov.za

Kgopelop@cogta.gov.za
unathis@cogta.gov.za
khanyisam@cogta.gov.za
meganl@ndmc.gov.za

By sheriff

THE STATE ATTORNEY: PRETORIA
GROUND FLOOR, SALU BUILDING
316 THABO SEHUME & FRANCIS BAARD STREETS
PRETORIA

By e-mail: OSebitso@justice.gov.za
EMolomo@justice.gov.za
Kangwatle@justice.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Minister/Sir/Madam

COURT ORDER: SAKELIGA NPC / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS & OTHERS

1. We confirm that we still act on the instructions of Sakeliga NPC ("our client").

2. Please find attached hereto a copy of the court order of 9 November 2022 for your kind attention. The court has ordered that the Minister of Cooperative Governance and Traditional Affairs' ("the Minister") decision to refuse our client's internal appeal against the decision by the Information Officer of the Department of Cooperative Governance and Traditional Affairs ("the Department") to refuse our client's request for information of 15 December 2022 in terms of the Promotion of Access to Information Act 2 of 2000 ("PAIA"), be reviewed and set aside. In terms of the order, the Minister, Director-General, the Department and the Information Officer have been ordered to comply with our client's PAIA request for information within 30 days of date of service of the order.

3. A copy of the order as well as our client's original PAIA request is attached to this letter and marked annexure **A** and annexure **B** respectively.

4. We specifically refer you to annexure **B** and the list of records requested under the *PAIA Annexure A* to the original PAIA request. In terms of the request and the order of court, you are required to provide our client with all *records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation relied upon by the Minister* in

making the decisions listed in the annexure. For sake of complete clarity, you are reminded that a PAIA request of this nature requires a complete disclosure of all records. In terms of case law, the effect of the request is that *every scrap of paper* generated, reviewed, considered, received and/or relied upon by the Minister and her Department during the formulation of her 2020 Disaster Management Act Regulations, be made available. This will include confidential information, which in any event does not constitute a ground for exclusion in terms of case law.

5. Our client will not accept any new grounds of exclusion of records being raised *ex post facto* the court order. You are therefore requested to ensure that all records are properly sorted and identified as per the relevant paragraphs of our request. Our client has instructed our firm to ensure full compliance with the PAIA request and court order. If your offices fail to provide a full disclosure of all records falling within the ambit of our client's PAIA request, we will deem such a failure to be in contempt of the court order.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

6. We are willing to accept electronic delivery of the records. Considering that the records will most likely include a substantial number of expert and medical reports, opinions, statistical data, meeting minutes, inter-departmental e-mails, status reports and other documentation generated during 2020, our client would suggest that the most effective manner of delivery would either be the delivery of the data via a cloud-based or virtual drive. We request that the following persons be copied in all further correspondence in regards to your compliance of the court order:

   6.1 peter@kriekprok.co.za

   6.2 elbie@kriekprok.co.za

   6.3 nj@kriekprok.co.za

7. We await your response within the next 30 days.

Yours faithfully

KRIEK WASSENAAR & VENTER ING
PÉTER WASSENAAR – DIREKTEUR / DIRECTOR
(f) 086 596 8516
(e) peter@kriekprok.co.za

Elektronies geteken
Electronically signed

110
SA09

Elbie Swanepoel

From: Elbie Swanepoel
Sent: 22 November 2022 10:30
To: Mandisa Mbele; PamelaS@cogta.gov.za; Thinavhuyo Skosana; Avrilw@cogta.gov.za; Tozi@cogta.gov.za; ThembaF@cogta.gov.za; Dudleyp@cogta.gov.za; ManahanoM@cogta.gov.za; hazelm@cogta.gov.za; Matho Mhlongo; PetronellaP@cogta.gov.za; CarolineM@cogta.gov.za; Kgopelop@cogta.gov.za; Kgopelop@cogta.gov.za; unathis@cogta.gov.za; khanyisam@cogta.gov.za; meganl@ndmc.gov.za; Sebitso Ontlametse; Molomo Esther; Ngwatle Kagiso Caleb
Cc: NJ Nel
Subject: COURT ORDER: SAKELIGA NPC / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS & OTHERS
Attachments: Minister COGTA sent 2022-11-21.pdf; Court Order (PAIA) 2022-11-09.pdf

Sensitivity: Private

Good day,

We refer to the above and attach hereto a letter, with attachments thereto, for your attention.

Kindly acknolwedge receipt hereof.

Regards,

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

ELBIE SWANEPOEL

Kriek Wassenaar & Venter Inc

Regsekretaresse / Legal Secretary

• *(t) (+27) 12 803 4719* • *(f) (+27) 86 596 8516*

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

• (p) Postnet Suite # 11, Privaatsak / Private Bag X025, Lynnwood Ridge, 0040 • BTW Reg: 4020260685

[redacted]

THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case number: 39370/2021

In the matter between:

SAKELIGA NPC	Applicant
and	
THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	First Respondent
THE NATIONAL DEPARTMENT: COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Second Respondent
THE DIRECTOR GENERAL IN THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Third Respondent
THE INFORMATION OFFICER: THE NATIONAL DEPARTMENT COOPERATIVE GOVERNANCE	Fourth Respondent
THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	Fifth Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

FILING NOTICE

DOCUMENTS TO BE FILED:

- **COURT ORDER – 9 NOVEMBER 2022**

FILED BY: **KRIEK WASSENAAR & VENTER INC**
ATTORNEYS FOR THE APPLICANT
THIRD FLOOR, HB FORUM BUILDING
13 STAMVRUG STREET
VAL DE GRACE
PRETORIA
TEL: 012 803 4719
EMAIL: peter@kriekprok.co.za
REF: P Wassenaar/es/QB0792



TO: **THE REGISTRAR OF THE HIGH COURT**
PRETORIA

AND TO: **THE STATE ATTORNEY: PRETORIA**
ATTORNEYS FOR THE RESPONDENTS
GROUND FLOOR, SALU BUILDING
316 THABO SEHUME & FRANCIS BAARD STREETS
PRIVATE BAG X91
PRETORIA, 0001
TEL: 012 309 1697
EMAIL: OSebitso@justice.gov.za
EMolomo@justice.gov.za
Kangwatle@justice.gov.za
REF: Mr KC Ngwatle

SERVICE BY E-MAIL

A
000-1 11

9 November 202:

THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

On this 9th day of November 2022 before the Honourable Justice Lukhaimane AJ.

Case number: 39370/2021

In the matter between:

SAKELIGA NPC Applicant

and

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
2022 -11- 09
GD-PRET-005
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS First Respondent

THE NATIONAL DEPARTMENT COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS Second Respondent

THE DIRECTOR GENERAL IN THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS Third Respondent

THE INFORMATION OFFICER: THE NATIONAL DEPARTMENT COOPERATIVE GOVERNANCE Fourth Respondent

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA Fifth Respondent

This Order is made an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties/their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or his/her Secretary. The date of this Order is deemed to be **9 November 2022.**

DRAFT ORDER

HAVING heard counsel and having considered the matter, it is ordered that:

000915-3

1 The First Respondent's decision of 26 June 2021 to refuse the Applicant's internal appeal against the Third Respondent's decision not to grant the Applicant's request for information of 15 December 2020 in terms of the Promotion of Access to Information Act 2 of 2000 ["PAIA request for information"] is reviewed and set aside;

2 The Third Respondent's decision of 25 February 2021 to not to grant the Applicant's PAIA request for information, dated 15 December 2020, is reviewed and set aside;

3 The First, Second, Third and Fourth Respondents are ordered to comply with the Applicant's PAIA request for information within 30 days of the date of this order and to provide the Applicant with all of the documents and/or information requested therein as is in their possession and/or under their control; and

4 The costs of the application be paid by the First Respondent.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
2022 -11- 09
GD-PRET-005
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

BY ORDER

Matter number: 90

Counsel for the Applicant: **Adv Miek Bester**
Email address: bester@lawcircle.co.za
Contact number: 083 6619257

Instructed by: **Kriek Wassenaar & Venter Attorneys**
Pretoria
Tel: 012 756 7566
Email: peter@kriekprok.co.za
Ref: PJ Wassenaar/QB0792

B

J750

REPUBLIC OF SOUTH AFRICA

FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 6]

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

FOR DEPARTMENTAL USE

Reference number: .....

Request received by ..... (state rank, name and surname of information officer/deputy information officer) on ..... (date) at .....(place).

Request fee (if any): R .....

Deposit (if any): R .....

Access fee: R .....

.....
SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer

Department of Cooperative Governance Republic of South Africa
Information officer:
Ms Avril Williamson
Tel: 012 334 0518
Fax: 012 334 0603
E-mail: Avrilw@cogta.gov.za

Physical Address:
The Information Officer
Department of Cooperative Governance
87 Hamilton Street
Arcadia
Pretoria

Deputy Information officers
Tozi Faba - Tozi@cogta.gov.za; Tel: 012 334 0778
Fax: 012 334 0603
Themba Fosi - ThembaF@cogta.gov.za

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent, must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: Péter Johannes Wassenaar

Identity number:

8	7	0	1	2	5	5	1	2	0	0	8	6

Postal address: HB Forum Building, Floor 3, 13 Stamvrug Street, Val de Grace, Pretoria

Telephone number: (012) 803 4719 Fax number: (086) 596 8516

E-mail address: peter@kriekprok.co.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Capacity in which request is made, when made on behalf of another person:

Attorney of record for Sakeliga NPC. Power of attorney attached

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: Sakeliga NPC - 2020/043725/08

Identity number:

D. Particulars of record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

Kindly refer to Annexure A attached hereto.

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

2. Reference number, if available: .....

3. Any further particulars of record:

Kindly refer to Annexure A attached hereto.

.....

.....

.....

.....

.....

E. Fees

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
(b) You will be notified of the amount required to be paid as the request fee.
(c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.



Reason for exemption from payment of fees:

.....

.....

.....

.....

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: Form in which record is required:

Mark the appropriate box with an **X**.

NOTES:
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:					
X	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images	X	copy of the images*		transcription of the images*

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

3. If record consists of recorded words or information which can be reproduced in sound:						
X	listen to the soundtrack (audio cassette)	X	transcription of soundtrack* (written or printed document)			
4. If record is held on computer or in an electronic or machine-readable form:						
	printed copy of record*		printed copy of information derived from the record*	X	copy in computer readable form* (stiffy or compact disc)	

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO X
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.		
In which language would you prefer the record? English/Afrikaans		

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION,

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

By email addressed to peter@kriekprok.co.za and rohann@kriekprok.co.za

Signed at Pretoria this day 15th of December year 2020

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

ATTORNEY FOR SAKELIGA NPC
PETER WASSENAAR
KRIEK WASSENAAR & VENTER INC

PAIA ANNEXURE A

1. All records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation relied upon by the Minister of Cooperative Governance and Traditional Affairs ("COGTA") in making the following decisions and/or taking the following steps:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

1.1 The declaration in terms of section 27(1) of the Disaster Management Act 57 of 2002 ("DMA") in terms of which COGTA declared a national state of disaster *having recognised that special circumstances exist to warrant the declaration of a national state of disaster* (as published in the Government Gazette of 15 March 2020); and

1.2 The extension of the declaration of a national state of disaster by COGTA as published in the Government Gazette on 5 June 2020, 13 July 2020, 15 August 2020, 14 September 2020, 14 October 2020, 15 November 2020 and 11 December 2020 (respectively).

1.3 The lockdown regulations issued in terms of section 27(2) of the DMA, including but not limited to the following:

1.3.1 Disaster Management Act, 2002: Regulations published on 18 March 2020 (GG43107);

1.3.2 Disaster Management Act, 2002: Amendment regulations published on 25 March 2020 (GG43148);

1.3.3 Disaster Management Act, 2002: Amendment regulations published on 2 April 2020 (GG43199);

1.3.4 Disaster Management Act, 2002: Amendment regulations published on 16 April 2020 (GG43232);

1.3.5 Disaster Management Act, 2002: Amendment regulations published on 20 April 2020 (GG43240);

1.3.6 Disaster Management Act, 2002: Amendment regulations published on 29 April 2020 (GG43258);

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

1.3.7 Disaster Management Act, 2002: Amendment regulations published on 28 May 2020 (GG43364);

1.3.8 Disaster Management Act, 2002: Amendment regulations published on 25 June 2020 (GG43476);

1.3.9 Disaster Management Act, 2002: Amendment regulations published on 12 July 2020 (GG43521);

1.3.10 Disaster Management Act, 2002: Amendment regulations published on 31 July 2020 (GG43577);

1.3.11 Disaster Management Act, 2002: Amendment regulations published on 17 Augustus 2020 (GG43620);

1.3.12 Disaster Management Act, 2002: Amendment regulations published on 18 September 2020 (GG43725);

1.3.13 Disaster Management Act, 2002: Amendment regulations published on 15 December 2020 (GG43997);



SIGNED AT PRETORIA ON 15 DECEMBER 2020

ATTORNEY FOR SAKÉLIGA NPC

PETER WASSENAAR

KRIEK WASSENAAR & VENTER INC

Elbie Swanepoel

From: Elbie Swanepoel
Sent: 22 November 2022 09:10
To: Sebitso Ontlametse; Molomo Esther; Ngwatle Kagiso Caleb
Cc: NJ Nel
Subject: Sakeliga NPC / Minister of Cooperative Governance and Traditional Affairs & Other
Attachments: Filing Notice - Court Order 9 November 2022.pdf

Sensitivity: Private

Good day,

We refer to the above and herewith electronically serve:

1. Filing Notice: Court Order – 9 November 2022

Kindly acknowledge receipt hereof.



Regards,

ELBIE SWANEPOEL

Kriek Wassenaar & Venter Ing

Regsekretaresse / Legal Secretary

• *(t) (+27) 12 803 4719* • *(f) (+27) 86 596 8516*

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

• (p) Postnet Suite # 11, Privaatsak / Private Bag X025, Lynnwood Ridge, 0040 • BTW Reg: 4020260685

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION)

SA12

Case No. 39370/2021

In the matter between:

SAKELIGA NPC

Plaintiff

and

THE MINISTER OF
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

1st Defendant

RETURN: SERVICE OF LETTER OF DEMAND AND COURT ORDER

IT IS HEREBY CERTIFIED:

That on the 29 November 2022 at 09h30 at 87 HAMILTON STREET, ARCADIA, PRETORIA being the principal place of business of THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS, a copy of the LETTER OF DEMAND AND COURT ORDER was served upon Mrs. I.Serithe(Legal Clerk) of THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS, after the original document was displayed and the nature and contents thereof explained to her. The said person also a responsible employee of the abovementioned business. Mrs. I.Serithe a person apparently not less than sixteen years of age and in the employ of THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS accepted service. Rule 4(1)(a)(v) .

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

SHERIFF CHARGES/EXPENSES: (You may require that this account be taxed and vouched before payment)

Description	Tariff	QTY	Amount	Description	Tariff	QTY	Amount
Cellular call	20.00	1	20.00				
Cellular costs	5.50	4	22.00				
Service	84.50	1	84.50				
Registration & Return	65.00	1	65.00				
Travelling	6.00	6	36.00				

TO: THE REGISTRAR OF THE HIGH COURT, Pretoria

Zero rated items	0.00
Sub-total	227.50
VAT	34.12
Total	**261.62**

Account No.: A0JOHANK050

TO: KRIEK WASSENAAR & VENTER **AFHA
POSTNET SUITE # A7
PRIVAATSAK X59
SILVERTON
0127

Your Reference: QB0792/es/PJ WASSENAAR

Mr F J Batt - Deputy - Sheriff
(Properly appointed in terms of Section 6(1) of the Sheriff's Act No. 90/1986)
Signed at Pretoria on 02/12/22
My Reference: **2022/01/64915.00** / ANT

Acting Sheriff Pretoria North East - S. Ismail
P. O. Box 8894, Pretoria, 0001
Tel: +27-12-329 6024/5
Bank FNB Acc No. 62943190398
VAT No./BTW Nr. 4510123526

SA13

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION)

Case No. 39370/2021

In the matter between:

SAKELIGA NPC

Plaintiff

and

THE NATIONAL DEPARTMENT OI
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIR{

2nd Defendant

RETURN: SERVICE OF LETTER OF DEMAND AND COURT ORDER

IT IS HEREBY CERTIFIED:

That on the 29 November 2022 at 09h30 at 87 HAMILTON STREET, ARCADIA, PRETORIA being the principal place of business of THE NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS , a copy of the LETTER OF DEMAND AND COURT ORDER was served upon Mrs. I.Serithe(Legal Clerk) of THE NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS , after the original document was displayed and the nature and contents thereof explained to her. The said person also a responsible employee of the abovementioned business. Mrs. I.Serithe a person apparently not less than sixteen years of age and in the employ of THE NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS accepted service. Rule 4(1)(a)(v) .

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

SHERIFF CHARGES/EXPENSES: (You may require that this account be taxed and vouched before payment)

Description	Tariff	QTY	Amount	Description	Tariff	QTY	Amount
Registration & Return	65.00	1	65.00				
Additional document	11.00	1	11.00				

TO: THE REGISTRAR OF THE HIGH COURT, Pretoria

Zero rated items	0.00
Sub-total	76.00
VAT	11.40
Total	**87.40**

Account No.: A0JOHANK050

TO: KRIEK WASSENAAR & VENTER **AFHA
POSTNET SUITE # A7
PRIVAATSAK X59{
SILVERTON
0127

Your Reference: QB0792/es/PJ WASSENAAR

Mr F J Batt - Deputy - Sheriff
(Properly appointed in terms of Section 6(1) of the Sheriff's Act No. 90/1986)
Signed at Pretoria on 02/12/22
My Reference: **2022/02/64915.00** / ANT

Acting Sheriff Pretoria North East - S. Ismail
P. O. Box 8894, Pretoria, 0001
Tel: +27-12-329 6024/5
Bank FNB Acc No. 62943190398
VAT No./BTW Nr. 4510123526

SA14

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION)

Case No. 39370/2021

In the matter between:

SAKELIGA NPC

Plaintiff

and

THE DIRECTOR GENERAL OF THE DEPARTMENT OF
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

3rd Defendant

RETURN: SERVICE OF LETTER OF DEMAND AND COURT ORDER

IT IS HEREBY CERTIFIED:

That on the 29 November 2022 at 09h30 at 87 HAMILTON STREET, ARCADIA, PRETORIA being the principal place of business of THE DIRECTOR GENERAL OF THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS , a copy of the LETTER OF DEMAND AND COURT ORDER was served upon Mrs. I.Serithe(Legal Clerk) of THE DIRECTOR GENERAL OF THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS , after the original document was displayed and the nature and contents thereof explained to her. The said person also a responsible employee of the abovementioned business. Mrs. I.Serithe a person apparently not less than sixteen years of age and in the employ of THE DIRECTOR GENERAL OF THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS accepted service. Rule 4(1)(a)(v) .

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

SHERIFF CHARGES/EXPENSES: (You may require that this account be taxed and vouched before payment)

Description	Tariff	QTY	Amount	Description	Tariff	QTY	Amount
Registration & Return	65.00	1	65.00				
Additional document	11.00	1	11.00				

TO: THE REGISTRAR OF THE HIGH COURT, Pretoria

Zero rated items	0.00
Sub-total	76.00
VAT	11.40
Total	**87.40**

Account No.: A0JOHANK050

TO: KRIEK WASSENAAR & VENTER **AFHA
POSTNET SUITE # A7
PRIVAATSAK X592
SILVERTON
0127

Your Reference: QB0792/es/PJ WASSENAAR

Mr F J Batt - Deputy - Sheriff
(Properly appointed in terms of Section 6(1) of the Sheriff's Act No. 90/1986)
Signed at Pretoria on 02/12/22
My Reference: **2022/03/64915.00** / ANT

Acting Sheriff Pretoria North East - S. Ismail
P. O. Box 8894, Pretoria, 0001
Tel: +27-12-329 6024/5
Bank FNB Acc No. 62943190398
VAT No./BTW Nr. 4510123526

SA15

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION)

Case No. 39370/2021

In the matter between:

SAKELIGA NPC

Plaintiff

and

THE INFORMATION OFFICER: NATIONAL DEPARTMENT O
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

4th Defendant

RETURN: SERVICE OF LETTER OF DEMAND AND COURT ORDER

IT IS HEREBY CERTIFIED:

That on the 29 November 2022 at 09h30 at 87 HAMILTON STREET, ARCADIA, PRETORIA being the principal place of business of THE INFORMATION OFFICER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS , a copy of the LETTER OF DEMAND AND COURT ORDER was served upon Mrs. I.Serithe(Legal Clerk) of THE INFORMATION OFFICER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS , after the original document was displayed and the nature and contents thereof explained to her. The said person also a responsible employee of the abovementioned business. Mrs. I.Serithe a person apparently not less than sixteen years of age and in the employ of THE INFORMATION OFFICER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS accepted service. Rule 4(1)(a)(v) .

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA

SHERIFF CHARGES/EXPENSES: (You may require that this account be taxed and vouched before payment)

Description	Tariff	QTY	Amount	Description	Tariff	QTY	Amount
Registration & Return	65.00	1	65.00				
Additional document	11.00	1	11.00				

TO: THE REGISTRAR OF THE HIGH COURT, Pretoria

Zero rated items	0.00
Sub-total	76.00
VAT	11.40
Total	**87.40**

Account No.: A0JOHANK050

TO: KRIEK WASSENAAR & VENTER **AFHA
POSTNET SUITE # A7
PRIVAATSAK X59
SILVERTON
0127

Your Reference: QB0792/es/PJ WASSENAAR

Mr F J Batt - Deputy - Sheriff
(Properly appointed in terms of Section 6(1) of the Sheriff's Act No. 90/1986)
Signed at Pretoria on 02/12/22
My Reference: **2022/04/64915.00** / ANT

Acting Sheriff Pretoria North East - S. Ismail
P. O. Box 8894, Pretoria, 0001
Tel: +27-12-329 6024/5
Bank FNB Acc No. 62943190398
VAT No./BTW Nr. 4510123526

KRIEK WASSENAAR & VENTER ING
Prokureurs • Aktevervaardigers • Attorneys • Conveyancers

Our ref: PJ Wassenaar/es/QB0792
Your ref:

23 December 2022

THE STATE ATTORNEY: PRETORIA
GROUND FLOOR, SALU BUILDING
316 THABO SEHUME & FRANCIS BAARD STREETS
PRETORIA

By e-mail: OSebitso@justice.gov.za
EMolomo@justice.gov.za
Kangwatle@justice.gov.za
NaQongqo@justice.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Sir/Madam

COURT ORDER: SAKELIGA NPC / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS & OTHERS

1. We refer to our letter of 21 November 2022.

2. It is noted that your offices still act on behalf of the Mister of Cooperative Governance and Traditional Affairs ("COGTA Minister") and that you on 22 December 2022 uploaded various files to a new section on the CaseLines file which you have named "*0018: Compliance with the PAIA order*". Your offices have also served an itemised index of records, in which you describe 41 record items which we assume you are in the process of uploading to the Caselines file.

3. We have gleaned the index and the records you have already uploaded. Even though your client has yet to upload all of the records included in your index, it is already clear to our client that your client does not intend to provide complete discovery as required by our client's original information request of 15 December 2020 and the subsequent court order of 9 November 2022.

4. Your record consists mainly of already public policy documents and reports. Let's compare the record index to the records which your client disclosed in response to various challenges to her 2020 and 2021 lockdown regulations over the last two years (with specific reference to the bans imposed on alcohol, tobacco, travel and trade). One gets the impression that the COGTA Minister (or your offices for that fact) has merely collected already prepared records from her litigation files to give lip service to the 9 November 2022 court order.

5. The 9 November 2022 court order requires full compliance with our client's information request. Your client is fully aware of the scope of that request, having not only unlawfully rejected the request during the internal appeal but also opposed and frustrated our client's litigation in the High Court for approximately 18 months. There should be no uncertainty from your client's side about the veracity and scope of disclosure required by the court order.

6. In terms of the 9 November 2022 court order your client must disclose *all records, reasons, reports, findings, deliberations, communications, memoranda and documentation* relied upon by the COGTA Minister during the making of her lockdown regulations in 2020. The information request is also particular about the delivery of all records considered during the creation of each version of her augmented lockdown regulations during 2020.

7. The COGTA Minister's response to the order is clearly unacceptable. Must our client accept that the last two years of opposition to our client's information request was undertaken by the COGTA Minister merely to frustrate and oppose our client's access to records consisting primarily of already public reports, research papers and policies? Where is the inter-departmental correspondence relating to the management of COVID-19? Where are the meeting minutes? Where are the reports on public consultation, inter-departmental meetings, consultations with experts and industry, and the preparation of disaster management regulations? Where are the advisory reports on the framing of the regulations? Must we accept that each amendment to her lockdown regulations between March 2020 and December 2020 relied on the same 41 records you have chosen to discover now?

THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

8. We have considered the COGTA Minister's original refusal to our client's information request, and it is clear that she understood the scope and implication of our client's information request when refusing access in 2021. We can, therefore, come to no other conclusion than that the COGTA Minister is wilfully continuing her strategy of frustrating our client's right to access the full record of her 2020 regulation-making attempt.

9. Our client deems the COGTA Minister to be in contempt of the 9 November 2022 order.

10. We demand that the COGTA Minister comply with the 9 November 2022 order and that a complete record of all records falling within the ambit of our information request be delivered to our offices by no later than 6 January 2022. Failing full compliance, our client will proceed with an application to hold the COGTA Minister in contempt of court.

Yours faithfully

KRIEK WASSENAAR & VENTER ING
PÉTER WASSENAAR – DIREKTEUR / DIRECTOR
(f) 086 596 8516
(e) peter@kriekprok.co.za

Elektronies geteken
Electronically signed

Elbie Swanepoel

From: Peter Wassenaar
Sent: 23 December 2022 18:39
To: OSebitso@justice.gov.za; Molomo Esther; Ngwatle Kagiso Caleb; Qongqo Nangamso
Subject: COURT ORDER: SAKELIGA NPC / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS & OTHERS
Attachments: Minister COGTA sent 2022-11-23.pdf

Sir /Madam

Please see the attached letter for your kind attention.

Yours faithfully / Die uwe

Pèter Wassenaar
Kriek Wassenaar & Venter Ing
Direkteur / Director
• (t) (+27) 12 803 4719 (c) 0829204474
• (a) Third Floor, HB Forum Building, 13 Stamvrug Street, Val de Grace, Pretoria
• (p) Postnet Suite # A7, Privaatsak / Private Bag X592, Silverton, 0127 • BTW Reg: 4020260685 • Reg: 2012/030418/21

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001

KRIEK WASSENAAR & VENTE

Elbie Swanepoel

From: Qongqo Nangamso <NaQongqo@justice.gov.za>
Sent: 24 December 2022 16:35
To: Peter Wassenaar
Cc: Sebitso Ontlametse
Subject: FW: SAKELIGA Index 221222
Attachments: SAKELIGA Index 221222 .docx; SAKELIGA MATTER (COURT ORDER).doc

Dear Sir

We refer to your letter received on the 23 December 2022. The writer is not sending this email to respond to each and every allegations made in your letter. Ms Sebitso who is the attorney of record will attend to the letter as soon as she comes back from leave. This email is sent to advise you that on the 22 December we tried to contact your offices about the service of the full record with no success. Our client advised that the documents are contained in the full record.

Kindly advise us where and when can we serve the full record.



Hope to hear from you soon.

Regards

Nanga

From: Qongqo Nangamso
Sent: Thursday, 22 December 2022 19:23
To: 'info@kriekprok.co.za'; 'peter@kriekprok.co.za'
Subject: SAKELIGA Index 221222

Dear Sir/Madam

Attached letter for your attention.

Regards
Nanga

Disclaimer

Privileged/Confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person) you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply E-Mail. Please advise immediately if you or your employer do not consent to e-mail messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of the Department of Justice and Constitutional Development shall be understood as neither given nor endorsed by it. All views expressed herein are the views of the author and do not reflect the views of the Department of Justice unless specifically stated otherwise.

Elbie Swanepoel

From: Peter Wassenaar
Sent: 06 January 2023 12:14
To: Qongqo Nangamso; NJ Nel
Cc: Sebitso Ontlametse
Subject: RE: SAKELIGA Index 221222

Sir / Madam

Must we then assume that not all documents have been included in the index which you have filed on the Caselines file? We have noted that your client has not filed any further documents on the Caselines file.

Please ensure that all remaining hardcopy documents be delivered to our offices by no later than 16h00 on 9 January 2023.

Any further arrangements regarding delivery can be made with our Mr @NJ Nel (0128034719).

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Yours faithfully / Die uwe

Pèter Wassenaar
Kriek Wassenaar & Venter Inc
Direkteur / Director
• (t) (+27) 12 803 4719 (c) 0829204474
• (a) Third Floor, HB Forum Building, 13 Stamvrug Street, Val de Grace, Pretoria
• (p) Postnet Suite # A7, Privaatsak / Private Bag X592, Silverton, 0127 • BTW Reg: 4020260685 • Reg: 2012/030418/21

KRIEK WASSENAAR & VENTE

From: Qongqo Nangamso <NaQongqo@justice.gov.za>
Sent: Saturday, 24 December 2022 16:35
To: Peter Wassenaar <peter@kriekprok.co.za>
Cc: Sebitso Ontlametse <OSebitso@justice.gov.za>
Subject: FW: SAKELIGA Index 221222

Dear Sir

We refer to your letter received on the 23 December 2022. The writer is not sending this email to respond to each and every allegations made in your letter. Ms Sebitso who is the attorney of record will attend to the letter as soon as she comes back from leave. This email is sent to advise you that on the 22 December we tried to contact your offices about the service of the full record with no success. Our client advised that the documents are contained in the full record.

Kindly advise us where and when can we serve the full record.

Hope to hear from you soon.

Regards

Nanga

From: Qongqo Nangamso
Sent: Thursday, 22 December 2022 19:23
To: 'info@kriekprok.co.za'; 'peter@kriekprok.co.za'
Subject: SAKELIGA Index 221222

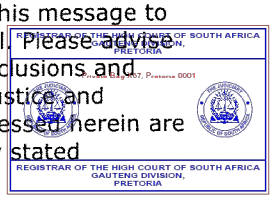
Dear Sir/Madam

Attached letter for your attention.

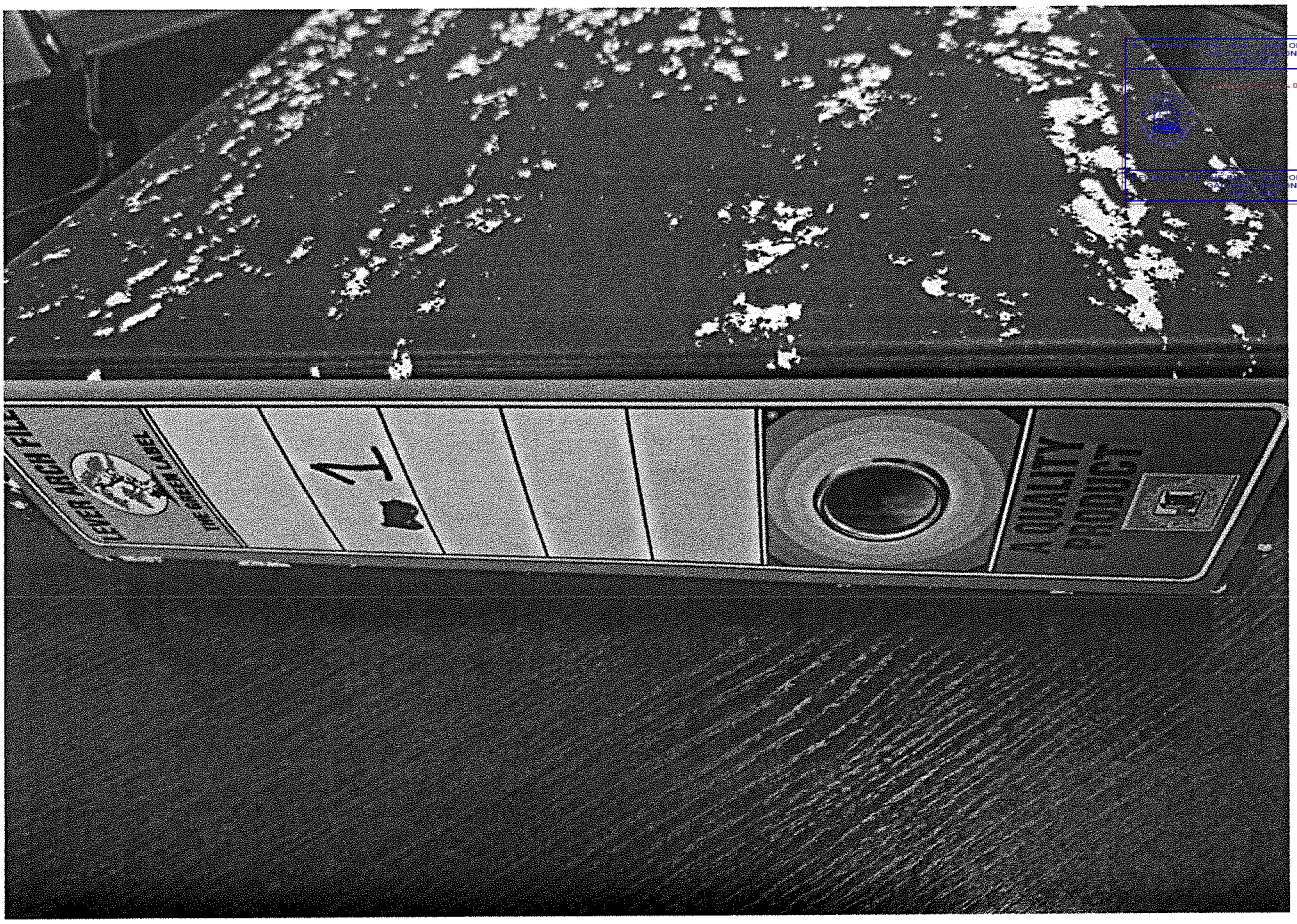
Regards
Nanga

Disclaimer

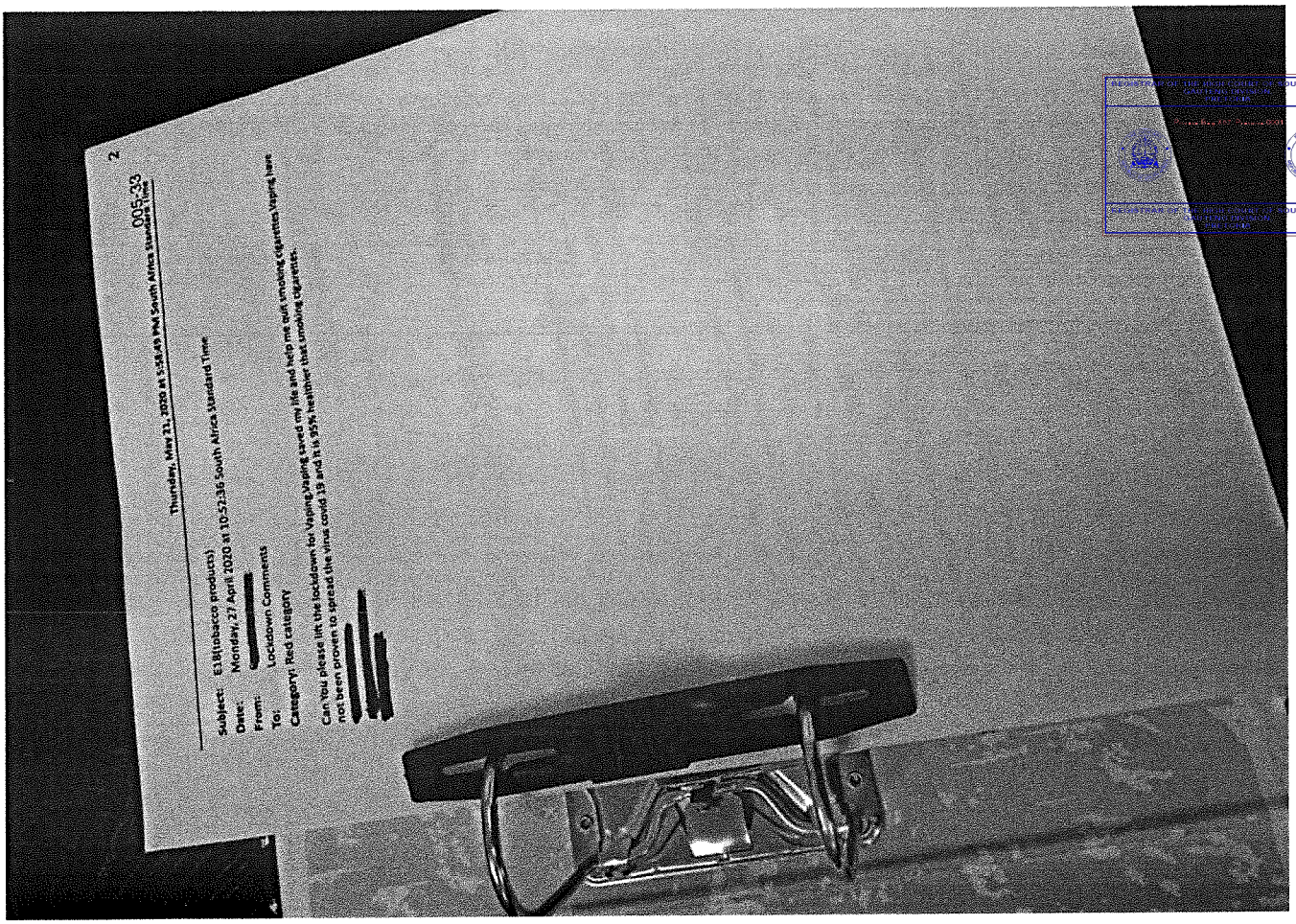
Privileged/Confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person) you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply E-Mail. Please advise immediately if you or your employer do not consent to e-mail messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of the Department of Justice and Constitutional Development shall be understood as neither given nor endorsed by it. All views expressed herein are the views of the author and do not reflect the views of the Department of Justice unless specifically stated otherwise.



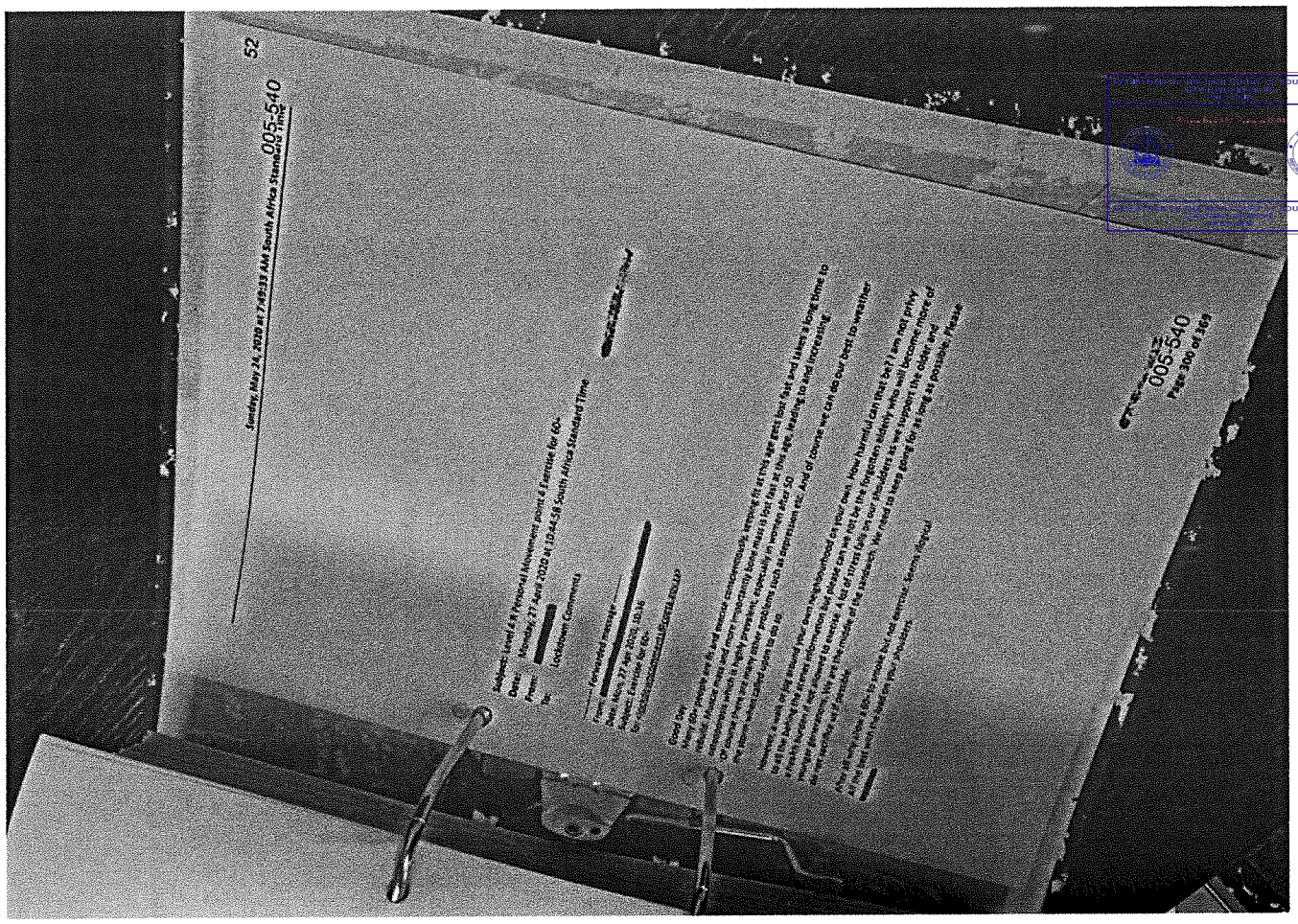
133
SA20



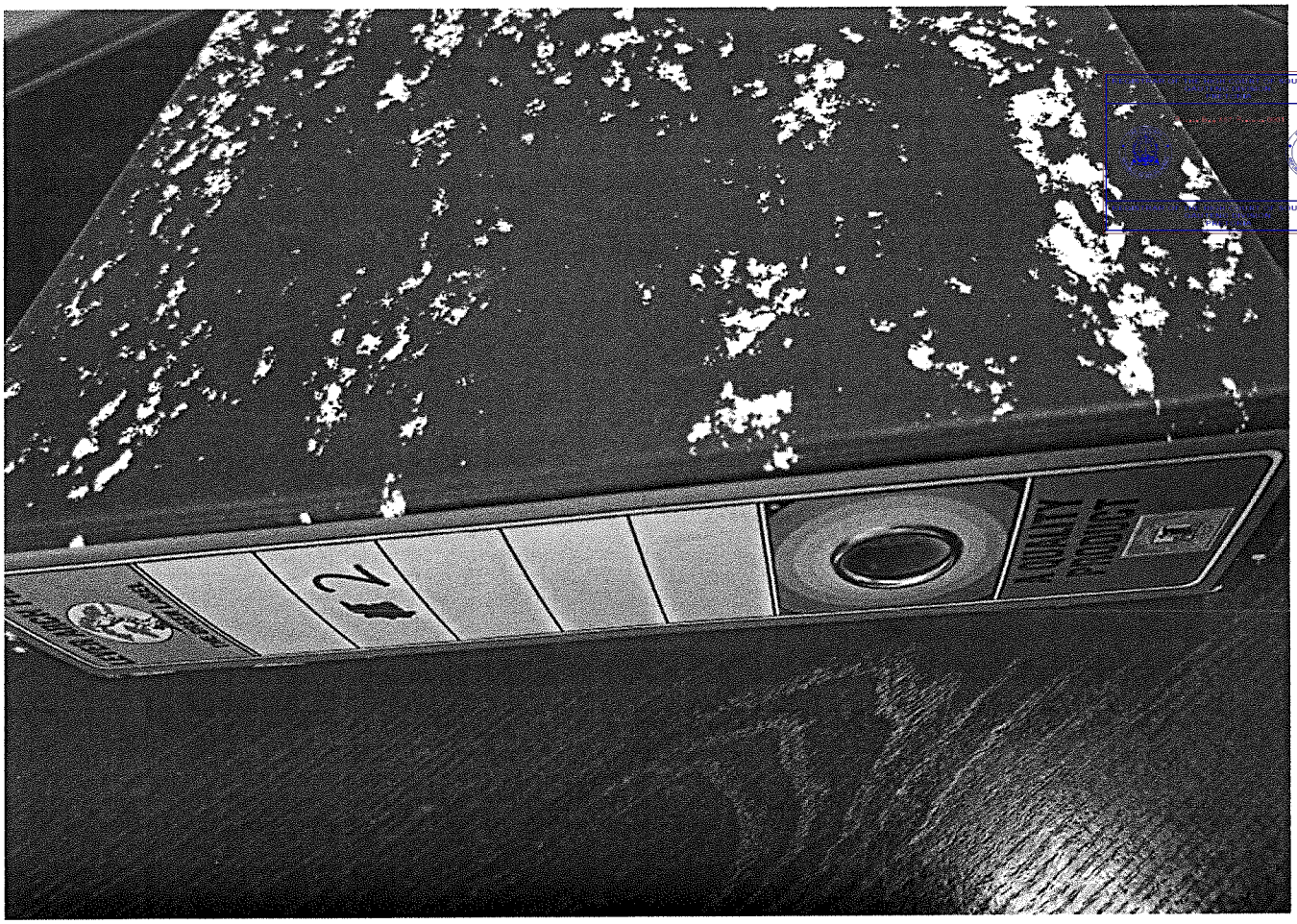
134

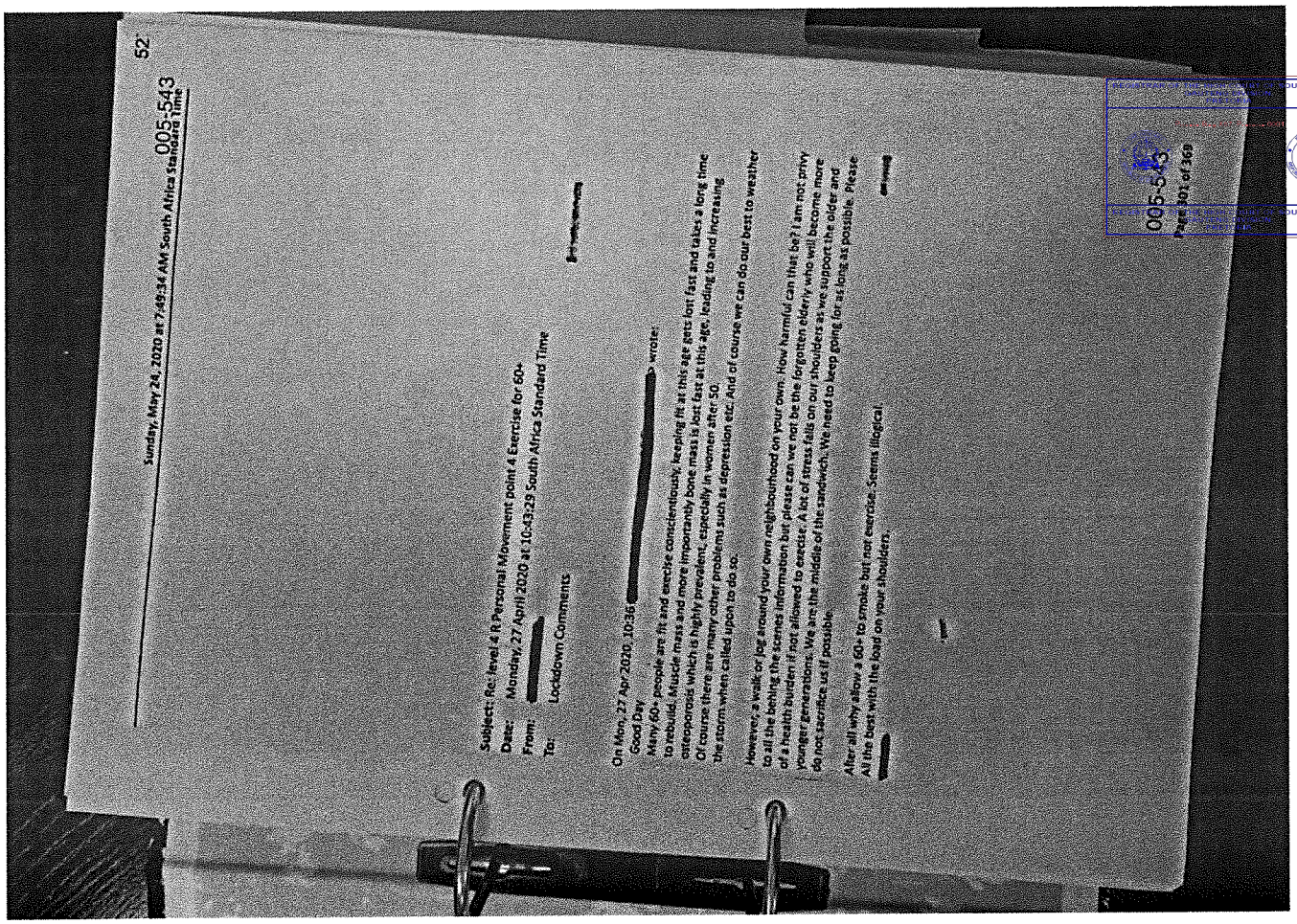

2
005-33
Thursday, May 21, 2020 at 1:58:49 PM South Africa Standard Time
Subject: E3 Bitobacco products)
Date: Monday, 27 April 2020 at 10:52:36 South Africa Standard Time
From:
To: Lockdown Comments
Category: Red category
Can You please lift the lockdown for Vaping Vaping saved my life and help me quit smoking cigarettes Vaping has not been proven to spread the virus covid 19 and it is 95% healthier that smoking cigarettes.

135



136





Sunday, May 24, 2020 at 7:49:34 AM South Africa Standard Time 005-543

Subject: Re: level 4 Personal Movement point 4 Exercise for 60+
Date: Monday, 27 April 2020 at 10:43:29 South Africa Standard Time
From: [redacted]
To: Lockdown Comments

On Mon, 27 Apr 2020, 10:35 [redacted] wrote:

Good Day

Many 60+ people are fit and exercise conscientiously, keeping fit as this age gets lost fast and takes a long time to rebuild. Muscle mass and more importantly bone mass is lost fast at this age leading to and increasing osteoporosis which is highly prevalent, especially in women after 50.
Of course there are many other problems such as depression etc. And of course we can do our best to weather the storm when called upon to do so.

However, a walk or jog around your own neighbourhood on your own. How harmful can that be? I am not privy to all the testing the scenes information but please can we not be the forgotten elderly who will become more of a health burden if not allowed to exercise. A lot of stress falls on our shoulders as we support the older and younger generations. We are the middle of the sandwich. We need to keep going for as long as possible. Please 60 not sacrifice us if possible.

After all why allow a 60+ to smoke but not exercise. Seems illogical.

All the best with the load on your shoulders.

[redacted]

005-543
Page 301 of 369

Sunday, May 24, 2020 at 1:12:16 PM South Africa Stan 005-1058

Subject: Issue of extended lockdown for over 60's
Date: Monday, 27 April 2020 at 14:44:53 South Africa Standard Time
From: [redacted]
To: Lockdown Comments, lockdowncomments@cogta.co.za
Attachments: [redacted]

To whom it may concern

There is a rumour that people over 60 will have extended lockdown.
What it may still be a rumour/fake news I would like to present a view.

I comment below:

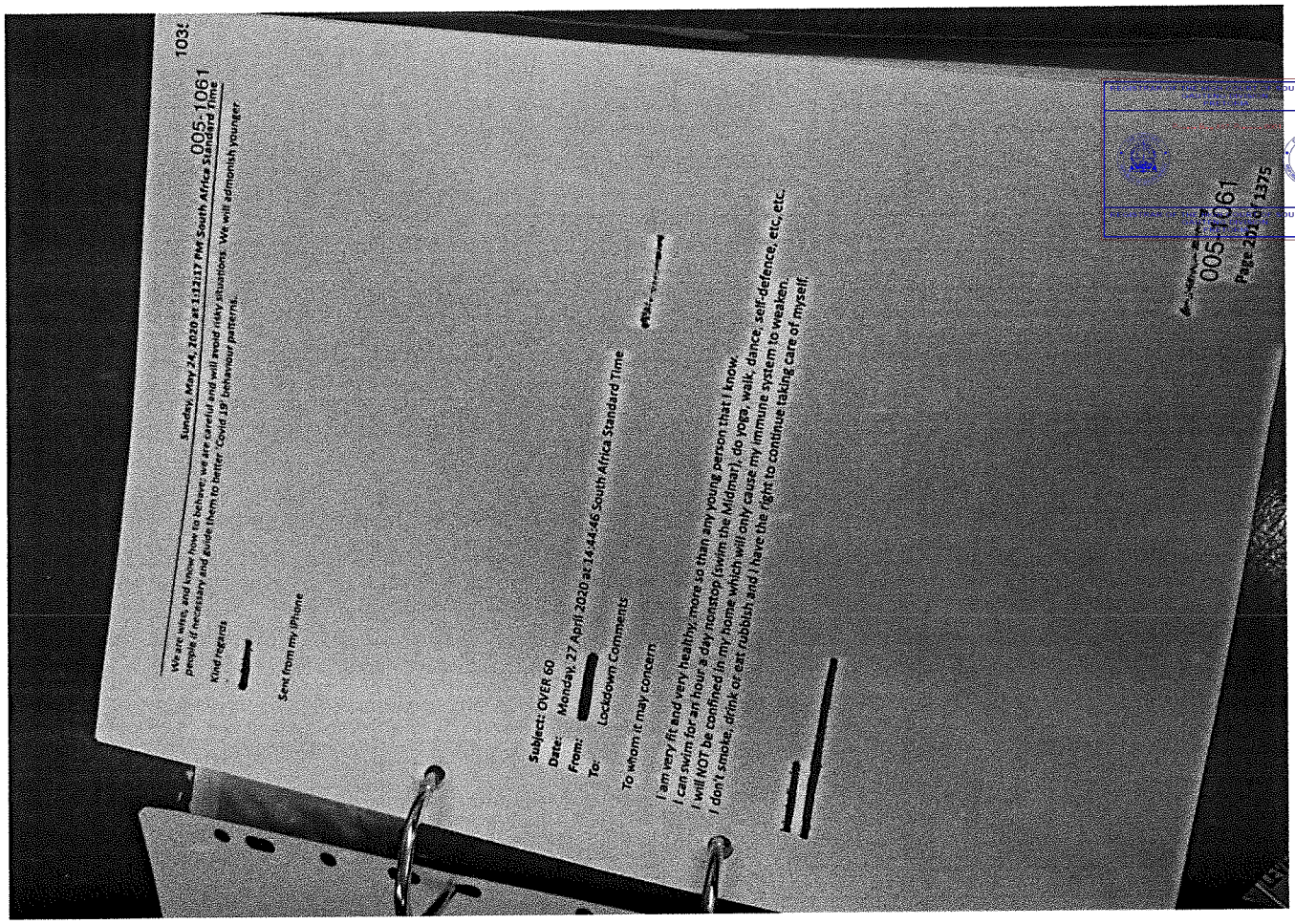
I am over 60. I worked as a member of senior management in a government department with significant responsibilities. I served in ICS and I still serve on ministerial task teams. I am an academic and an internationally acknowledged researcher and recently concluded a significant paper for the EU/SA dialogue on education and training and the NDP and IPS.
I remain an active academic supervisor for doctoral and masters students.
I remain active on committees and councils and boards. I do pro bono as part of giving back to society and am very active in community projects and as an activist for equality and social justice.
I am very healthy and fit. I manage to function very well without wine, cigarettes etc. having never been a smoker ever and not needing to drink alcohol to cope with extreme stress.
My husband was a senior airline captain and flew international routes earning many accolades along the way.
And he is over 60 as well.
Both of us have contributed and still actively contribute in many ways to society and to the economy.
Sorry for the CV above but I think it is rather unthinking and quite hurtful to 'write off' and 'condemn' people over 60 as if they have served their purpose and have no further use.
It is rather ageist to just sidelining as racism and sexism are.
So, whether we be over 60, I can assure you there are many of us over-60's who are far healthier And far less of a cost to the younger people, than what many younger people are.
I think it is dangerous to continue the narrative that people Over 60 should just be 'locked up' and kept out of circulation.

005-1058
Page 200 of 1375

139



140



103!

Sunday, May 24, 2020 at 1:12:17 PM South Africa Standard Time

005-1061

We are wise, and know how to behave, we are careful and will avoid risky situations. We will admonish younger people if necessary and guide them to better. Covid 19' behaviour patterns.

Kind regards

[redacted]

Sent from my iPhone

Subject: OVER 60

Date: Monday, 27 April 2020 at 14:44:46 South Africa Standard Time

From: [redacted]

To: Lockdown Comments

To whom it may concern

I am very fit and very healthy; more so than any young person that I know.

I can swim for an hour a day nonstop (swim the Midmar), do yoga, walk, dance, self-defence, etc. etc.

I will NOT be confined in my home which will only cause my immune system to weaken.

I don't smoke, drink or eat rubbish and I have the right to continue taking care of myself.

[redacted]

005-1061

Page 2nd of 1375

150i

005-1534

2. I assume that the government by lifting the ban on the sale of tobacco products considered the loss in tax revenue important than the health of the citizens of South Africa. **A TOTAL BAN OF SALE OF CIGARETTES SHOULD BE IMPLEMENTED UNTIL AFTER LEVEL 1!** Residents at Buffelsfontein Retirement Village are mostly SASSA grant recipients and to most of the smokers, it is more important to buy illicit cigarettes and in so doing, steal from government taxes which could have been used to increase grants. The NPO also would receive more subsidy if they would stop the buying and selling of illicit cigarettes! Not only is it a crime to buy and sell these illicit cigarettes, but the resident selling also has no license to sell them! So the NPO and residents involved in this illicit trade are all contravening the regulations set out in The Tobacco Act and can be arrested and sentenced.

3. Grandpa powders are another addiction amongst some residents and I will contact the Minister of Health in a separate e-mail.

I can be contacted on cell number [redacted] and am more than willing to testify on my experiences regarding the illicit sale of cigarettes.

I trust that my suggestions would be SERIOUSLY CONSIDERED!

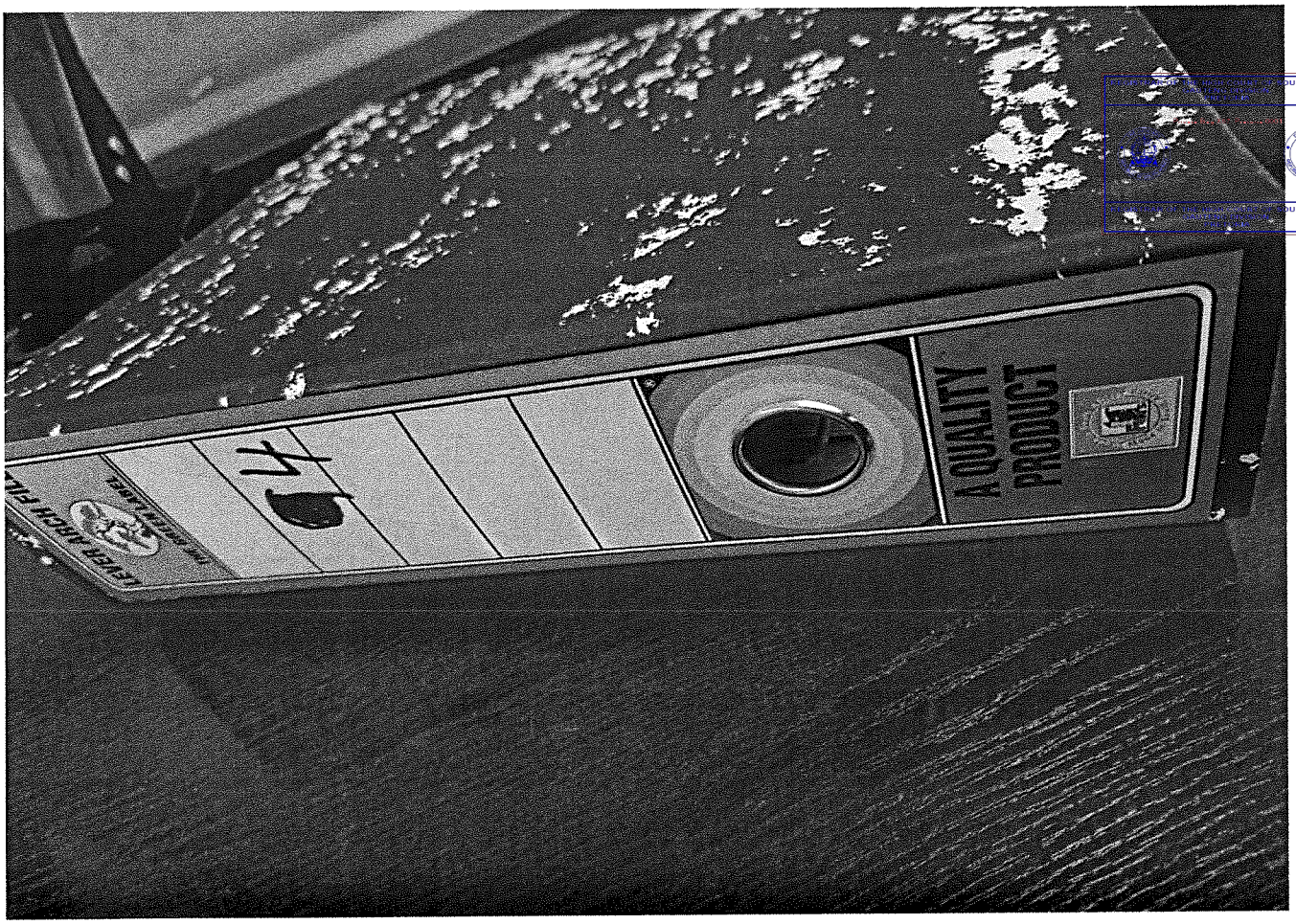
Thank you

[redacted]

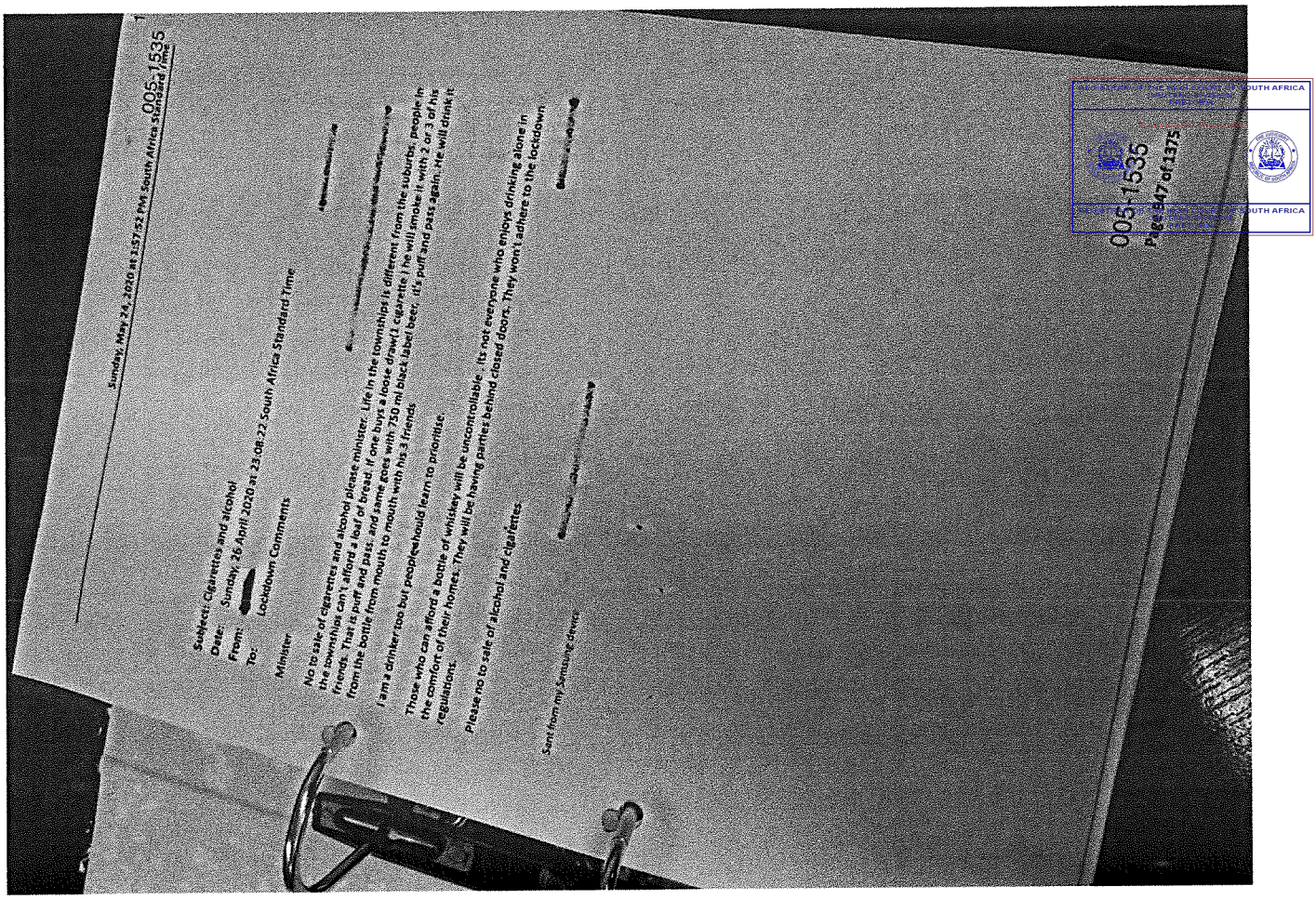
[redacted]

005-1534
Page 946 of 1375

142



143



Sunday, May 24, 2020 at 11:57:52 PM South Africa Standard Time 005-1535

Subject: Cigarettes and alcohol
Date: Sunday, 26 April 2020 at 23:08:22 South Africa Standard Time
From: [redacted]
To: Lockdown Comments

Minister

No to sale of cigarettes and alcohol please minister. Life in the townships is different from the suburbs. people in the townships can't afford a loaf of bread. If one buys a loose draw/1 cigarette / he will smoke it with 2 or 3 of his friends. That is puff and pass. and same goes with 750 ml black label beer. it's puff and pass again. He will drink it from the bottle from mouth to mouth with his 3 friends

I am a drinker too but peopleshould learn to prioritise.

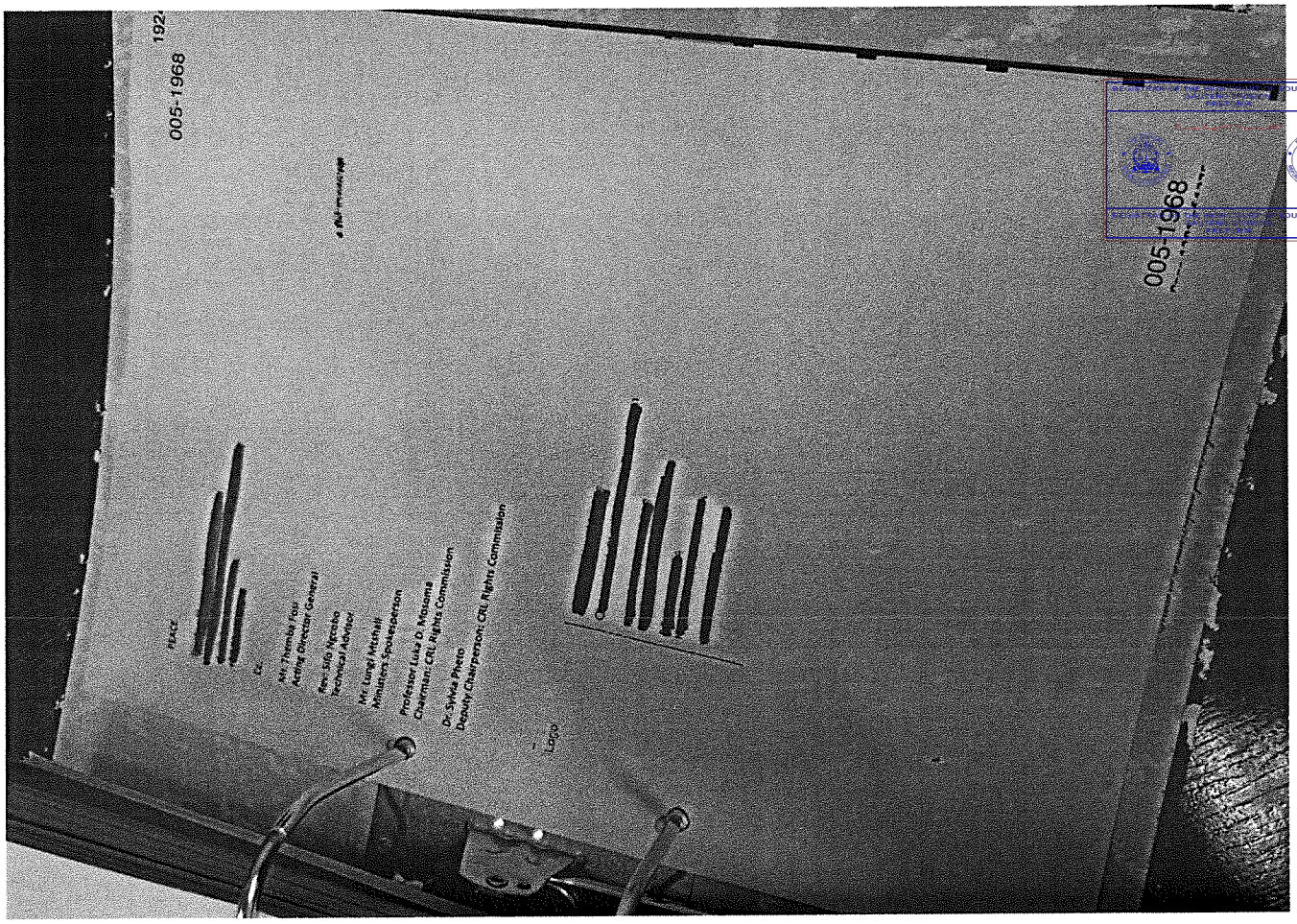
Those who can afford a bottle of whiskey will be uncontrollable . its not everyone who enjoys drinking alone in the comfort of their homes. They will be having parties behind closed doors. They won't adhere to the lockdown regulations.

Please no to sale of alcohol and cigarettes.

Sent from my Samsung device

005-1535
Page 147 of 1372

144


005-1968
005-1968
Mr Thembi Nkadimeng
Acting Director General
Mr Lungi Mkhwanazi
Ministers Spokesperson
Professor Lukas D. Mosoma
Chairman: CRL Rights Commission
Dr Sivuyile Bam
Deputy Chairperson: CRL Rights Commission

145



NZ 10

Request for comments: Schedule of services to be phased in as per the COVID-19 risk adjusted strategy

25 Apr 2020

Government has today put in the public domain a draft framework for the Risk-Adjusted Strategy to bring different sectors of the economy under Level Four of the Lockdown back to work as announced by President Cyril Ramaphosa in undertaking the Risk Adjusted Strategy, the National Coronavirus Command Council (NCCC) and the Ministerial Advisory Committee on COVID-19 intends to sequence and phased in key sectors and priority areas with a view to deepening the fight against COVID-19 whilst simultaneously rebuilding our economy.

In this regard, sectors and business organisations / trade unions and members of the public are invited to submit comments on the schedule of services to be phased in as per the Covid-19 Risk Adjusted Strategy to be implemented with effect from 01 May 2020.

The draft framework can be accessed on: https://sacoronavirus.co.za/covid-19-risk-adjusted-strategy/ and https://www.gov.za/sites/default/files/gcis_document/202004/covid-19-risk-sector-

Note that the classification of sectors in the draft framework follows the Standard Industrial Classifications (SIC) as published by Statistics South Africa. Where an entire division is permitted, it should be assumed by Statistics South Africa. Where an entire division is permitted, it should be assumed that all subgroupings are specifically permitted within a division, it should be assumed that other subgroupings are specifically permitted as well.

In the document, when moving between levels, the green text means additions or changes from the prior level, for example, Level 4 now adds forestry and related services to Agriculture.

Feedback and/or comments should be submitted in writing preferably for Level Four and following the attached guidelines. South Africa will be moving to level 4 economic activity as of 1 May 2020 hence comments particularly on the proposals as contained in Level 4 is encouraged.

Completed submissions must be returned via email to lockdowncomments@cogta.gov.za by 12h00, on Monday, 27 April 2020.

More from: Government Communication and Information System (GCIS)

More on: Coronavirus

NC2

World Health Organization

Tobacco

26 July 2019

Key facts

- Tobacco kills up to half of its users.
- Tobacco kills more than 8 million people each year. More than 7 million of those deaths are the result of direct tobacco use while around 1.2 million are the result of non-smokers being exposed to second-hand smoke.
- Around 80% of the world's 1.1 billion smokers live in low- and middle-income countries.

Leading cause of death, illness and impoverishment

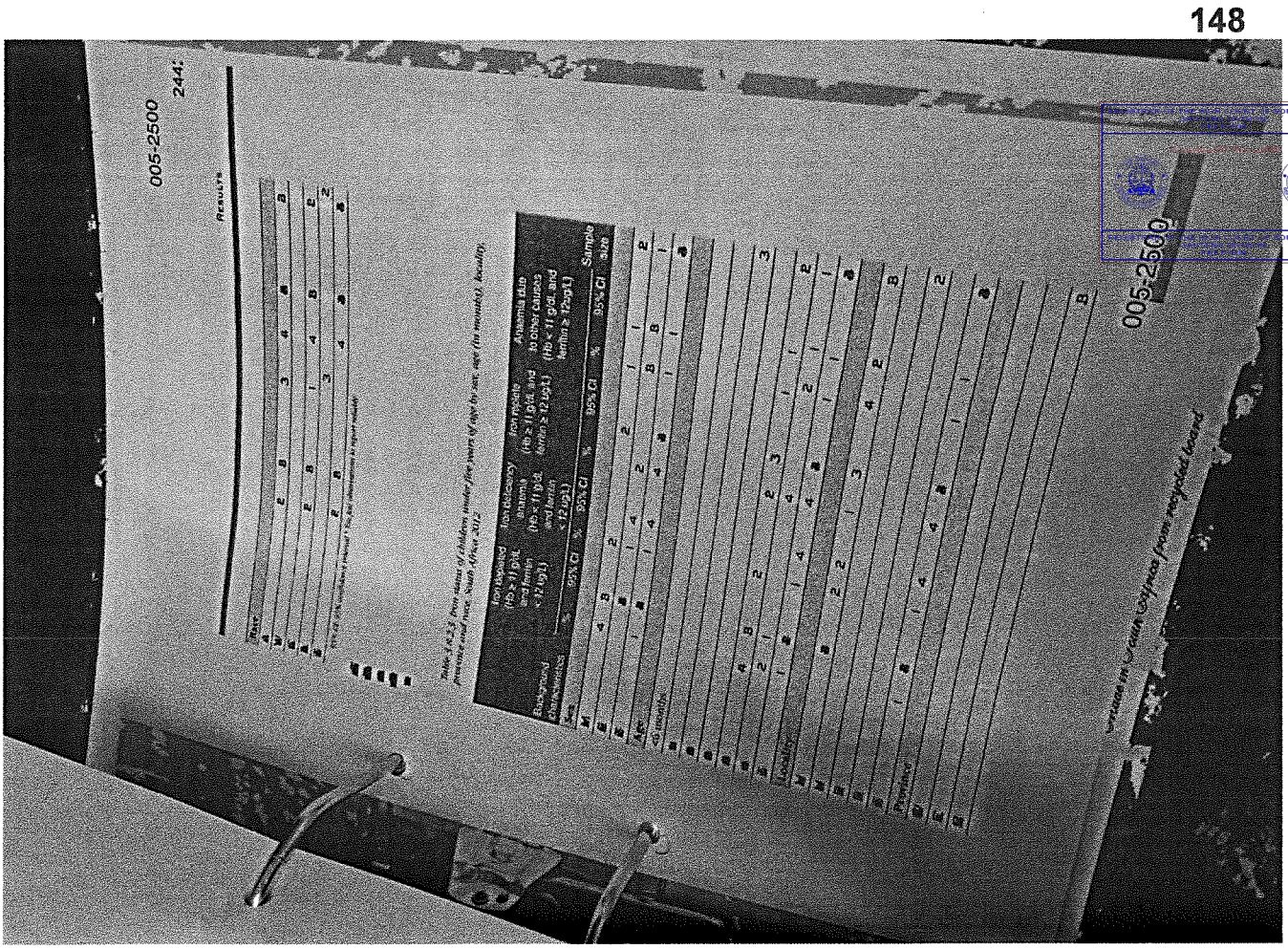
The tobacco epidemic is one of the biggest public health threats the world has ever faced, killing more than 8 million people a year around the world. More than 7 million of those deaths are the result of direct tobacco use while around 1.2 million are the result of non-smokers being exposed to second-hand smoke.

Around 80% of the 1.1 billion smokers worldwide live in low- and middle-income countries, where the burden of tobacco-related illness and death is heaviest. Tobacco use contributes to poverty through increasing household spending from basic needs such as food and shelter to tobacco. This behaviour is difficult to curb because tobacco is so addictive.

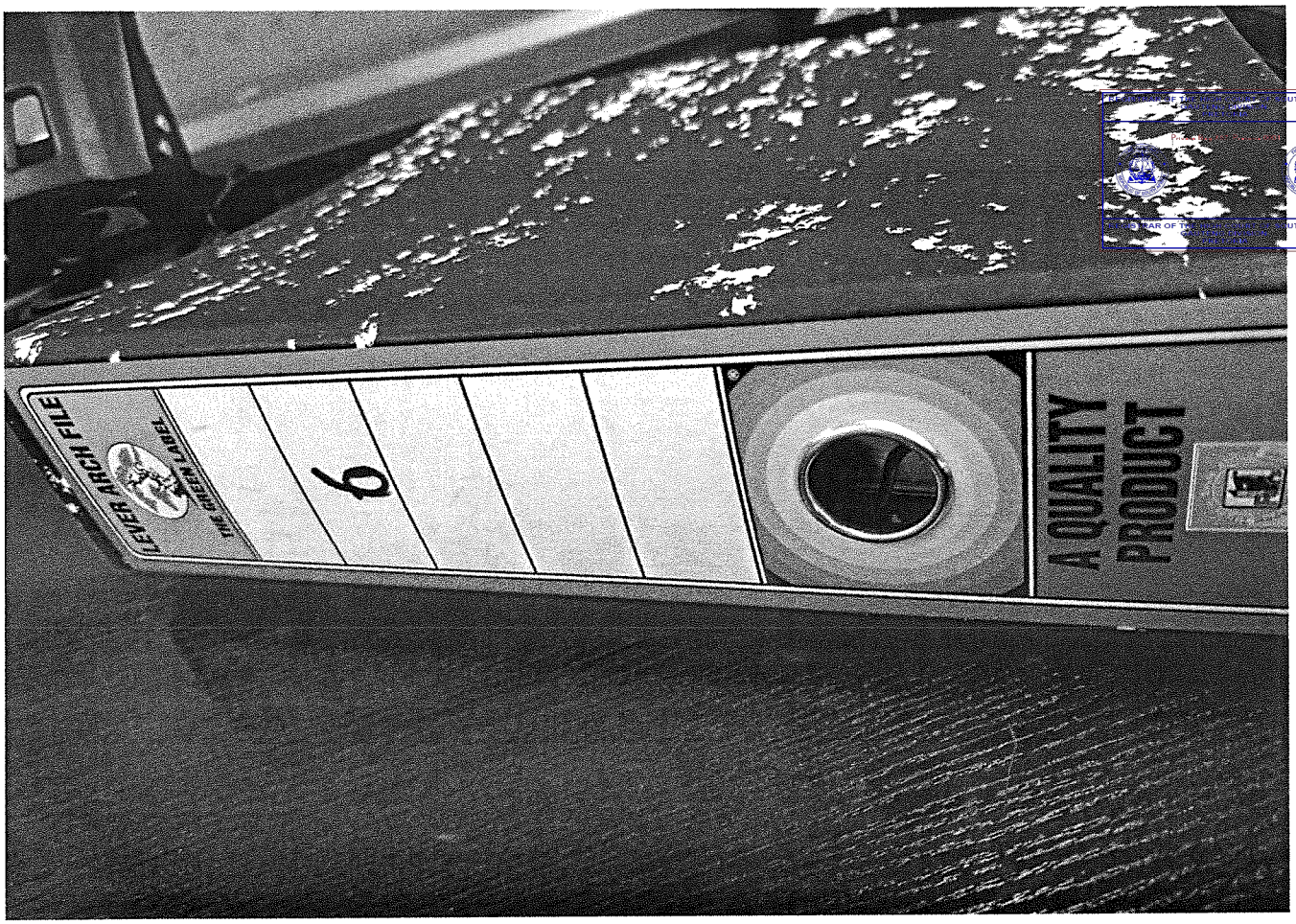
The economic costs of tobacco use are substantial and include significant health care costs for tobacco-related disease caused by tobacco use as well as the lost human capital that results from preventable morbidity and mortality.

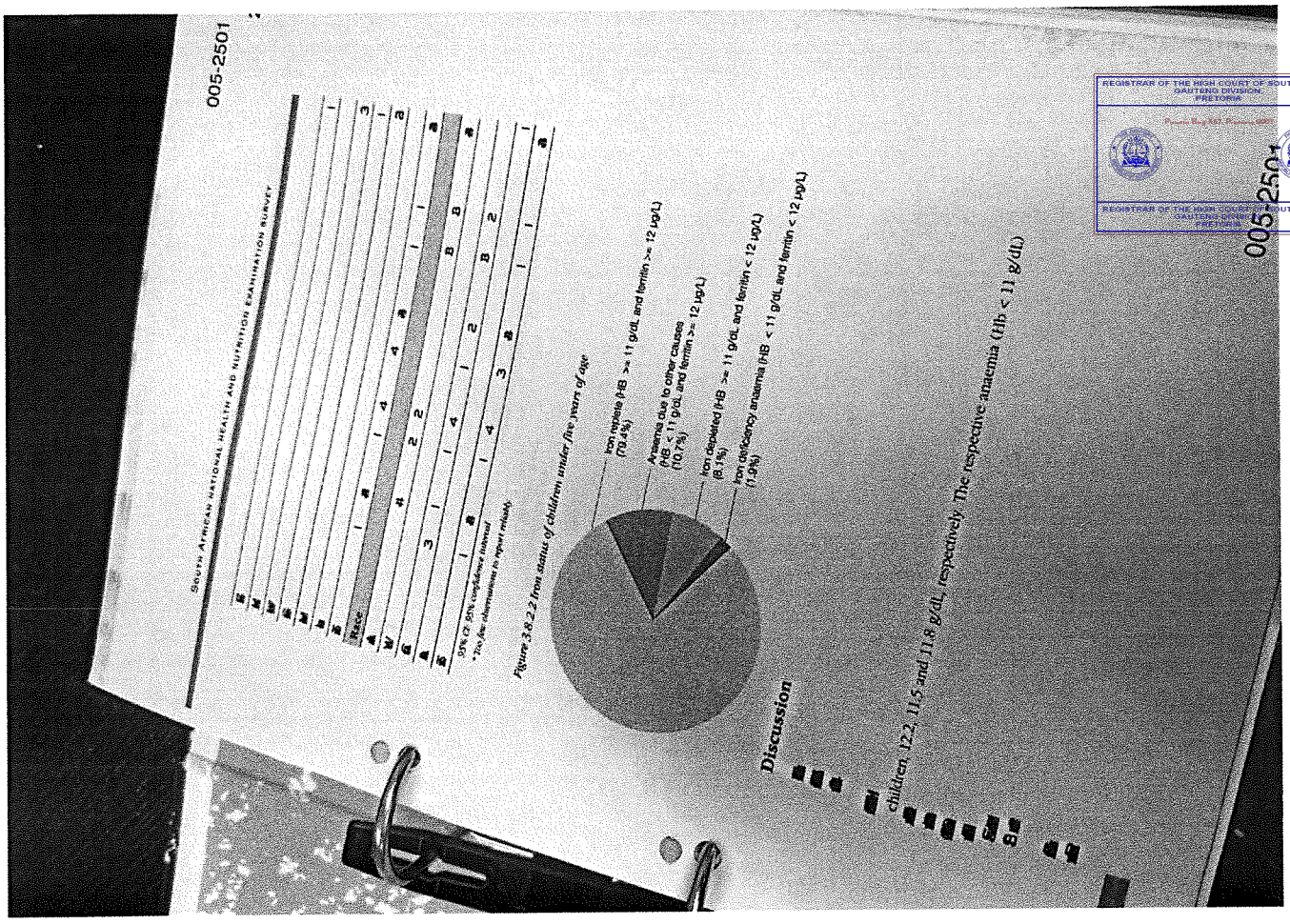
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA

148


005-2500
244:
Results
005-2500
Created in Urgent Express from recycled board

149




005-2501
SOUTH AFRICAN NATIONAL HEALTH AND NUTRITION EXAMINATION SURVEY
Race
Figure 3.8.2.2 Iron status of children under five years of age
Iron replete (HB >= 11 g/dL and ferritin >= 12 µg/L) (70.4%)
Anaemia due to other causes (HB < 11 g/dL and ferritin >= 12 µg/L) (10.7%)
Iron depleted (HB >= 11 g/dL and ferritin < 12 µg/L) (8.1%)
Iron deficiency anaemia (HB < 11 g/dL and ferritin < 12 µg/L) (10.9%)
Discussion
children 12.2, 11.5 and 11.8 g/dL respectively. The respective anaemia (Hb < 11 g/dL)
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA
005-2501

Acknowledgments

This report was prepared by the U.S. Department of Health and Human Services under the general direction of the Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.

Vice Admiral (Ret.) Jerome M. Adams, M.D., M.P.H., the Assistant Secretary for Health, Office of the Secretary, and Human Services, Washington, D.C.

Surgeon General, U.S. Public Health Service, Office of the Surgeon General, U.S. Department of Health

Robert R. Redfield, M.D., Director, Centers for Disease Control and Prevention, Atlanta, Georgia.

Dana Shelton, M.P.H., Director (Acting), National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, Atlanta, Georgia.

Peter A. Briss, M.D., M.P.H., Medical Director, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, Atlanta, Georgia.

Rachel Kaufmann, Ph.D., M.P.H., Associate Director for Science, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, Atlanta, Georgia.

Corinne Graffunder, D.P.H., M.P.H., Director, Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, Atlanta, Georgia.

Editors of the report were

Rachel L. Gentz, Ph.D., M.P.H., Senior Scientific Editor, Behavioral Research Program, Division of Cancer Control and Population Sciences, National Institutes of Health, Bethesda, Maryland.

Ann Malarcher, Ph.D., M.S.P.H., Contributing Editor, Consultant, Epidemiologist (Retired), Office on Smoking and Health, National Center for Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, Atlanta, Georgia.

Jonathan M. Samet, M.D., M.S., Senior Scientific Editor, Dean and Professor, Colorado School of Public Health, University of Colorado, Aurora, Colorado.

Gillian L. Schauer, Ph.D., M.P.H., Senior Scientific Editor, Senior Consultant (Contractor), Centers for Disease Control and Prevention, Atlanta, Georgia; Clinical Instructor, Department of Health Services, School of Public Health, University of Washington, Seattle, Washington.

Jennifer Unger, Ph.D., Senior Scientific Editor, Professor of Preventive Medicine, Keck School of Medicine, University of Southern California, Los Angeles, California.

Brian A. King, Ph.D., M.P.H., Senior Associate Editor, Deputy Director for Research Translation, Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, Atlanta, Georgia.

Leafe A. Norman, M.B.A., Managing Editor, Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, Atlanta, Georgia.

Peter L. Taylor, M.B.A., Technical Editor, Fairfax, Virginia.

Contributing authors were

Robert T. Aditi, M.Ed., Director of Education and Outreach Programs, University of Wisconsin School of Medicine and Public Health, Center for Tobacco Research and Intervention, Madison, Wisconsin.

Anthony J. Alberg, Ph.D., M.P.H., Professor and Chair, Department of Epidemiology and Biostatistics, Arnold School of Public Health, University of South Carolina, Columbia, South Carolina.

Erik Augustson, Ph.D., M.P.H., Lead, Smokefree.gov Initiative, Program Director and Health Scientist, Tobacco Control Research Branch, Behavioral Research Program, Division of Cancer Control and Population Sciences, National Cancer Institute, National Institutes of Health, Bethesda, Maryland.

Stephen Babb, M.P.H., Public Health Analyst, Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, Atlanta, Georgia.

Made in South Africa Offices from recycled board

005-3000

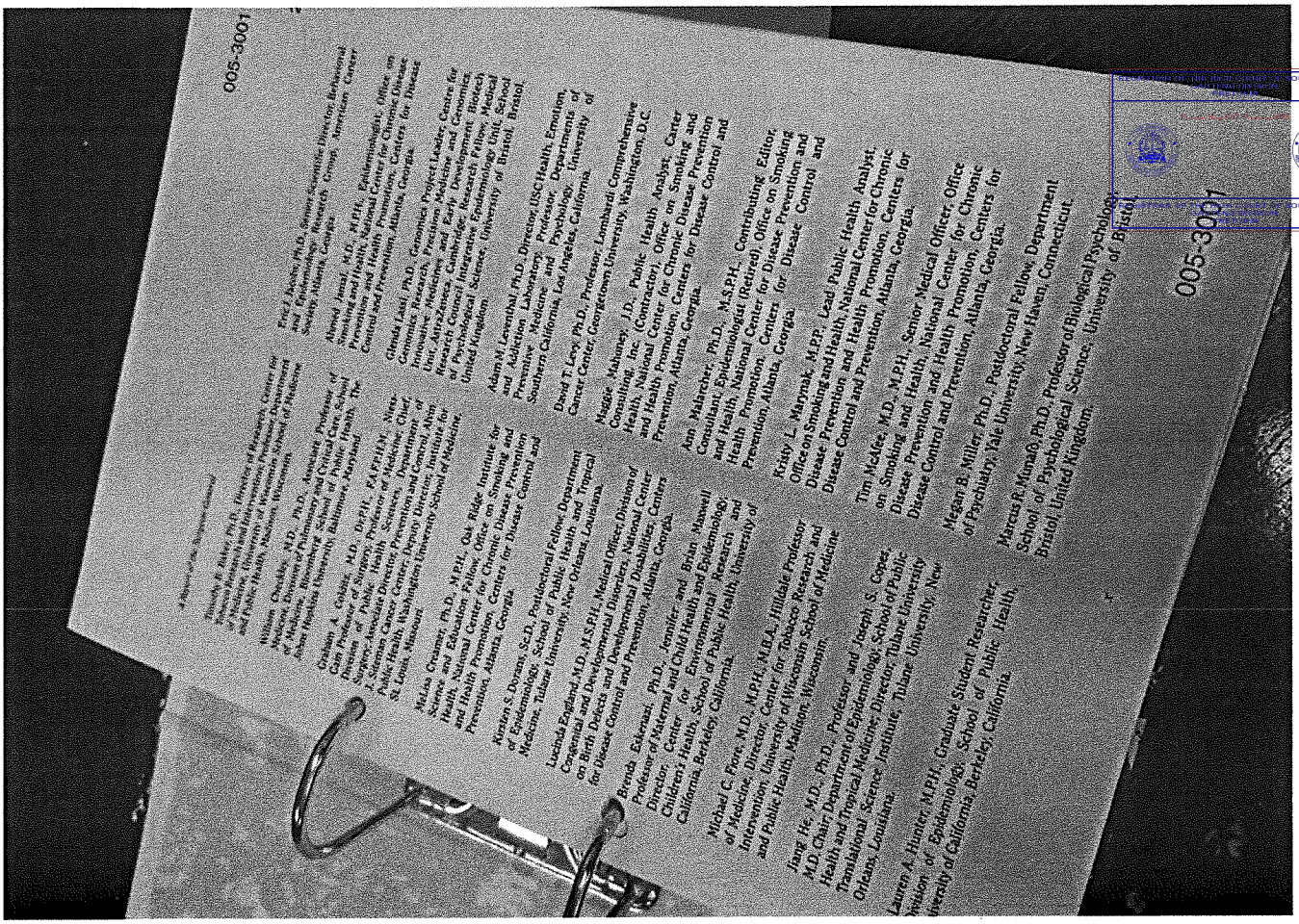
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA

152



153



005-3001

SOUTH AFRICA
005-3001
SOUTH AFRICA

005-3450

337

Smoking Cessation

Shiraishi H, Fukuyo AR, Langevitch WT Jr, Shahar E, Rosamond WD, Cushman M. Risk factors for intracerebral hemorrhage in a pooled prospective study. *Stroke* 2007;38(10):2718–25.

Schar AF, Harlan LC, Mattson ME. Food and nutrient intake differences between smokers and non-smokers in the U.S. *Am J Epidemiol* 1988;128(1):1323–9.

Nie J, Pan L, Yang F, Luo Y, Li X, Deng HW, Dvornyk V. Meta-analysis suggests that smoking is associated with an increased risk of early natural menopause. *Menopause* 2012;19(2):126–32.

Sanz-Sabet R, Grau A, Cruz ME, Font-Mayolas S, Silva Y, Ibwas A, Cruz V, Rodrigo J, Serena J. Smoking cessation 1 year after stroke and damage to the insular cortex. *Stroke* 2012;43(1):131–6.

Sung NY, Choi KS, Park EC, Park K, Lee SY, Lee AK, Choi JJ, Jung KW, Won YJ, Shin HR. Smoking, alcohol and gastric cancer risk in Korean men: the National Health Insurance Corporation Study. *Epidemiol Biomarkers Cancer* 2007;16(7):1504–4

Suskin N, Sheth T, Negassa A, Yusuf S. Relationship of current and past smoking to mortality and morbidity in patients with left ventricular dysfunction. *Am Coll Cardiol* 2001;37(6):1677–82.

Suter LG, Murabito JM, Felson DT, Pramali L. Smoking, alcohol consumption, and Raynaud's phenomenon in middle age. *Am J Epidemiol* 2007;120(3):264–71.

Suzuki K, Sato M, Zheng W, Shimohara R, Yokomichi H, Yamagata Z. Effect of maternal smoking cessation before and during early pregnancy on fetal and childhood growth. *Acta Paediatr* 2014;24(1):560–6.

Suzuki K, Shimohara R, Sato M, Otawa S, Yamagata Z. Association between maternal smoking during pregnancy and birth weight: an appropriately adjusted model from the Japan Environment and Children's Study. *Acta Paediatr* 2016;28(7):371–7.

Swanney MP, Beppel C, Enright PL, Pedersen OF, Crapo RO, Miller MR, Jensen RL, Falaschetti E, Schouten JP, Hankinson JL, et al. Using the lower limit of normal for the FEV1/FVC ratio reduces the misclassification of airway obstruction. *Respir Res* 2008;63(12):1046–51.

Sverzellati N, Calabrese M, Assunta Monaco L, Silva M, Tomassetti S, Chetta A, Tantalocco P, Rossi A, Poletti V. Structured approach to the diagnosis of smoking related interstitial lung diseases. *Eur Radiol* 2010;20(1):179–86.

Tabak C, Smit HA, Heederik D, Ocke MC, Kromhout D. Diet and chronic obstructive pulmonary disease: independent beneficial effects of fruits and antioxidants: the MORGEN study. *Respir Med* 2001;95(5):351–7.

Tabuchi T, Nakamoto T, Shinozaki T, Nakayama T, Tsuji I. Cigarette smoking and the risk of subsequent primary cancer among cancer survivors: a retrospective cohort study. *Ann Oncol* 2013;24(10):2699–704.

Takabatake N, Tomiyama S, Tamashi A, Tokairin Y, Takeishi Y, Konta T, Inoue S, Abe S, Shibata Y, Kubota I. A novel polymorphism in CDC6 is associated with the decline in lung function of ex-smokers in COPD. *Biochem Biophys Res Commun* 2009;381(4):554–9.

Takayanagi S, Kawata N, Tada Y, Ikari J, Matsuura Y, Matsuoka S, Matsushita S, Yanagawa N, Kasahara Y, Tatsumi K. Longitudinal changes in structural abnormalities using MDCT in COPD: do the CT measurements of airway wall thickness and small pulmonary vessels change in parallel with emphysematous progression? *Int J Chron Obstruct Pulmon Dis* 2017;12:551–60.

Tang W, Yao L, Roetker NS, Alonso A, Lutsey PL, Stenson CC, Lederle FA, Hunter DW, Bengtson LG, Guan W, et al. Lifetime risk and risk factors for abdominal aortic aneurysm in a 24-year prospective study highlights: Atherosclerosis Risk in Communities). *Arterioscler Thromb Vasc Biol* 2016;36(12):2468–77.

Tao L, Wang R, Cao T, Yuan JM. Impact of postdiagnosis smoking on long-term survival of cancer patients: the Shanghai cohort study. *Cancer Epidemiol Biomarkers Prev* 2013;22(12):2404–11.

Tashkin DP, Murray RP. Smoking cessation in chronic obstructive pulmonary disease. *Respirology* 2009;103(7):963–74.

Tashkin DP, Rennard S, Taylor Hays J, Lawrence D, Marton JP, Lee TC. Lung function and respiratory symptoms in a 1-year randomized smoking cessation trial of varenicline in COPD patients. *Respirology* 2011;105(11):1682–90.

Tavintharan S, Ning C, Su Chi L, Tay W, Shankar A, Shyong Tai E, Wong TY. Prevalence and risk factors for peripheral artery disease in an Asian population with diabetes mellitus. *Diabet Med Diabetes Res Rev* 2009;6(2):180–6.

Tchirkov M, Schlabritz-Loutsevitch N, Maher J, Buchmann J, Naberezhnev Y, Winarno AS, Seliger C. Mid-trimester preterm premature rupture of membranes (PPROM): etiology, diagnosis, classification, international recommendations of treatment options and outcome. *J Matern Fetal Neonatal Med* 2018;46(5):465–88.

Tendera N, Aboyans V, Bartelink ML, Baumgartner I, Clement D, Collet JP, Cremonesi A, De Carlo M, Erbel R, Fowkes FG, et al. ESC guidelines on the diagnosis and treatment of peripheral artery diseases. *Eur Heart J* 2011;32(22):2851–906.

Thoma ME, McLain AC, Louis JF, King RB, Trumble AC, Sundaram R, Buck Louis GM. Prevalence of infertility

The Health Benefits of Smoking Cessation. 43

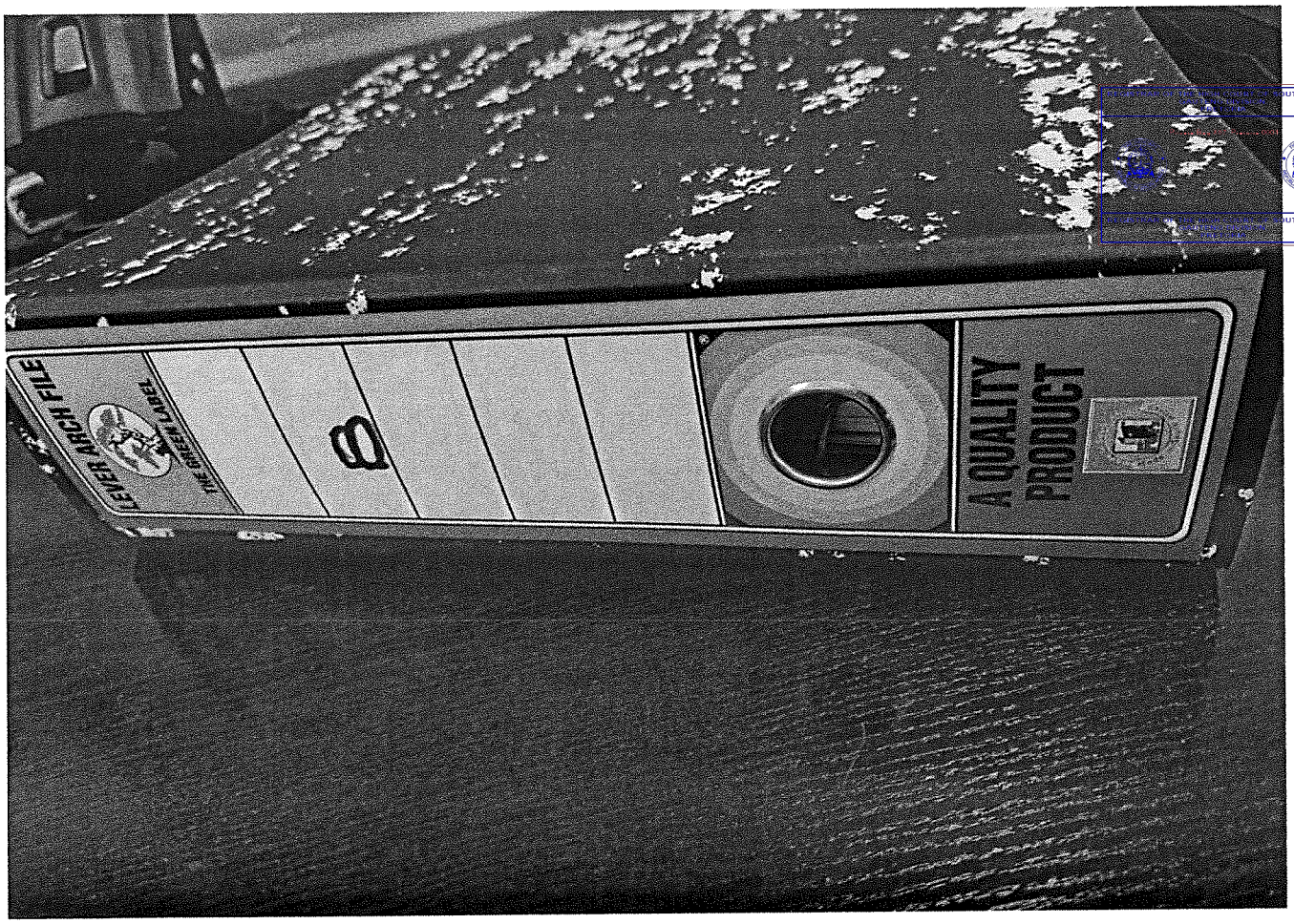
005-3450

Circulate in South Africa from recycled leaves

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA

155



156

in the United States as estimated by the current death tion approach and a traditional risk-factor approach. *Epidemiology* 2005;16(2):187–91.

Thomas K, Coughlin, Cigarette smoking and acute leu- kemia. *Archives of Internal Medicine* 2004;45(6):1103–9.

Thomson G, Wilson N, Blakely T, Edwards R. Ending appre- ciable tobacco use in a nation using a sinking lid on sales. *Tobacco Control* 2010;19(5):431–5.

Thomson NC, Chaudhuri R, Livingston E. Asthma and cigarette smoking. *European Respiratory Journal* 2004;24(5):822–33.

Thun MJ, Carter BD, Feskanich D, Freedman ND, Prentice R, Lopez AD, Hartge P, Gapstur SM. 50-year trends in smoking-related mortality in the United States. *The New England Journal of Medicine* 2013a;368(4):351–64.

Thun MJ, Lopez AD, Hartge P. Smoking-related mortality in the United States. *The New England Journal of Medicine* 2013b;368(18):1753.

Tita R, Sower A, Schneider T, Elamin A, Martin F, Dijon S, Luettich K, Caudi E, Williams G, Ivanov NV, et al. Alterations in the sputum proteome and transcriptome in smokers and early-stage COPD subjects. *Journal of Proteomics* 2015;128:306–20.

Toler CH, Muller JE, Stone PH, Davies G, Davis VG, Braunwald E. Comparison of long-term outcome after acute myocardial infarction in patients never gradu- ated from high school with that in more educated patients. Multicenter Investigation of the Limitation of Infarct Size (MILIS). *American Journal of Cardiology* 1993;71(12):1031–5.

Toll BA, Brandon TH, Gritz ER, Warren GW, Herbst RS. Assessing tobacco use by cancer patients and facili- tating cessation: an American Association for Cancer Research policy statement. *Clinical Cancer Research* 2013;19(8):1941–8.

Tong VT, Alshabe F, Aleman A, Johnson CC, Dietz PM, Berrueta M, Morello P, Coleman M, Buekens P, Sosnoff CS, et al. Accuracy of self-reported smoking cessation during pregnancy. *Acta Obstetricia et Gynecologica Scandinavica* 2015;94(1):108–11.

Tong VT, England LJ, Rockhill KM, D'Angelo DV. Risks of preterm delivery and small for gestational age infants: effects of nondaily and low-intensity daily smoking during pregnancy. *Maternal and Child Epidemiology* 2017;21(2):144–8.

Tonneijck L, Muskiet MH, Smits MM, van Bommel EJ, Heerspink HJ, Seelen MA, Hoorn EJ, Rensma PL, Kramer MH, Nieuwdorp M, Joles JA, Kramer A. Glomerular hyperfiltration in diabetes: mechanisms, clinical significance, and treatment. *Journal of the American Society of Nephrology* 2017;28(4):1023–39.

Tonstad S, Stewart K, Oda K, Batech M, Herring RP, Kissebah AH. Effect of maternal smoking during pregnancy on fetal and childhood blood pressure. *Hypertension in Pregnancy* 2013;32(1):1–15.

Tonstad S, Sundler F, Selleflot I. Effect of lifestyle changes on atherogenic lipids and endothelial cell adhesion molecules in young adults with familial premature coronary heart disease. *American Journal of Cardiology* 2005;95(10):1187–91.

Trivedi ME, Virtamo J, Haukka JK, Ano A, Albanes D, Huttunen JK. Prospective study of diet, lifestyle, and intermittent claudication in male smokers. *American Journal of Epidemiology* 2000;151(10):892–901.

Tran B, Hatter MO, Douglas K, Blyth F, Horn LR. Smoking and potentially preventable hospitalisation: the benefit of smoking cessation in older ages. *Age and Ageing* 2015;156:85–91.

Tran CD, Sun XD, Ahnet CC, Fan JH, Dawsey SM, Dong ZW, Mark SD, Qiao YL, Taylor PR. Prospective study of risk factors for esophageal and gastric cancers in the Linxian General Population Trial cohort in China. *International Journal of Cancer* 2005;113(3):456–63.

Travison TC, Shabsigh R, Araujo AB, Kupelian V, O'Donnell AB, McKinlay JB. The natural progression and remission of erectile dysfunction: results from the Massachusetts Male Aging Study. *Journal of Urology* 2007;177(1):241–6; discussion 6.

Taprouni LC, Yang TP, Bell J, Dick KJ, Kanoni S, Nisbet J, Viñuela A, Grundberg E, Nelson CP, Meduri E, et al. Cigarette smoking reduces DNA methylation levels at multiple genomic loci but the effect is partially revers- ible upon cessation. *Epigenetics* 2014;9(10):1382–96.

Tse LA, Fang XH, Wang WZ, Qiu H, Yu IT. Incidence of ischaemic and haemorrhagic stroke and the associa- tion with smoking and smoking cessation: a 10-year multicentre prospective study in China. *Stroke* 2012;126(11):960–6.

Turato G, Di Stefano A, Maestrelli P, Mapp CE, Ruggieri MP, Roggeri A, Fabbri LM, Saetta M. Effect of smoking cessation on airway inflammation in chronic bron- chitis. *American Journal of Respiratory and Critical Care Medicine* 1995;152(4 Pt 1):1262–7.

Twardella D, Kupper-Nybelen J, Rothenbacher D, Hahmann H, Wusten B, Brenner H. Short-term benefit of smoking cessation in patients with coronary heart disease: estimates based on self-reported smoking data and serum cotinine measurements. *European Heart Journal* 2004;25(23):2101–8.

Twardella D, Rothenbacher D, Hahmann H, Wusten B, Brenner H. The underestimated impact of smoking and smoking cessation on the risk of secondary cardio- vascular disease events in patients with stable coronary heart disease: prospective cohort study. *Annals of the American College of Cardiology* 2006;47(4):887–9.

U.S. Cancer Statistics Working Group. U.S. Cancer Statistics Data Visualizations Tool, based on November 2018 submission data (1999–2016). June 2019; <http://www.cdc.gov/cancer/dataviz>; accessed: July 24, 2019.

U.S. Department of Health, Education, and Welfare. *Smoking and Health: Report of the Advisory*

005-3451

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG

367.

005-3756

43.6 Further, based on the experience during level five lockdown, it was considered likely that continuing to temporarily ban the sale of tobacco products during level four would be effective in reducing the number of people who had access to these products.

43.7 It was also considered relevant that other countries had taken similar measures, and that the continued temporary ban on tobacco sales during level four was supported by a number of prominent organisations in the medical fraternity.

44 The above constitute the reasons for promulgating the temporary ban on the sale of tobacco products during alert level four lockdown, contained in regulation 27.

45 DATED AT PRETORIA ON THIS 26th DAY OF MAY 2020

46

NKOSAZANA CLARICE DLAMINI-ZUMA

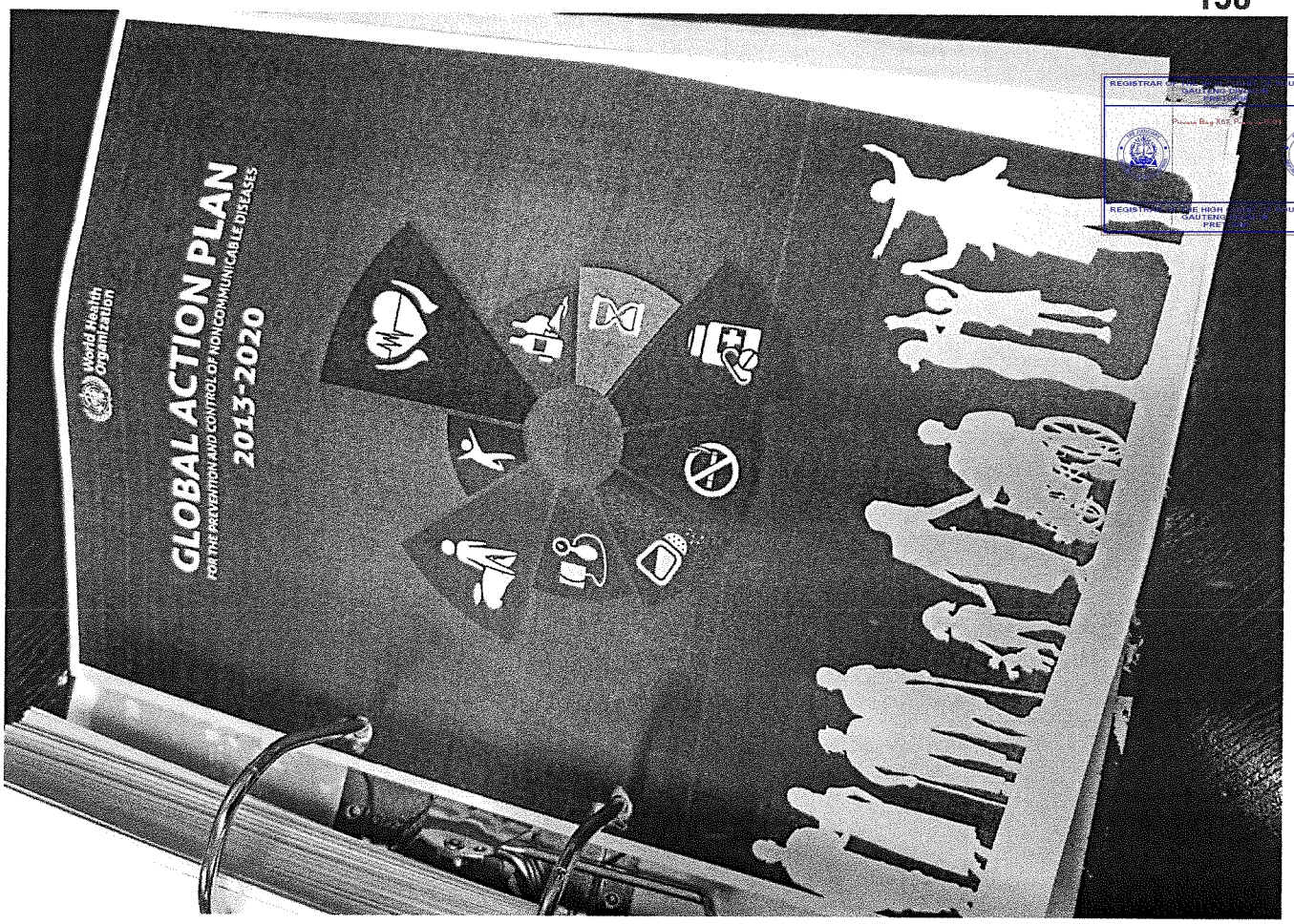
Minister of Cooperative Governance and Traditional Affairs

(Second Respondent)

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA

005-3756

158


World Health Organization
GLOBAL ACTION PLAN
FOR THE PREVENTION AND CONTROL OF NONCOMMUNICABLE DISEASES
2013-2020

KRIEK WASSENAAR & VENTER ING
Prokureurs • Aktevervaardigers • Attorneys • Conveyancers

Our ref: PJ Wassenaar/es/QB0792
Your ref:

6 January 2023

THE STATE ATTORNEY: PRETORIA
GROUND FLOOR, SALU BUILDING
316 THABO SEHUME & FRANCIS BAARD STREETS
PRETORIA

URGENT

By e-mail: OSebitso@justice.gov.za
EMolomo@justice.gov.za
Kangwatle@justice.gov.za
NaQongqo@justice.gov.za



Sir/Madam

COURT ORDER: SAKELIGA NPC / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS & OTHERS

1. We refer to our letter of 23 December 2022.

2. Your offices this afternoon delivered two boxes containing eight lever-arch files to our offices. The hardcopy record delivered to us consists of approximately 3800 A4pgs of record.

3. Despite having granted your client further opportunity to supplement the record she is required to make available to our client, your client has persisted in her contempt of the court order of 9 November 2022.

4. Our previous letter warned that our client's information request requires complete disclosure of the COGTA Minister's 2020 disaster management records. We specifically warned that:

> *"3.We have gleaned the index and the records you have already uploaded. Even though your client has yet to upload all of the records included in your index, it is already clear to our client that your client does not intend to provide complete discovery as required by our client's original information request of 15 December 2020 and the subsequent court order of 9 November 2022.*
>
> ***4. Your record consists mainly of already public policy documents and reports. Let's compare the record index to the records which your client disclosed in response to various challenges to her 2020 and 2021 lockdown regulations over the last two years (with specific reference to the bans imposed on alcohol, tobacco, travel and trade). One gets the impression that the COGTA Minister (or your offices for that fact) has merely collected already prepared records from her litigation files to give lip service to the 9 November 2022 court order.***

5. The 9 November 2022 court order requires full compliance with our client's information request. Your client is fully aware of the scope of that request, having not only unlawfully rejected the request during the internal appeal but also opposed and frustrated our client's litigation in the High Court for approximately 18 months. There should be no uncertainty from your client's side about the veracity and scope of disclosure required by the court order.

6. In terms of the 9 November 2022 court order your client must disclose all records, reasons, reports, findings, deliberations, communications, memoranda and documentation relied upon by the COGTA Minister during the making of her lockdown regulations in 2020. The information request is also particular about the delivery of all records considered during the creation of each version of her augmented lockdown regulations during 2020.

7. The COGTA Minister's response to the order is clearly unacceptable. Must our client accept that the last two years of opposition to our client's information request was undertaken by the COGTA Minister merely to frustrate and oppose our client's access to records consisting primarily of already public reports, research papers and policies? ***Where is the inter-departmental correspondence relating to the management of COVID-19? Where are the meeting minutes? Where are the reports on public consultation, inter-departmental meetings, consultations with experts and industry, and the preparation of disaster management regulations? Where are the advisory reports on the framing of the regulations? Must we accept that each amendment to her lockdown regulations between March 2020 and December 2020 relied on the same 41 records you have chosen to discover now?***

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

8. We have considered the COGTA Minister's original refusal to our client's information request, and it is clear that she understood the scope and implication of our client's information request when refusing access in 2021. We can, therefore, come to no other conclusion than that the COGTA Minister is wilfully continuing her strategy of frustrating our client's right to access the full record of her 2020 regulation-making attempt." [Own emphasis]

5. In response to the abovementioned letter, your offices on 24 December 2022 made the following statement:

> *"This email is sent to advise you that on the 22 December we tried to contact your offices about the service of* ***the full record*** *with no success.* ***Our client advised that the documents are contained in the full record.***" [Own emphasis]

6. It is clear from the above that the COGTA Minister is aware of the order, has considered the contents of our previous letter and that the eight lever-arch files delivered should be deemed to be her 'full record' response to the order.

7. Our offices have considered the lever-arch files and can confirm that they consist exclusively of public participation documents and research papers relating to the April 2020 ban on the sale and distribution of tobacco. In fact, the record is clearly a printout of section 005:001 – 005:3756 of the Caselines file in the matter of *Fair-Trade Independent Tobacco Association v President of the Republic of South Africa and others [2020] ZAHCGP (Case number 21688/*20220). The record only covers the period of 18 March 2020 until 26 May 2020 (the date of the COGTA Minister's signed reasons in the *Fair-Trade* litigation).

8. No further records are included. Your client has in no substantive way discharged her obligation to comply with the 9 November 2022 order. The COGTA Minister has only provided us with a small selection of documents prepared as part of her record during the review of a single aspect of her 2020 disaster management regulations (the tobacco ban).

9. The records delivered to us today have confirmed our suspicion that the COGTA Minister has instructed your offices to pooh-pooh our client by regurgitating her already prepared rule 53 litigation record in the *Fair-Trade* case. Unfortunately, this insult to our client is done in defiance of the authority and dignity of the court.

10. We demand a full and satisfactory explanation for the COGTA Minister's non-compliance with the court's order. Your client's failure to do so by **14h00 on 11 January 2023** will result in our client proceeding with contempt of court proceedings.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Yours faithfully

KRIEK WASSENAAR & VENTER ING
PÉTER WASSENAAR – DIREKTEUR / DIRECTOR
(f) 086 596 8516
(e) peter@kriekprok.co.za

Elektronies geteken
Electronically signed

NJ Nel

From: NJ Nel
Sent: Monday, 09 January 2023 08:03
To: OSebitso@justice.gov.za; EMolomo@justice.gov.za; Kangwatle@justice.gov.za; naqongqo@justice.gov.za
Cc: Chane Houman
Subject: COURT ORDER: SAKELIGA NPC / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS & OTHERS
Attachments: Minister COGTA sent 20230106.pdf

Good day

We refer to the abovementioned matter and attach hereto a letter for your attention.



Kindly acknowledge receipt hereof in writing.

Yours faithfully,

N.J. Nel

Kriek Wassenaar & Venter Ing

Kandidaatprokureur / Candidate Attorney

• (t) (+27) 12 803 4719 • (f) (+27) 86 596 8797

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

• (p) Postnet Suite #11, Privaatsak / Private Bag X025, Lynnwood Ridge, 0040 • BTW Reg: 4020260685 • Reg: 2012/030418/21

Hierdie e-pos is onderhewig aan voorwaardes. Kliek hier vir meer besonderhede.

This e-mail is subject to certain conditions. Click here for more information.

SA23

IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION, PRETORIA)

CASE NO: 39370/2021

In the matter between:

SAKELIGA NPC	Applicant
and	
THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	First Respondent
THE NATIONAL DEPARTMENT IN THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Second Respondent
THE DIRECTOR GENERAL IN THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Third Respondent
THE INFORMATION OFFICER: THE NATIONAL DEPARTMENT COOPERATIVE GOVERNANCE	Fourth Respondent
THE PRESIDENT: REPUBLIC OF SOUTH AFRICA	Fifth Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

INDEX

No	ITEM	PAGE NUMBER
1.	NICD-Coronavirus disease 2019 (COVID-19) caused by a Novel Coronavirus- Guidelines for case finding, diagnosis, management, and public health response in South Africa.	
2.	COVID-19 Theoretical elements of a risk reduction containment strategy.	
3.	President's letter of appointment to the national command council combating COVID-19.	
4.	Academy of Science SA on the implication of COVID-19.	
5.	National Department of Health, Standard operating procedures for preparedness and detection in South Africa.	
6.	Global Epidemiological Situation	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

7.	Integrated National Response plan to COVID-19.	
8.	Internal legal opinion on the legal instruments applicable.	
9.	DoH regulations relating to the surveillance and the control of notifiable medical conditions.	
10.	Containment and preparedness plan for COVID-19.	
11.	Interim novel coronavirus disease (COVID-19) 72 hour preparedness and response plan Western Cape Department of Health.	
12.	Outbreak of novel coronavirus (COVID-19) update for March 2020-Department of Health.	
13.	Novel Coronavirus (COVID-19) provincial readiness checklist.	
14.	NDMC phase two quarantine.	
15.	Classification of a disaster and declaration of a state of disaster.	
16.	NDMC legal basis for control measures.	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

3

17.	Containment of COVID-19 for schools and communities.	
18.	Provincial efforts to contain COVID-19.	
19.	Travel advisories.	
20.	Containment plan for COVID-19 March 2020	
21.	Progress update on the work regarding COVID-19 Pandemic	
22.	COVID-19, National Consolidated Report	
23.	NDMC Guidelines-contingency planning and arrangement.	
24.	Department of defence disaster management report.	
25.	Department of Correctional Services quarterly performance report.	
26.	SAFER: prevention and reducing alcohol related harms.	
27.	Presentation by the Minister of CoGTA, 20 April 2020.	
28.	Minister of GOGTA media briefing – level 2 in line with Risk Adjusted Strategy.	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

29.	Department of CoGTA, report on issues raised by sectors and the public in re: risk adjusted strategy	
30.	Intervention in response to COVID-19 SAPS	
31.	Fitness industry reopening framework.	
32.	NICD article on the second wave of infections.	
33.	A summary of Garden Route hospital admissions from March 2020- 18 December 2020.	
34.	Minutes, local municipalities (Sarah Baartmman District and Kouga).	
35.	VINPRO-Garden Route: Special COVID-19 Coordinating forum meeting.	
36.	Sentinel Trauma report Update WC Department Of Health.	
37.	Plan of action to mitigate a COVID-19 resurgence in SA.	
38.	The cost of harmful alcohol use in SA.	
39.	Draft Framework Public Consultation.	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

40.	Ministerial Advisory Committee (MAC) Memoranda.	
41.	Alcohol recommendations.	
42.	Public submissions received	
43.	**Literature considered:** WHO: Global Tuberculosis report 2019 webpage	
44.	CDC: Smoking and COPD	
45.	WHO: Tobacco and lung health -World No Tobacco Day 2019	
46.	WHO: Report on the global tobacco epidemic 2017	
47.	Statistics South Africa-Mid-year population estimates 2019.	
48.	Hua, C. Sex difference and smoking predisposition in patients with COVID-19.	
49.	CDC: Second-hand Smoke (SHS) facts.	
50.	South African National Health Survey.	
51.	Global Tuberculosis Report.	
52.	Smoking Cessation: A report of the Surgeon General.	
53.	Government Gazette No 43258	
54.	**All Presidential Coordinating Council("PCC") minutes for the period in question:**	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

	PCC Meeting Minutes: 4 April 2020.	
55.	PCC Meeting Minutes: 18 April 2020.	
56.	PCC Meeting Minutes: 16 May 2020.	
57.	PCC Meeting Minutes: 17 June 2020.	
58.	PCC Meeting Minutes: 9 July 2020.	
59.	PCC Meeting Minutes: 15 August 2020.	
60.	PCC Meeting Minutes: 15 September 2020.	
61.	PCC Meeting Minutes: 2 December 2020.	
62.	PCC Meeting Minutes: 28 December 2020.	
63.	PCC Meeting Minutes: 13 December 2020.	
64.	NDMC Legal Workstream.	
65.	Guidelines for Childcare Facilities and School-11 March.	
66.	Coordination of COVID-19	
67.	NDMC Employment/Labour Workstream.	
68.	NDMC Legal Workstream Tasks.	
69.	Matrix of the Key Domestic Schedule from the	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

AM

	Presidency during the period April to May 2020.	
70.	NDMAF- minutes - 5 March 2020.	
71.	NDMAF Agenda for meeting- 25 June 2020.	
72.	NDMAF Presentation- Dr Tau- 25 June 2020.	
73.	Abridged decisions emanating from NDMAF meeting 5 March 2020.	
74.	Standard operating procedure for preparedness, detection and to Coronavirus (2019-NCOV) outbreak in South Africa.	
75.	ASSAF Statement on Coronavirus 2 March 2020.	
76.	Travel Advisory including Travel Ban Cancellation.	
77.	**All reports submitted by organs of state as contemplated in section 24(4) to section 24(8) of the DMA:** State Security Agency-24 July 2020.	
78.	South African Police Service-interventions in response to COVID-19(undated).	
79.	Department of Justice and Correctional Services.	
80.	Department of Environment Forestry and Fisheries.	
81.	Department of Defence.	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

82.	Department of Correctional Services quarterly performance report.	
83.	Department of Trade, Industry, and competition.	
84.	Limpopo Provincial Government.	
85.	Limpopo Department of Agriculture and Rural Development.	
86.	National Treasury quarterly report- 31 July 2020.	
87.	City of Polokwane expenditure report- 4 August 2020.	
88.	Department of Basic Education.	
89.	Department of Basic Education -building readiness report.	
90.	Department of Home Affairs	
91.	Department of Traditional Affairs.	
92.	National Treasury.	
93.	Department of Trade and Industry.	
94.	Department of International Relations	
95.	Department of Health.	
96.	Small Business disbursement report.	
97.	Small Business relief report.	
98.	**All presentations made by the Department of Health:**	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

	COVID -19 Public Health Response: containment -18 April 2020.	
99.	South African Public Health Response -16 May 2020.	
100.	Progress on COVID-19: Public Health Response- 15 August 2020.	
101.	COVID-19 Response- 28 December 2020.	
102.	COVID-19 update to PCC- 13 December 2020	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

SIGNED AT PRETORIA on this the **11th** day of **January 2023.**

THE STATE ATTORNEY: PRETORIA
Attorneys for the Respondents
SALU Building, 316 Thabo Sehume Street
Pretoria
Tel: 012 309 1507
Email: KaNgwatle@justice.gov.za
OSebitso@justice.gov.za
REF:2433/21/Z71

TO: **THE REGISTRAR OF THE ABOVE HONOURABLE COURT**

10

AND TO:

KRIEK WASSENAAR & VENTER INC
Applicant's Attorney
Third Floor
HB Forum Building
13 Stamvrug Street
Val de Grace
Tel: 012 756 7566
Fax: 086 596 8799
Email: info@kriekprok.co.za
peter@kriekprok.co.za

REF: PJ Wassenaar/M Jansen van Vuuren/QB0792

KRIEK WASSENAAR & VENTER INC
Attorneys / Prokureurs
Third Floor, HB Forum, 13 Stamvrug Street, Val de Grace, Pretoria
(T) 012 803 4719 / 012 756 7566

2012/030418/21

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Elbie Swanepoel
11 January 2023
16h15

11

Office of the State Attorney
Pretoria

Private Bag X 91
PRETORIA, 0001

SALU Building, Ground Floor
316 Thabo Sehume Streets,
PRETORIA, 0002

Switchboard: (012) 309 1500
Direct Line: (012) 309 1653
Cell:

Date: 12 January 2023

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Enquires: Ms. Qongqo/N Mhlubula

Email: NaQongqo@justice.gov.za;

My ref: 2433/2022/Z71

Your ref: PJ Wassenaar/ M Jansen van Vuuren/QB0792

KRIEK WASSENAAR & VENTER INC
Applicant's Attorney
Third Floor
HB Forum Building
13 Stamvrug Street
Val de Grace
Email: info@kriekprok.co.za
peter@kriekprok.co.za

RE: SAKELIGA NPC/MINISTER OF COGTA AND OTHERS: CASE NUMBER 39370/2021

We refer to the above matter.

The writer herein is sending this letter to you on behalf of Ms. Sebitso, my colleague who is the attorney of record on this matter.

We have been instructed by our clients to debrief counsel in the matter and appoint a new legal team.
We are in a process of appointing a new legal team which will be finalized soon.
We therefore humbly request your indulgence until the 20th January 2023 to afford us time to consult with the new legal team. We are working on the matter and we will respond to your letter dated 06 January 2023.

We trust that the above is in order.

Yours Faithfully,

N QONGQO
For: State Attorney (PRETORIA)

Access to Justice for All **Always quote my reference number**

Office of the State Attorney
Pretoria

Private Bag X 91
PRETORIA
0001

SALU BUILDING
316 Thabo Sehume Street
Pretoria

Tel: (Switchboard): (012) 309 1500
(Direct Line): (012) 309 1507/3
(Secretary): (012) 309 1657

Fax (General) (012) 309 1649/50

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

20 JANUARY 2022

Enquires: MS O SEBITSO
Email:OSebitso@justice.gov.za

My ref; 2433/2021/Z71
Your ref: QB0792

TO : KRIEK WASSENAAR & VENTER INC

EMAIL : peter@kriekprok.co.za **by email**

IN RE : SAKELINGA NPC//COGTA

Dear Sir/Madam

COURT ORDER: SAKELIGA NPC/ MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS AND OTHERS

1. The above matter and your letter dated 18 January 2023 bears reference.

2. We are instructed to advise that we have appointed a new legal team, and their instructions are to seek a rescission and or variation of the court order *inter alia* on the basis of section 12 of the Promotion of Access to Information Act 2 of 2000 (**"PAIA"**).

3. The intention is to bring the abovementioned application as a matter of urgency.

4. Regarding your assertion that there has been contempt of court, this is disputed. In this regard we highlight the following:



4.1. First, documents relating to your clients' PAIA request were already uploaded to Case-Lines on 22 December 2022; and in addition, eight lever arch files were provided to your office. However, the further documents demanded by your clients fall within the exemption of *inter alia* section 12 of PAIA.

4.2. Secondly, unfortunately the court order was taken on unopposed basis (when in fact it should have proceeded as an opposed application). As a consequence thereof, the court order erroneously does not- cater for any legal exemption, such as section 12 of PAIA. In the circumstances, a rescission and or variation thereof is plainly necessary to cater for such legal exemption(s).

5. We trust that the above is in order.

Kind regards
O Sebitso

MS O SEBITSO
OSebitso@justice.gov.za
081 413 3819
FOR: STATE ATTORNEY (PRETORIA)

KRIEK WASSENAAR & VENTER ING
Prokureurs • Aktevervaardigers • Attorneys • Conveyancers

Our ref: PJ Wassenaar/es/QB0792
Your ref: 2433/2021/Z71

26 January 2023

THE STATE ATTORNEY: PRETORIA
SALU BUILDING
316 THABO SEHUME STREET
PRETORIA

By e-mail: OSebitso@justice.gov.za
Nagonggo@justice.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Sir/Madam

COURT ORDER: SAKELIGA NPC / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS & OTHERS

1. We refer to your letter of 20 January 2023.

2. Our client has noted your client's intention to bring an application for rescission/variation of the court order "as a matter of urgency".

3. Our client has no intention to litigate the matter over correspondence. However, we do demand that your client's application be served by **no later than 6 February 2023**.

4. Our client's rights remain strictly reserved, which rights do include the right to seek a special punitive cost order against your client. Our client also reserves the right to meet your client's application for rescission/variation of the order with a counter-application to hold your client in contempt of court and to enforce the order which has been properly obtained in law.

5. Writer should note that your client's grounds for rescission are self-defeating, illogical, and detached from the facts of the matter and the law. Frankly, it is confusing, to say the least.

Yours faithfully

KRIEK WASSENAAR & VENTER ING
PÉTER WASSENAAR – DIREKTEUR / DIRECTOR
(f) 086 596 8516
(e) peter@kriekprok.co.za
Elektronies geteken
Electronically signed
www.kwv-inc.com
(t) (+27) 12 756 7566• (f) (+27) 86 596 8799 (a) 3rd Floor, HB Forum Building, 13 Stamvrug Road, Val de Grace, Pretoria 0184
(p) Postnet Suite # 11, Privaatsak / Private Bag X025, Lynwood Ridge, 0040 • BTW Reg: 4020260685

Direkteure/ Directors: Johan Kriek (B Proc, LLM), Péter Johannes Wassenaar (LLB)
Bygestaan deur/assisted by Tertia Johanna Wassenaar (LLB), Kayla Dames (Bcom LLB), Rohann Eloff (Bcom LLB);
Konsultante / Consultants: Catherina Elizabeth Pienaar (BA, BCur, LLB, LLM, PhD) , Sylvia Adriana Venter (LLB)
• Reg: 2012/030418/21
Docdate 20220308

Office of the State Attorney
Pretoria

Private Bag X 91
PRETORIA
0001

SALU BUILDING
316 Thabo Sehume Street
Pretoria

Tel: (Switchboard): (012) 309 1500
(Direct Line): (012) 309 1507/3
(Secretary): (012) 309 1657

Fax (General) (012) 309 1649/50

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

05 FEBRUARY 2022

Enquires: MS O SEBITSO
Email:OSebitso@justice.gov.za

My ref; 2433/2021/Z71
Your ref: QB0792

TO : KRIEK WASSENAAR & VENTER INC

EMAIL : peter@kriekprok.co.za

by email

Dear Sir/Madam

COURT ORDER: SAKELIGA NPC/ MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFFAIRS AND OTHERS

1. The above matter and our previous correspondence refer.

2. As you are aware, we have appointed a new team of counsel. Each member of the new team is located in a different province and documents needed to be couriered to them. This has caused some delay. Nonetheless, we have now furnished them with the necessary documentation, which as you are aware, is voluminous.

3. The new counsel are hard at work going through all the documents that form the subject-matter of your client's request and the court order.

4. Given that the new counsel team were unaware of this matter's historical background, in addition to the considerable work they have already done and are continuing to do in this regard, it became necessary to arrange a consultation with the previous counsel. That consultation took place yesterday on 3 February 2023.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

5. In light of the voluminous documentation, the work already done and the work that continues to be done, and the consultation with the previous counsel – our new counsel team have undertaken to provide the final product of their endeavours not later than 9 February 2023.

6. We note that your last correspondence has demanded that our client's papers be filed by Monday 6 February 2023. However, given the aforegoing, we kindly request that you provide us with a final indulgence until 9 February 2023, on which date our client's final response will be delivered.

7. We trust that the above is in order.

O Sebitso

MS O SEBITSO
OSebitso@justice.gov.za
081 413 3819
FOR: STATE ATTORNEY (PRETORIA)

A (W

KRIEK WASSENAAR & VENTER ING
Prokureurs • Aktevervaardigers • Attorneys • Conveyancers

Our ref: PJ Wassenaar/es/QB0792
Your ref: 2433/2021/Z71

22 February 2023

THE STATE ATTORNEY: PRETORIA
SALU BUILDING
316 THABO SEHUME STREET
PRETORIA

By e-mail: OSebitso@justice.gov.za
Nagonggo@justice.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Sir/Madam

COURT ORDER: SAKELIGA NPC / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS & OTHERS

1. We refer to your letter of 5 February 2023.

2. Our client notes that your client has failed to take any further action in this matter.

3. Our client's rights in the matter remain strictly reserved. We hold instructions to continue with contempt of court proceedings.

Yours faithfully

KRIEK WASSENAAR & VENTER ING
PÉTER WASSENAAR – DIREKTEUR / DIRECTOR
(f) 086 596 8516
(e) peter@kriekprok.co.za
Elektronies geteken
Electronically signed

Elbie Swanepoel

From: Elbie Swanepoel
Sent: 22 February 2023 14:48
To: Sebitso Ontlametse; Qongqo Nangamso
Subject: COURT ORDER: SAKELIGA NPC / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS & OTHERS
Attachments: State Attorney sent 2023-02-22.pdf

Sensitivity: Private

Good day,

We refer to the above and attach hereto a letter for your attention.

Regards,

ELBIE SWANEPOEL

Kriek Wassenaar & Venter Inc

Regsekretaresse / Legal Secretary

• *(t) (+27) 12 803 4719* • *(f) (+27) 86 596 8516*

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

• (p) Postnet Suite # 11, Privaatsak / Private Bag X025, Lynnwood Ridge, 0040 • BTW Reg: 4020260685

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

[redacted]

SA30

Office of the State Attorney
Pretoria

Private Bag X 91
PRETORIA, 0001

SALU Building, Ground Floor
316 Thabo Sehume Streets,
PRETORIA, 0002

Switchboard: (012) 309 1500
Direct Line: (012) 309 1653
Cell:

Date: 23 FEBRUARY 2023

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Enquires: Ms. Qongqo/N Mhlubula

Email: NaQongqo@justice.gov.za;

My ref: 2433/2022/Z71

Your ref: PJ Wassenaar/ M Jansen van Vuuren/QB0792

KRIEK WASSENAAR & VENTER INC
Third Floor,HB Forum Building
13 Stamvrug Street
Val de Grace
Email: info@kriekprok.co.za
peter@kriekprok.co.za

RE: SAKELIGA NPC/MINISTER OF COGTA AND OTHERS: CASE NUMBER 39370/2021

We refer to the above matter and your letter dated 22 February 2023.

Ms. Sebitso, my colleague who is the attorney of record in this matter, is currently on maternity leave. The writer will be assisting in this matter in her absence. All future correspondence should accordingly be addressed to me.

Kindly be advised that after a very diligent perusal of the documents delivered to you, we are of the firm view that the court order has been complied with.

The documents furnished to you are those on which the Minister relied in taking the decision referred to in your PAIA request and in the court order.

Kindly be advised further that any contempt application you might bring will be strenuously resisted and punitive costs order will be sought in the event of dismissal of the said application.

Yours faithfully,

N QONGQO
For: State Attorney (PRETORIA)

Access to Justice for All **Always quote my reference number**

SA31

KRIEK WASSENAAR & VENTER ING
Prokureurs • Aktevervaardigers • Attorneys • Conveyancers

Our ref: PJ Wassenaar/es/QB0792
Your ref:

1 June 2023

THE MINISTER: THEMBI NKADIMENG
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
PRETORIA

By sheriff
By e-mail: kholofelom@cogta.gov.za
info@cogta.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

THE NATIONAL DEPARTMENT: COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
PRETORIA

By e-mail: ZandileZ@cogta.gov.za

THE DIRECTOR-GENERAL
DEPARTMENT: COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
PRETORIA

By e-mail: ZandileZ@cogta.gov.za

THE INFORMATION OFFICER
DEPARTMENT: COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
PRETORIA

By e-mail: ThinavhuyoN@cogta.gov.za

THE STATE ATTORNEY: PRETORIA
GROUND FLOOR, SALU BUILDING
316 THABO SEHUME & FRANCIS BAARD STREETS
PRETORIA

By e-mail: OSebitso@justice.gov.za
EMolomo@justice.gov.za

AM

www.kwv-inc.com

Minister/Sir/Madam

COURT ORDER: SAKELIGA NPC / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS & OTHERS (GAUTENG DIVISION, PRETORIA – CASE NUMBER: 39370/2021)

1. We act on the instructions of Sakeliga NPC ("our client").

2. Our client has noted that Ms Thembi Nkadimeng has been appointed as Minister of Cooperative Governance and Traditional Affairs ("the Minister") and that she has taken office as from 8 March 2023. Prior to her swearing-in as the new Minister, the ministerial office was held by Dr Nkosozana Dlamini Zuma ("the previous Minister"). Our client has been advised that all of the duties and obligations of the Office of Minister of Cooperative Governance and Traditional Affairs now befall the Minister as from date of taking office.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

3. We have been instructed to bring to the attention of the Minister the court order granted in favour of our client by the Gauteng Division of the High Court on 9 November 2022 under case number 39370/2021 ("the Court Order"). A copy of the Court Order is attached as annexure **BB1**, You will note that the Court Order was granted against the Minister (of which the office was at that stage still held by the previous Minister), the National Department: Cooperative Governance and Traditional Affairs ("the Department"), the Director-General of the Department (an office still held by Ms Avril Williamson) ("the Director-General") and the Department's Information Officer (which according to the Department's PAIA manual as on date of this letter is also still Ms Avril Williamson).

4. A copy of the Court Order order was sent to the previous Minister, the Department, the Director-General and the Information Officer on 21 November 2022 by e-mail. A copy of the Court Order was also filed with the office of the State Attorney via e-mail on 22 November 2022. Our client also instructed the Sheriff to effect physical service of the Court Order to the previous Minister, the Department, the Director-General and the Information Officer on 29 November 2022.

5. In terms of paragraph 3 of the order, the Minister, the Department, the Director-General and the Information Officer have been ordered to comply with a PAIA request for information filed by our client on 15 December 2020 within 30 days of date of the order. The court specifically ordered that "*all of the documents and/or information requested therein as is in their possession and/or under their control*" be provided to our client.

6. On 22 December 2022, the State Attorney uploaded various documents onto the matter's CaseLines court file in response to the court order. Further documents followed this step in tranches delivered on 22 December 2022 (sent by e-mail), 6 January 2023 (served by hand) and 11 January 2023 (sent by e-mail). The documentation served will be discussed below.

7. It is our client's position that the previous Minister, the Department, the Director-General and the Information Officer have failed to comply with the court order of 9 November 2022 and our client deems them to be in contempt of court.

8. This letter serves as a notification that our client will also now deem the new Minister to be in contempt of court if she and her office persist with the previous Minister's position that the respondent parties have fully complied with the Court Order.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

9. We attach hereto a copy of a letter to the State Attorney dated 1 June 2023, marked as annexure **BB2**, in which our client addresses the contempt of court and failure to fully comply with the Court Order in more detail. The contents thereof are hereby incorporated into this letter.

10. Our client demands that your offices comply with the court order of 9 November 2022 within 14 days of date of service of this letter. Failing thereto, our offices will deem your offices (with reference to the new Minister) to be in contempt of court. Our client has instructed us to proceed with contempt of court proceedings if the Minister and other respondents continue to ignore the Court Order.

11. This letter serves to inform you of the Court Order. However, for professional reasons all further correspondence will be directed at your attorneys, being the State Attorney, as indicated in the attached correspondence.

12. We await your response via the office of the State Attorney.

Yours faithfully

KRIEK WASSENAAR & VENTER INC
PETER WASSENAAR – DIREKTEUR / DIRECTOR
(f) 086 596 8516
(e) peter@kriekwarok.co.za

(12

BB1

000-1

11

9 November 202

THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

On this 9th day of November 2022 before the Honourable Justice Lukhaimane AJ.

Case number: 39370/2021

In the matter between:

SAKELIGA NPC Applicant

and

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
2022 -11- 09
GD-PRET-005
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS First Respondent

THE NATIONAL DEPARTMENT COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS Second Respondent

THE DIRECTOR GENERAL IN THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS Third Respondent

THE INFORMATION OFFICER: THE NATIONAL DEPARTMENT COOPERATIVE GOVERNANCE Fourth Respondent

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA Fifth Respondent

This Order is made an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties/their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or his/her Secretary. The date of this Order is deemed to be **9 November 2022.**

DRAFT ORDER

HAVING heard counsel and having considered the matter, it is ordered that:

000513-3

1 The First Respondent's decision of 26 June 2021 to refuse the Applicant's internal appeal against the Third Respondent's decision not to grant the Applicant's request for information of 15 December 2020 in terms of the Promotion of Access to Information Act 2 of 2000 ["PAIA request for information"] is reviewed and set aside;

2 The Third Respondent's decision of 25 February 2021 to not to grant the Applicant's PAIA request for information, dated 15 December 2020, is reviewed and set aside;

3 The First, Second, Third and Fourth Respondents are ordered to comply with the Applicant's PAIA request for information within 30 days of the date of this order and to provide the Applicant with all of the documents and/or information requested therein as is in their possession and/or under their control; and

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

4 The costs of the application be paid by the First Respondent.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
2022 -11- 09
GD-PRET-005
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

BY ORDER

Matter number: 90

Counsel for the Applicant: **Adv Miek Bester**
Email address: bester@lawcircle.co.za
Contact number: 083 6619257

Instructed by: **Kriek Wassenaar & Venter Attorneys**
Pretoria
Tel: 012 756 7566
Email: peter@kriekprok.co.za
Ref: PJ Wassenaar/QB0792

J750

REPUBLIC OF SOUTH AFRICA

FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 6]

FOR DEPARTMENTAL USE

Reference number: .....

Request received by ..... (state rank, name and surname of information officer/deputy information officer) on ..... (date) at ..... (place).

Request fee (if any): R .....

Deposit (if any): R .....

Access fee: R .....

.....

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

A. Particulars of public body

The Information Officer/Deputy Information Officer

Department of Cooperative Governance Republic of South Africa
Information officer:
Ms Avril Williamson
Tel: 012 334 0518
Fax: 012 334 0603
E-mail: Avrilw@cogta.gov.za

Physical Address:
The Information Officer
Department of Cooperative Governance
87 Hamilton Street
Arcadia
Pretoria

Deputy Information officers
Tozi Faba - Tozi@cogta.gov.za; Tel: 012 334 0778
Fax: 012 334 0603
Themba Fosi - ThembaF@cogta.gov.za

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent, must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: Péter Johannes Wassenaar

Identity number:

8	7	0	1	2	5	5	1	2	0	0	8	6

Postal address: HB Forum Building, Floor 3, 13 Stamvrug Street, Val de Grace, Pretoria

Telephone number: (012) 803 4719 Fax number: (086) 596 8516

E-mail address: peter@krickprok.co.za

Capacity in which request is made, when made on behalf of another person:

Attorney of record for Sakeliga NPC. Power of attorney attached

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: Sakeliga NPC - 2020/043725/08

Identity number:

D. Particulars of record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

Kindly refer to Annexure A attached hereto.

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

2. Reference number, if available: .....

3. Any further particulars of record:

Kindly refer to Annexure A attached hereto.

.....

.....

.....

.....

.....

E. Fees

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
(b) You will be notified of the amount required to be paid as the request fee.
(c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Reason for exemption from payment of fees:

.....

.....

.....

.....

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: Form in which record is required:

Mark the appropriate box with an **X**.

NOTES:
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:					
X	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images	X	copy of the images*		transcription of the images*

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

3. If record consists of recorded words or information which can be reproduced in sound:						
X	listen to the soundtrack (audio cassette)	X	transcription of soundtrack* (written or printed document)			
4. If record is held on computer or in an electronic or machine-readable form:						
	printed copy of record*		printed copy of information derived from the record*	X	copy in computer readable form* (stiffy or compact disc)	

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO X
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.		
In which language would you prefer the record? English/Afrikaans		

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

By email addressed to peter@kriekprok.co.za and rohann@kriekprok.co.za

Signed at Pretoria this day 15th of December year 2020

SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

ATTORNEY FOR SAKELIGA NPC
PETER WASSENAAR
KRIEK WASSENAAR & VENTER INC

PAIA ANNEXURE A

1. All records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation relied upon by the Minister of Cooperative Governance and Traditional Affairs ("COGTA") in making the following decisions and/or taking the following steps:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

1.1 The declaration in terms of section 27(1) of the Disaster Management Act 57 of 2002 ("DMA") in terms of which COGTA declared a national state of disaster *having recognised that special circumstances exist to warrant the declaration of a national state of disaster* (as published in the Government Gazette of 15 March 2020); and

1.2 The extension of the declaration of a national state of disaster by COGTA as published in the Government Gazette on 5 June 2020, 13 July 2020, 15 August 2020, 14 September 2020, 14 October 2020, 15 November 2020 and 11 December 2020 (respectively).

1.3 The lockdown regulations issued in terms of section 27(2) of the DMA, including but not limited to the following:

1.3.1 Disaster Management Act, 2002: Regulations published on 18 March 2020 (GG43107);

1.3.2 Disaster Management Act, 2002: Amendment regulations published on 25 March 2020 (GG43148);

1.3.3 Disaster Management Act, 2002: Amendment regulations published on 2 April 2020 (GG43199);

1.3.4 Disaster Management Act, 2002: Amendment regulations published on 16 April 2020 (GG43232);

1.3.5 Disaster Management Act, 2002: Amendment regulations published on 20 April 2020 (GG43240);

1.3.6 Disaster Management Act, 2002: Amendment regulations published on 29 April 2020 (GG43258);

1.3.7 Disaster Management Act, 2002: Amendment regulations published on 28 May 2020 (GG43364);

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

1.3.8 Disaster Management Act, 2002: Amendment regulations published on 25 June 2020 (GG43476);

1.3.9 Disaster Management Act, 2002: Amendment regulations published on 12 July 2020 (GG43521);

1.3.10 Disaster Management Act, 2002: Amendment regulations published on 31 July 2020 (GG43577);

1.3.11 Disaster Management Act, 2002: Amendment regulations published on 17 Augustus 2020 (GG43620);

1.3.12 Disaster Management Act, 2002: Amendment regulations published on 18 September 2020 (GG43725);

1.3.13 Disaster Management Act, 2002: Amendment regulations published on 15 December 2020 (GG43997);

SIGNED AT PRETORIA ON 15 DECEMBER 2020

ATTORNEY FOR SAKELIGA NPC

PETER WASSENAAR

KRIEK WASSENAAR & VENTER INC

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

BBL

KRIEK WASSENAAR & VENTER ING
Prokureurs • Aktevervaardigers • Attorneys • Conveyancers

Our ref: PJ Wassenaar/es/QB0792
Your ref: 2433/2021/Z71

1 June 2023

THE STATE ATTORNEY: PRETORIA
SALU BUILDING
316 THABO SEHUME STREET
PRETORIA

By e-mail: OSebitso@justice.gov.za
Nqonggo@justice.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Sir/Madam

COURT ORDER: SAKELIGA NPC / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS & OTHERS (GAUTENG DIVISION, PRETORIA – CASE NUMBER: 39370/2021)

1. We refer to the above matter and your previous correspondence.

2. We have noted that your client has taken the position that there has indeed been full compliance with the court order of 9 November 2022. However, after your previous letter of 6 February 2023, we noted that Ms Thembi Nkadimeng has since 8 March 2023 taken office as the new Minister of Cooperative Governance and Traditional Affairs ("the Minister). Our client has noted that Ms Avril Williamson is still the Director-General and Information Officer of the Department of Cooperative Governance and Traditional Affairs.

3. We attach hereto a copy of a letter which the Sheriff will serve to the new Minister informing her of her obligations under the 9 November 2022 court order ("the Court Order"). A copy of this letter will also be attached to the final letter to the Minister. However, we accept that your offices will continue to remain on record for the Minister and that you will as per your previous correspondence and that unless you notify us otherwise, the new Minister intends to persist with the position taken by the previous Minister, Dr Nkosozana Dlamini Zuma ("the previous Minister"), as communicated in the correspondence between our respective offices since November 2022.

www.kww-inc.com
(t) (+27) 12 756 7566• (f) (+27) 86 596 8799 (a) 3rd Floor, HB Forum Building, 13 Stamvrug Road, Val de Grace, Pretoria 0184
(p) Postnet Suite # 11, Privaatsak / Private Bag X025, Lynwood Ridge, 0040 • BTW Reg: 4020260685

Direkteure/ Directors: Johan Kriek (B Proc, LLM), Peter Johannes Wassenaar (LLB)
Bygestaan deur/assisted by Tertia Johanna Wassenaar (LLB), Kayla Dames (Bcom LLB), Rohann Eloff (Bcom LLB), Melissa Jansen van Vuuren (LLB)
Konsultante / Consultants: Catherina Elizabeth Plenaar (BA, BCur, LLB, LLM, PhD) , Sylvia Adriana Venter (LLB)
• Reg: 2012/030418/21
Docdate 20230302

A (M

4. It is our instructions to direct this letter as a final attempt to avoid contempt of court proceedings by our client against your clients (which we deem to be the new Minister, the previous Minister as well as the Director-General/Information Officer of the Department. Please note that failing complete compliance with the Court Order within 14 days of this letter, our client will proceed with the application for contempt of court against all of the parties stated above.

5. We do not intend to litigate the matter over correspondence. This letter is addressed to you in order to inform you of the actual state of compliance with the Court Order and to afford your clients a final opportunity to comply.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

DELIVERY OF RECORDS

6. We confirm that your clients have attempted compliance with the Court Order by delivering four tranches of documents on 22 December 2022 (CaseLines and e-mail), 6 January 2023 (delivery by hand) and 11 January 2023 (by e-mail).

7. We attach hereto, marked annexure **AA1**, a datasheet breaking down all of the record sets received from your clients in response to the Court Order (a totalling approximately 5 100 pages). For sake of completeness, we confirm that:

   7.1 Items 1 – 37 were uploaded to section 0018 of the CaseLines file on 22 December 2022. The uploaded CaseLines record consists of 626 pages of record.

   7.2 Items 38 – 46 constitute a further 170 pages of record received by e-mail on 22 December 2022.

   7.3 Items 47 – 89 constitute a further 444 pages of record delivered by e-mail on 11 January 2023.

   7.4 Items 90 – 99 constitute an approximate 3860 pages of records delivered in 8 lever arch files on 6 January 2023. These records constitute the Rule 53 record delivered in the Fair-Trade Tobacco review brought during 2020 in the Gauteng Division of the High Court, Pretoria under case number 21688/2020 (*Fair-Trade Independent Tobacco Association v President of the Republic of South Africa and others* [2020] ZAHCGP 21688), and even include the CaseLines pagination (section 005:0001 – 005-3756). This record also includes 104 pages of unpaginated record which we have identified as item 99 of the schedule attached hereto.

8. It is your client's case that the abovementioned records (approximately 4000 pages) constitute the Minister's full 2020 Disaster Management record as described in our client's PAIA request to the Court Order. Our client rejects your client's position as it is not only inconceivable considering the body of regulation created by your client during 2020 but clearly also ignores the scope of the Court Order.

9. The contents of the Fair-Trade Tobacco Rule 53 record delivered by your client on 6 January 2023, which focuses only on matters relating to smoking and Covid-19, constitute approximately 75.68 % of the total record delivered by your client in response to the Court Order. That record focused solely on your client's response to the challenge brought by Fair-Trade Tobacco and others against the ban on the sale of tobacco during the period of March – April 2020.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

10. Your client's position, as taken in your previous correspondence, is effectively that your client has delivered all of the previous Minister's Disaster Management records for the 2020 period and that, except for her consideration of the tobacco issue, the entirety of all "*records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation*" relied upon by the Minister in making her decisions and/or the subsequent regulations, would constitute a meagre 1 240 pages (as now delivered by your client).

11. There is no way that any reasonable person in our client's position can accept that your client has generated, outside of the tobacco consideration in March – April 2020, a mere 1 240 pages of record which fall within the category of "*records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation*" as described in our client's PAIA request, during the most prolific period of the Minister's regulation-making under the Disaster Management Act during 2020.

12. During the same period as covered in the *Free-Trade Tobacco Rule 53* record delivered by your clients (March 2020 – April 2020), the Minister published no less than 6 regulations relating to the national state of disaster (referred to in paragraphs 1.3.1 – 1.3.6 of the PAIA request), which formed part of her so-called 'core regulations' to combat the spread of COVID-19 at that stage. The core regulations published on 18 March 2020 alone are more than 127 pages in extent (as published in more than one language) and, amongst other things, seek to regulate:

    12.1 Gatherings;

12.2 The mandatory isolation and placement in quarantine of persons infected with Covid-19;

12.3 The closure of schools;

...

12.4 The supention of visits to correction centres, child and youth care centres, shelters;

12.5 The movement of persons between provinces;

12.6 Prohibitions on evictions;

12.7 Limitations on the dispencing and sale of liquor;

12.8 The creation of offices in respect of any contravention of the regulations.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

13. The regulations also authorised the other members of cabinet to issue directions to supplement the disaster management regulations of the Minister, which regulation-making would need to be conducted in consultation with the Minister.

14. The extended regulation-making *inter alia* resulted in continued adjustments and amendments being made to the regulations and directions, which *inter alia* included further bans on the sale of toys, prepared food, the ability to exercise outside, curfews on nighttime travel, and the policing of public parks and beaches.

15. Your client's position that the Minister and her Department's total record for all of their regulation-making during 2020, which falls within the category of *"records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation"* is limited to a mere 1 240, can only stand to be rejected.

16. The Minister and her Department are clearly intentionally refusing to comply with the Court Order, and no reasonable effort has been made to provide our client with full access to the records falling within the ambit of the PAIA request.

17. A failure to properly comply with the Court Order will result in our client proceeding with contempt of court proceedings against the new Minister (as from date of demand), the previous Minister (up and until the appointment of the new Minister), the Department, the Director-General and the Information Officer of the Department.

www.kwv-inc.com

18. We request compliance with the Court Order within 14 days of this letter.

Yours faithfully

KRIEK WASSENAAR & VENTER ING
PÉTER WASSENAAR – DIREKTEUR / DIRECTOR
(f) 086 596 8516
(e) peter@kriekprok.co.za

Elektronies getekken
Electronically signed

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

AA1

DATASHEET - PAIA REQUEST DOCUMENT DELIVERY SCHEDULE

Item nr	Date Received	Document Description	Service method	File	File page	PAIA request response	Link	Document origin date
1	2022/12/22	NICD-Coronavirus disease 2019 (COVID-19) caused by a Novel Coronavirus-Guidelines for case finding, diagnosis, management, and public health response in South Africa	CaseLines	NICD_DoH-COVID-19-Guidelines_Final	0018:1 - 0018:35	Additional		2020/06/25
2	2022/12/22	Theoretical elements of a risk reduction and containment strategy for South Africa	CaseLines	Theoretical elements of a risk reduction and containment strategy for South Africa – Prof van Niekerk	0018:36 - 0018:61	1.1		2020/03/05
3	2022/12/22	National Assembly written question for written reply	CaseLines	Appointment Letter Designating NCCC members	0018:62 - 0018:63	1.1		2020/05/15
4	2022/12/22	President's letter of appointment to the national command council combating COVID-19	CaseLines	Appointment Letter Designating NCCC members	0018:64 - 0018:65	1.1		2020/03/18
5	2022/12/22	Academy of Science SA on the implication of COVID-19	CaseLines	ASSAf Statement Cornona Virus 2 March 2020 final	0018:66 - 0018:67	1.1		

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

6	2022/12/22	Global Epiemiological Situation	CaseLines	Global Epidemiological Situation	0018:68 - 0018:72	Additional		2020/04/14
7	2022/12/22	Internal legal opinion on the legal instruments available	CaseLines	NDMC Internal Legal opinion on the legal instruments applicable to the country response to the n COVID-19 virus	0018:73 - 0018:83	1.1		2020/03/14
8	2022/12/22	National Health Act 61 of 2003 (GG 41330)	CaseLines	DoH regulations relating to the surveillance and the control of notifiable medical conditions	0018:84 - 0018:115	Additional		2017/12/15
9	2022/12/22	Containment and preparedness plan for COVID-19	CaseLines	Containment Preparedness Plan For COVID-19 by Containment Preparedness Workstream - March 2020	0018:116 - 0018:124	1.1		2020/03/01
10	2022/12/22	Interim novel coronavirus disease 72 hour preparedness and response plan Western Cape Department of Health	CaseLines	Western Cape Interim Novel Coronavirus Disease (COVID-19) 72-Hour Preparedness and Response Plan	0018:125 - 0018:146	1.1		2020/03/01

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

11	2022/12/22	Provincial Readiness Checklist	CaseLines	Provincial Readiness Checklist	0018:147 - 0018:151	Additional		2020/03/06
12	2022/12/22	NDMC phase two quarantine	CaseLines	NDMC Phase 2 Quarantine	0018:152 - 0018:154	Additional		
13	2022/12/22	Classification of a disaster and declaration of a state of disaster	CaseLines	Guideline Document - Classification of a disaster and the declaration of a state of disaster	0018:155 - 0018:221	1.1		2019/04/01
14	2022/12/22	Legal basis for control measures	CaseLines	NDMC Legal basis for control measures - Legal workstream March 2020	0018:222 - 0018:233	1.1		
15	2022/12/22	Containment or management of Covid-19 for schools and communities	CaseLines	Guidelines for Childcare Facilities and Schools - (11 Mar 20)	0018:234 - 0018:239	1.1		2020/03/11

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

16	2022/12/22	Travel advisory	CaseLines	NDMC Draft Travel Advisory Ban - Legal Work stream - March 2020	0018:240 - 0018:241	1.1		2020/03/13
17	2022/12/22	Provincial containment plan for Covid-19 March 2020	CaseLines	Provincial Containment Plan for COVID-19 - March 2020	0018:242 - 0018:250	1.1		2020/03/01
18	2022/12/22	Duplicate of document classification of a disaster and the declaration of a state of disaster	CaseLines	SKM_754e22122215470	0018:251 - 0018:317	Additional		2019/04/01
19	2022/12/22	Duplicate of containment of Covid-19 for schools and communities	CaseLines	SKM_754e22122215470	0018:318 - 0018:323	Additional		2020/03/11
20	2022/12/22	Duplicate of travel advisory	CaseLines	SKM_754e22122215470	0018:324 - 0018:338	Additional		2020/03/13

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

21	2022/12/22	Progress update on the work regarding COVID-19 Pandemic	CaseLines	SKM_754e22122215470	0018-339 - 0018-384	1.3.8		2020/06/25
22	2022/12/22	Novel COVID-19 provincial readiness checklist	CaseLines	SKM_754e22122215470	0018:385 - 0018:389	Additional		2020/03/06
23	2022/12/22	Duplicate of NDMC phase two quarantine	CaseLines	SKM_754e22122215470	0018:390 - 0018:392	Additional		
24	2022/12/22	Covid-19 National Consolidated Report 12	CaseLines	SKM_754e22122215470	0018:393 - 0018:442	1.1		2020/04/09
25	2022/12/22	NICD article on the second	CaseLines	SKM_754e22122215500	0018:443	1.2		2020/12/02

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

26	2022/12/22	A summary of Garden Route hospital admissions from March 2020 to 18 December 2020	CaseLines	SKM_754e22122215500	0018:444 -0018:452	1.2		2020/12/18
27	2022/12/22	Submission of the decision of the Eastern Cape to close beaches for the uppcoming festive season	CaseLines	SKM_754e22122215500	0018:453 - 0018:454	1.2		2020/12/11
28	2022/12/22	VINPRO-Garden Route: Special COVID-19 Coordinating forum meeting	CaseLines	SKM_754e22122215500	0018:455 - 0018:504	1.2		2020/12/04
29	2022/12/22	Plan of action to mitigate a COVID-19 resurgence in SA	CaseLines	SKM_754e22122215500	0018:505 - 0018:559	1.2		2020/09/01
30	2022/12/22	Draft framework public consultation	CaseLines	SKM_754e22122215500	0018:560 - 0018:583	Additional		2020/04/25

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

31	2022/12/22	Internal memo: enhancing uptake of prevention measures for Covid-19	CaseLines	SKM_754e22122215530	0018:584 - 0018:587	1.2		2020/07/20
32	2022/12/22	Internal memo: advisory on the NCCC questions on actions to curb the surge	CaseLines	SKM_754e22122215530	0018:588 - 0018:589	1.2		2020/07/22
33	2022/12/22	Internal memo: gyms and exercise centers	CaseLines	SKM_754e22122215530	0018:590 - 0018:591	1.2		2020/07/23
34	2022/12/22	Internal memo: making air travel safe during Covid-19	CaseLines	SKM_754e22122215530	0018:592 - 0018:593	1.2		2020/07/27
35	2022/12/22	Internal memo: managing outbreaks in community facilities	CaseLines	SKM_754e22122215530	0018:594 - 0018:596	1.2		2020/08/07

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

36	2022/12/22	Index provided to KWV	CaseLines	INDEX 6 JANUARY 23 ; INDEX -11 JANUARY 23	0018:597 - 0018:610	Additional		2023/01/06
37	2022/12/22	Disaster Management Act: Amendement	CaseLines	RULE 53 SAKELIGA	0018:615 - 0018:626	Additional		2022/04/04
38	2022/12/22	NDMC Guidelines - contingency planning and arrangement	E-mail	0002 SKM_754e22122215430 2022-12-22.pdf	1-41	1.1		2019/04/01
39	2022/12/22	Duplicate of Department of Defence: Report to the NDMC	E-mail	0002 SKM_754e22122215430 2022-12-22.pdf	42-46	Additional		2020/07/31
40	2022/12/22	Duplicate of Department of Correctional Services: Quarterly Performance Report	E-mail	2 SKM_754e22122215430 2022-12-22.pdf	47-53	Additional		

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

41	2022/12/22	SAFER: Preventing and Reducing Alcohol-Related Harms	E-mail	2 SKM_754e221222154302022-12-22.pdf	54-56	1.2		
42	2022/12/22	Presentation by the Minister of COGTA: 20 April 2020	E-mail	2 SKM_754e221222154302022-12-22.pdf	57-102	1.2		2020/04/20
43	2022/12/22	Minister of COGTA - media briefing - level 3 in line with Risk Adjusted Strategy	E-mail	2 SKM_754e221222154302022-12-22.pdf	103-112	1.2		2020/05/28
44	2022/12/22	Report on issues raised by sectors and the public	E-mail	2 SKM_754e221222154302022-12-22.pdf	113-137	1.2		2020/04/28
45	2022/12/22	Interventions in response to Covid-19: SAPS	E-mail	3 SKM_754e221222154302022-12-22.pdf	138-142	Additional		

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

46	2022/12/22	Fitness industry reopening framework	E-mail	2 SKM_754e22122215130 2022-12-22.pdf	143-170	Additional		
47	2023/01/11	Concrete pronouncements on the Disaster Management Legislation in respect of COVID-19	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	1-5	Additional		
48	2023/01/11	Employer/ Labour workstream	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	6-10	Additional		
49	2023/01/11	Agenda and minutes: 25 June 2020	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	11-21	1.2		2020/06/25
50	2023/01/11	Abridged decisions emanating from the national disaster management advisory forum meetings: 5 March	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	22-40	1.1		2020/03/05

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

51	2023/01/11	Academy of Science SA on the implication of COVID-19	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	41 - 42	1.1		
52	2023/01/11	Legal basis for control measures	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	43-54	1.1		
53	2023/01/11	National Disaster Management Centre Care Report: State Security Agency - Quarter 1	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	55 - 58	1.2		2020/07/31
54	2023/01/11	Duplicate: Interventions in response to Covid-19: SAPS	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	59 - 70	Additional		
55	2023/01/11	Irrelevant or blank pages	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	71	Irrelevant		

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

56	2023/01/11	Department of correctional services Covid-19 Disaster Management response report	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	72 - 78	Additional		2020/08/03
57	2023/01/11	Department of Correctional Services: Quarterly Performance Report	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	79 - 85	Additional		
58	2023/01/11	Department of Environment, Forestry and Fisheries: COVID-19 Disaster Management report	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	86 - 89	Additional		
59	2023/01/11	Department of Defence: Report to the NDMC	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	90 - 94	Additional		2020/07/31
60	2023/01/11	Duplicate of Department of Correctional Services: Quarterly Performance Report	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	95 - 101	Additional		

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

61	2023/01/11	Industrial Development Cooporation Approvals and Disbursements	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	102 - 106	Additional		2020/06/01
62	2023/01/11	Irrelevant or blank pages	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	107	Irrelevant		
63	2023/01/11	Limpopo provincial government: Submission of a report	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	108 - 147	Additional		2020/08/25
64	2023/01/11	Irrelevant or blank pages	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	148-152	Irrelevant		
65	2023/01/11	Expenditure report on municipal disaster grant funding	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	153 - 165	Additional		2020/08/12

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

66	2023/01/11	Irrelevant or blank pages	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	166-170	Irrelevant		
67	2023/01/11	Duplicate of containment of Covid-19 for schools and communities	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	171 - 176	Additional		2020/03/11
68	2023/01/11	Readiness for risk adjusted reopening of the DBE offices	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	177 - 180	Additional		
69	2023/01/11	COVID-19 cases as at 13 August 2020	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	181	1.2		2020/08/13
70	2023/01/11	Irrelevant or blank pages	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	182			

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

71	2023/01/11	Department of Cooperative Governance: COVID-19 Disaster Report for the period 15 March 2020 to 30 June 2020*	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	183 - 201	Additional		2020/08/07
72	2023/01/11	Industrial funding facilities	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	202	Additional		
73	2023/01/11	Duplicate of Industrial Development Coorporation Approvals and Disbursements	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	203 - 210	Additional		2020/06/01
74	2023/01/11	Department of Cooperative Governance: COVID-19 Disaster Report for the period 15 March 2020 to 30 June 2020	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	211 - 241	Additional		
75	2023/01/11	Minutes of the PCC meeting - 4 April	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	242 - 255	1.2		2020/04/04

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

76	2023/01/11	Minutes of the PCC meeting - 18 April	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	256 - 271	1.2		2020/04/18
77	2023/01/11	Minutes of the PCC meeting - 16 May	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	272 - 287	1.2		2020/05/16
78	2023/01/11	Minutes of the PCC meeting - 17 June	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	288 - 293	1.2		2020/06/17
79	2023/01/11	Minutes of the PCC meeting - 9 July	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	294 - 303	1.2		2020/07/09
80	2023/01/11	Minutes of the PCC meeting - 15 August	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	304 - 311	1.2		2020/08/15

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

81	2023/01/11	Minutes of the PCC meeting - 15 September	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	312 - 318	1.2		2020/09/15
82	2023/01/11	Minutes of the PCC meeting - 2 December	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	319 - 326	1.2		2020/12/02
83	2023/01/11	Minutes of the PCC meeting - 13 December	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	327 - 333	1.2		2020/12/13
84	2023/01/11	Minutes of the PCC meeting - 28 December	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	334 - 341	1.2		2020/12/28
85	2023/01/11	Public Health Response: 18 April	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	342 - 353	1.2		2020/04/18

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

86	2023/01/11	Public Health Response: 16 May	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	354 - 380	1.2		2020/05/16
87	2023/01/11	Public Health Response: 15 August	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	381 - 398	1.2		2020/08/15
88	2023/01/11	COVID-19 update to PCC: 13 December	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	399 - 418	1.2		2020/12/13
89	2023/01/11	COVID-19 Response: 28 December	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	419 - 444	1.2		2020/12/28
90	2023/01/11	Lever-arch file 001: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 001	005:33 -005:316 005:319 -005:438 005:441 -540			

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

91	2023/01/11	Lever-arch file 002: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 002	005:543 - 005:644 005:647 - 742 005:745 - 866 005:869 - 966 005:969 - 1058			
92	2023/01/11	Lever-arch file 003: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 003	005:1061 - 005:1156 005:1159 - 005:1258 005:1261 - 005:1360 005:1363 - 005:1444 005:1447 - 005:1534			
93	2023/01/11	Lever-arch file 004: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 004	005:1535 - 005:1968			
94	2023/01/11	Lever-arch file 005: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 005	005:2003 - 005:2068 005:2071 - 005:2150 005:2153 - 005:2252 005:2255 - 005:2363 005:2366 - 005:2500			
95	2023/01/11	Request for comments: Schedule of services to be phased in as per the COVID-19 risk adjusted strategy	Hand	Lever-arch file 005	1-6			2020/04/25

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

A (M

96	2023/01/11	Lever-arch file 006: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 006	005:2501 - 005:2590 005:2593 - 005:2684 005:2687 - 005:2787 005:2790 - 005:2890 005:2893 - 005:2987 005:2990 - 005:3000			
97	2023/01/11	Lever-arch file 007: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 007	005:3001 - 005:3193 005:3196 - 005:3450			
98	2023/01/11	Lever-arch file 008: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 008	005:3451 - 005:3701 005:3704 - 005:3739 005:3740 - 005: 3756			
99	2023/01/11	World Health Organisation: Global Action Plan for the prevention and control of noncommunicable diseases 2013-2020	Hand	Lever-arch file 008	1 - 104			

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

SA32

KRIEK WASSENAAR & VENTER ING
Prokureurs • Aktevervaardigers • Attorneys • Conveyancers

Our ref: PJ Wassenaar/es/QB0792
Your ref: 2433/2021/Z71

1 June 2023

THE STATE ATTORNEY: PRETORIA
SALU BUILDING
316 THABO SEHUME STREET
PRETORIA

By e-mail: OSebitso@justice.gov.za
Nagonggo@justice.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Sir/Madam

COURT ORDER: SAKELIGA NPC / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS & OTHERS (GAUTENG DIVISION, PRETORIA – CASE NUMBER: 39370/2021)

1. We refer to the above matter and your previous correspondence.

2. We have noted that your client has taken the position that there has indeed been full compliance with the court order of 9 November 2022. However, after your previous letter of 6 February 2023, we noted that Ms Thembi Nkadimeng has since 8 March 2023 taken office as the new Minister of Cooperative Governance and Traditional Affairs ("the Minister). Our client has noted that Ms Avril Williamson is still the Director-General and Information Officer of the Department of Cooperative Governance and Traditional Affairs.

3. We attach hereto a copy of a letter which the Sheriff will serve to the new Minister informing her of her obligations under the 9 November 2022 court order ("the Court Order"). A copy of this letter will also be attached to the final letter to the Minister. However, we accept that your offices will continue to remain on record for the Minister and that you will as per your previous correspondence and that unless you notify us otherwise, the new Minister intends to persist with the position taken by the previous Minister, Dr Nkosozana Dlamini Zuma ("the previous Minister"), as communicated in the correspondence between our respective offices since November 2022.

4. It is our instructions to direct this letter as a final attempt to avoid contempt of court proceedings by our client against your clients (which we deem to be the new Minister, the previous Minister as well as the Director-General/Information Officer of the Department. Please note that failing complete compliance with the Court Order within 14 days of this letter, our client will proceed with the application for contempt of court against all of the parties stated above.

5. We do not intend to litigate the matter over correspondence. This letter is addressed to you in order to inform you of the actual state of compliance with the Court Order and to afford your clients a final opportunity to comply.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

DELIVERY OF RECORDS

6. We confirm that your clients have attempted compliance with the Court Order by delivering four tranches of documents on 22 December 2022 (CaseLines and e-mail), 6 January 2023 (delivery by hand) and 11 January 2023 (by e-mail).

7. We attach hereto, marked annexure **AA1**, a datasheet breaking down all of the record sets received from your clients in response to the Court Order (a totalling approximately 5 100 pages). For sake of completeness, we confirm that:

   7.1 Items 1 – 37 were uploaded to section 0018 of the CaseLines file on 22 December 2022. The uploaded CaseLines record consists of 626 pages of record.

   7.2 Items 38 – 46 constitute a further 170 pages of record received by e-mail on 22 December 2022.

   7.3 Items 47 – 89 constitute a further 444 pages of record delivered by e-mail on 11 January 2023.

   7.4 Items 90 – 99 constitute an approximate 3860 pages of records delivered in 8 lever arch files on 6 January 2023. These records constitute the Rule 53 record delivered in the Fair-Trade Tobacco review brought during 2020 in the Gauteng Division of the High Court, Pretoria under case number 21688/2020 (*Fair-Trade Independent Tobacco Association v President of the Republic of South Africa and others* [2020] ZAHCGP 21688), and even include the CaseLines pagination (section 005:0001 – 005-3756). This record also includes 104 pages of unpaginated record which we have identified as item 99 of the schedule attached hereto.

www.kwv-inc.com

8. It is your client's case that the abovementioned records (approximately 4000 pages) constitute the Minister's full 2020 Disaster Management record as described in our client's PAIA request to the Court Order. Our client rejects your client's position as it is not only inconceivable considering the body of regulation created by your client during 2020 but clearly also ignores the scope of the Court Order.

9. The contents of the Fair-Trade Tobacco Rule 53 record delivered by your client on 6 January 2023, which focuses only on matters relating to smoking and Covid-19, constitute approximately 75.68 % of the total record delivered by your client in response to the Court Order. That record focused solely on your client's response to the challenge brought by Fair-Trade Tobacco and others against the ban on the sale of tobacco during the period of March – April 2020.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

10. Your client's position, as taken in your previous correspondence, is effectively that your client has delivered all of the previous Minister's Disaster Management records for the 2020 period and that, except for her consideration of the tobacco issue, the entirety of all "*records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation*" relied upon by the Minister in making her decisions and/or the subsequent regulations, would constitute a meagre 1 240 pages (as now delivered by your client).

11. There is no way that any reasonable person in our client's position can accept that your client has generated, outside of the tobacco consideration in March – April 2020, a mere 1 240 pages of record which fall within the category of "*records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation*" as described in our client's PAIA request, during the most prolific period of the Minister's regulation-making under the Disaster Management Act during 2020.

12. During the same period as covered in the *Free-Trade Tobacco Rule 53* record delivered by your clients (March 2020 – April 2020), the Minister published no less than 6 regulations relating to the national state of disaster (referred to in paragraphs 1.3.1 – 1.3.6 of the PAIA request), which formed part of her so-called 'core regulations' to combat the spread of COVID-19 at that stage. The core regulations published on 18 March 2020 alone are more than 127 pages in extent (as published in more than one language) and, amongst other things, seek to regulate:

    12.1 Gatherings;

12.2 The mandatory isolation and placement in quarantine of persons infected with Covid-19;

12.3 The closure of schools;

12.4 The supention of visits to correction centres, child and youth care centres, shelters;

12.5 The movement of persons between provinces;

12.6 Prohibitions on evictions;

12.7 Limitations on the dispencing and sale of liquor;

12.8 The creation of offices in respect of any contravention of the regulations.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

13. The regulations also authorised the other members of cabinet to issue directions to supplement the disaster management regulations of the Minister, which regulation-making would need to be conducted in consultation with the Minister.

14. The extended regulation-making *inter alia* resulted in continued adjustments and amendments being made to the regulations and directions, which *inter alia* included further bans on the sale of toys, prepared food, the ability to exercise outside, curfews on nighttime travel, and the policing of public parks and beaches.

15. Your client's position that the Minister and her Department's total record for all of their regulation-making during 2020, which falls within the category of *"records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation"* is limited to a mere 1 240, can only stand to be rejected.

16. The Minister and her Department are clearly intentionally refusing to comply with the Court Order, and no reasonable effort has been made to provide our client with full access to the records falling within the ambit of the PAIA request.

17. A failure to properly comply with the Court Order will result in our client proceeding with contempt of court proceedings against the new Minister (as from date of demand), the previous Minister (up and until the appointment of the new Minister), the Department, the Director-General and the Information Officer of the Department.

www.kwv-inc.com

18. We request compliance with the Court Order within 14 days of this letter.

Yours faithfully

KRIEK WASSENAAR & VENTER ING
PÉTER WASSENAAR – DIREKTEUR / DIRECTOR
(t) 086 596 8516
(e) peter@kriekbrok.co.za

Elektronies geteken
Electronically signed

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

AA1

DATASHEET - PAIA REQUEST DOCUMENT DELIVERY SCHEDULE

Item nr	Date Received	Document Description	Service method	File	File page	PAIA request response	Link	Document origin date
1	2022/12/22	NICD-Coronavirus disease 2019 (COVID-19) caused by a Novel Coronavirus-Guidelines for case finding, diagnosis, management, and public health response in South Africa	CaseLines	NICD_DoH-COVID-19-Guidelines_Final	0018:1 - 0018:35	Additional		2020/06/25
2	2022/12/22	Theoretical elements of a risk reduction and containment strategy for South Africa	CaseLines	Theoretical elements of a risk reduction and containment strategy for South Africa – Prof van Niekerk	0018:36 - 0018:61	1.1		2020/03/05
3	2022/12/22	National Assembly written question for written reply	CaseLines	Appointment Letter Designating NCCC members	0018:62 - 0018:63	1.1		2020/05/15
4	2022/12/22	President's letter of appointment to the national command council combating COVID-19	CaseLines	Appointment Letter Designating NCCC members	0018:64 - 0018:65	1.1		2020/03/18
5	2022/12/22	Academy of Science SA on the implication of COVID-19	CaseLines	ASSAf Statement Cornona Virus 2 March 2020 final	0018:66 - 0018:67	1.1		

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

6	2022/12/22	Global Epiemiological Situation	CaseLines	Global Epidemiological Situation	0018:68 - 0018:72	Additional		2020/04/14
7	2022/12/22	Internal legal opinion on the legal instruments available	CaseLines	NDMC Internal Legal opinion on the legal instruments applicable to the country response to the n COVID-19 virus	0018:73 - 0018:83	1.1		2020/03/14
8	2022/12/22	National Health Act 61 of 2003 (GG 41330)	CaseLines	DoH regulations relating to the surveillance and the control of notifiable medical conditions	0018:84 - 0018:115	Additional		2017/12/15
9	2022/12/22	Containment and preparedness plan for COVID-19	CaseLines	Containment Preparedness Plan For COVID-19 by Containment Preparedness Workstream - March 2020	0018:116 - 0018:124	1.1		2020/03/01
10	2022/12/22	Interim novel coronavirus disease 72 hour preparedness and response plan Western Cape Department of Health	CaseLines	Western Cape Interim Novel Coronavirus Disease (COVID-19) 72-Hour Preparedness and Response Plan	0018:125 - 0018:146	1.1		2020/03/01

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

11	2022/12/22	Provincial Readiness Checklist	CaseLines	Provincial Readiness Checklist	0018:147 - 0018:151	Additional		2020/03/06
12	2022/12/22	NDMC phase two quarantine	CaseLines	NDMC Phase 2 Quarantine	0018:152 - 0018:154	Additional		
13	2022/12/22	Classification of a disaster and declaration of a state of disaster	CaseLines	Guideline Document - Classification of a disaster and the declaration of a state of disaster	0018:155 - 0018:221	1.1		2019/04/01
14	2022/12/22	Legal basis for control measures	CaseLines	NDMC Legal basis for control measures - Legal workstream March 2020	0018:222 - 0018:233	1.1		
15	2022/12/22	Containment or management of Covid-19 for schools and communities	CaseLines	Guidelines for Childcare Facilities and Schools - (11 Mar 20)	0018:234 - 0018:239	1.1		2020/03/11

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

16	2022/12/22	Travel advisory	CaseLines	NDMC Draft Travel Advisory Ban - Legal Work stream - March 2020	0018:240 - 0018:241	1.1		2020/03/13
17	2022/12/22	Provincial containment plan for Covid-19 March 2020	CaseLines	Provincial Containment Plan for COVID-19 - March 2020	0018:242 - 0018:250	1.1		2020/03/01
18	2022/12/22	Duplicate of document classification of a disaster and the declaration of a state of disaster	CaseLines	SKM_754e22122215470	0018:251 - 0018:317	Additional		2019/04/01
19	2022/12/22	Duplicate of containment of Covid-19 for schools and communities	CaseLines	SKM_754e22122215470	0018:318 - 0018:323	Additional		2020/03/11
20	2022/12/22	Duplicate of travel advisory	CaseLines	SKM_754e22122215470	0018:324 - 0018:338	Additional		2020/03/13

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

21	2022/12/22	Progress update on the work regarding COVID-19 Pandemic	CaseLines	SKM_754e22122215470	0018-339 - 0018-384	1.3.8		2020/06/25
22	2022/12/22	Novel COVID-19 provincial readiness checklist	CaseLines	SKM_754e22122215470	0018:385 - 0018:389	Additional		2020/03/06
23	2022/12/22	Duplicate of NDMC phase two quarantine	CaseLines	SKM_754e22122215470	0018:390 - 0018:392	Additional		
24	2022/12/22	Covid-19 National Consolidated Report 12	CaseLines	SKM_754e22122215470	0018:393 - 0018:442	1.1		2020/04/09
25	2022/12/22	NICD article on the second	CaseLines	SKM_754e22122215500	0018:443	1.2		2020/12/02

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

26	2022/12/22	A summary of Garden Route hospital admissions from March 2020 to 18 December 2020	CaseLines	SKM_754e22122215500	0018:444 -0018:452	1.2		2020/12/18
27	2022/12/22	Submission of the decision of the Eastern Cape to close beaches for the uppcoming festive season	CaseLines	SKM_754e22122215500	0018:453 - 0018:454	1.2		2020/12/11
28	2022/12/22	VINPRO-Garden Route: Special COVID-19 Coordinating forum meeting	CaseLines	SKM_754e22122215500	0018:455 - 0018:504	1.2		2020/12/04
29	2022/12/22	Plan of action to mitigate a COVID-19 resurgence in SA	CaseLines	SKM_754e22122215500	0018:505 - 0018:559	1.2		2020/09/01
30	2022/12/22	Draft framework public consultation	CaseLines	SKM_754e22122215500	0018:560 - 0018:583	Additional		2020/04/25

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

31	2022/12/22	Internal memo: enhancing uptake of prevention measures for Covid-19	CaseLines	SKM_754e22122215530	0018:584 - 0018:587	1.2		2020/07/20
32	2022/12/22	Internal memo: advisory on the NCCC questions on actions to curb the surge	CaseLines	SKM_754e22122215530	0018:588 - 0018:589	1.2		2020/07/22
33	2022/12/22	Internal memo: gyms and exercise centers	CaseLines	SKM_754e22122215530	0018:590 - 0018:591	1.2		2020/07/23
34	2022/12/22	Internal memo: making air travel safe during Covid-19	CaseLines	SKM_754e22122215530	0018:592 - 0018:593	1.2		2020/07/27
35	2022/12/22	Internal memo: managing outbreaks in community facilities	CaseLines	SKM_754e22122215530	0018:594 - 0018:596	1.2		2020/08/07

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

36	2022/12/22	Index provided to KWV	CaseLines	INDEX 6 JANUARY 23 ; INDEX -11 JANUARY 23	0018:597 - 0018:610	Additional		2023/01/06
37	2022/12/22	Disaster Management Act: Amendement	CaseLines	RULE 53 SAKELIGA	0018:615 - 0018:626	Additional		2022/04/04
38	2022/12/22	NDMC Guidelines - contingency planning and arrangement	E-mail	0002 SKM_754e22122215430 2022-12-22.pdf	1-41	1.1		2019/04/01
39	2022/12/22	Duplicate of Department of Defence: Report to the NDMC	E-mail	0002 SKM_754e22122215430 2022-12-22.pdf	42-46	Additional		2020/07/31
40	2022/12/22	Duplicate of Department of Correctional Services: Quarterly Performance Report	E-mail	2 SKM_754e22122215430 2022-12-22.pdf	47-53	Additional		

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

41	2022/12/22	SAFER: Preventing and Reducing Alcohol-Related Harms	E-mail	2 SKM_754e221222154302022-12-22.pdf	54-56	1.2		
42	2022/12/22	Presentation by the Minister of COGTA: 20 April 2020	E-mail	2 SKM_754e221222154302022-12-22.pdf	57-102	1.2		2020/04/20
43	2022/12/22	Minister of COGTA - media briefing - level 3 in line with Risk Adjusted Strategy	E-mail	2 SKM_754e221222154302022-12-22.pdf	103-112	1.2		2020/05/28
44	2022/12/22	Report on issues raised by sectors and the public	E-mail	2 SKM_754e221222154302022-12-22.pdf	113-137	1.2		2020/04/28
45	2022/12/22	Interventions in response to Covid-19: SAPS	E-mail	3 SKM_754e221222154302022-12-22.pdf	138-142	Additional		

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

46	2022/12/22	Fitness industry reopening framework	E-mail	2 SKM_754e22122215430 2022-12-22.pdf	143-170	Additional		
47	2023/01/11	Concrete pronouncements on the Disaster Management Legislation in respect of COVID-19	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	1-5	Additional		
48	2023/01/11	Employer/ Labour workstream	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	6-10	Additional		
49	2023/01/11	Agenda and minutes: 25 June 2020	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	11-21	1.2		2020/06/25
50	2023/01/11	Abridged decisions emanating from the national disaster management advisory forum meetings: 5 March	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	22-40	1.1		2020/03/05

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

51	2023/01/11	Academy of Science SA on the Implication of COVID-19	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	41 - 42	1.1		
52	2023/01/11	Legal basis for control measures	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	43-54	1.1		
53	2023/01/11	National Disaster Management Centre Care Report: State Security Agency - Quarter 1	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	55 - 58	1.2		2020/07/31
54	2023/01/11	Duplicate: Interventions in response to Covid-19: SAPS	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	59 - 70	Additional		
55	2023/01/11	Irrelevant or blank pages	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	71	Irrelevant		

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

56	2023/01/11	Department of correctional services Covid-19 Disaster Management response report	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	72 - 78	Additional		2020/08/03
57	2023/01/11	Department of Correctional Services: Quarterly Performance Report	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	79 - 85	Additional		
58	2023/01/11	Department of Environment, Forestry and Fisheries: COVID-19 Disaster Management report	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	86 - 89	Additional		
59	2023/01/11	Department of Defence: Report to the NDMC	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	90 - 94	Additional		2020/07/31
60	2023/01/11	Duplicate of Department of Correctional Services: Quarterly Performance Report	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	95 - 101	Additional		

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

61	2023/01/11	Industrial Development Cooporation Approvals and Disbursements	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	102 - 106	Additional		2020/06/01
62	2023/01/11	Irrelevant or blank pages	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	107	Irrelevant		
63	2023/01/11	Limpopo provincial government: Submission of a report	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	108 - 147	Additional		2020/08/25
64	2023/01/11	Irrelevant or blank pages	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	148-152	Irrelevant		
65	2023/01/11	Expenditure report on municipal disaster grant funding	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	153 - 165	Additional		2020/08/12

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

66	2023/01/11	Irrelevant or blank pages	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	166-170	Irrelevant		
67	2023/01/11	Duplicate of containment of Covid-19 for schools and communities	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	171 - 176	Additional		2020/03/11
68	2023/01/11	Readiness for risk adjusted reopening of the DBE offices	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	177 - 180	Additional		
69	2023/01/11	COVID-19 cases as at 13 August 2020	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	181	1.2		2020/08/13
70	2023/01/11	Irrelevant or blank pages	E-mail	PAIA Record Delivered 20230111 - Volume 1.pdf	182			

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

71	2023/01/11	Department of Cooperative Governance: COVID-19 Disaster Report for the period 15 March 2020 to 30 June 2020*	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	183 - 201	Additional		2020/08/07
72	2023/01/11	Industrial funding facilities	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	202	Additional		
73	2023/01/11	Duplicate of Industrial Development Coorporation Approvals and Disbursements	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	203 - 210	Additional		2020/06/01
74	2023/01/11	Department of Cooperative Governance: COVID-19 Disaster Report for the period 15 March 2020 to 30 June 2020	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	211 - 241	Additional		
75	2023/01/11	Minutes of the PCC meeting - 4 April	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	242 - 255	1.2		2020/04/04

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

76	2023/01/11	Minutes of the PCC meeting - 18 April	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	256 - 271	1.2		2020/04/18
77	2023/01/11	Minutes of the PCC meeting - 16 May	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	272 - 287	1.2		2020/05/16
78	2023/01/11	Minutes of the PCC meeting - 17 June	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	288 - 293	1.2		2020/06/17
79	2023/01/11	Minutes of the PCC meeting - 9 July	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	294 - 303	1.2		2020/07/09
80	2023/01/11	Minutes of the PCC meeting - 15 August	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	304 - 311	1.2		2020/08/15

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

81	2023/01/11	Minutes of the PCC meeting - 15 September	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	312 - 318	1.2		2020/09/15
82	2023/01/11	Minutes of the PCC meeting - 2 December	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	319 - 326	1.2		2020/12/02
83	2023/01/11	Minutes of the PCC meeting - 13 December	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	327 - 333	1.2		2020/12/13
84	2023/01/11	Minutes of the PCC meeting - 28 December	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	334 - 341	1.2		2020/12/28
85	2023/01/11	Public Health Response: 18 April	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	342 - 353	1.2		2020/04/18

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

86	2023/01/11	Public Health Response: 16 May	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	354 - 380	1.2		2020/05/16
87	2023/01/11	Public Health Response: 15 August	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	381 - 398	1.2		2020/08/15
88	2023/01/11	COVID-19 update to PCC: 13 December	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	399 - 418	1.2		2020/12/13
89	2023/01/11	COVID-19 Response: 28 December	E-mail	PAIA Record Delivered 2023011 - Volume 1.pdf	419 - 444	1.2		2020/12/28
90	2023/01/11	Lever-arch file 001: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 001	005:33 -005:316 005:319 -005:438 005:441 -540			

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

91	2023/01/11	Lever-arch file 002: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 002	005:543 - 005:644 005:647 - 742 005:745 - 866 005:869 - 966 005:969 - 1058			
92	2023/01/11	Lever-arch file 003: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 003	005:1061 - 005:1156 005:1159 - 005:1258 005:1261- 005:1360 005:1363 - 005:1444 005:1447 - 005:1534			
93	2023/01/11	Lever-arch file 004: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 004	005:1535 - 005:1968			
94	2023/01/11	Lever-arch file 005: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 005	005:2003 - 005:2068 005:2071 - 005:2150 005:2153 - 005:2252 005:2255 - 005:2363 005:2366 - 005:2500			
95	2023/01/11	Request for comments: Schedule of services to be phased in as per the COVID-19 risk adjusted strategy	Hand	Lever-arch file 005	1-6			2020/04/25

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

96	2023/01/11	Lever-arch file 006: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 006	005:2501 - 005:2590 005:2593 - 005:2684 005:2687 - 005:2787 005:2790 - 005:2890 005:2893 - 005:2987 005:2990 - 005:3000			
97	2023/01/11	Lever-arch file 007: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 007	005:3001 - 005:3193 005:3196 - 005:3450			
98	2023/01/11	Lever-arch file 008: Fair-Trade Independent Tobacco Association v President of the Republic of South Africa - CaseLines Rule 53 - Section 005 printout	Hand	Lever-arch file 008	005:3451 - 005:3701 005:3704 - 005:3739 005:3740 - 005: 3756			
99	2023/01/11	World Health Organisation: Global Action Plan for the prevention and control of noncommunicable diseases 2013-2020	Hand	Lever-arch file 008	1 - 104			

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Registered Communication Certificate

Registered Email

Certificate ID: fFLx1X5aQl-HdVfMuBSvCg (UID: 721587)

Certified Digital Communications (Pty) LTD, acting as a trusted third party, on request and with express permission of the sender, certifies that all the information contained in this certificate is the same as was captured into its secure and confidential systems.

SENDER	**Name:**	REGISTERED EMAIL from Chane Houman	**Email:**	chane@kriekprok.co.za
	Reg/ID:	2012/030418/21	**Source & IP**	reg.certcoms.com; 185.211.123.77
RECIPIENT	**Name:**	kholofelom@cogta.gov.za	**Email:**	kholofelom@cogta.gov.za
SENT DATE	2023-06-06 16:38:17			
DELIVERY DATE	2023-06-06 16:38:26			

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Proof Of Content

Certified Digital Communication (Pty) LTD obtains a hash value (digital fingerprint) of the original data message and any attachments using a cryptographic hash function. These digital footprints are included in the certificate providing irrefutable proof of content of the registered message. The original data message and any attachments are available in this signed certificate as an attachment.

message-body-plain.txt	f7ac3885d8cbb4d876389b7345d377e91bca09d3
message-html.html	0e0e8b430662614288cf71c5d5d181b00ca00b1a
att03-image001.jpg	59fb9c922e6d061b3124883dfb26eb3d5cd04881
att04-image002.jpg	90d3a5c123439895154a561d14f77e200f4702a1
att05-image004.jpg	f446de03b25c04f9f2e08bb0255303031b2d089b
att06-Minister of COGTA sent 2023-06-06.pdf	f05d57850ea1240e27d5befb055b558bf46c1a69

This certificate has been issued upon request and with the express consent of the sender, by a secure and confidential system. This certificate has been assigned, in the records of the signatory operator, a unique identifier.

REGISTERED COMMUNICATION

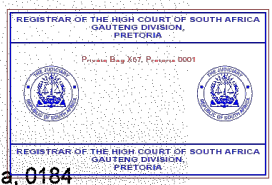
Post Office South Africa

Message Subject:

Sakeliga NPC / Minister of Cooperative Governance and Traditional Affairs and Others (Case Number: 39370/2021)

Message Content:

Good day,
We refer you to the abovementioned matter.
Kindly find attached two letters for your attention.
Kindly acknowledge receipt hereof.
Kind regards,
[part1.0148A4A0.CB2E9AC5@kriekprok.co]Chané Houman
Kriek Wassenaar & Venter Inc
Kandidaatprokureur / Candidate Attorney
* (t) (+27) 12 803 4719<tel:%28%2B27%29%2012%20756%207566> * (f) (+27) 86 596 8797<tel:%28%2B27%29%2086%20596%208801>
* (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184
* (p) Postnet Suite #11, Privaatsak / Private Bag X025, Lynnwood Ridge, 0040 * BTW Reg: 4020260685 * Reg: 2012/030418/21
[cid:image004.jpg@01D99894.EAE1AB20]
Hierdie e-pos is onderhewig aan voorwaardes. Kliek hier<http://www.kwv-inc.com/#%21legal/c1i6j> vir meer besonderhede.
This e-mail is subject to certain conditions. Click here<http://www.kwv-inc.com/#%21legal/c1i6j> for more information.



REGISTERED COMMUNICATION

Post Office South Africa

DELIVERY DETAILS

Recipient:	"kholofelom@cogta.gov.za" <kholofelom@cogta.gov.za>
Email accepted:	Yes. HOST: cogta-gov-za.mail.protection.outlook.com; IP: 185.211.123.77
Date delivered:	Tue, 06 Jun 2023 14:38:15 +0000
Transmission details:	250 OK ID: fFLx1X5aQl-HdVfMuBSvCg

EMAIL HEADER DETAILS



MIME-Version:	1.0
Date:	Tue, 06 Jun 2023 14:38:15 +0000
Message-ID:	d8d15b1fa9118ecc4baea85ec44b049a@regcoms.certcoms.com
Subject:	Sakeliga NPC / Minister of Cooperative Governance and Traditional Affairs and Others (Case Nu
From:	REGISTERED EMAIL from Chane Houman <141308038934@regcom.certcoms.com>
To:	"kholofelom@cogta.gov.za" <kholofelom@cogta.gov.za>
Content-Type:	multipart/mixed; boundary="_=_swift_1686062295_bc690d779db7d964e17439b0d61573a3_=_"
Content ID:	fFLx1X5aQl-HdVfMuBSvCg
Acceptance:	Yes. HOST: cogta-gov-za.mail.protection.outlook.com; IP: 185.211.123.77
Receiving Mail Server:	cogta-gov-za.mail.protection.outlook.com
Delivery Code:	250
Server Message:	OK
Certificate Verified:	1
Authenticated Sender:	reg.certcoms.com: chane@kriekprok.co.za
Is Authenticated:	1
Envelope Transport:	smtp
Envelope Sending IP:	185.211.123.77

ELECTRONIC SIGNATURE

Digitally Signed by Certified Digital Communications (Pty) LTD - (SAPO Class 3)
Reason: Digitally Sealed by CertComs
Location: South Africa
Signing Date: 2023-06-06 16:38:28

Validation

If you wish to validate the authenticity of this certificate, you can do so at: https://regcoms.certcoms.com/validate

Chane Houman

From: Chane Houman
Sent: Tuesday, 06 June 2023 16:29
To: kholofelom@cogta.gov.za; info@cogta.gov.za; ZandileZ@cogta.gov.za; ThinavhuyoN@cogta.gov.za; OSebitso@justice.gov.za; EMolomo@justice.gov.za
Cc: NJ Nel; Elbie Swanepoel
Subject: Sakeliga NPC / Minister of Cooperative Governance and Traditional Affairs and Others (Case Number: 39370/2021)
Attachments: Minister of COGTA sent 2023-06-06.pdf

Tracking:

Recipient	Delivery
kholofelom@cogta.gov.za	
info@cogta.gov.za	
ZandileZ@cogta.gov.za	
ThinavhuyoN@cogta.gov.za	
OSebitso@justice.gov.za	
EMolomo@justice.gov.za	
NJ Nel	Delivered: 2023/06/06 16:29
Elbie Swanepoel	Delivered: 2023/06/06 16:29

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Good day,

We refer you to the abovementioned matter.

Kindly find attached a letter for your attention.

Kindly acknowledge receipt hereof.

Kind regards,

Chané Houman

Kriek Wassenaar & Venter Ing

Kandidaatprokureur / Candidate Attorney

• (t) (+27) 12 803 4719 • (f) (+27) 86 596 8797

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

• (p) Postnet Suite #11, Privaatsak / Private Bag X025, Lynnwood Ridge, 0040 • BTW Reg: 4020260685 • Reg: 2012/030418/21

Hierdie e-pos is onderhewig aan voorwaardes. Kliek hier vir meer besonderhede.

This e-mail is subject to certain conditions. Click here for more information.

1A

Chane Houman

From: Chane Houman
Sent: Tuesday, 06 June 2023 16:22
To: 'OSebitso@justice.gov.za'; 'Nagongqo@justice.gov.za'
Cc: 'kholofelom@cogta.gov.za'; 'info@cogta.gov.za'; 'ZandileZ@cogta.gov.za'; 'ThinavhuyoN@cogta.gov.za'; 'EMolomo@justice.gov.za'; NJ Nel; Peter Wassenaar; Elbie Swanepoel
Subject: Sakeliga NPC / Minister of Cooperative Governance and Traditional Affairs and Others (Case Number: 39370/2021)
Attachments: Minister of COGTA sent 2023-06-06.pdf; State Attorney sent 2023-06-06.pdf

Good day,



We refer you to the abovementioned matter.

Kindly find attached two letters for your attention.

Kindly acknowledge receipt hereof.

Kind regards,

Chané Houman

Kriek Wassenaar & Venter Ing

Kandidaatprokureur / Candidate Attorney

• (t) (+27) 12 803 4719 • (f) (+27) 86 596 8797

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

• (p) Postnet Suite #11, Privaatsak / Private Bag X025, Lynnwood Ridge, 0040 • BTW Reg: 4020260685 • Reg: 2012/030418/21

Hierdie e-pos is onderhewig aan voorwaardes. Kliek hier vir meer besonderhede.

This e-mail is subject to certain conditions. Click here for more information.

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

SA37

Case No. NONE

In the matter between:

SAKELIGA NPC

Applicant

and

THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

Respondent

and

RETURN: SERVICE OF LETTER WITH ANNEXURES

IT IS HEREBY CERTIFIED:

That on 22 June 2023 at 14h50 at 87 HAMILTON STREET, ARCADIA, PRETORIA being the principal place of business of THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS, a copy of the LETTER WITH ANNEXURES was served to MRS INGRID SERITHE (LEGAL DEPT) a responsible employee of THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS, after the original document was displayed and the nature and contents thereof explained to her, MRS INGRID SERITHE a person apparently not less than sixteen years of age and in the employ of THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS accepted service. Rule 4[1][a][v].

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA (GAUTENG DIVISION) Pretoria 0001 REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA PRETORIA

SHERIFF CHARGES/EXPENSES: (You may require that this account be taxed and vouched before payment)

Description	Tarifl	QTY	Amount	Description	Tarifl	QTY	Amount
Cellular call	20.00	1	20.00				
Cellular costs/charges	5.50	3	16.50				
Office Pigeon Hole	12.00	1	12.00				
Service	92.50	1	92.50				
Registration & Return	65.00	1	65.00				
Travelling.	7.50	12	90.00				

Zero rated items	296.00
Sub-total	0.00
VAT	0.00
Total	**296.00**

TO: THE REGISTRAR OF THE HIGH COURT,

Account No.: M12832

TO: KRIEK WASSENAAR & VENTER INC (KV
POSTNET SUITE # 11, P/BAG X25
SILVERTON
COLLECT
0127

Your Reference: QB0792/PJ WASSENAAR/ES

Mr A D Uys - Deputy Sheriff
(Properly appointed in terms of Section 6(1) of the Sheriff's Act No. 90/1986)
Signed at Pretoria on 26/06/23
My Reference: **2023/00/56562.00** / JJV

Acting Sheriff Pretoria North East
Mr T J Mphahlele
PO Box 8894 Pretoria 0001
Tel: Tel: 012 883 4380/1 FNB Acc No 6304 3004 710
VAT No./BTW Nr.

Chane Houman

From: Zandile Zondi <ZandileZ@cogta.gov.za>
To: Chane Houman
Sent: Tuesday, 06 June 2023 17:11
Subject: Read: Sakeliga NPC / Minister of Cooperative Governance and Traditional Affairs and Others (Case Number: 39370/2021)

Your message

To:
Subject: Sakeliga NPC / Minister of Cooperative Governance and Traditional Affairs and Others (Case Number: 39370/2021)
Sent: Tuesday, June 6, 2023 3:11:29 PM (UTC+00:00) Monrovia, Reykjavik

was read on Tuesday, June 6, 2023 3:11:22 PM (UTC+00:00) Monrovia, Reykjavik.



Chane Houman

From: info <info@cogta.gov.za>
Sent: Wednesday, 07 June 2023 09:18
To: Chane Houman; Kholofelo Madisha; Zandile Zondi; Thinavhuyo Skosana; OSebitso@justice.gov.za; EMolomo@justice.gov.za
Cc: NJ Nel; Elbie Swanepoel
Subject: Re: Sakeliga NPC / Minister of Cooperative Governance and Traditional Affairs and Others (Case Number: 39370/2021)

Good day Chane,

Thank you for reaching out. Your email has been forwarded to the relevant office.



Regards,

Info
Tel: 012 334 0600
info@cogta.gov.za

cooperative governance
Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA

From: Chane Houman <chane@kriekprok.co.za>
Date: Tuesday, 06 June 2023 at 16:29
To: Kholofelo Madisha <KholofeloM@cogta.gov.za>, info <info@cogta.gov.za>, Zandile Zondi <ZandileZ@cogta.gov.za>, Thinavhuyo Skosana <ThinavhuyoN@cogta.gov.za>, OSebitso@justice.gov.za <OSebitso@justice.gov.za>, EMolomo@justice.gov.za <EMolomo@justice.gov.za>
Cc: NJ Nel <nj@kriekprok.co.za>, Elbie Swanepoel <elbie@kriekprok.co.za>
Subject: Sakeliga NPC / Minister of Cooperative Governance and Traditional Affairs and Others (Case Number: 39370/2021)

Good day,

We refer you to the abovementioned matter.

Kindly find attached a letter for your attention.

Kindly acknowledge receipt hereof.

Kind regards,

Chané Houman

Kriek Wassenaar & Venter Ing

Kandidaatprokureur / Candidate Attorney

• (t) (+27) 12 803 4719 • (f) (+27) 86 596 8797

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

• (p) Postnet Suite #11, Privaatsak / Private Bag X025, Lynnwood Ridge, 0040 • BTW Reg: 4020260685 • Reg: 2012/030418/21

[redacted]

Hierdie e-pos is onderhewig aan voorwaardes. Kliek hier vir meer besonderhede.

This e-mail is subject to certain conditions. Click here for more information.

www.cogta.gov.za Postal address: Private Bag X804, Pretoria, 0001 Head Office: 87 Hamilton Street, Arcadia, Pretoria, South Africa This message contains information which is confidential, legally privileged, and protected by law and is intended only for the use of the intended recipient only. If you are not the intended recipient, you may not peruse, use, disseminate, distribute or copy this message or any file attached to this message. Should you have received this message in error, please notify us immediately by return e-mail. Views and opinions expressed in this e-mail are those of the sender unless clearly stated as being that of the Department. We strive to respond to emails within two working days. If you experience problems in this regard, please notify us on info@cogta.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
254
SA40
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

https://www.cogta.gov.za/index.php/dcog-contacts/

Cooperative Governance
Traditional Affairs

Home | About CoGTA | Media | CoGTA Docs | Jobs | Legislation | DDM | PAIA

- **Professionalism, Integrity and Accountability.**
- **Servant leadership and a hands-on approach.**

Important Contacts

Office of the Director-General: Ms Avril Williamson

Head of the Office of the DG. Mr S Molefi (Acting)

Mobile: 082 312 1219

Email: MolefiS@cogta.gov.za

Personal Assistant to the DG

Mobile: 060 844 0112

Email: Zandilez@cogta.gov.za

255

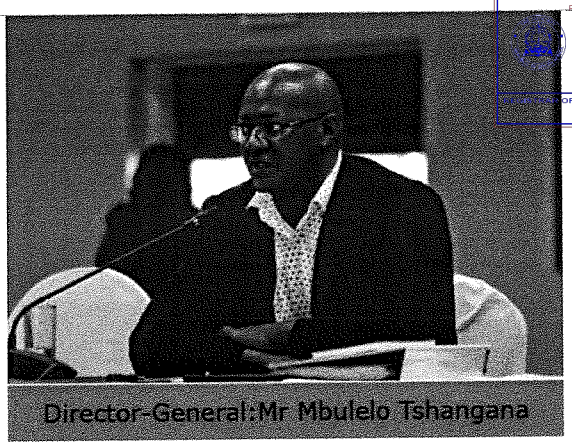
https://www.cogta.gov.za/index.php/dcog-contact-list-2/

S41

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Private Bag X67, Pretoria 0001

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA



To lead the Cooperative Governance system in support of integrated planning and implementation across all three spheres of government.

VISION

Efficient & effective cooperative governance system that enables resilient, safe, sustainable, prosperous, cohesive, connected and climate smart communities.

MISSION

VALUES

- *A commitment to public service that demonstrate Energy, Enthusiasm & Enjoyment.*
- *Professionalism, Integrity, & accountability.*
- *Servant leadership & hands-on approach.*

Personal Assistant to the DG: Ms Zandile
Mobile: 060 844 0112
Email: Zandilez@cogta.gov.za

DCoG Branch Heads

Reach us on the following contacts

Office of the State Attorney
Pretoria

Private Bag X 91
PRETORIA
0001

Manaka Heights
8th Floor
167 Andries Street

Tel: (Switchboard): (012) 309 1500
(Direct Line): (012) 309 1515
(Secretary): (012) 309 1520

Fax: (012) 328 2662/3
0866 292 343

Docex: 298

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

14 August 2023

ENQ: N QONGQO
EMAIL: nqongqo@justice.gov.za

MY REF: 2433/2022/Z71
YOUR REF: PJWassenaar /MJansenvan Vuuren/QB0792

KRIEK WASSENAAR AND VENTER INC

E-mail: info@kriekprok.co.za
peter@kriekprok.co.za

Dear Sir/Madam

COURT ORDER: SAKELIGA NPC/ MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS AND OTHERS

1. We refer to the above matter and your letters dated 1 June 2023, addressed to: (a) the Minister of Cooperative Governance and Traditional Affairs (**"the Minister"**); and (b) ourselves.

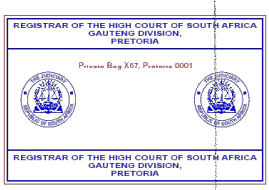
2. We confirm that we remain the attorney of record for the new incumbent Minister.

3. We refer you to our previous correspondence letter dated 23 February 2023

   We reiterate that the position, as articulated therein, remains the same.

4. We trust that the above is in order.

N QONGQO
FOR STATE ATTORNEY PRETORIA



10/1/2024-12:50:33 PM

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 313 **15 MARCH 2020**

DISASTER MANAGEMENT ACT, 2002

DECLARATION OF A NATIONAL STATE OF DISASTER

Considering the magnitude and severity of the COVID-19 outbreak which has been declared a global pandemic by the World Health Organisation (WHO) and classified as a national disaster by the Head of the National Disaster Management Centre, and taking into account the need to augment the existing measures undertaken by organs of state to deal with the pandemic, I, Dr Nkosazana Dlamini Zuma, the Minister of Cooperative Governance and Traditional Affairs, as designated under Section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002) ("the Act"), in terms of -

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

1) Section 27(1) of the Act, hereby declare a national state of disaster having recognised that special circumstances exist to warrant the declaration of a national state of disaster; and

2) Section 27(2) of the Act may, when required, make regulations or issue directions or authorise the issue of directions concerning the matters listed therein, only to the extent that it is necessary for the purpose of —

   (a) assisting and protecting the public;

   (b) providing relief to the public;

   (c) protecting property;

   (d) preventing or combatting disruption; or

   (e) dealing with the destructive and other effects of the disaster.

NC Zuma

DR NKOSAZANA DLAMINI ZUMA, MP

MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE: 15. 03. 2020.

This gazette is also available free online at www.gpwonline.co.za



REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

CONTAINMENT PREPAREDNESS PLAN FOR THE COVID-19

PREPARED BY:

CONTAINMENT PREPAREDNESS WORKSTREAM

MARCH 2020

STRUCTURE OF THE PLAN

1. Introduction

During the 21st century, three novel coronaviruses have caused severe illness in humans: severe acute respiratory syndrome (SARS) during 2002-2004; Middle East respiratory syndrome (MERS) from 2012; and, since December 2019, coronavirus disease 2019 (COVID-19). SARS and MERS caused severe disease with high fatality rates (9% and 34%, respectively) that have not resulted in widespread community transmission. In contrast, COVID-19 has been associated with lower mortality (<2%) but rapid international spread. As of 2 March 2020, 60 countries have reported over 89,000 cases of COVID-19 with over 3000 associated deaths. Public health authorities are now acknowledging that COVID-19 is a global pandemic (National Department of Health).

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

2. Purpose

The purpose of this plan is to focus on the containment of COVID-19 within the South African territory, preventing and mitigating the spread of COVID-19 and with that limiting the effects thereof in South Africa.

3. Objectives

Objectives for this workstream are to:

- Ensure measures are taken to contain COVID-19 in South Africa;
- Ensure each organ of state take appropriate measures to ensure continued service delivery; and
- Normalise the environment and situation, allowing the normal flow of activities while the spread of COVID-19 is dealt with.

4. Risk Profile of COVID-19

4.1 Routes of transmission

Internally

- By breathing in droplets when standing within 1m of a person who is infected
- By direct contact followed by touching of mouth, nose and eyes (auto-inoculation) when the hands were in contact with droplets, possibly on the surfaces in proximity of people who are presumptive for COVID-19.

Household transmission

- Human-to-human transmission of the COVID-19 virus is largely occurring in families, those that are affected need to be isolated to prevent the virus from spreading.

Workplace transmission

-

Externally

Externally refers to people who are presumptive for COVID-19 travelling form an international country to South Africa, raising the risk for people in South Africa contracting COVID-19. (Also refer to paragraph 6.4)

4.2 **Major Symptoms of COVID-1**

- 0 to 2.7 days- incubation
- 2.7 to 7 days -Viral shading
- 7 to 14 days –showing signs of fatigue, myalgia cough, fever sputum production, shortness of breath, sore throat, headache, myalgia, chills, nausea or vomiting, nasal congestion, diarrhoea, and haemoptysis, and conjunctival congestion.
- 1- 14 day –Quarantine
- 7- 21 days -Isolation

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

People with COVID-19 generally develop signs and symptoms, including mild respiratory symptoms and fever, on an average of 5-6 days after infection (mean incubation period 5-6 days, range 1-14 days).

Detailed information on COVID-19 is available from: https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance .

5. Problem Statement

Challenges-

- influx of people from high risk countries, imported cases, repatriation of people from affected countries, individuals travelling on their own, movement of tourist from province to province
- spread locally
- capacity to deal with the outbreak

Assumptions-

- might spread as the country is approaching winter season

0018-119

- Each organ of state prepare a plan as required in Section 25(1) of the Disaster Management Act 2002 (Act 57 of 2002) as amended by Act 16 of 2015, to effectively deal with COVID-19.

6. Mitigation and Prevention Measures

6.1 Containment Concept (Implementation of prevention and mitigation strategies to combat the spread of COVID-19)

Identification of infected people and trace their contacts

6.2 Implementation of Good Hygiene Measures (clinical Measures)

To reduce the risk of transmission, the following should be done:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

- Use the best available information to act and to inform communities
- Contain the source of infection where possible with self-imposed quarantine
- Improve personal hygiene, e.g. washing hands with alcohol based-hand sanitizer soap, covering mouth and nose if coughing or sneezing
- Voluntary self-isolation of ill persons
- Improve infection control in health facilities and schools
- Improve diagnosis, treatment and overall service provision
- Encourage sick people to stay at home
- In hospital cover persons with mask
- Keep distance from people
- Clean surfaces which people touch
- Avoid / eliminate touch and close proximity greetings, find other ways of greeting people

6.3 Containment of COVID-19 outside SA

Containment of COVID-19 outside SA focus on efforts preventing COVID-19 being imported, intentionally or unintentionally.

6.3.1 Invoke Disaster Management Act

6.3.2 Travel Warning and Alerts

6.3.3 Cancellation/ postponement of major events

6.3.4 Travel ban/Lockdown of South Africans (Constitutional implications)

6.3.5 Prevention of entry/visits from/to high risk countries (Travel ban)

6.3.6 Bilateral Agreements with other countries

6.3.7 Isolation/Quarantine these that are from high risk countries

6.3.8 Tracing those that are from high risk countries and their contacts

0018-119

6.4 **Containment of COVID-19 through ports of Entry South Africa**

(Mandate Ports of Entry)

(Containment of COVID-19 through the ports of entry to South Africa is addressed by the POE work stream. Brief remarks on containment is mentioned in this paragraph.)

6.4.1 Increase capacity in all ports of entry (Commercial and Non-commercial)

6.4.2 Screening

6.4.3 Contact Tracing

6.4.4 Monitoring

6.4.5 observation rooms



6.5 **Containment of COVID-19 Locally (within the Provinces)**

6.5.1 Isolation (Voluntary /Force)

6.5.2 Quarantine (identified sites, resourced)

6.5.3 Identified heath care facilities to deal with COVID-19

6.5.4 Lockdown of the Affected areas (in the Provinces)

6.5.5 Guidance on management of local major events

6.5.6 Intensify awareness and Training

0018-121
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

7. Roles and Responsibilities of Different Stakeholders (with cost implication)

Department	Response intervention	Outcomes	Funding status/allocation	Time Frames
National Disaster Management Centre				
National Department of Health				
Department of Social Development				
Department of Education				
Department of Higher Education And Training				
Department of Environmental Health				
National Institute For Communication Diseases				
IMS				
DPSA				

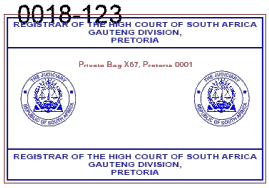
0018-121

0018-122
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Department	Response intervention	Outcomes	Funding status/allocation	Time Frames
Department Of Labour				
Department Of Tourism				
Communication (COGTA				
Department of Transport				
Department of Justice				
SANDF				
SAPS	Respond according to the mandate including: o maintain public order; o protect and secure the inhabitants of the Republic and their property; and o uphold and enforce the law. o create a safe and secure environment for all people in South Africa. o prevent anything that may threaten the safety or security of any community	For this plan: o Ensure continued service delivery; o Maintain public order where civil disobedience occurs; o Assist in upholding and enforcing legislation pertaining to this plan.	Funding for actions are according to the current operational budget assigned for policing	o Continuously according to the current status. o When specifically called upon to respond

0018-122

0018-123



0018-123

8

8. Recommendations



10/1/2024-12:50:33 PM
268

SA45
0018-125

Western Cape Government
Health

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Interim Novel Coronavirus Disease (COVID-19) 72-Hour Preparedness and Response Plan

Western Cape Department of Health

Communicable Disease Control

March 2020

0018-125

Table of Contents

Acronyms 3

Introduction 4

Purpose 4

Goal and Objectives 4

Coordination 5

Coronavirus Disease Preparedness and Response 6

72-Hour Plan 6

COVID-19 Resources 6

Annexure 1 – Coronavirus Preparedness Contact List 9

Annexure 2 – Provincial Readiness Checklist 13

Annexure 3 – Flow Charts for Suspected/Confirmed Case and Contact Management 21

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Acronyms

CDC	Communicable Disease Control
COVID	Coronavirus Disease
CRF	Case Report Form
EOC	Emergency Operations Centre
EMS	Emergency Medical Services
IEC	Information, Education and Communication
IHR	International Health Regulations
IMT	Incident Management Team
IPC	Infection Prevention and Control
NDMC	National Disaster Management Committee
NDoH	National Department of Health
NICD	National Institute for Communicable Diseases
nCoV	Novel Coronavirus
NHLS	National Health Laboratory Service
ORT	Outbreak Response Team
PHEIC	Public Health Event of International Concern
PoE	Points of Entry
PPE	Personal Protective Equipment
PUI	Person Under Investigation
SARS-CoV	Severe Acute Respiratory Syndrome Coronavirus
SOP	Standard Operating Procedure
WHO	World Health Organization

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Introduction

On 31 December 2019, the World Health Organization (WHO) China Country Office was informed of cases of pneumonia of unknown cause detected in Wuhan City, Hubei Province of China. On 7 January 2020, the causative pathogen was identified as a novel coronavirus (nCoV), and given the interim name 2019-nCoV.

Coronaviruses belong to a large family of viruses causing a wide spectrum of illness, ranging from very mild to severe. Numerous coronaviruses circulate among animals, including camels and some bat species. Rarely, some animal coronaviruses can evolve to cause illness in people, and may develop the ability to spread from person to person e.g. the severe acute respiratory syndrome coronavirus (SARS-CoV), first recognized in China in 2002.

By 30 January 2020, there were just over 7 800 confirmed cases, 82 of which were reported in 18 countries outside China. The WHO Director General (on behalf of the Emergency Committee) declared that the outbreak of 2019-nCoV constituted a Public Health Emergency of International Concern (PHEIC), with high risk for transmission outside of China. WHO recommended that countries should place emphasis on reducing human infection, prevention of secondary transmission and international spread, and contribute to the international response through multi-sectoral communication and collaboration and active participation in increasing knowledge on the virus and the diseases, as well as advancing research.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

In response to the announcement by the WHO, the National Minister of Health in South Africa activated the Emergency Operating Centre (EOC) on 31 January 2020, situated at the National Institute for Communicable Diseases (NICD) in Johannesburg. The National Department of Health (NDoH), together with the NICD, set up an Incident Management Team (IMT) for coordinating prevention and response to 2019-nCoV. The IMT has developed a series of guidelines and standard operational procedures (SOPs).

The global situation is being monitored. The virus has since been named SARS-CoV-2, causing coronavirus disease 2019 (COVID-19). On 5 March 2020, South Africa reported its first confirmed case of COVID-19 – a South African man who travelled to Italy with a tour group. By 9 March 2020, there were 7 cases reported in South Africa, all linked to the same tour group from Italy. Globally, there were 109 577 confirmed cases and 3 809 deaths reported.

Purpose

The purpose of this plan is to ensure that essential resources are available for immediate action, thereby facilitating health system preparedness to rapidly diagnose and treat the first COVID-19 case(s) imported into the Western Cape, as well as timely response and containment based on national and international standards.

Goal and Objectives

As the 72-hour plan is implemented, the goal is to limit or interrupt human-to-human spread of SARS-CoV-2 and prevent local/community transmission. The objectives are to:

- Coordinate of the provincial preparedness and response activities (i.e. activation of response teams, convening regular preparedness meetings, participating in national meetings) in close collaboration with the NDoH-NICD IMT and WHO

- Ensure the distribution of the National coronavirus guidelines and SOPs
- Ensure the implementation of the National Port Health SOPs at the points of entry (PoE)
- Ensure the readiness of Emergency Medical Services (EMS) to transport case/s
- Ensure the designated hospital (i.e. Tygerberg Hospital) and all other health facilities are operationally ready and equipped to manage suspected/confirmed cases of SARS-CoV-2 infection/COVID-19
- Ensure suspected cases are detected, reported, managed and investigated (surveillance) timeously according to national protocols
- Conduct relevant training to all discipline of staff and at all levels to strengthen preparedness and response capacity
- Ensure districts and sub-districts can respond effectively and efficiently to suspected or confirmed cases (i.e. contact tracing and monitoring)
- Ensure appropriate communication to the public, travellers and healthcare workers/practitioners – with emphasis on the basics of infection prevention and control (IPC), cough hygiene and hand washing

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Coordination

The Western Cape provincial COVID-19 preparedness is coordinated by the Communicable Disease Control sub-directorate. The larger team is multi-disciplinary and multi-sectoral, including the following:

- Communicable Diseases Control
- Port Health
- Emergency Medical Services (EMS)
- Airport Company of South Africa
- Districts (Cape Town, Garden Route, Cape Winelands, Central Karoo, Overberg, West Coast)
- Pharmacy and Laboratory Services
- Academic Hospitals (Tygerberg, Groote Schuur, Red Cross)
- Infectious Diseases Specialists
- IPC Coordinators and Practitioners
- Regional Hospitals
- 2 Military Hospital
- Communications
- Health Promotion
- National Health Laboratory Services
- Private Laboratories
- Private Hospital Groups
- Health Impact Assessment
- Business Development
- Disaster Management
- Education
- Correctional Services

Contact details are available in Annexure 1.

Coronavirus Disease Preparedness and Response

72-Hour Plan

The activities for the 72-hour preparedness and response plan are outlined in Table 1 below. The national activities have been taken from the interim *Preparedness and Response Plan – Novel Coronavirus* (South Africa; February 2020).

Provincial preparedness activities commenced towards the end of January 2020. A provincial readiness checklist was completed late-February/early-March 2020 to evaluate progress (Annexure 2).

COVID-19 Resources

The provincial SOPs for managing suspected and confirmed cases as well as their contacts are in line with national procedures which are illustrated in Annexure 3. Additional resources (guidelines, SOPs, health promotion material, etc.) are available on the following websites:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

www.ndoh.gov.za
http://www.nicd.ac.za/diseases-a-z-index/covid-19/
www.westerncape.gov.za/department-of-health/coronavirus

Disclaimer: This document and other COVID-19 resources are subject to change as the situation is rapidly evolving.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Table 1: 72-Hour Plan – National and Provincial Preparedness Activities by Functional Area, Western Cape

FUNCTIONAL AREA	NATIONAL ACTIVITIES	PROVINCIAL ACTIVITIES
1. Coordination	• Activate the national EOC • Continue monitoring the dedicated hotline 24/7 • Provide initial update on the situation regarding numbers and public health actions being undertaken • Hold daily IMT meetings • Activate national SOPs • Activate National Disaster Management Committee (NDMC)	• Activate Provincial Disaster Management Centre (PDMC) • Engage key stakeholders regarding shared information and hysteria mitigation • Hold Provincial Task Team meeting • Provide internal and external situation updates • Activate national and provincial guidelines and SOPs for surveillance, port health, EMS, case management, etc.
2. Epidemiology and Surveillance	• Mobilize and deploy rapid response teams to affected areas to verify and conduct initial investigations • Activate contact tracing • Analyse data and generate regular reports on the outbreak • Trace and identify the index case • Monitor trends of the outbreak and establish a dashboard at national level	• Mobilize rapid response/contact tracing teams to conduct initial investigations • Activate contact tracing and monitoring • Trace and identify the index case if necessary • Support national data management activities to feed into situation updates
3. Case Management	• Make contact with the attending clinicians and request completion of case report form (CRF) • Activate EMS and appropriate facilities for treatment of cases • Identify and deploy surge human resource to support the response • Implement IPC measures and ensure adherance to protocols	• Facilitate completion of CRF from attending clinician • Ensure triage protocols are executed at all levels of care • Develop surge plan for intensive/high care, paediatrics and additional human resources • Strengthen existing general and COVID-19-specific provincial IPC and personal protective equipment (PPE) SOPs
4. Laboratory	• Notify appropriate individuals of positive case/s as per protocol • Deploy laboratory receiving and testing staff for increased number of samples (additional cases, contacts etc.) • Rapidly test specimens collected from case contacts • Activate agreements with courier services to facilitate specimen transportation	• Strengthen capacity of local public and private laboratories to process samples • Improve turn-around times for test results • Provide specimen collection equipment to contact tracing teams and health facilities • Ensure courier service contracts are adhered

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

5. Emergency medical services	• Deploy mobile isolation/treatment facilities as needed • Deploy teams to support case management • Provide ambulance service	• Activate EMS Command and Control structure and SOPs • Activate trained EMS teams for transport of PUIs to treatment health facilities • Activate the Provincial Health Operations Centre (PHOC) to monitor and control activities • Activate EMS Events team in terms of preparedness measures for mass gatherings • Investigate mobile isolation facility options
6. Points of Entry	• Activate the referral pathway • Conduct exit screening • Share information as appropriate • Revamp the isolation areas in key PoEs • Refresh port health staff on case definition and screening procedures • Provide IEC materials pasted at strategic locations at PoEs	• Activate port health SOPs for referral of PUIs to Tygerberg Hospital • Train port health officials on exit screening • Provide passenger locator information (seat number) and close contact details (names, address, phone number) for confirmed case • Increase dissemination of IEC material at CTIA
7. Risk Communication and Community Engagement	• Prepare briefing for the media on the outbreak including preventive measures • Monitor social media and address rumours in a timely manner • Conduct radio, TV talk shows • Civic education on corona virus disease • Disseminate IEC materials	• Activate communication plan adapted to situation/scenario • Intensify general messages to all stakeholders and on all media platforms • Provide internal and external timely and trustworthy update announcements • Provide wide-reaching public information and reassurance • Activate localized media options to reach community • Provide social media communication (Health Facebook, web page)
8. Operations, Administration and Logistics Support	• Mobilize the required resources for the initial actions • Review and deploy the required staff to support the response • Provide PPEs and other supplies as stipulated in the contingency plan • Monitor stock and immediately raise alerts when needed	• Mobilize response teams, investigation tools and equipment for initial response • Review and deploy the required staff to support response • Distribute PPE and other supplies from national stock • Monitor stock levels at CMD, district stores and health facilities • Develop surge plan accounting for additional human resources, PPE

276

0018-133

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Annexure 1 – Coronavirus Preparedness Contact List

Western Cape Coronavirus Preparedness Contact List				
National Department of Health	**Contact person**	**Contact Details**		
		Mobile no.	**Office no.**	**Email address**
Director: CDC	Ms Tsakani Furumele	082-419-9686	012-395-8096	Tsakani.Furumele@health.gov.za
Director: Malaria and other Vector Borne Diseases	Dr Patrick Moonaser		012-395-8097	MoonaD@health.gov.za
	Mr Wayne Ramkrishna	082-317-4687	012-395-8048	Wayne.Ramkrishna@health.gov.za
	Mr Patrick Hlungwani		012-395-8831	Patrick.Hlungwani@health.gov.za
	Ms Takalani Nemugadi		012-395-8051	Takalani.Nemungadi@health.gov.za
NICD	**Contact person**	**Contact Details**		
		Mobile no.	**Office no.**	**Email address**
Pathologist: Public Health and Surveillance	Dr Kerrigan McCarthy	079-871-7278	011-555-0542	kerriganm@nicd.ac.za
Head: Outbreak Response Unit	Dr Ann Mathews	066-046-3581	011-386-2022	annm@nicd.ac.za
	Ms Genevie Ntshoe	082-805-9085	011-386-6354	genevien@nicd.ac.za
	Dr Vivien Essel	082-940-4780	011-555-0392	viviene@nicd.ac.za
	NICD Hotline (clinical advice)	082-883-9920		
Western Cape Department of Health	**CDC Coordinator**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**
Head of Health	Dr Beth Engelbrecht	083-461-1456	021-483-3478	Beth.engelbrecht@westerncape.gov.za
DDG: Chief of Operations	Dr Keith Cloete	082-462-7229	021-483-2518	Keith.cloete@westerncape.gov.za
Deputy Director: Communicable Disease Control	Ms Charlene Jacobs (Lawrence)	072-356-5146	021-483-3156	charlene.lawrence@westerncape.gov.za
Acting Chief Director: Health Programmes	Mr James Kruger	083-266-1839	021-483-5771	james.kruger@westerncape.gov.za
Chief Director: Emergency & Clinical Support Service	Dr Saadiq Kariem	082-420-2291	021-815-8708	Saadiq.kariem@westerncape.gov.za
Epidemiologist: DOH/NICD	Mr Hlengani Mathema	073-177-4735	021-483-6878	hlengani.mathema@westerncape.gov.za
NMC Nurse: DOH/NICD	Ms Washiefa Isaacs	072-310-6881	021-483-3737	washiefa.isaacs@westerncape.gov.za
ASD: CDC	Ms Lindi Mathebula	081-465-5326	021-483-9917	lindi.mathebula@westerncape.gov.za
Administrative Assistant: CDC	Ms Felencia Daniels		021-483-3156	felencia.daniels@westerncape.gov.za
Communication	**Contact person**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Director	Ms Marika Champion	074-011-2244	021-483-3235	Marika.champion@westerncape.gov.za
Deputy Director	Mr Mark Van der Heever	078-589-4156	021-483-3716	Mark.vanderheever@westerncape.gov.za
Tygerberg Hospital	**CDC Coordinator**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**
Chief Executive Officer	Dr Dimitri Erasmus	082-455-0824	021-938-4136 / 4555	Dimitri.Erasmus@westerncape.gov.za
Chief Operational Officer / Director : Clinical Services	Dr Paul Ciapparrelli		021-938-5883	paul.ciapparelli@westerncape.gov.za
Tygerberg Hospital: Infectious Disease Specialist,	Dr Jantjie Taljaard	083-419-1452	021-938-9645	jjt@sun.ac.za
Stellenbosch University (Community Health, Faculty of Health Sciences) & Tygerberg Hospital: Infection Prevention & Control Unit	Dr Jack Meintjies		021-938-5563 / 5053 / 5054	wajm@sun.ac.za
Groote Schuur Hospital	**CDC Coordinator**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**
Groote Schuur Hospital: CEO	Dr Bhavna Patel	082-375-3956	021-404-3178	Bhavna.patel@westerncape.gov.za
Infectious Disease Specialists	Prof Marc Mendelson	082-684-5742	021-404-5105	Marc.mendelson@uct.ac.za
Metro Health Services	**CDC Coordinator**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**
Chief Director	Dr Giovanni Perez		021-815-8668	Giovanni.perez@westerncape.gov.za
Public Health Specialist (MHS)	Dr Hassan Mohamed	082-334-5763	021-483-4429	hassan.mohamed@westerncape.gov.za
City of Cape Town	**CDC Coordinator**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**
Manager: Specialised Support	Dr Paul Nkurunziza	084-800-0644	021-400-3650	paul.nkurunziza@capetown.gov.za
Specialised Health: Epidemiologist (CDC Coordinator)	Dr Natacha Berkowitz	083-406-6755	021-400-6864	natacha.berkowitz@westerncape.gov.za
Rural Health Services	**CDC Coordinator**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**
Chief Director	Dr Renette Crous		044-695-0047	Renette.crous@westerncape.gov.za
Public Health Specialist	Dr David Pienaar	083-275-9333	021-483-9901	David.pienaar@westerncape.gov.za
DD Professional Support Services	Ms Eugenia Sidumo	082-735-5463	044-695-0047	Eugenia.Sidumo@westercape.gov.za
Cape Winelands				
Deputy Director: Professional Support Services	Ms Surina Neethling	072-227-6058	023-348-8120	Surina.Neethling@westerncape.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Central Karoo				
DD: Comprehensive Health	Ms Annalette Jooste	083-445-8106	023-414-3590	annalette.jooste@westerncape.gov.za
Environmental Health	Mr Mlungisi Booi	073-069-7585	044-803-2700	Mlungisi.Booi@westerncape.gov.za
Garden Route (Eden)				
Deputy Director: Communicable Disease Control / Health Specialised Support Services	Dr Terence Marshall	083-557-1527	044-803-2724	terence.marshall@westerncape.gov.za
Environmental Health	Mr Mlungisi Booi	073-069-7585	044-803-2700	Mlungisi.Booi@westerncape.gov.za
Environmental Health	Mr Manie Abrahams	083-210-1781	044-803-2727	manie.abrahams@westerncape.gov.za
Overberg				
DD: Comprehensive Health	Ms Petro Robertson	072-067-1309	023-348-8142	petro.robertson@westerncape.gov.za
Child health coordinator + Communicable diseases	Ms Beatrice Groenewald	082-969-9297	028-214-5852	Beatrice.Groenewald@westerncape.gov.za
Assistant Manager: Facility based services	Ms Aletta Ludik	082-562 7191	028-214-5851	Aletta.ludik@westerncape.gov.za
West Coast				
Assistant Manager: Facility Based Services	Ms Aletta Haasbroek	083-285-3936	022-487-9332	aletta.haasbroek@westerncape.gov.za
Clinical Program Coordinator: Child Health	Ms Hildegard Van Rhyn		022-487-9354	hildegard.vanrhyn@westerncape.gov.za
Port Health	**Contact person**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**
Assistant Director: Port Health	Mr Stanley Nomdo	072-133-5644	021-421-1124	Stanley.Nomdo@health.gov.za
EHP: Cape Town International Airport	Ms Wendy Dubazana	065-922-1974	021-934-3112	Wendy.Dubazana@health.gov.za
Airport Company South Africa(ACSA)	**Contact person**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**
Head of Department: Airport Emergency Management Systems, Cape Town International Airport	Mr Hakeem Meyer	082-480-7706	021-935-3759	hakeem.meyer@airports.co.za
Emergency Medical Services	**Contact person**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**
Head of Disaster Medicine and Special Events	Dr Wayne Smith	082-991-0760	021-815-8819	Wayne.smith@westerncape.gov.za
Virology	**Contact person**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Virologist: University of Stellenbosch / Tygerberg Hospital:	Prof Wolfgang Preiser	082-556-0682	021-938-9353	preiser@sun.ac.za
Senior Specialist: Department Pathology, NHLS, Tygerberg and Stellenbosch University	Dr Gert Van Zyl	083-302-9285	021-938-9691	guvz@sun.ac.za
Consultant: NHLS,Tygerberg, Stellenbosch University	Dr Nokwazi Nkosi	079-479-9217	021-938-9057	Nokwazi.nkosi@nhls.ac.za
Private Laboratory	**Contact person**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**
Pathcare: Clinical Virologist	Dr Jean Maritz		021-596-3400	Jean.maritz@pathcare.org
Ampath: Pathologist	Dr Johan Van Wyk		021 -596-5000	vanwykj@ampath.co.za
Lancet: Microbiologist	Dr Justyna Wojno		021-673-1700	Justyna.wojno@lancet.co.za
Private Hospital	**Contact person**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**
Mediclinic: Infection Prevention and Control Officer	Ms Briette Du Toit	072-463-4444	021-809-1885	briette.dutoit@mediclinic.co.za
Melomed: Infection Prevention and Control Specialist	Ms Eileen Van der Linde	072-890-6769	021-699-0950	Eileen.vanderlinde@melomed.co.za
Lifehealth Care: Vincent Palotti Hospital: Infection Prevention Specialist	Ms Patricia Curle	072- 269-0384	021-506-5111/5503	Patricia.curle@lifehealthcare.co.za
Busamed, Group Nursing Manager	Ms Karen Viljoen	073-177-6123	031-492-2070	KarenV@Busamed.co.za
2 Millitary Hospital	**Contact person**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**
2 Millitary Hospital: Infection Control Practitioner	Capt C. Cloete	082-783-5166	021-799-6184	ccloete@2military.co.za; corne1572@gmail.com
2 Millitary Hospital: Head of Medicine	Dr Alan Tooke	083-235-5157	021 7996260 / 6271/6653	alantooke@telkomsa.net
Netcare Hospital	**Contact person**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**
N1 City Hospital: Infection Control Practitioner	Ms Rileen Jordaan	072-378-6070	021-590-4094	Rileen.Jordaan@netcare.co.za
Disaster Management	**Contact person**	**Contact details**		
		Mobile no.	**Office no.**	**Email address**
DD: Preparedness and Response	Ms Lavenia Nicholson	083-277-4221	021-937-6317	lavenia.nicholson@westerncape.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Annexure 2 – Provincial Readiness Checklist

Intervention area		Yes/No	Comments/targets and progress	Indicate resources available and gaps	What is needed from national level
Coordination	Develop provincial action plan covering all functional areas as per the national preparedness plan	YES	In progress - 72 hour plan and SOPs for specific components - for different scenarios	dedicated human recourses for Provincial and district CDC, as additional hands necessary for COVID-19 work and ensure the routine work continues (e.g. surveillance), inputs required for completion of the 72 hour plan. There are other activities running simultaneously. Other units or directorates to assist with compiling plans e.g. HIA....	advocate for apporopriate sructures and fully capacitated programmes
	Establish/activate provincial multisectoral coordination mechanism with clear roles and responsibilities	Yes	A provincial preparedness COVID committee established, will be expanding and look at involving the Provincial JOC (scoping meeting held) in order to activate the Joint Operations Committee		National Joint Operations Committee to be activated
	Conduct table top simulation exercises to test readiness ensuring synergy between various intervention areas (e.g PoEs, surveillance, Risk comm, case management EMS)	Yes	Simulation exercise conducted involving ACSA, Port Health, EMS and Tygerberg Hospital. Districts requested to do simulation exercises for various scenarios that they may be faced with - do desk top exercises.	In process of organising simulation exercises in facility	
	Identify and avail funds for the preparedness actions	No	There is no dedicated budget for CDC - thus funds needs to released from provincial and national budgets for preparedness and response activities	Emergency funds are used to obtain necessary PPE	Allocate budget
Surveillance	Activate event based surveillance system	Yes	Being managed/ co-ordinated by Provincial CDC, in collaboration with various stakeholder e.g. EMS		

Intervention area		Yes/No	Comments/targets and progress	Indicate resources available and gaps	What is needed from national level
	Disseminate/utilize the national case definition for COVID-19	Yes	Done	Adapted according to peadiatric population	
	Avail and familiarize the teams with the national surveillance tools (case investigation forms, reporting forms etc)	Yes	In progress	In progress	
	Ensure all priority health facilities have access to case definition and surveillance tools	Yes	In progress	In progress	
	Conduct training of health workers on COVID-19	Yes	In progress	In progress	
	Roll out training of health workers on case detection and reporting of COVID-19	Yes	In progress	In progress	
	Ensure at least 75% of health facilities benefit from training on case detection and reporting	No	In progress	Additional training needed	National to support training - training resources such as videos/ podcasts may help
	Engage the private sector in the respiratory disease surveillance system.	Yes	Being co-ordinated by Provincial CDC, NICD	Not all private sector practitioners being reached	Engagement with private sector organisations particulalry GPs
	Establish and train multi-sectoral and multi-disciplinary RRTs at provincial level	Yes	Teams established - training in progress		National training being conducted on 4 and 6 March. More may be needed in future
	Train RRTs on respiratory disease outbreak investigations including specimen collection for respiratory pathogens, use of appropriate PPE, contact tracing	Yes	In progress	ongoing training is required	National training being conducted on 4 and 6 March. More may be needed in future; dedicated training for contact tracing teams needed.
	Disseminate guidelines and SOPs for contact tracing of respiratory diseases	Yes	Done	ongoing training is required	
	Provide appropriate PPEs to the RRT teams	Yes	All teams/districts and facilities have checked stock levels	May be insufficient in case of a large outbreak	National to procure additional stock to have on standby

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Intervention area		Yes/No	Comments/targets and progress	Indicate resources available and gaps	What is needed from national level
Points of Entry (PoEs)	Map out priority PoEs and share SOPs for screening and handling of ill travellers	Yes	Port Health SOP in place as well as screening tools, health questionnaire		
	Train staff at PoEs on the appropriate management of ill passengers detected	Yes	Simulation exercise was done on the 6 February 2020 at Cape Town International Airport. Desktop planning exercise took place on the 25 February 2020 at Saldanhabay Harbour. Desktop Exercise planning will take place during the first week of March 2020 at Cape Town Harbour and training regarding the transmission of the Coronavirus will take place during the second week of March 2020 at Mosselbay Harbour.		Pop-up banners to display messages of handwashing and transmission of Coronavirus at Ports of Entry in the Western Cape. Detailed information for travellers - pamphlets etc.
	Provide appropriate PPEs to PoEs for assessing sick travellers	Yes	PPE's are under strain at the Ports of entry in the Western Cape	Additional stock needed	National to address stock gaps
	Designate and equip isolation facilities at PoEs	No	There is currently no isolation facilities at the Ports of Entry in the Western Cape although one will be constructed at Cape Town International Airport	Alternate arrangements to isolate PUIs is needed at the airport	
	Ensure institutional arrangements are in place for PoE using external isolation facilities (between port health, Health facilities & EMS	Yes	Arrangements are in place between Port Health and Provincial EMS and Tygerber Hospital	RXH in process of renovations, no isolation facilities in emergency unit but dedicated ward has and ICU	
	Establish a referral mechanism including transportation of suspected cases to designated treatment facilities	Yes	Normal referral channels to be used. Provincial guideline has been developed and distributed. Consultation with NICD or infectious disease specialists assist with mangement of referrals	Currently EMS has designated team	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA

Intervention area		Yes/No	Comments/targets and progress	Indicate resources available and gaps	What is needed from national level
	Sensitize all staff (customs, immigration, police etc) at PoEs on the COVID-19	Yes	All stakeholders at Cape Town International Airport were sensitized by Civil Aviation Authority and Port Health		
Laboratory	Provide the relevant PPE for safe collection and processing of samples	Yes	Only for processing NHLS staff. PPE for WCGH Clinicians should be provided by hospitals and IPC staff.	Stock to be monitored	Additional stock will be needed in case of a large outbreak requiring large amounts of testing
	Ensure a system is in place for collectioin and disposal of contaminated medical waste	Yes	NA	NA	NA
	Provide triple packaging materials for transportation of specimens to the national reference lab	Yes	Transporting of samples are done as Category B. Triple packaging is only required when transporting samples internationally.	NA	NA
	Provide training on infectious substance processing and transportation	Yes	NA	local preparation for testing at GSH and TYG; preparations on track	coordinated by Expert Committee Chair (prof Hardie) with NHLS CEO and NICD
	Orient staff on standard SOPs for specimen collection, packaging and transport	Yes	NA	NA	NA
Infection Prevention and Control	Allocate a budget to implement IPC interventions	Yes	Each facility has a budget for IPC interventions. The Province is also able to allocate emergency funding for IPC interventions if required.	Stocks of PPE may be a problem, emergency funding is utilised	National to procure additional PPE stock
	Disseminate IPC policy guidelines and IEC materials to all facilities	Yes	In process		
	Put in place a triaging system to be applied to ARI in health facilities	Yes	Guideline has been developed for ECs and has been distributed. A guideline is needed for normal PHC facilities	A guideline if needed for normal PHC facilities & for peadiatric population	
	Provide hand hygiene facilities (soap and water or ABHR) for all health facilities	Yes	In place	Facilities in place but improving handhygiene is concerning	
	Ensure application of standard precautions for all patients and transmission based precautions for	Yes	Should be in place but inconsistently practiced	Staff to be reminded of standard practice and ensure implementation	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Intervention area		Yes/No	Comments/targets and progress	Indicate resources available and gaps	What is needed from national level
	suspected or confirmed high threat pathogens				
	Designate and provide essential commodities and equipment for (chair, beds, hand wasshing facilities, waste management, PPEs etc.) isolation at the health facilities	Yes	Not all facilities have proper isolation rooms. They will implement the local isolation protocol, and move patients into appropriate isolation facilities as an emergency.	No isolation in EC , if need admission will be admitted in isolation room or ICU	
	Provide appropriate PPEs for medical staff for screening and case management	Yes	We are monitoring stock levels of PPEs across the Province. While we will provide appropriate PPE for staff, the worldwide shortage of N95 respirators is a grave concern.	We have communicated our concern concern regarding N95 respirator stock levels across the department and issued guidance on appropriate IPC precautions for COVID-19, as well as appropriate use of N95 respirators.	We would urge the National Department of Health to issue a similar communication on the appropriate use of n95 respirators.
	Train health workers on appropriate use of PPEs and IPC measures for respiratory and contact exposures	Yes	In progress	More training needed	Additional training resources e.g. videos
	Ensure a system is in place for collection and disposal of contaminated medical waste	Yes	In place		
	Set up an IPC team to be responsible for follow up on exposed HCWs	No	While this is one of the functions of IPC/OHS teams in the health facilities, we have not explicitly stated that this is a function. We will send out appropriate communication on this.	To be set up in all health facilities , limited resources between IPC/OHS, only 1 IPC, 1 OHS practitioner and 1 Dr	
	Establish IPC committees or structures	Yes	In place in some health facilities	All facilities need to set up these structures - subdistricts may set up commitees to serve multiple PHC facilities	
Case management	Train health workers on COVID-19 case management	Yes	In progress	In progress	Training resources such as videos

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Intervention area		Yes/No	Comments/targets and progress	Indicate resources available and gaps	What is needed from national level
	Identify and train key staff to ensure surge capacity	No	Not yet	Not yet	
	Identify and designate health facilities for isolation and treatment of COVID-19	Yes	TBH is main designated facility for this but all hospitals to be set up to do this	Emergency Unit still concern as we have limited space and no isolation	
	Check and ensure technical capacity (pulmonologist) to manage cases in the facilities	Yes	In place only at central hospitals but they could support lower level hospitals		
	Ensure availability of protocols for management of cases in the treatment facilities	Yes	Guidelines have been distributed	distributed among managers	
	Ensure availability of required medications and equipment at designated facilities and others	Yes	Supportive treatment currently which facilities do have in general depending on the severity of illness. These will be referred to higher level hospitals as needed.		
	Prepare and Preposition contingency stocks to respond to any potential cases	Yes	To be checked with hospitals	In process of checking stock	NDOH to ensure contingency stocks
Emergency Medical Services (EMS)	Put in place a dedicated ambulance service for transportation of suspected COVID-19 patients	Yes	Dedicated team and ambulance been utilised in the Metro	General fleet and EMS crews will be incorporated should the requirement be to transport large number of patients. Present supply of PPE is sufficient but will become probablematic should large number of patients require transportation and management.	Facilitate urgent supply of PPE as and when required.
	Ensure referral mechanism is in place for rapid transfer of suspected cases	Yes	Referral system is in place and utilised as patients has already been transported by the EMS team to Tygerberg Hospitals	At present adequate resources available but might change when the number of patients requiring transport increase dramatically	Assistance is strenghtening the Port Health component particularly at Cape Town International

Intervention area		Yes/No	Comments/targets and progress	Indicate resources available and gaps	What is needed from national level
	Conduct drills to test the efficiency of EMS referral system	Yes	Multi-disciplinary drills have already taken place and formal debriefs occur post all incidents responded to	When gaps are identified in the process they are corrected immediately	See above re Port Health Comment
Risk communication & community engament	Establish functional coordination and management of risk comm and community engagement	Yes	Engaged with various key stakeholder such as Education, Tourism, Municipality, Environmental Affairs		
	Assess gaps in knowledge attitude and practices to inform programs and implementation	No	Still needs to be done	Still needs to be done	Assist with providing guidance on how best to do this
	Strenghten the capacity of both communication and health promotion officers, community health workers etc on COVID-19	No	Health Promotions reside with Health Programmes and have no direct official link with Comms	Health Promotion, WOW, NGOs need to be involved. Dedicated training should be directed to this cadre of community health workers.	Set up dedicated training for health promotion and community health workers.
	Adaptation of IEC materials to local context (e.g. language, cultural aspects)	Yes	Adaptation done	Translation still to be done	
	Use appropriate interpersonal and intrapersonal communication channels to give messages on COVID-19	Yes	Various BTL, ATL and media channels used		
	Investigate rumors and address myths and misconceptions by providing accurate information	Yes	Rumours circulating on social media have been addressed and continuous to be monitored	Call Hotline but no response	
	Engage communities in the planning, implementation and information gathering and dissemination	No	No community liaison division. this falls outside Comms Directorate	Community-based services at district levels and COPC teams - ways to engage communities needs to identified (community radio, newspapers, schools, churches etc.)	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION PRETORIA

Intervention area		Yes/No	Comments/targets and progress	Indicate resources available and gaps	What is needed from national level
	Identify trusted and effective communication channels that target a wide range of the population	Yes	Some private sector organisations have been communicated with. Will also be done with the Disaster Joint Operations Centre that will be supporting the Department of Health in our work through their clusters ....with Bussiness Continuity, Education, Transport etc.	Other private organisations and NPOs to be engaged with and regular channles set up.	
	Monitor the implementation of activities and assess the effectiveness and draft reports for sharing	Yes	Daily and where necessary adapted		
Logistics	Review stock (PPEs and IPC supplies) availability and establish stock management and transport system at provincial level	Yes	Assessment tools were distributed and most received back	Stock gaps to be addressed	Natioanl to assist with addressing stock gaps
	Conduct forecasting of required supplies for preparedness	No	With input from NDoH?	This is a gap, stock is continuous challenge	Ndoh need to assist with farecasting
	Explore potential for local procurement of critical supplies and equipment	Yes	Always an option that is explored	More can be done, and supply chain assisting	
	Capacity to set up isolation and treatment units for surge at the time of need	No	This needs to be established with the assistance of EMS, and partners e.g. private sector, Millitary, ? Disaster management	renovations in progress , no isolations in emergency unit	Pandemic planning and the activation of the Nationala nd Provincial JOCs and HOCs when necessary.
	Identiy and establish a pool of cars that could be repurposed for an emergency response e.g for contact tracing	No	This will need to be identified per district	Cars available but limited drivers, no healthcare staff	
	Availability of telecom equiment at the provincial level for coordination with national level (EOC/IMS)	Yes	In place		

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA

288

0018-145

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001

Annexure 3 – Flow Charts for Suspected/Confirmed Case and Contact Management

health
Department: Health
REPUBLIC OF SOUTH AFRICA

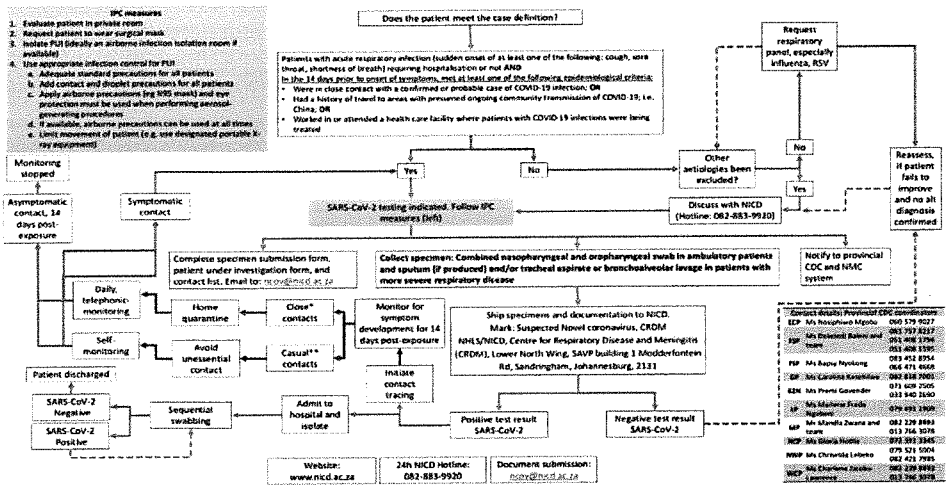
UPDATED 26-02-2020

CENTRE FOR RESPIRATORY DISEASES AND MENINGITIS
OUTBREAK RESPONSE, DIVISION OF PUBLIC HEALTH SURVEILLANCE AND RESPONSE

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

9.4 Appendix 4 – Initial diagnosis and management of suspected case, including infection control measures

Coronavirus disease 2019 (COVID-19) process flow for use in healthcare facilities



* Close contact: A person having had face-to-face contact (≤2 metres) or was in a closed environment with a COVID-19 case; this includes, amongst others, all persons living in the same household as a COVID-19 case and, people working closely in the same environment as a case. *A healthcare worker or other person providing direct care for a COVID-19 case, while not wearing recommended personal protective equipment or PPE (e.g., gowns, gloves, MOSH-certified disposable N95 respirator, eye protection). A convey in an aircraft sitting within two seats (in any direction) of the COVID-19 case, travel companions or persons providing care, and crew members serving in the section of the aircraft where the index case was seated.*
** Casual contact: Anyone not meeting the definition for a close contact but with possible exposure.

Page 23 of 53

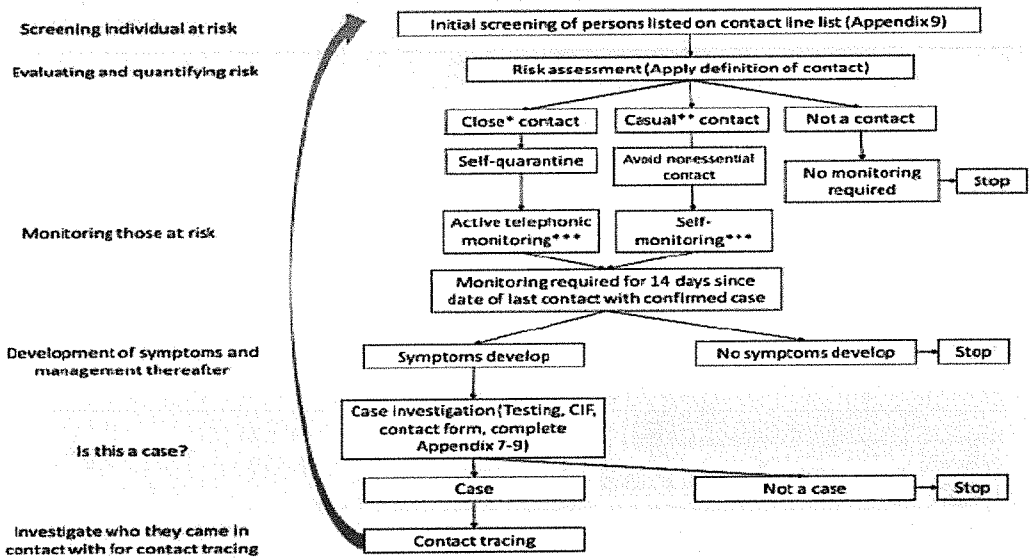
Guidelines for COVID-19 V2.0 8-03-2020

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

health
Department:
Health
REPUBLIC OF SOUTH AFRICA

COMPILED 05-02 2020
CENTRE FOR RESPIRATORY DISEASES AND MENINGITIS
OUTBREAK RESPONSE, DIVISION OF PUBLIC HEALTH SURVEILLANCE AND RESPONSE

9.3 Appendix 3 – flow diagram for contact tracing, screening and monitoring



* Close contact: A person having had face-to-face contact (≤1 metres) or was in a closed environment with a 2019-nCoV case; this includes, amongst others, all persons living in the same household as a 2019-nCoV case and, people working closely in the same environment as a case. A healthcare worker or other person providing direct care for a 2019-nCoV case, while not wearing recommended personal protective equipment or PPE (e.g., gown, gloves, NIOSH-certified disposable N95 respirator, eye protection). A contact in an aircraft sitting within two seats (in any direction) of the 2019-nCoV case, travel companion or persons providing care, and crew members serving in the section of the aircraft where the index case was seated.
** Casual contact: Anyone not meeting the definition for a close contact but with possible exposure.
***Monitoring methods: Active-telephonic monitoring: NICD call centre will phone person who a home-quarantined each day for a symptom report; Self-monitoring: person to consult healthcare practitioner in the event of symptom development.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

health
Department
Health
REPUBLIC OF SOUTH AFRICA

Novel Coronavirus (COVID-19) Provincial Readiness Checklist

Province: Western Cape **Reporting Date:06 March 2020**

	Provincial actions				
General information					
Intervention area		Yes/No	Comments/targets and progress	Indicate resources available and gaps	What is needed from national level
Coordination	Develop provincial action plan covering all functional areas as per the national preparedness plan	Yes	In progress - 72 hour plan and SOPs for specific components - for different scenarios	dedicated human recourses for Provincial and district CDC, as additional hands necessary for COVID-19 work and ensure the routine work continues (e.g. surveillance), inputs required for completion of the 72 hour plan. There are other activities running simultaneously. Other units or directorates to assist with compiling plans e.g. HEA....	advocate for apporopriate structures and fully capacitated programmes
	Establish/activate provincial multisectoral coordination mechanism with clear roles and responsibilities	Yes	A provincial preparedness COVID committee established, will be expanding and look at involving the Provincial JOC (scoping meeting held) in order to activate the Joint Operations Committee		National Joint Operations Committee to be activated
	Conduct table top simulation exercises to test readiness ensuring synergy between various intervention areas (e.g PoEs, surveillance, Risk comm, case management EMS)	Yes	Simulation exercise conducted involving ACSA, Port Health, EMS and Tygerberg Hospital. Districts requested to do simulation exercises for various scenarios that they may be faced with - do desk top exercises.		
	Identify and avail funds for the preparedness actions	No	There is no dedicated budget for CDC - thus funds needs to released from provincial and national budgets for preparedness and response activities	Budgets	Allocate budgwt
	Activate event based surveillance system	Yes	being managed/ co-ordinated by Provincial CDC, in collaboration with various stakeholder e.g. EMS		
	Disseminate/utilize the national case definition for COVID-19	Yes	Done		
	Avail and familiarize the teams with the national surveillance tools (case investigation forms, reporting forms etc)	Yes	In progress		
	Ensure all priority health facilities have access to case definition and surveillance tools	Yes	In progress		

0018-147

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Surveillance	Conduct training of health workers on COVID-19	Yes	In progress		
	Roll out training of health workers on case detection and reporting of COVID-19	Yes	In progress		
	Ensure at least 75% of health facilities benefit from training on case detection and reporting	No	In progress	Additional training needed	National to support training - training resources such as videos/ podcasts may help
	Engage the private sector in the respiratory disease surveillance system.	Yes	Being co-ordinated by Provincial CDC, NICD	Not all private sector practitioners being reached	Engagement with private sector organisations particularly GPs
	Establish and train multi-sectoral and multi-disciplinary RRTs at provincial level	Yes	Teams established - training in progress		National training being conducted on 4 and 6 March. More may be needed in future; dedicated training for contact tracing teams needed.
	Train RRTs on respiratory disease outbreak investigations including specimen collection for respiratory pathogens, use of appropriate PPE, contact tracing	Yes	In progress		
	Disseminate guidelines and SOPs for contact tracing of respiratory diseases	Yes	Done	ongoing training is required	
	Provide appropriate PPEs to the RRT teams	Yes	All teams/districts and facilities have checked stock levels	May be insufficient in case of a large outbreak	National to procure additional stock to have on standby
Points of Entry (PoEs)	Map out priority PoEs and share SOPs for screening and handling of ill travellers	Yes	Port Health SOP in place as well as screening tools, health questionnaire		
	Train staff at PoEs on the appropriate management of ill passengers detected	Yes	Simulation exercise was done on the 6 February 2020 at Cape Town International Airport. Desktop planning exercise took place on the 25 February 2020 at Saldanhabay Harbour. Desktop Exercise planning will take place during the first week of March 2020 at Cape Town Harbour and training regarding the transmission of the Coronavirus will take place during the second week of March 2020 at Mosselbay Harbour.		Pop-up banners to display messages of handwashing and transmission of Coronavirus at Ports of Entry in the Western Cape. Detailed information for travellers - pamphlets etc.
	Provide appropriate PPEs to PoEs for assessing sick travellers	Yes	PPE's are under strain at the Ports of entry in the Western Cape	Additional stock needed	National to address stock gaps
	Designate and equip isolation facilities at PoEs	No	There is currently no isolation facilities at the Ports of Entry in the Western Cape although one will be constructed at Cape Town International Airport	Alternate arrangements to isolate PUIs is needed at the airport	
	Ensure institutional arrangements are in place for PoE using external isolation facilities (between port health, Health facilities & EMS	Yes	Arrangements are in place between Port Health and Provincial EMS and Tygerber Hospital		
	Establish a referral mechanism including transportation of suspected cases to designated treatment facilities	Yes	Normal referral channels to be used. Provincial guideline has been developed and distributed. Consultation with NICD or infectious disease specialists assist with mangement of referrals		
	Sensitize all staff (customs, immigration, police etc) at PoEs on the COVID-19	Yes	All stakeholders at Cape Town International Airport were sensitized by Civil Aviation Authority and Port Health		
	Provide the relevant PPE for safe collection and processing of samples	Yes	Only for processing NHLS staff. PPE for WCGH Clinicians should be provided by hospitals and IPC staff.	Stock to be monitored	Additional stock will be needed in case of a large outbreak requiring large amounts of testing

0018-148

0018-149
IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Laboratory	Ensure a system is in place for collection and disposal of contaminated medical waste	Yes	NA	NA	NA
	Provide triple packaging materials for transportation of specimens to the national reference lab	Yes	Transporting of samples are done as Category B. Triple packaging is only required when transporting samples internationally.	NA	NA
	Provide training on infectious substance processing and transportation	Yes	NA	local preparation for testing at GSH and TYG; preparations on track	coordinated by Expert Committee Chair (prof Hardie with NHLS CEO and NICD
	Orient staff on standard SOPs for specimen collection, packaging and transport	Yes	NA	NA	NA
Infection Prevention and Control	Allocate a budget to implement IPC interventions	Yes	Each facility has a budget for IPC interventions. The Province is also able to allocate emergency funding for IPC interventions if required.	Stocks of PPE may be a problem	National to procure additional PPE stock
	Disseminate IPC policy guidelines and IEC materials to all facilities	Yes	In process		
	Put in place a triaging system to be applied to ARI in health facilities	Yes	Guideline has been developed for ECs and has been distributed. A guideline is needed for normal PHC facilities	A guideline if needed for normal PHC facilities	
	Provide hand hygiene facilities (soap and water or ABHR) for all health facilities	Yes	In place		
	Ensure application of standard precautions for all patients and transmission based precautions for suspected or confirmed high threat pathogens	Yes	Should be in place but inconsistently practiced	Staff to be reminded of standard practice and ensure implementation	
	Designate and provide essential commodities and equipment for (chair, beds, hand washing facilities, waste management, PPEs etc.) isolation at the health facilities	Yes	Not all facilities have proper isolation rooms. They will implement the local isolation protocol, and move patients into appropriate isolation facilities as an emergency.		
	Provide appropriate PPEs for medical staff for screening and case management	Yes	We are monitoring stock levels of PPEs across the Province. While we will provide appropriate PPE for staff, the worldwide shortage of N95 respirators is a grave concern.	We have communicated our concern concern regarding N95 respirator stock levels across the department and issued guidance on appropriate IPC precautions for COVID-19, as well as appropriate use of N95 respirators.	We would urge the National Department of Health to issue a similar communication on the appropriate use of n95 respirators.
	Train health workers on appropriate use of PPEs and IPC measures for respiratory and contact exposures	Yes	In progress	More training needed	Additional training resources e.g. videos
	Ensure a system is in place for collection and disposal of contaminated medical waste	Yes	In place		
	Set up an IPC team to be responsible for follow up on exposed HCWs	Yes	While this is one of the functions of IPC/OHS teams in the health facilities, we have not explicitly stated that this is a function. We will send out appropriate communication on this.	To be set up in all health facilities	
	Establish IPC committees or structures	Yes	In place in some health facilities	All facilities need to set up these structures - subdistricts may set up committees to serve multiple PHC facilities	
	Train health workers on COVID-19 case management	Yes	In progress		Training resources such as videos
	Identify and train key staff to ensure surge capacity	No	Not yet		
	Identify and designate health facilities for isolation and treatment of COVID-19	Yes	TBH is main designated facility for this but all hospitals to be set up to do this		

0018-149

0018-150

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Case management	Check and ensure technical capacity (pulmonologist) to manage cases in the facilities	Yes	In place only at central hospitals but they could support lower level hospitals		
	Ensure availability of protocols for management of cases in the treatment facilities	Yes	Guidelines have been distributed		
	Ensure availability of required medications and equipment at designated facilities and others	Yes	Supportive treatment currently which facilities do have in general depending on the severity of illness. These will be referred to higher level hospitals as needed.		
	Prepare and Preposition contingency stocks to respond to any potential cases	Yes	To be checked with hospitals		NDOH to ensure contingency stocks
Emergency Medical Services (EMS)	Put in place a dedicated ambulance service for transportation of suspected COVID-19 patients	Yes	Dedicated team and ambulance been utilised in the Metro	General fleet and EMS crews will be incorporated should the requirement be to transport large number of patients. Present supply of PPE is sufficient but will become problematic should large number of patients require transportation and management.	Facilitate urgent supply of PPE as and when required.
	Ensure referral mechanism is in place for rapid transfer of suspected cases	Yes	Referral system is in place and utilised as patients has already been transported by the EMS team to Tygerberg Hospitals	At present adequate resources available but might change when the number of patients requiring transport increase dramatically	Assistance is strenghtening the Port Health component particularly at Cape Town International
	Conduct drills to test the efficiency of EMS referral system	Yes	Multi disciplinary drills have already taken place and formal debriefs occur post all incidents responded to	When gaps are identified in the process they are corrected immediately	See above re Port Health Comment
Risk communication & community engagement	Establish functional coordination and management of risk comm and community engagement	Yes	Engaged with various key stakeholder such as Education, Tourism, Municipality, Environmental Affairs		
	Assess gaps in knowledge attitude and practices to inform programs and implementation	No	Still needs to be done	Still needs to be done	Assist with providing guidance on how best to do this
	Strenghten the capacity of both communication and health promotion officers, community health workers etc on COVID-19	No	Health Promotions reside with Health Programmes and have no direct official link with Comms	Health Promotion, WOW, NGOs need to be involved. Dedicated training should be directed to this cadre of community health workers.	Set up dedicated training for health promotion and community health workers.
	Adaptation of IEC materials to local context (e.g. language, cultural aspects)	Yes	Adaptation done	Translation still to be done	
	Use appropriate interpersonal and intrapersonal communication channels to give messages on COVID-19	Yes	Various BTL, ATL and media channels used		
	Investigate rumors and address myths and misconceptions by providing accurate information	Yes	Rumours circulating on social media have been addressed and continuous to be monitored		
	Engage communities in the planning, implementation and information gathering and dissemination	No	No community liaison division. this falls outside Comms Directorate	Community-based services at district levels and COPC teams - ways to engage communities needs to identified (community radio, newspapers, schools, churches etc.)	

0018-150

0018-151
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

	Identify trusted and effective communication channels that target a wide range of the population	Yes	Some private sector organisations have been communicated with. Will also be done with the Disaster Joint Operations Centre that will be supporting the Department of Health in our work through their clusters ...with Bussiness Continuity, Education, Transport etc.	Other private organisations and NPOs to be engaged with and regular channles set up.	
	Monitor the implementation of activities and assess the effectiveness and draft reports for sharing	Yes	Daily and where necessary adapted		
Logistics	Review stock (PPEs and IPC supplies) availability and establish stock management and transport system at provincial level	Yes	Assessment tools were distributed and most received back	Stock gaps to be addressed	National to assist with addressing stock gaps
	Conduct forecasting of required supplies for preparedness	No	With input from NDoH?	This is a gap	Ndoh need to assist with forecasting
	Explore potential for local procurement of critical supplies and equipment	Yes	Always an option that is explored	More can be done	
	Capacity to set up isolation and treatment units for surge at the time of need	Yes	This needs to be established with the assistance of EMS, and partners e.g. private sector, Military, ? Disaster management		Pandemic planning and the activation of the Nationale nd Provincial JOCs and HOCs when necessary.
	Identify and establish a pool of cars that could be repurposed for an emergency response e.g for contact tracing	No	This will need to be identified per district		
	Availability of telecom equipment at the provincial level for coordination with national level (EOC/IMS)	Yes	In place		

Submission endorsed.

Dr Beth Engelbrecht
Head of Health

2020-03-09

0018-151

295
SA47
0018-222
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Scenario	Legislation Framework	Provision	Comment	Litigation
Travel Advisory Including Travel Ban Cancelation Measures to control the Importation	**Existing Legislative Framework** International Health Regulation, 2005 National Health Act Immigration Act Bilateral Agreements Health and Safety Act		Insurance can be utilised to mitigate financial losses	There are legislative basis for the State to take the control measures Vis Major Legal Team appointed
Response to local transmission	**Existing Legislative Framework** National Health Act Notifiable Diseases Regulations		Insurance can be utilised to mitigate financial losses	There are legislative basis for the State to take the control measures

0018-222

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Scenario	Legislation Framework	Provision	Comment	Litigation
Restrictions on travelling and mass gathering and cancellations of vents	International Health Regulation, 2005 Immigration Act Bilateral Agreements			Vis Major Legal Team appointed
	Declaration of National State of Disaster National Disaster Management Act, No 57 of 2002 Applicable when the existing legislation is not sufficient to address the disaster. Issue directive and Regulations to augment the existing legislative framework including potential disaster			There are legislative basis for the State to take the control measures Vis Major Legal Team appointed lead by Adv Rafik Bhana SC and will work in close with Justice

0018-223

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Scenario	Legislation Framework	Provision	Comment	Litigation
	Public Finance Management Act, 1999 (PFMA)			
	State of Emergency Section 37. States of emergency.-(1) A state of emergency may be declared only in terms of *(a)* the life of the nation is threatened by war, invasion, general insurrection, disorder- *(b)* the declaration is necessary to restore peace and order. *an* Act of Parliament, and only whether, natural disaster or other public emergency;		Justice is currently preparation draft regulation should there be a need for the declaration of State of emergency.	There are legislative basis for the State to take the control measures Vis Major Legal Team appointed
National Labour Issues **Public Services** **SANDF, SAPS**				

0018-224

0018-225



Scenario	Legislation Framework	Provision	Comment	Litigation
Quarantine (What if the Employee contracted COVID-19 and compulsory quarantine is advised by medical staff)	Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997) There is no specific provision for voluntary or self- isolation. However PSR 51 may be utilised	Working hours. -Subject to any collective agreements and the Code of Good Practice on Arrangement of Working Time issued in terms of section 87 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997), a head of department shall determine - (a) the work week and daily hours of work for employees; and (b)the opening and closing times of places of work of the	If in the public interest and the safety of other employees this provision may be used to indicate to an employee to please self/voluntary isolate and to not come to work but work from home or remotely.	There are legislative basis for the State to take the control measures Vis Major Legal Team appointed

0018-225

0018-226

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Scenario	Legislation Framework	Provision	Comment	Litigation
		department, taking into account- (i) the needs of the public with due regard to the department's service delivery improvement plan; and (ii) the needs and circumstances of employees, including family obligations and transport arrangements		
Isolation (What if the Employee came in contact with a person who contracted COVID-19 and compulsory	There is no provision for voluntary/self –isolation as sick leave. There is no provision for a sick certificate or doctor's examination for self-isolation.		**Employee:** The responsibility of the employee is to immediately bring to the attention of the department that s/he:	There are legislative basis for the State to take the control measures Vis Major Legal Team appointed

0018-226

0018-227



Scenario	Legislation Framework	Provision	Comment	Litigation
isolation is advised by medical staff)	If an employee insists on self-isolation (wants to leave work) the department can compel the employee to provide a medical certificate.		(i) is unwell, (ii) displaying symptoms, (iii) has been in contact with someone who has been diagnosed with Corvid-19 **Employer:** As a preventative measure the onus is on the Head of Department to	

0018-227

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Scenario	Legislation Framework	Provision	Comment	Litigation
			make a decision on how best to support the employee as a precaution.	
	There is no specific provision for voluntary or self- isolation.		The employee must apply for available annual leave or unpaid leave	
Voluntary /self – isolation (What if the employer request the employee to self-isolate after contact with COVID-19)	Occupational Health and Safety Act (Act 85 of 1993) The Compensation for Occupational Injuries and Diseases Act, No 130 of 1993	(COIDA) provides for compensation for disablement caused by occupational injuries or diseases sustained or contracted by employees in the course of their employment, or for death resulting from such injuries or diseases. (Department of	If an employee is injured, contracts a disease or dies while working, s/he or his/her dependants can claim from the Compensation Fund. The fund pays compensation to permanent and casual workers, trainees and apprentices who	There are legislative basis for the State to take the control measures Vis Major Legal Team appointed

0018-228

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Scenario	Legislation Framework	Provision	Comment	Litigation
		Employment and Labour)	are injured or contract a disease in the course of their work and lose income as a result. Onus is on the employee to prove that the COVID-19 was contracted at the workplace.	
Voluntary /self – isolation (What if the employee decide to self-isolate after perceived contact with COVID-19)	Labour relations Act 1995 as amended NEDLAC (department of Employment and labour) PSCBC (DPSA)		Inform Labour Unions on what measures the employer is taking to protect employees and provide a safe working environment. This is done through the Public Service Coordinating Bargaining Council	

0018-229

0018-230



Scenario	Legislation Framework	Provision	Comment	Litigation
Employee claims that COVID-19 was contracted at the workplace (What if an employee claim that he/she contracted COVID-19 in the workplace)	Occupational Health and Safety Act (Act 85 of 1993) PSR 51 may be utilised Regulation 53 of the Public Service Regulations,(PSR) 2016	Closure of the department or Office is under authorisation of the Head of Department.	This provision may be used to close the department	
Engagement with Public Service Labour Unions	Determination And Directive On Leave Of Absence In The Public Service. Clause 23. Family Responsibility Leave	Allows 5 days	Family support up to maximum threshold thereafter annual or unpaid leave taken by the employee.	
Employee in a unit/component/office or entire workforce (e.g. school, court, department) has been exposed to the	The Public Service Act and in respect of Educators and Members of the Services, the laws governing their employment.		The identified departments must develop protocols and communication strategies for the management of	

0018-230

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Scenario	Legislation Framework	Provision	Comment	Litigation
virus and needs to be closed/disinfected following health protocols			frontline staff and ensure the continuation of service delivery in their respective sectors in line with protocols on the management of COVID 19, issued by the Department of Health.	
Employee needs to attend to member of his/her immediate family member/s who is/are either in Quarantine or self/voluntary-isolation				
Employers rendering frontline services where public servants is in direct				

0018-231

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Scenario	Legislation Framework	Provision	Comment	Litigation
contact with citizens namely: 1. Department of Correctional Services (Correctional Facilities) 2. South African Police Service (Police Stations) 3. Department of Justice and Constitutional Development (Courts) 4. Department of Social Development (Youth Centres) 5. Department of Home Affairs				

0018-232

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Scenario	Legislation Framework	Provision	Comment	Litigation
(Repatriation Centres/Offices) 6. Department of Health (Health Centres) 7. South African Social Security Agency (Social Grants) 8. Department of Higher Education and Department of Basic Education (Schools, Higher Educational Institutions, TVET Colleges)				

0018-233



REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

CONTAINMENT PLAN FOR THE COVID-19 DISEASE

PREPARED BY: NINE (9) SOUTH AFRICAN PROVINCILA DISASTER MANAGEMENT CENTRES

MARCH 2020

Document Information	
Document Type	Containment plan for the COVID-19 disease
Applicability	The plan is applicable to all organs of state in the province
Status	Draft 0.
Main Contributors	National Disaster Management Centre (NDMC); Provincial Disaster Management Centres (9 Provinces), Sector departments and State Entities
Author	NDMC -PDMC
Date of this Compilation	March 2020
Other Documents which have direct bearing on this contingency plan	• Disaster Management Act , Act 57 of 2002 • Disaster Management Framework 2005 • National Health Act no 61 of 2003 • National Containment Strategy • Home Containment Policy • Contact Tracing Policy

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Table of Contents

1. Introduction

2. Purpose

2.1. Objectives of the plan

3. Scope of the plan

4. Legislative Framework underpinning the plan

4.1. The Constitution of the Republic of South Africa, 1886 (Act No. 108 of 1996)
4.2. Disaster Management Act, 2002 (Act No. 57 of 2002
4.3. National Disaster Management Framework of 2005
4.4. National Health Act no 61 of 2003
4.5. Sendai Framework for Disaster Risk Reduction, 2015-2030
4.6. Public Finance Management Act, 1999 (Act No 1 of 1999 - PFMA)
4.7. Municipal Finance Management Act, 2003 (Act No 56 of 2003 - MFMA) Disaster Management Volunteer Regulations, 201

5. Potential Impact of COVID-19

5.1. Risk reduction/mitigation Measures

5.2. Inter- Ministerial interventions

5.1.1. Potential control measures for preventing human infection
5.1.2. Containment process and procedures
5.1.3. Contact Tracing processes

6. Escalation mechanisms for Response coordination and Resource mobilisation arrangements during an occurrence

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

During the response phase, the operational plans from of the PDMC and other relevant sectors and stakeholders, will be implemented to manage this virus. These will also be implemented in the event that the management of the incident has been escalated to the provincial /national level. To that effect, this section outlines the recommended standard structure to be utilised for intervention during an occurrence of an incident. The standard national response coordination and management arrangements to be followed to institutionalise the plan's operational readiness will start at level 3, considering the transmission rate of the virus. *It is however important to note that although a standard structure for response is recommended below, response capabilities of a sphere of government that is affected might require initial intervention at higher levels of response.*

Level 3	This type of incident is the most complex, requiring national resources to safely and effectively manage operations. Provinces have requested intervention Response operations at all 3 levels are active. Joint operations at National Level are activated.

7. Institutional Arrangements / Roles and Responsibilities

7.1. The Provincial Disaster Management Centre

(i) The activation of relevant stakeholders to participate in the National response and intervention structures.
(ii) Coordinate prevention and mitigation measures in collaboration with Organs of State.
(iii) Coordinate and monitor the implementation of the plans developed by the provinces and unicipalities including national organs of state.
(iv) Coordinate mobilisation of resources at a national level as and when required by organs of state.
(v) Facilitate classification processes and coordinate application of emergency funding once the request has been lodged by the affected organs of state and all proper procedures have been observed.
(vi) Provide regular reports and intervention measures undertaken during the disaster events to principals.
(vii) Coordinate containment operations

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

7.2. Provincial Joints Operational and Intelligence Structure (PROVTJOINTS) activation

The PROVJOINTS is a structure that is comprised of many stakeholders including national organs of state, security structures, Sector departments, state owned entities and other relevant structures. The Department of Cooperative Governance is a permanent member of this structure at a provincial level through the Provincial Disaster management Centre which is responsible for all disaster management related matters.

8. Roles and Responsibilities of other organs of state and State Owned entities (PLEASE REVISE ALL ROLES AND ALIGN WITH YOUR RESPECTIVE PROVINCIAL ORGANISATIONAL ROLES. THE ROLES HERE ARE PROVIDED AS JUST A GUIDE).

Organ of state	Roles & responsibilities
Department of Health (Emergency Medical Rescue Services)	• Rescue (advanced medical rescue) – Disaster team available 24 hours • Assessment, treatment and transportation of injured persons • Provision of aero-medical transportation services • Handling of hazardous material/dangerous goods incidents • Provision of ambulance and support vehicles. • Directing all Triage, Treatment and Transportation activities. • Establishing on-site Advanced Life Support • Establishing communication with hospitals regarding the number of the injured, severity of injuries, estimated time of arrival, and termination of patient flow. • Coordinating hospital destination for patients

South African Police Service	• The South African Police service is responsible for the preservation of peace and good order and the prevention of any crime. In the event of an outbreak of any major incident or violence as a result during the festive season SAPS will provide the following functions: • Conduct investigations related to violence or unrest occurring or threatening to occur. • Report the incident to the local DMC • Provide a representative in the district/local JOC • Prevent violence/unrest from escalating • Coordinate evacuation, rescue and protection of the communities • Prevent any further criminal activities from occurring e.g. throwing of stones etc. • Tracing or coordination of searching for any missing foreign national or members of the community. • Maintain peace and good order to prevent further violence and unrest
DALRRD	• Border control of agricultural products getting into the country • Conduct awareness on disaster risk management • Public awareness farming communities • Co-ordination of agriculturally related disasters • Provide assistance to Farmers during disasters • Advise primary producers relative to disaster recovery process • Conduct assessment after incidences • Support provinces on overall disaster risk management activities including on submission of reports for disaster funding •) • Participate in the relevant NDMC's structures • Support provinces in the PDMCs' meetings.
PROVJOINTS	• Activation and issuance of NATJOINTS instruction in case of major crisis or disaster in eth country • Coordination of major incidents/ disasters • Immediate facilitation of release of critical resources • Coordination of safety and security major incidents
Provincial and Municipal Fire and Rescue services	• General search and rescue • Fire fighting • Fire prevention • Management of hazardous material situations • Provision of Material Safety Data Sheet information relative to hazardous materials • Advice relative to evacuation requirements as a result of a hazardous material incident • Provision of 24-hour communications centre
Department of Education	• Provision of schools for temporary shelter (if required) • Disaster awareness through inclusion in curriculum.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Department of Social Development	• Co-ordination of NGO's and locally based community recovery services to mobilise emergency relief • Co-ordination of relief material to affected people • Provision of social workers for psycho-social support and trauma counselling • Coordination of relief in the form of school uniforms for affected pupils
Department of Human Settlements, Water and Sanitation	Provision of temporary shelter and emergency housing • Identification of alternative land for relocation for affected people • Provision of temporary shelter • Provision of early warnings
Department of Transport	• Facilitate speedy construction of temporary roads for communities • Coordinate all transport related incidents such as roads and bridges during major accident. • Coordination of road closures as a result of disaster incidents • Traffic control, including assistance with road closures • Assist to repair damaged roads following a disaster for recovery
Provincial Disaster Management Centres	• Provide support and advice to municipalities, sector departments and stakeholders during incidents. • Joint co-operation in ensuring emergency preparedness • Coordination of prevention and mitigation strategies • Planning in terms of disaster response, relief and recovery • Monitor, report and coordinate interventions applicable to relevant escalated municipal disaster incidents • Escalate occurrences to the NDMC in the event that the Province is unable to cope with the effects of such occurrences • Coordination of humanitarian relief and different provincial stakeholders during disaster response • Provision of accurate operational information to the NDMC • Submit reports to NDMC
Municipal Disaster Management Centres	• Co-operation with PDMCs and NDMC in the identification of hazards, risk and vulnerability within their geographical area. • Disaster management coordination and information sharing. • Joint co-operation in ensuring emergency preparedness. • Coordination and implementation of prevention and mitigation strategies. • Implement disaster response, provision of relief and immediate recovery to communities. • Mobilisation of resources to ensure immediate response to disasters and incidents. • Evacuation to temporary shelters of all or part of the population from the disaster stricken areas if such action is necessary for saving lives.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

	• Submit incident reports to PDMCs and NDMC
Provincial Treasury	• To assist with allocation of funds to repair the damaged infrastructure following funding request from NDMC
South African National Defence Force	• Upon receipt of information from the PDMC they are to provide: • Manpower to assist in various roles • Specialized transportation- Aerial support for rescue / mobile kitchens / mobile clinics • Assist with construction of temporary bridges in collaboration with the Department of Public Works
Department of Home Affairs	• Upon receipt of information from the PDMC they are to provide: • Lost permits and ID Documents
Non-Governmental Organisations	• Provide the following to disaster victims: • Disaster relief • primary health care clinics educational Psychological support • feeding schemes • water purification support • counselling services • a drug rehabilitation and water well provision

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

9. Communication Arrangement or Protocol

Communication officials will be required to assume their responsibilities during the event as required by their operational plan. Media liaison activities will be conducted at National and Provincial and Local level. This will be dependent upon the nature and magnitude of the incident.

All media statements, regarding incidents are to be cleared with the Chairperson of the work stream through the recommended communication protocol. No member from any department or organisation involved may comment on or make any statement regarding the actions or activities of any of the other departments or organisations involved.

Interaction with the media should be proactive, operationally driven and contained in specific media plans.

All Provincial and Local Communication officials must use their PROVJOC's as primary sources of information and must liaise and coordinate with the NATJOINTS/NATJOC constantly.

9.1. Crisis communication

(i) All critical issues are to be referred to the PROVTJOINTS, immediately.
(ii) Policy is to be strictly adhered to in this regard and no statement by an unauthorised person is allowed.
(iii) Communication officials at the PROVJOINTS are to be advised immediately of a crisis situation, whether it has actually occurred or is unfolding.

(iv) The PROVJOINTS will decide when a crisis is deemed to be a national crisis, thereafter the communication official, in consultation with and guided by the Chair of Communications work stream, will be responsible for communication.

9.2. Procedures for Early Warning and Monitoring

10. Reporting

(i) Reports will be required regularly in order to provide updates to the NATJOINTS and the PROVJOINTS.

(ii) Reports will be required regularly in order to provide the National Disaster Centre with information to use in determining the appropriate response to the event. Initial reports will be submitted as quickly as possible to the NDMC by the PDMC.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

10.1. Reports will include the following a Situation Report

11. Financial arrangements within the PDMC for the implementation of the plan

12. Provincial disaster response stakeholder directory

12.1. Contact details of the Provincial Disaster Management Centre

NAME / SURNAME	LANDLINE	CELLPHONE	EMAIL

12.2. Contact details of the Municipal Disaster Management Centres

NAME / SURNAME	LANDLINE	CELLPHONE	EMAIL

13. Annexures: Plans received from the Municipal Sectors and Sate Owned Entities (if there are any)

13. Approval of the plan

HOD	SIGNATURE:
	DATE:



10/1/2024-12:50:33 PM

DEPARTMENT OF CO-OPERATIVE GOVERNANCE

NO. 1090 **14 OCTOBER 2020**

DISASTER MANAGEMENT ACT, 2002

EXTENSION OF A NATIONAL STATE OF DISASTER (COVID-19)

I, the Minister of Cooperative Governance and Traditional Affairs, as designated under section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002) ("the Act"), in terms of section 27(5)(c) of the Act, hereby further extend the national state of disaster that I extended to 15 October 2020 by Government Notice 995, published in Government Gazette 43713, to 15 November 2020, taking into account the need to continue augmenting the existing legislation and contingency arrangements undertaken by organs of state to address the impact of the disaster.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

NC Zuma

DR NKOSAZANA DLAMINI ZUMA, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
DATE: 14. 10. 2020

This gazette is also available free online at www.gpwonline.co.za

10/1/2024-12:50:33 PM
317
SA50

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. R. 480 **29 APRIL 2020**

DISASTER MANAGEMENT ACT, 2002
REGULATIONS ISSUED IN TERMS OF SECTION 27(2) OF THE DISASTER MANAGEMENT ACT, 2002

I, Dr Nkosazana Dlamini Zuma, Minister of Cooperative Governance and Traditional Affairs, designated under section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002), having declared a national state of disaster, published in Government *Gazette* No. 43096 on 15 March 2020, hereby in terms of section 27(2) of the Disaster Management Act, 2002, after consultation with the relevant Cabinet members, make the Regulations in the Schedule.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

NC Zuma

DR NKOSAZANA DLAMINI ZUMA, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
DATE: 29 04 2020.

SCHEDULE
CLASSIFICATION OF REGULATIONS

CHAPTER I
DEFINITIONS AND APPLICATION

1. Definitions
2. Repeal and transitional provisions
3. Application of Regulations

CHAPTER 2
GENERAL PROVISIONS APPLICABLE DURING NATIONAL STATE OF DISASTER

4. Authority to issue directions
5. General measures to contain the spread of COVID-19
6. Refusal of medical examination, prophylaxis, treatment, isolation and quarantine
7. Isolation or quarantine of persons
8. Contact tracing
9. Release of resources

This gazette is also available free online at www.gpwonline.co.za

10/1/2024-12:50:33 PM
318

10. Shelters and sites identified by the State during national state of disaster
11. Emergency Procurement Procedures
12. Powers and indemnity
13. Resolution of disputes
14. Offences and penalties

CHAPTER 3
ALERT LEVEL 4

15. Determination of Alert Level
16. Movement of persons
17. Movement of children
18. Attendance of funerals
19. Prohibition on evictions
20. Public transport
21. Closure of borders
22. Movement of cargo
23. Gatherings
24. Places and premises closed to the public
25. Controlled visits by members of the public
26. Sale, dispensing or transportation of liquor
27. Tobacco products, e-cigarettes and related products
28. Operation of economic sectors
29. Energy and petroleum products supply
30. Mining Operations
31. Offences and penalties

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

TABLE 1

Alert Level 4

ANNEXURE A

Form No.

1. Order for a person to go to a site of isolation, quarantine facility, or for a person to go for medical examination
2. Permit to perform an essential or permitted service
3. Permit for the movement of children to travel to another province, metropolitan area or district
4. Permit to travel to another province, metropolitan area or district for a funeral
5. Sworn affidavit by person who wishes to attend a funeral in another province metropolitan area or district

ANNEXURE B

Essential goods for import

ANNEXURE C

Permitted goods for export

ANNEXURE D

Essential services

ANNEXURE E

Workplace plans

CHAPTER I

DEFINITIONS AND APPLICATION

Definitions

1. In these Regulations, unless the context otherwise indicates—

'adequate space' means not more than one person per one and a half metres of floor space;
'Alert Level' means the determination made under subregulation 3(2);
'clinical case' means a patient that presents with clinical signs and symptoms of COVID-19;
'Constitution' means the Constitution of the Republic of South Africa, 1996;
'COVID-19' means the Novel Coronavirus (2019-nCov2) which is an infectious disease caused by a virus that has previously not been scientifically identified in humans, which emerged during 2019 and was declared a global pandemic by the **WHO** in 2020;
'Criminal Procedure Act' means the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
'directions' means the directions contemplated in section 27(2) of the Act, issued by a Cabinet member relating to his or her line functions, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs and justice and correctional services;
'donor' means an individual, corporation or organisation that is a contributor of cash, kind and/or other assets;
'enforcement officer' includes a member of the South African Police Service, the South African National Defence Force, metro police, traffic officers, immigration inspectors; and a peace officer as defined in section 1 of the Criminal Procedure Act;
'essential goods for import' means the goods listed in Annexure B;
'essential services' means the services listed in Annexure D;
'gathering' means any assembly, concourse or procession in or on—
(a) any public road, as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996); or
(b) any other building, place or premises, including wholly or partly in the open air, and including, but not limited to, any premises or place used for any sporting, entertainment, funeral, recreational, religious, or cultural purposes; but excludes a workplace and a place of residence for those persons ordinarily residing at the residence;
'health protocols' means the COVID-19 health protocols determined by the Director General of Health;
'head of an institution' means the accounting officer of a public institution and the chief executive officer or the equivalent of a chief executive officer of a private institution;
'institution' means any public or private institution, including a sole practitioner and any other business owned and operated by a single person, that is engaged in the supply or distribution of a good or service as set out in the Table 1, or which regulates such supply or distribution, including professional regulatory bodies designated in directions made in terms of regulation 4 of the Regulations;
'institutions of higher learning' means 'higher education college' and 'higher education institution' as defined in section 1 of the Higher Education Act, 1997 (Act No. 101 of 1997);
'isolation' means separating a sick individual with a contagious disease from healthy individuals

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

10/1/2024-12:50:33 PM
320

that are not infected with such disease in a manner that aims to prevent the spreading of infection or contamination;

'laboratory confirmed case' means a patient who has been diagnosed with COVID-19 by means of a laboratory diagnostic method approved by the Department of Health;

'liquor' means—

(a) any liquor product, as defined in section 1 of the Liquor Products Act, 1989 (Act No. 60 of 1989);

(b) beer or traditional African beer; or

(c) any other substance or drink declared to be liquor under the Liquor Act, 2003 (Act No. 59 of 2003), but does not include methylated spirits;

'lockdown' means the period between 23H59 on 26 March 2020, until 23H59 on 30 April 2020,

'movement' means entering or leaving a place of residence or, in the case of people not ordinarily resident in the Republic, their place of temporary residence while in the Republic.

'national state of disaster' means the national state of disaster declared by Government Notice No. R. 313 of 15 March 2020;

'permitted goods' means Part E in the Table 1;

'permitted goods for export' means the goods listed in Annexure C;

'permitted services' means the services permitted in Table1;

'quarantine' means the restriction of activities or separation of a person, who was or may potentially have been exposed, to COVID-19 and who could potentially spread the disease to other non-exposed persons, to prevent the possible spread of infection or contamination to healthy individuals;

'school' means a school as defined in section 1 of the South African Schools Act, 1984 (Act No. 84 of 1996);

'the Act' means the Disaster Management Act, 2002 (Act No. 57 of 2002); and

'WHO' means the World Health Organisation.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Repeal and transitional provisions

2. (1) The regulations published by Government Notice No. 318 of 18 March 2020, as amended by Government Notice Nos. R. 398 of 25 March 2020, R.419 of 26 March 2020, R. 446 of 2 April 2020, R. 465 of 16 April 2020 and R. 471 of 20 April 2020, are hereby repealed.

(2) Despite the repeal of the regulations referred to in subregulation (1), any regulation, for purposes of the disposal of any investigation, prosecution or any criminal or legal proceedings or the appointment made in regulation 8(13), remains in force as if such regulation had not been repealed.

(3) Despite the repeal of the regulations referred to in subregulation (1), all directions issued in terms of those Regulations shall continue to apply unless, varied, amended or withdrawn by the Cabinet member responsible for such directions.

Application of Regulations

3. (1) Chapters 1 and 2 of these Regulations will apply for the duration of the national state of disaster.

(2) The Cabinet member responsible for cooperative governance and traditional affairs shall, upon the recommendation of the Cabinet member responsible for health and in consultation with Cabinet, declare which of the following alert levels apply, and the extent to which they apply at a national, provincial, metropolitan or district level:

(a) 'Alert Level 1' as determined by Cabinet;

(b) 'Alert Level 2' as determined by Cabinet;

(c) 'Alert Level 3' as determined by Cabinet;

(d) 'Alert Level 4' as determined by Cabinet; and

(e) 'Alert Level 5' as determined by Cabinet.

(3) The Cabinet member responsible for health shall issue directions on the criteria that will guide the determination of alert levels;

(4) The detail of permissions and prohibitions for each Alert Level will be set out in the different Alert levels.

CHAPTER 2
GENERAL PROVISIONS APPLICABLE DURING NATIONAL STATE OF DISASTER

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Authority to issue directions

4. (1) The Cabinet member responsible for health may—

(a) issue directions to address, prevent and combat the spread of COVID-19 in any area of the Republic of South Africa, which directions may include the—

(i) recruitment and training of human resources from the Department of Health, and other entities responsible for the handling of COVID-19 mortal remains;

(ii) deployment of human resources from the Department of Health to identified sites to render services;

(iii) sourcing of human resources from the Expanded Public Works Programme, retired health professionals and Non-Governmental Organisations to render services in identified sites;

(iv) provision of health equipment, sanitation materials and medical supplies;

(v) identification and establishment of mortuaries that will accommodate all COVID-19 mortal remains;

(vi) disposal of COVID-19 mortal remains; and

(b) vary the directions referred to in paragraph *(a)* as the circumstances require.

(2) The Cabinet member responsible for justice and correctional Services may—

(a) issue directions to address, prevent and combat the spread of COVID-19 in all Correctional Centres and Remand Detention Facilities in the Republic of South Africa;

(b) where appropriate, issue directions to address, prevent and combat the spread of COVID-19 in all courts and court precincts in the Republic of South Africa;

(c) issue directions for voluntary alternative dispute resolution mechanisms, pursuant to regulationn13, to resolve COVID-19 disputes and related matters; and

(d) vary the directions referred to in paragraphs (*a*) to (*c*) as the circumstances require.

(3) The Cabinet members responsible for basic and higher education may—

10/1/2024-12:50:33 PM
322

(a) issue directions to address, prevent and combat the spread of COVID-19 in all schools and institutions of higher learning; and

(b) vary the directions referred to in (a) as the circumstances require.

(4) The Cabinet member responsible for police may—

(a) issue directions to address, prevent and combat the spread of COVID-19 in all police stations, police precincts, and holding cells; and

(b) vary the directions referred to in paragraph (a) as the circumstances require.

(5) The Cabinet member responsible for social development may—

(a) issue directions to address, prevent and combat the spread of COVID-19 in all Department of Social Development facilities; and

(b) vary the directions referred to in paragraph (a) as the circumstances require.

(6) The Cabinet member responsible for trade, industry and competition may —

(a) issue directions to—

(i) protect consumers from excessive, unfair, unreasonable or unjust pricing of goods and services during the national state of disaster; and

(ii) maintain security and availability of the supply of goods and services during the national state of disaster;

(b) issue directions to address, prevent and combat the spread of COVID-19; and

(c) vary the directions referred to in paragraphs (a) and (b) as the circumstances require.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

(7) The Cabinet member responsible for transport may—

(a) issue directions to address, prevent and combat the spread of COVID-19 in matters falling within his or her mandate; and

(b) vary the directions referred to in paragraph (a) as the circumstances require.

(8) The Cabinet member responsible for home affairs may issue directions to allow a person to enter or exit the Republic for emergency medical attention for a life-threatening condition, or for a South African, or foreign national to be repatriated to their country of nationality or permanent residence.

(9) The Cabinet member responsible for small business may—

(a) issue directions to address, prevent and combat the spread of COVID-19 in matters falling within his or her mandate; and

(b) vary the directions referred to in paragraph (a) as the circumstances require.

(10) Any Cabinet member may issue and vary directions, as required, within his or her mandate, to address, prevent and combat the spread of COVID-19, and its impact on matters relevant to their portfolio, from time to time, as may be required, including—

(a) disseminating information required for dealing with the national state of disaster;

(b) implementing emergency procurement procedures;

(c) taking any other steps that may be necessary to prevent an escalation of the national state of disaster, or to alleviate, contain and minimise the effects of the national state of disaster; or

(d) taking steps to facilitate international assistance.

(11) All directions issued in terms of these Regulations shall continue to apply unless, varied, amended or withdrawn by the Cabinet member responsible for such directions.

(12) Directions with regard to health and social services and trade, industry and competition may be issued to designate services which are necessary to provide or maintain essential health and social services and international trade or industrial activities.

(13) Directions may be issued and varied, as required, to address, prevent and combat the spread of COVID-19, from time to time, including—

(a) disseminating information required for dealing with the national state of disaster;

(b) implementing emergency procurement procedures;

(c) taking any other steps that may be necessary to prevent an escalation of the national state of disaster, or to alleviate, contain and minimise the effects of the national state of disaster; or

(d) taking steps to facilitate international assistance.

(14) All directions issued in terms of these Regulations shall continue to apply unless, varied, amended or withdrawn by the Cabinet member responsible for such directions.

General measures to contain the spread of COVID-19

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

5. (1) A person must wear a cloth face mask or a homemade item that covers the nose and mouth when in a public place, or another appropriate item to cover the nose and mouth

(2) No person will be allowed to use any form of public transport, or enter a building, place or premises, if they do not wear a cloth face mask or a homemade item that covers the nose and mouth when in a public place, or another appropriate item to cover the nose and mouth.

(3) An employer must provide every employee who may come into direct contact with members of the public as part of their duties with a cloth face mask to cover his or her nose and mouth or a homemade item that covers the nose and mouth when in a public place, or another appropriate item to cover the nose and mouth.

(4) Every business premises, including, but not limited to, a supermarket, shop, grocery store, retail store, wholesale produce market or pharmacy shall–

(a) determine their area of floor space in square metres;

(b) based on the information contemplated in paragraph *(a)*, determine the number of customers and employees that may be inside the premises at any time with adequate space available;

(c) take steps to ensure that persons queuing inside or outside the premises are able to maintain a distance of one and a half metres from each other;

(d) provide hand sanitisers for use by the public and employees at the entrance to the premises; and

(e) assign, in writing, an employee or any other suitable person, as the compliance employee, who must ensure—

(i) compliance with the measures provided for in paragraphs *(a)* to *(d)*; and

(ii) that all directions in respect of hygienic conditions and limitation of exposure to persons with COVID-19 are adhered to.

(5) All employers must, adopt measures to promote physical distancing of employees, including—

(a) enabling employees to work from home or minimising the need for employees to be physically present at the workplace;

(b) the provision for adequate space;

10/1/2024-12:50:33 PM
324

(c) restrictions on face to face meetings;
(d) special measures for employees with known or disclosed health issues or comorbidities, or with any condition which may place such employees at a higher risk of complications or death if they are infected with COVID-19;
(e) special measures for employees above the age of 60 who are at a higher risk of complications or death if they are infected with COVID-19.

(6) The requirements as set out in subregulation (4) applies with the necessary changes, to any other building that is not provided for by subregulation (4).

(7) All courier and delivery services shall provide for minimized personal contact during delivery.

Refusal of medical examination, prophylaxis, treatment, isolation and quarantine

6. (1) No person who has been confirmed as a clinical or a laboratory confirmed case as having contracted COVID-19, or who is suspected of having contracted COVID-19, or who has been in contact with a person who is a carrier of COVID–19, may refuse to—

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

(a) submit to a medical examination, including, but not limited to, the taking of any bodily sample which is authorised in law;
(b) be admitted to a health establishment or a quarantine or isolation site; or
(c) submit to mandatory prophylaxis, treatment, isolation or quarantine, in order to prevent transmission:

Provided that if a person does not comply with the instruction or order of the enforcement officer, that person must be placed in quarantine for a period not exceeding 48 hours, pending a warrant being issued by a competent Court, on application by an enforcement officer for the medical examination contemplated in paragraph *(a)*.

(2) A warrant contemplated in subregulation (1) may be issued by a magistrate, if it appears from information on oath or affirmation by an enforcement officer—
(a) that a person is confirmed as having been infected with COVID-19;
(b) who is on reasonable grounds suspected of having contracted COVID-19, or who has been in contact with, or who is on reasonable grounds suspected as having been in contact with a person who is a carrier of, or infected with COVID–19.

(3) The warrant may impose restrictions on the powers of the enforcement officer as the magistrate may deem fit.

(4) A warrant issued in terms of this regulation remains in force until—
(a) it is executed;
(b) it is cancelled by the person who issued it or, if such person is not available, by any other magistrate;
(c) the expiry of ninety days from the date of its issue; or
(d) the purpose for the issuing of the warrant has lapsed,

whichever occurs first.

Isolation or quarantine of persons

7. (1) Any person who is a clinical case, or who is on reasonable grounds suspected to be infected or contaminated with COVID-19, or who has been in contact with a person who is infected or contaminated with COVID–19, must comply with—

(a) an oral instruction of, or a written direction, issued by a medical practitioner, a person authorised by the medical practitioner, a nurse or an enforcement officer to subject himself or herself to screening to determine his or her COVID-19 status; or

(b) a written direction, issued by a medical practitioner, a person authorised by the medical practitioner, a nurse or an enforcement officer to—

(i) voluntarily travel to or be taken to a health establishment or any other place for purposes of isolation or quarantine; or

(ii) quarantine himself or herself in accordance with the instructions of such medical practitioner or person authorised by him or her, or a nurse,

pending the determination of his or her COVID-19 status, as a precautionary measure to contain the transmission of COVID-19.

(2) If a person refuses to quarantine himself or herself, or travel to a site of isolation or quarantined facility as directed, a magistrate in whose jurisdiction such a person is, must make an order as contemplated in Form 1 of Annexure A, to compel such a person to quarantine himself or herself, travel to such site of isolation, quarantined facility, or medical screening.

(3) The—

(a) Cabinet member responsible for public works and infrastructure;

(b) member of the provincial Executive Council responsible for public works; or

(c) accounting officers of municipalities,

must identify and make available sites to be used as isolation and quarantine facilities as the need arises and provide a list thereof to the Department of Health for resourcing.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Contact tracing

8. (1) In this regulation—

(a) "COVID-19 Tracing Database" means the database established by the National Department of Health in terms of subregulation (2); and

(b) "COVID-19 Designated Judge" means a judge designated in terms of subregulation (13).

(2) The National Department of Health shall develop and maintain a national database to enable the tracing of persons who are known or reasonably suspected to have come into contact with any person known or reasonably suspected to have contracted COVID-19.

(3) The COVID-19 Tracing Database shall include all information considered necessary for the contact tracing process to be effective, including but not limited to:

(a) the first name and surname, identity or passport numbers, residential address and other address where such person could be located, and cellular phone numbers of all persons who have been tested for COVID-19;

(b) the COVID-19 test results of all such persons; and

(c) the details of the known or suspected contacts of any person who tested positive for COVID-19.

10/1/2024-12:50:33 PM
326

(4) The information contained in the COVID-19 Tracing Database and any information obtained through this regulation is confidential.

(5) No person may disclose any information contained in the COVID-19 Tracing Database or any information obtained through this regulation unless authorized to do so and unless the disclosure is necessary for the purpose of addressing, preventing or combatting the spread of COVID-19.

(6) Where any person is to be tested for COVID-19, the person taking the sample for purposes of testing must obtain as much of the following information as is available at the time of taking the sample—

(a) the first name and surname, identity or passport number, residential address, and cellular phone numbers of the person tested; and

(b) a copy or photograph of the passport, driver's licence, identity card, identity book of the person tested;

and promptly submit this information, along with any information it has regarding likely contacts of the person tested, to the Director-General: Health for inclusion in the COVID-19 Tracing Database.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

(7) Where any laboratory has tested a sample for COVID-19, the laboratory must promptly transmit to the Director-General: Health, for inclusion in the COVID-19 Tracing Database—

(a) all details the laboratory has, including the first name and surname, identity or passport numbers, residential address and cellular phone numbers, regarding the person tested;

(b) the COVID-19 test result concerned.

(8) The National Institute for Communicable Diseases (NICD) must transmit to the Director-General: Health, for inclusion in the COVID-19 Tracing Database—

(a) all details the NICD has, including the first name and surname, identity or passport numbers, residential address and cellular phone numbers of any person tested for COVID-19;

(b) the results of the COVID-19 test concerned; and

(c) any information the NICD has regarding likely contacts of the person tested.

(9) Every accommodation establishment must, promptly after the coming into force of this regulation, transmit to the Director-General: Health, for inclusion in the COVID-19 Tracing Database, the following information regarding every person staying at the accommodation establishment during the period of lockdown—

(a) the first name and surname, identity or passport number, residential address and cellular phone numbers of the person concerned; and

(b) a copy or photograph of the passport, driver's licence, identity card or identity book of the person concerned.

(10) The Director-General: Health may, in writing and without prior notice to the person concerned, direct an electronic communications service provider licensed under the Electronic Communications Act, 2005 (Act No. 36 of 2005) to provide him or her, for inclusion in the COVID-19 Tracing Database, with such information as that electronic communications service provider has available to it regarding—

(a) the location or movements of any person known or reasonably suspected to have contracted COVID-19; and

10/1/2024-12:50:33 PM

(b) the location or movements of any person known or reasonably suspected to have come into contact, during the period 5 March 2020 to the date on which the national state of disaster has lapsed or has been terminated, with a person contemplated in subparagraph *(a)*,

and the electronic communications service provider must promptly comply with the directive concerned.

(11) The information referred to in subregulation (10)—

(a) may only be obtained in relation to the location or movements of persons during the period 5 March 2020 to the date on which the national state of disaster has lapsed or has been terminated;

(b) may only be obtained, used or disclosed by authorised persons and may only be obtained, used and disclosed when necessary for the purposes of addressing, preventing or combatting the spread of COVID-19 through the contact tracing process;

(c) where relevant to the contact tracing process, must be included in the COVID-19 Tracing Database; and

(d) apart from what is included in the COVID-19 Tracing Database, may only be retained by the Director-General: Health for a period of six weeks after being obtained and shall thereafter be destroyed.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

(12) Nothing in this regulation entitles the Director-General: Health or any other person to intercept the contents of any electronic communication.

(13) The Cabinet member responsible for justice and correctional services has, in terms of section 7(1)*(a)* read with paragraph *(d)* of the definition of 'service' in section 1(1) of Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001), appointed a Constitutional Court Judge who has been discharged from active service to perform service as a COVID-19 Designated Judge as provided for in the Regulations.

(14) The Director-General: Health must file a weekly report with the COVID-19 Designated Judge setting out the names and details of all persons whose location or movements were obtained in terms of subregulation (10)*(a)* and 10*(b)* respectively.

(15) The COVID-19 Designated Judge may make such recommendations to the Cabinet members responsible for cooperative governance and traditional affairs, health and justice and correctional services as he or she deems fit regarding the amendment or enforcement of this regulation in order to safeguard the right to privacy while ensuring the ability of the Department of Health to engage in urgent and effective contact tracing to address, prevent and combat the spread of COVID-19.

(16) The Director-General: Health shall, within six weeks after the national state of disaster has lapsed, or has been terminated, notify every person whose information has been obtained in terms of subregulation (10) that information regarding their location or movements was obtained in terms of subregulation (10).

(17) Within six weeks after the national state of disaster has lapsed or has been terminated—

(a) the information on the COVID-19 Tracing Database shall be de-identified;

(b) the de-identified information on the COVID-19 Tracing Database shall be retained and used only for research, study and teaching purposes;

(c) all information on the COVID-19 Tracing Database which has not been de-identified shall be destroyed; and

10/1/2024-12:50:33 PM
328

(d) the Director-General: Health shall file a report with the COVID-19 Designated Judge recording the steps taken in this regard, and the steps taken pursuant to subregulation (16).

(18) Upon receipt of the report in subregulation (17)*(d)*, the COVID-19 Designated Judge shall be entitled to give directions as to any further steps to be taken to protect the right to privacy of those persons whose data has been collected, which directions must be complied with.

(19) The report required by subregulation (17)*(d)* and any directions given in terms of subregulation (18) shall be tabled in Parliament.

Release of resources

9. (1) The Department of Defence must, for the duration of the declared national state of disaster, within its available resources—

(a) release and mobilise available resources, including human resources, stores, equipment, ships, aircraft platforms, vehicles and facilities; and

(b) ensure the delivery of essential services,

as may be required, to prevent, limit, contain, combat and manage the spreading of COVID-19.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

(2) National organs of state must, within their available resources, release their personnel for the rendering of emergency services, as contemplated in section 27(2)*(b)* of the Act.

(3) Institutions within national, provincial and local government must make resources, other than funding, available to implement these Regulations or directions issued in terms of section 27(2) of the Act regarding the national state of disaster.

(4) Institutions within national, provincial and local government must—

(a) make funding available; and

(b) as far as possible, without affecting service delivery in relation to the realisation of the rights contemplated in sections 26 to 29 of the Constitution, shift funding, within its budget to implement these Regulations or directions issued in terms of section 27(2) of the Act, regarding the national state of disaster.

(5) The National Treasury and provincial treasuries must take the necessary steps in terms of applicable legislation to implement these Regulations and directions issued in terms of section 27(2) of the Act, in relation to the national state of disaster.

(6) Donor funding received by institutions, subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999) or the Local Government: Municipal Finance Management Act, 2003 (Act Np. 56 of 2003), to assist with the national state of disaster must be—

(a) paid into the Reconstruction and Development Fund, established by the Reconstruction and Development Fund Act, 1994 (Act No. 7 of 1994); and

(b) used strictly for purposes of implementing these Regulations and directions issued in terms of section 27(2) of the Act in relation to the national state of disaster.

10/1/2024-12:50:33 PM
329

Shelters and sites identified by the State during national state of disaster

10. (1) The State shall identify—

(a) temporary shelters for homeless people that comply with the necessary health protocols and adequate spacing standards as provided for in guidelines published by the Director General of Health; and

(b) temporary sites for quarantine and self-isolation that comply with the necessary health protocols and adequate spacing standards, as provided for in guidelines published by the Director General of Health, for persons who cannot isolate or quarantine in their homes.

(2) The provision of the State's resources contemplated in subregulation (1) shall be for the duration of the national state of disaster, and the use thereof will be subject to conditions determined by the Cabinet member responsible for such resources.

Emergency Procurement Procedures

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

11. Emergency procurement for institutions is subject to—

(a) the Public Finance Management Act, 1999 (Act No. 1 of 1999), and the applicable emergency provisions in the Regulations or Instructions made under section 76 of that Act; and

(b) the Municipal Finance Management Act, 2003 (Act No. 56 of 2003), and the applicable emergency provisions in the Regulations made under that Act.

Powers and indemnity

12. These Regulations do not limit any powers or indemnities of security services provided for in any law.

Resolution of disputes

13. (1) The parties to a civil dispute against the State or any organ of State, which may potentially result in litigation, may—

(a) either before or after the commencement of litigation but before the granting of judgment by the court, agree to refer the dispute to mediation; or

(b) before the commencement of litigation, agree to refer the dispute to arbitration.

(2) Where the parties agree to mediation or arbitration:

(a) the Office of the Solicitor General shall assist the parties in coordinating and overseeing the process; and

(b) the parties may agree that a judge who has retired from active service shall act as the mediator or arbitrator as the case may be, in which event no fees shall be payable to such mediator or arbitrator.

(3) The Office of the State Attorney in whose area of jurisdiction a dispute arises shall immediately upon knowledge of such dispute engage the party raising the dispute, or such party's legal representative, in considering mediation or arbitration.

This gazette is also available free online at www.gpwonline.co.za

10/1/2024-12:50:33 PM
330

Offences and penalties

14. (1) Any person who intentionally misrepresents that he, she or any other person is infected with COVID-19 is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(2) Any person who publishes any statement, through any medium, including social media, with the intention to deceive any other person about—

(*a*) COVID-19;

(*b*) COVID-19 infection status of any person; or

(*c*) any measure taken by the Government to address COVID-19,

commits an offence and is liable on conviction to a fine or imprisonment for a period not exceeding six months, or both such fine and imprisonment.

(3) Any person who intentionally exposes another person to COVID-19 may be prosecuted for an offence, including assault, attempted murder or murder.

(4) A person who fails to comply with—

(*a*) an obligation imposed in terms of regulation 8(5),8 (9), 8(11), 8(17); or

(*b*) a direction issued in terms of regulation 8(10) or 8(18);

of these Regulations commits an offence and is, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

CHAPTER 3
ALERT LEVEL 4

Determination of Alert Level

15. (1) The Cabinet member responsible for cooperative governance and traditional affairs, in terms of regulation 3(2), declares, upon the recommendation of the Cabinet member responsible for health, and in consultation with Cabinet, that Alert Level 4 will be applicable from 1 May 2020 in the Republic of South Africa and will remain in force up to the declaration of different Alert Levels for the duration of the national state of disaster.

(2) The regulations set out in this Chapter apply during Alert Level 4.

Movement of persons

16. (1) Every person is confined to his or her place of residence.

(2) A person may only leave their place of residence to—

(*a*) perform an essential or permitted service, as allowed in Alert Level 4;

(*b*) go to work where a permit which corresponds with Form 2 of Annexure A, has been issued;

(*c*) buy permitted goods;

(*d*) obtain services that are allowed to operate as set out in Table 1 to the Regulations;

(*e*) move children, as allowed;

(*f*) walk, run or cycle between the hours of 06H00 to 09H00, within a five kilometre radius of their place of residence: Provided that this is not done in organised groups.

This gazette is also available free online at www.gpwonline.co.za

10/1/2024-12:50:33 PM
331

(3) Every person is confined to his or her place of residence from 20H00 until 05H00 daily, except where a person has been granted a permit to perform an essential or permitted service as listed in Annexure D, or is attending to a security or medical emergency.

(4) Movement between provinces, metropolitan areas and districts are prohibited except—

(a) for workers who have a permit to perform an essential or permitted service who have to commute to and from work on a daily basis;

(b) the attendance of a funeral, as allowed;

(c) the transportation of mortal remains; and

(d) for learners who have to commute to and from school or higher education institutions on a daily basis during periods when those institutions are permitted to operate.

(5) Any person who was not at their place of residence, or work before the lockdown period and who could not travel between provinces, metropolitan and district areas during the lockdown, will be permitted, on a once-off basis, to return to their places of residence or work and will be required to stay in such place until the end of Alert Level 4.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

(6) All industries, businesses, entities, both private and in the public sector, which are permitted to operate during Alert Level 4, must—

(a) designate a COVID-19 compliance officer who will oversee the:

(i) implementation of the plan referred to in subregulation (*b*); and

(ii) adherence to the standards of hygiene and health protocols relating to COVID-19 at the workplace;

(b) develop a plan for the phased in return of their employees to the workplace, prior to reopening the workplace for business, which plan must correspond with Annexure E and be retained for inspection and contain the following information:

(i) which employees are permitted to work;

(ii) what the plans for the phased-in return of their employees to the workplace are;

(iii) what health protocols are in place to protect employees from COVID-19; and

(iv) the details of the COVID-19 compliance officer;

(c) phase in the return of their employees to work to manage the return of employees from other provinces, metropolitan and district areas; and

(d) develop measures to ensure that the workplace meets the standards of health protocols, adequate space for employees and social distancing measures for the public and service providers, as required.

(5) The Cabinet member responsible for home affairs, or a person designated by him or her, may allow a person to enter or exit the Republic for emergency medical attention for a life-threatening condition, or for a South African, or foreign national to be repatriated to their country of nationality or permanent residence.

(6) All foreign tourists who arrived in the Republic prior to the lockdown period, which ended on 30 April 2020, and who remained in the Republic, must remain in their place of temporary residence in the Republic for the duration of Alert Level 4, as the case may be, and may be subject to screening for COVID-19 and be quarantined or isolated as required: Provided that the evacuation of foreign tourists where arrangements, including an arrangement for the evacuation by air charter, has been made by the relevant embassy, may be allowed: Provided further that a tourist is escorted to the point of exit where he or she may be screened again.

10/1/2024-12:50:33 PM
332

Movement of children

17. (1) The movement of children between co-holders of parental responsibilities and rights or a caregiver, as defined in section 1(1) of the Children's Act, 2005 (Act No. 38 of 2005), in the same metropolitan area or district municipality is allowed subject to the following if the co-holders of parental responsibilities and rights or a caregiver is in possession of—

(a) a court order; or

(b) a parental responsibilities and rights agreement or parenting plan, registered with the family advocate

(*c*) a permit issued by a magistrate where which corresponds with Form 3 of Annexure A if the documentation in paragraphs (a) and (b) is not available.

(2) The movement of children between co-holders of parental responsibilities and rights or a caregiver, as defined in section 1(1) of the Children's Act, 2005 (Act No. 38 of 2005), between different metropolitan areas, district municipalities or provinces is allowed if the co-holders of parental responsibilities and rights or a caregiver is in possession of a permit, issued by a magistrate which corresponds with Form 3 of Annexure A.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

(3) Any child who was not at the residence of their primary caregiver before the lockdown period and who could not travel between provinces, metropolitan and district areas during the lockdown will be permitted, on a once-off basis, to return to the residence of their primary caregiver if the co-holders of parental responsibilities and rights or a caregiver is in possession of a permit issued by a magistrate which corresponds with Form 3 of annexure A.

(4) The household to which the child has to move, must be free of COVID-19.

(5) *(a)* Before a magistrate issues a permit referred to in regulation 17(1)*(c)*, he or she must be provided with—

(i) a birth certificate or certified copy of a birth certificate of the child or children to prove a legitimate relationship between the co-holders of parental responsibilities and rights; and

(ii) written reasons why the movement of the child is necessary.

(b) Before a magistrate issues a permit referred to in 17(*2*) or (3), he or she must be provided with—

(i) A court order

(ii) a parental responsibilities and rights agreement or parenting plan registered with the family advocate or

(iii) a birth certificate or certified copy of a birth certificate of the child or children to prove a legitimate relationship between the co-holders of parental responsibilities and rights; and

(iv) written reasons why the movement of the child is necessary.

Attendance of funerals

18. (1) Movement between a province, metropolitan area or district by a person wishing to attend a funeral shall only be permitted if that person so wishing to attend the funeral is a—

(a) spouse or partner of the deceased;

(b) child of the deceased, whether biological, adopted or stepchild;

(c) child-in-law of the deceased;

(d) parent of the deceased whether biological, adopted or stepparent;

(e) sibling, whether biological, adopted or stepbrother or sister of the deceased; or
(f) grandparent of the deceased;

(2) Attendance at a funeral is limited to 50 people and will not be regarded as a prohibited gathering.

(3) Night vigils at a funeral is banned.

(4) During a funeral, all hygienic conditions and distancing measures must be adhered to for the limitation of exposure of persons at the funeral to COVID-19.

(5) Each person, whether traveling alone or not, wishing to attend a funeral and who has to travel between districts, or between provinces to attend a funeral must obtain a permit which corresponds substantially with Form 4 of Annexure A, from his or her nearest magistrate's office or police station to travel to the funeral and back.

(6) The head of court, or a person designated by him or her, or a station commander of a police station or a person designated by him or her, may issue the permit to travel to a funeral.

(7) Upon a request for a permit to attend a funeral, a person requesting a permit must produce a death certificate or a certified copy of the death certificate to the head of court, or a person designated by him or her, or a station commander of a police station or a person designated by him or her: Provided that where a death certificate is not yet available, and the funeral must be held within 24 hours in keeping with cultural and religious practices, the person requesting the permit must make a sworn affidavit which corresponds with Form 5 of Annexure A, together with a letter from a cultural or religious leader confirming the need for the funeral within 24 hours.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

(8) Only two family members or a person with a close affiliation to the deceased may, with the required permits, be present in the vehicle transporting the mortal remains to the metropolitan or district area, or province where the funeral will take place: provided that the cause of death of the deceased being transported is non-COVID-19 related.

(9) The Regulations for the use of public transport must be strictly adhered to when travelling.

(10) A copy of the permit issued and the death certificate or sworn affidavit made, must be kept safely by the head of court, or station commander of a police station for record keeping for a period of three months after the national state of disaster has ended, where after it may be destroyed.

(11) All forms must be completed in full, including full names, identification or passport numbers and full contact details as required in the form and failure to do so will result in the form being rejected as invalid.

Prohibition on evictions

19. A competent court may grant an order for the eviction of any person from land or a home in terms of the provisions of the Extension of Security of Tenure Act 62 of 1997 and the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998: Provided that any order of eviction shall be stayed and suspended until the last day Alert Level 4, unless a court decides that it is not just and equitable to stay and suspend the order until the last day of the Alert Level 4 period.

10/1/2024-12:50:33 PM
334

Public transport

20. (1) The Minister of Transport must, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, health, police and justice and correctional services, issue directions for the resumption of different modes of public transport to cater for the gradual return to work of people, in respect of —

(a) rail, bus services, taxi services;

(b) e-hailing services; and

(c) private vehicles.

(2) The directions to be issued by the cabinet member responsible for Transport must set out the hygienic conditions that must be adhered to and steps to be followed for the limitation of exposure of members of the public using public transport to COVID-19.

Closure of borders

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

21. All borders of the Republic remain closed during the period of Alert Level 4, except for ports of entry designated by the Cabinet member responsible for home affairs and for the transportation of fuel, cargo and goods during the period of Alert Level 4.

Transportation of cargo

22. (1) Rail, ocean, air and road transport is permitted for the movement of cargo to other countries and within the Republic of South Africa, subject to national legislation, for the transportation of the following goods—

(a) essential goods for import as set out in Annexure B to the Regulations;

(b) the import of materials and components required for manufacturing activities allowed under Alert Level 4;

(c) cargo at ports of entry;

(d) goods cleared at ports of entry for removal in transit through the Republic destined for neighboring countries;

(e) permitted goods for export as set out in Annexure C to the Regulations;

(f) transport of goods within the Republic of South Africa; and

(g) any other goods as set out in Directions by the relevant Cabinet member; taking into account health risks, constrained capacity at ports of entry and other factors relevant to the health, public order and economic effects of Covid-19.

(2) The Cabinet member responsible for transport, may, after consultation with the Cabinet members responsible cooperative governance and traditional affairs, trade, industry and competition, health, justice and correctional services and public enterprises, issue directions relating to sea cargo operations and air freight operations.

Gatherings

23. (1) All gatherings are banned, except—

(a) for funerals;

(b) when at a workplace; or

(c) when buying or obtaining goods and services, as allowed in Table 1.

(2) An enforcement officer must, where a gathering takes place—

(a) order the persons at the gathering to disperse immediately; and

(b) if the persons refuse to disperse, take appropriate action, which may, subject to the Criminal Procedure Act, include arrest and detention.

Places and premises closed to the public

24. (1) Any place or premises normally open to the public where religious, cultural, sporting, entertainment, recreational, exhibitional, organisational or similar activities may take place, is closed.

(2) Any place or premises normally open to the public or where people may gather, are prohibited. These include—

(a) public parks, sports grounds and fields, beaches and swimming pools;

(b) flea markets;

(c) fêtes and bazaars;

(d) night clubs;

(e) casinos;

(f) hotels, lodges, bed and breakfasts, *airbnbs*', timeshare facilities and resorts, and guest houses, except to the extent that they are required for remaining tourists confined to hotels, lodges and guest houses;

(g) private and public game reserves except to the extent that they are required for remaining tourists confined to private and public game reserves;

(h) holiday resorts except to the extent that they are required for remaining tourists confined to such holiday resort;

(i) taverns and *shebeens*, or similar establishments;

(j) theatres and cinemas; and

(k) museums.

(3) Persons rendering security and maintenance services may continue to perform these services at the places or premises listed in this regulation.

(4) The Cabinet member responsible for cooperative governance and traditional affairs may, by direction in the Gazette, determine any other place or premises that must be closed, if there is a risk to any person or members of the public being exposed to COVID-19.

Controlled visits by members of the public

25. All visits by members of the public to—

(a) Correctional Centres;

(b) Remand Detention Facilities;

(c) Police Holding Cells;

(d) Military Detention Facilities;

(e) Health establishments and facilities, except to receive treatment or medication in accordance with health protocols; and

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

10/1/2024-12:50:33 PM
336

(f) Facilities controlled or managed by the Department of Social Development, including Child and Youth Care Centres, shelters, One Stop Centres, and Treatment Centres,

will be allowed to the extent and in the manner as directed by the Cabinet member responsible for cooperative governance and traditional affairs after consultation with the Cabinet members responsible for health, police and justice and correctional services.

Sale, dispensing or transportation of liquor

26. (1) The sale, dispensing and distribution of liquor is prohibited.

(2) The transportation of liquor is prohibited, except where alcohol is required for industries producing hand sanitizers, disinfectants, soap, alcohol for industrial use and household cleaning products.

(3) The transportation of liquor for export purposes is permitted.

(4) No special or events liquor licenses may be considered for approval during the duration of the national state of disaster.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Tobacco products, e-cigarettes and related products

27. The sale of tobacco, tobacco products, e-cigarettes and related products is prohibited.

Operation of economic sectors

28. (1) Businesses and other entities as set out in Table 1 may commence operations.

(2) Every person in control of a retail store or institution must—

(a) take steps to ensure that customers keep a distance of at least one and a half metres from each other, and that all directions in respect of health protocols and social distancing measures COVID-19, are adhered to; and

(b) designate a compliance official to ensure that the safety controls are strictly adhered to, and display the name of the official prominently in the store or in a visible area.

(3) Retail stores selling goods as provided for the Table 1 are prohibited from selling other goods that are not permitted in terms of the Table 1.

(4) Persons performing essential services or permitted services, must be duly designated in writing by the head of an institution, or a person designated by him or her, on a form that corresponds with Form 2 in Annexure A: Provided that Cabinet member responsible for small enterprises may issue directions in respect of small and micro enterprises, co-operatives, informal traders and *spaza* shops in respect of those entities.

Energy and petroleum products supply

29. To ensure the continuous supply of energy and petroleum products to society as referred to in Table 1—

(a) collieries that supply Eskom may continue to operate at full capacity; and

10/1/2024-12:50:33 PM

(b) refineries and other facilities providing energy and fuel may operate at full capacity to avoid shortage of fuel and energy, and such operations may include fuel storage, smelters, plants and furnaces.

Mining Operations

30. (1) Open-cast mining scaling up to a baseline of 50% and thereafter scaling up to full employment.

(2) All other mining starting in batches scaling up towards 50% employment.

(3) Mining operations, must be conducted at a reduced capacity of not more than 50%, and thereafter at increasing capacity as determined by direction issued by the Cabinet member responsible for mineral resources and energy.

(4) The following conditions apply to the starting and increasing of capacity:

(a) Appropriate measures to protect the health and safety of workers must be implemented by mining companies in accordance with the directions issued from time to time by the Cabinet member responsible for mineral resources and energy, in consultation with the Cabinet member responsible for health.

(b) a rigorous screening and testing programme must be implemented as employees return to work;

(c) the mining industry must provide quarantine facilities for employees who have tested positive for the COVID-19;

(d) data collected during the screening and testing programme must be submitted to the authority referred to in regulation 8;

(e) mining companies must make arrangements to transport their South African employees from their homes to their respective areas of operations;

(5) The monitoring and impact assessment of seismicity through the Council for Geoscience must be intensified with immediate effect.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Offences and penalties

31. (1) For the duration of the national state of disaster, any person who—

(a) convenes a gathering; or

(b) hinders, interferes with, or obstructs an enforcement officer in the exercise of his or her powers, or the performance of his or her duties in terms of these Regulations,

is guilty of an offence and, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(2) For the purposes of this Chapter, any person who fails to comply with or contravenes the provisions of regulations 16(1), 16(2),16(3) and 16(4), 19, 24(1) and 24(2), 26(1) and 26(2), 27 and 28(3) of these Regulations commits an offence and is, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

10/1/2024-12:50:33 PM
338

TABLE 1
ALERT LEVEL 4

All persons who are able to work from home should do so.

Persons in the following list of industries and activities will be permitted to perform work outside the home, and to travel to and from work, under Alert Level 4, subject to—

(a) strict health protocols, and social distancing rules;

(b) return to work to be phased in to enable measures to make the workplace COVID-ready; and

(c) return to work to be done in a manner that avoids and reduces risks of infection.

PERMISSIONS AND PROHIBITIONS	
PART A	**AGRICULTURE, HUNTING, FORESTRY AND FISHING**
1	All agriculture, hunting, forestry and fishing, bee-keeping, including preparation, cultivation, harvesting, storage, transport of live animals and auctions (subject to health directions) and related agricultural infrastructure and services (including research, inspection, certification and quality control). All fishing, operation of fish hatcheries and fish farms, on such conditions as may be issued in directions by the cabinet members responsible for the environment, forestry and fisheries. Harvesting and storage activities essential to prevent the wastage of primary agricultural, fishing and forestry goods. Export of all agricultural, agro-processed, fishing and forestry products.
PART B	**ELECTRICITY, GAS AND WATER SUPPLY**
1.	All electricity, gas and water supply is permitted.
PART C	**MANUFACTURING**
1	Manufacture of wholesale and retail products permitted to be sold under Alert Level 4, and all input products, permitted scaling up to full employment, except where otherwise indicated, and subject to strict health protocols.
2	Manufacture of paper and paper products, excluding stationery, permitted scaling up to full employment and subject to strict health protocols.
3	Manufacture of plastics and packaging, including glass, plastic bottles and containers, permitted scaling up to full employment and subject to strict health protocols.
4	Petroleum refineries, smelters, and furnaces, permitted scaling up to full employment and subject to strict health protocols.
5	Manufacture of winter clothing, footwear, bedding and heaters (and all inputs required, including textiles) permitted, commencing at 25% and scaling up to 50% employment and subject to strict health protocols.
6	Manufacturing of automotives, steel and other metals, rail and ship-building (including components), scaling up in phases to 50% employment and subject to strict health protocols.
7	Stationery production, scaling up in phases to 50% employment and subject to strict health protocols.
8	Cement, other construction material, and hardware, scaling up in phases to 50% employment and subject to strict health protocols.
9	All other manufacturing, scaling up to 30% employment and subject to strict health protocols.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

10/1/2024-12:50:33 PM
339

PART D	CONSTRUCTION AND RELATED SERVICES (INC. TRADES PERSONS)
1	Civil engineering for public works projects (including water, energy, sanitation).
2	Public works civil engineering and construction works.
3	Road and bridge projects, including local road repairs
4	Critical maintenance and repairs.
PART E	**WHOLESALE AND RETAIL TRADE, COVERING STORES, *SPAZA* SHOPS, E-COMMERCE AND INFORMAL TRADERS**
1	Food products, including non-alcoholic beverages and animal food.
2	The sale of hot cooked food, only for home delivery.
3	Toilet Paper, sanitary pads, sanitary tampons, and condoms.
4	Hand sanitiser, disinfectants, soap, alcohol for industrial use, household cleaning products, and personal protective equipment.
5	Products for the care of babies and toddlers.
6	Personal toiletries, including haircare, body, face, hand and foot care products, roll-ons, deodorants, dental care products.
7	Medical and Hospital Supplies, medicine, equipment and personal protective equipment.
8	Fuel and lighting, including coal, wood, paraffin and gas.
9	Airtime and electricity.
10	Hardware, components and supplies.
12	Components for vehicles undergoing emergency repairs
13	Chemicals, packaging and ancillary products used in the production of any these products listed in Part E.
14	Textiles required to produce face masks and other personal protective equipment and winter clothing.
15	Winter clothing, footwear, bedding and heaters and the components and fabrics required to manufacture these.
16	Children's clothing and fabrics and components required to manufacture these.
17	Stationery and educational books.
18	Personal ICT equipment including computers, mobile telephones and other home office equipment.
19	No sale of liquor permitted.
20	Directions may permit the incremental expansion of e-Commerce, taking into account the need to limit the extent of movement on the road, contact between people, law-enforcement challenges and the impact on other businesses.
PART F	**INFORMATION AND COMMUNICATION SERVICES**
1	All telecommunication services and infrastructure.
2	Information and Communication Technology services for all private and business customers.
3	Postal services and courier services for all permitted Alert Level 4 services.
PART G	**MEDIA AND ENTERTAINMENT SERVICES**
1	Online services.
2	Productions for local broadcast and live streaming of creative sector services in support of COVID-19 subject to directions.
3	Newspapers and broadcasting.
PART H	**FINANCIAL AND BUSINESS SERVICES**
1	Employees should work from home where possible.
2	Essential financial services may operate, subject to directions issues by the relevant Cabinet member, including the following services necessary to maintain the functioning of a financial system as defined in section 1(1) of the Financial

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

10/1/2024-12:50:33 PM
340

	Sector Regulation Act, only when the operation of a place of business or entity is necessary to continue to perform those services: i. the banking environment (including the operations of mutual banks, co-operative banks, co-operative financial institutions and the Postbank); ii. the payments environment; iii. the financial markets (including market infrastructures licensed under the Financial Markets Act, 2012 (Act No. 19 of 2012); iv. the insurance environment; v. the savings and investment environment; vi. pension fund administration; vii. outsourced administration; viii. medical schemes administration; and ix. additional services designated in terms of regulation 11B (4A) (c) (i). The services listed above may not include debt collection services.
3	Services necessary for the provision of social grants.
4	Private security services may operate.
5	Implementation of payroll systems.
6	Car sales under specific directions
7	Chauffeur services, rental of motor vehicles, driven vehicles, machinery and equipment, and of goods to support other Alert Level 4 services.
8	Call centres, for local and all international markets, may operate subject to directions issues by the relevant cabinet members.
9	Other professional services may operate only where work-from-home is not possible, and only to support other Alert Level 4 services.
PART I	**ACCOMMODATION AND FOOD SERVICE ACTIVITIES PERMITTED**
1	Accommodation not permitted, except for quarantine and essential services
2	Restaurants only for food delivery services (9H00-19H00) and subject to restriction on movement (no sit down or pick-up allowed).
PART J	**TRANSPORT, STORAGE AND COMMUNICATION SERVICES PERMITTED**
1	Ocean, rail, road and air transport of goods permitted only for activities set out in Regulation 22(1).
2	Public rail, minibus taxi and bus services will resume at Alert Levels and on terms as will be set out in Directions, based on the progressive increase in commuter numbers during the various phases.
3	E-hailing services subject to restrictions on capacity and times, and for permitted activities only.
4	Transport and logistics in respect of specified cargo specified in J1, and permitted retail goods to neighbouring countries, which shall include all goods imported via SA ports of entry, for re-export to neighbouring countries.
PART K	**MINING AND QUARRYING**
1	Coal production for Eskom scaling up to full employment.
2	Open-cast mining scaling up to a baseline of 50% and thereafter scaling up to full employment.
3	All other mining starting in batches scaling up towards 50% employment.
PART L	**REPAIR AND RELATED EMERGENCY SERVICES PERMITTED**
1	Tow trucks and vehicle recovery services.
2	Emergency repair work, including plumbers, electricians, locksmiths, glaziers, roof repair work.
3	Emergency automobile repairs for all persons.
PART M	**SUPPLY CHAINS**

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

10/1/2024-12:50:33 PM
341

1	Production, manufacturing, supply, logistics, transport, delivery and critical maintenance and repair of goods and services (including components and equipment) required for the production or rendering of permitted goods and services
2	All workplaces or premises must have care and maintenance that is essential to the prevention of the destruction or significant impairment of working areas, plant, machinery or inventory, or to permit orderly wind down arrangements, on such conditions as may be issued by means of directions by the relevant cabinet members.
PART N	**PRIVATE HOUSEHOLDS' EMPLOYMENT**
1	Live-in staff, and staff providing care to the sick, mentally ill, elderly, people with disabilities and children.
PART O	**PUBLIC ADMINISTRATION, GOVERNMENT SERVICES AND OTHER ARMS OF THE STATE** Only essential government and administration services may operate, including:
1	Disaster management services.
2	Licensing, permitting, deeds, masters offices, birth and death certificates, replacement identification documents
3	Any other service designated by the Executive Authority, HODs, Heads of Courts, and Heads of other Chapter 9 Institutions.
4	Essential municipal services.
5	Services related to the functioning of courts; the State Capture Commission.
6	Essential SARS services defined by the Commissioner of SARS.
7	Police, peace officers, traffic officers, military medical personnel and soldiers, correctional services officials and traffic management services.
8	Services rendered by the Executive, members of Parliament, Members of the Provincial Legislature, Members of Local Councils, the Judiciary, traditional leaders and National Office Bearers of Political Parties represented in Parliament.
9	Commissioners of the South African Human Rights Commission, Gender Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Public Protector and Deputy Public Protector and the Independent Electoral Commission.
PART P	**HEALTH, SOCIAL AND PERSONAL SERVICES**
1	Medical and veterinary services permitted.
2	Cleaning, sanitation, pest control, sewerage, waste and refuse removal services.
3	Recycling of glass, paper, plastic, metal, tyres and such others as determined by directions, are permitted at 50% capacity. Informal recyclers will be permitted to resume operations.
4	All Social work, counselling, services supporting gender based violence, care and relief activities permitted.
5	Wildlife Management, Anti-poaching, Animal Care and Veterinary services.
6	Funeral services, including mortuaries services and the transportation of mortal remains.
7	Trade union essential staff for workers covered by Alert Level 4, subject to Directions.
PART Q	**EDUCATION SERVICES**
1	Permitted on dates and schedule set out separately.

THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

10/1/2024-12:50:33 PM
342

ANNEXURE A
FORM 1
ORDER FOR A PERSON TO GO TO A SITE OF ISOLATION, QUARANTINE FACILITY, OR FOR A PERSON TO GO FOR MEDICAL EXAMINATION
Regulation 7(2)

IN THE MAGISTRATES COURT FOR THE DISTRICT OF _____ **HELD AT** _____ **ON THIS** _____ **DAY OF** _____ **2020.**

BEFORE ME _____ **MAGISTRATE FOR THE AFOREMENTIONED DISTRICT IN CHAMBERS**

WHEREAS it appears that _____(name of person)
Being a person:

☐ who has been clinically, or by a laboratory, confirmed as having COVID-19

☐ who is suspected of having contracted COVID-19

☐ who has been in contact with a person who is a carrier of COVID-19

and who has refused to —

☐ submit to a medical examination, including but not limited to the taking of any bodily sample by a person authorised in law to do so;

☐ be admitted to a site to be used as isolation or a quarantine facility; or

☐ submit to mandatory prophylaxis, treatment, isolation or quarantine or isolation in order to prevent transmission.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

I hereby issue an order for the submission of the said person to a medical examination, including the taking of any bodily sample by a person authorised in law.

DATE .....

.....
MAGISTRATE

NOTE: *This order remains in force until —*
(a) it is executed;
(b) it is cancelled by the person who issued it or, if such person is not available, by any person with like authority;
(c) a period of ninety days has lapsed from the date of its issue; or
(d) the purpose for the issuing of the order has lapsed.

Signed at _____, on this the _____ day of _____ 2020.

Official stamp of Institution

10/1/2024-12:50:33 PM
343

FORM 2
PERMIT TO PERFORM AN ESSENTIAL OR PERMITTED SERVICE
Regulations 16(2)(*b*) and 28(4)

- *Please note that the person to whom the permit is issued must at all times present a form of identification together with this permit. If no identification is presented, the person to whom the permit is issued will have to return to his or her place of residence during Alert Level 4.*

I, being the head of institution, with the below mentioned details,

Surname				
Full names				
Identity number				
Contact details	**Cell nr.**	**Tel Nr(W)**	**Tel Nr(H)**	**e-mail address**
Physical Address of Institution				

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Hereby certify that the below mentioned official/employee is performing services in my institution

Surname	
Full names	
Identity number	
Place of residence of employee	

Signed at _____, on this the _____ day of _____ 2020.

_____
Signature of Head of Institution

Official stamp of Institution

FORM 3

PERMIT FOR THE MOVEMENT OF CHILDREN TO TRAVEL TO ANOTHER PROVINCE/METROPOLITAN AREA/DISTRICT

Regulation 17(1)*(c)*

Note: This permit and any form of identification must be in the possession of the person to whom this permit is issued

IN THE MAGISTRATES COURT FOR THE DISTRICT OF _____ HELD AT_____ON THIS _____DAY OF _____2020.

BEFORE ME _____ MAGISTRATE FOR THE AFOREMENTIONED DISTRICT IN CHAMBERS

I, hereby issue this permit for travel to the following person:

Full names:					
Surname:					
Identity number:					
Address of place of residence:					
Province of residence:					
Contact details:	Cell nr		Tel No (h)	e-mail address	
Metropolitan area/district travelling to:					
Province travelling to:					
Date of travel to:					
Date of return travel:					
Name of child concerned (*must correspond with the birth certificate*):					
Reason for movement of child(ren):					

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Private Bag X67, Pretoria 0001

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

I also declare that the above-mentioned person presented the documentation as required by *regulation 17(5).

Signed at_____this _____ day of _____ 2020.

_____

Magistrate issuing

Official stamp

FORM 4
PERMIT TO TRAVEL TO ANOTHER PROVINCE/METROPOLITAN AREA/DISTRICT FOR A FUNERAL
Regulations 18(5)

(To be completed by the head of court or a station commander or a person designated by him or her respectively.)

I,_____*(full names of *head of court, or a person designated by him or her / station commander of a police station or a person designated by him or her)* for—

(a) the Magistrate's court for the district of _____;

(b) the police station at _____,

hereby issue this permit for travel to another district/province, to the following person:

Full names:					
Surname:					
Identity number					
Address of place of residence:					
Province of residence:					
Contact details:	Cell nr		Tel No (h)		e-mail address
Metropolitan area/district travelling to:					
Province travelling to:					
Date of funeral:					

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

I also declare that the above-mentioned person presented the *death certificate/certified copy of the death certificate/affidavit to me.

Signed at_____this _____ day of _____ 2020.

_____
*Person issuing permit

Official stamp

FORM 5

SWORN AFFIDAVIT BY PERSON WHO WISHES TO ATTEND A FUNERAL IN ANOTHER PROVINCE/METROPOLITAN AREA/DISTRICT

Regulations 18(7)

Note: 1. *A person giving false information on this affidavit shall be guilty of an offence and, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.*

2. This affidavit may only be sworn to or affirmed at a magistrate's court or police station.

I,

Full names:						
Surname:						
Identity number						
Address of place of residence:						
Province of residence:						
Contact details:	Cell nr		Tel No (h)		e-mail address	
District of funeral:						
Province in which funeral will take place:						

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Private Bag X67, Pretoria 0001

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Hereby declare under oath with regards to the deceased:

Names of deceased:				
Surname of deceased:				
Relationship/Affiliation to the deceased*(eg spouse/parent)*				
I am not in possession of the death certificate for the reasons set out, and a copy of the letter from a cultural or religious leader is attached:	Yes		No	
Date of funeral:				
Province in which funeral will take place:				
*City/town/village of funeral:				

***OATH/AFFIRMATION**

I,_____(full names), identity number _____, hereby declare under *oath/affirmation that the above-mentioned information is true and correct.

Signed at_____on this _____day of _____2020.

_____

Signature of person making affidavit

CERTIFICATION

I hereby certify that before administering the *oath/taking the affirmation, I asked the deponent the following questions and noted *his/her answers in *his/her presence as indicated below:

(a) Do you know and understand the contents of the above declaration?
Answer: _____

(b) Do you have any objection to taking the *oath/affirmation?
Answer: _____

I Do you consider the *oath/affirmation to be binding on your conscience?
Answer: _____

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

I hereby certify that the deponent has acknowledged that *he/she knows and understands the content of this declaration which was *sworn to/affirmed before me, and the deponent's signature was placed thereon in my presence.

Signed at_____this_____day of_____2020__
*Justice of the Peace/Commissioner of Oaths

Full names: _____
Designation: _____
Business address: _____
_____
_____

*Delete which is not applicable".

10/1/2024-12:50:33 PM
348

ANNEXURE B
ESSENTIAL GOODS FOR IMPORT
Regulation 22(1)

	ESSENTIAL GOODS FOR IMPORT
1.	Food products, including non-alcoholic beverages and animal feed .
2.	Sanitary pads, sanitary tampons, condoms.
3.	Hand sanitiser, disinfectants, soap, alcohol for industrial use, household cleaning products, and personal protective equipment, excluding cloth face masks.
4.	Products for the care of babies and toddlers.
5.	Personal toiletries, including haircare, body and face care products, roll-ons, deodorants, and dental care products.
6.	Medical and hospital supplies, medicine, equipment and personal protective equipment (excluding cloth face masks).
7.	Fuel, including coal, wood, paraffin and gas.
8.	Hardware, components and supplies.
9.	Components for aftersales vehicles services.
10.	Chemicals, packaging and ancillary products used in the production of any these products.
11.	Textiles required to produce face masks, and other personal protective equipment.
12.	ICT equipment to facilitate work-from-home arrangements including computers, mobile telephones and other home office equipment.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

ANNEXURE C
PERMITTED GOODS FOR EXPORT
Regulation 22(1)(e)

	PERMITTED GOODS FOR EXPORT
1.	Agricultural, agro-processing, forestry and fishing products
2.	Manufacturing products and mining products permitted for production under the Alert Level 4 table subject to directions issued by the relevant Minister

10/1/2024-12:50:33 PM
349

ANNEXURE D
ESSENTIAL SERVICES

A: Essential and permitted services referred to in section 16(3) of the Regulation shall refer to:

(a) the list of essential services as set out in B below; and

(b) such other service as are set out in Alert Level 4 and where the technological, industrial, structural or similar requirement of the service necessitates a continuous or shift operation, as set out in directions, as set out below.

B Essential services means the services as defined in section 213 of the Labour Relations Act, 1995 (Act No. 66 of 1995), and designated in terms of section 71(8) of the Labour Relations Act, 1995 (and which designation remains valid as at the date of publication of this regulation), and as listed below:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

1. Medical, Health (including Mental Health), Laboratory and Medical services and the National Institute for Communicable Diseases;
2. Disaster Management, Fire Prevention, Fire Fighting and Emergency services;
3.1 *(a)* The following services necessary to maintain the functioning of a financial system as defined in section 1(1) of the Financial Sector Regulation Act, only when the operation of a place of business or entity is necessary to continue to perform those services:
   (i) the banking environment (including the operations of mutual banks, co-operative banks, co-operative financial institutions and the Postbank);
   (ii) the payments environment;
   (iii) the financial markets (including market infrastructures licensed under the Financial Markets Act, 2012 (Act No. 19 of 2012);
   (iv) the insurance environment;
   (v) the savings and investment environment;
   (vi) pension fund administration;
   (vii) outsourced administration;
   (viii) medical schemes administration; and
   (ix) additional services set out in directions.
   (b) The services listed in paragraph *(a)* may not be construed to include debt collection services.
3.2 Services necessary for the provision of social grants.
4. Production and sale of the goods listed in Annexure B;
5. Whole sale and retail stores for re-stocking;
6. Electricity (including vital demand management services), water, gas and fuel production, supply and maintenance;
7. Critical jobs for essential government services as determined by Head of National or Provincial Departments in accordance with the guidance of the Department of Public Service and Administration, including Social Grant Payments and pension payments;
8. Essential municipal services;

This gazette is also available free online at www.gpwonline.co.za

9. Care services and social relief of distress provided to older persons, mentally ill, persons with disabilities, the sick, and children;
10. Funeral and cremation services, including mortuaries services and the transportation of mortal remains;
11. Wildlife Management, Anti-poaching, Animal Care and Veterinary services;
12. Newspaper, broadcasting and telecommunication infrastructure and services, including call centres critical for the support of such services;
13. Production and sale of any chemicals, hygiene products, pharmaceuticals for the medical or retail sector;
14. Cleaning, sanitation, pest control, sewerage, waste and refuse removal services;
15. Services related to the essential functioning of courts, judicial officers, the Master of the High Court, Sheriffs and legal practitioners required for those services;
16. Essential SARS services defined by the Commissioner of SARS;
17. Police, peace officers, traffic officers, military medical personnel and soldiers, correctional services officials and traffic management services;
18. Postal services and courier services related to transport of medical products;
19. Private security services;
20. Air-traffic Navigation, Civil Aviation Authority, air charters, Cargo Shipping and dockyard services;
21. Gold, gold refinery, coal and mining;
22. Accommodation used for persons rendering essential services, quarantine, isolation and the lockdown;
23. Production, manufacturing, supply, logistics, transport, delivery, critical maintenance and repair in relation to the rendering of essential services including components and equipment;
24. Transport services for persons rendering essential services and goods, and transportation of patients;
25. Services rendered by the Executive, members of Parliament, Members of the Provincial Legislature, Members of Local Councils, the Judiciary, traditional leaders and National Office Bearers of Political Parties represented in Parliament;

26.1 Commissioners of the South African Human Rights Commission, Gender Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Public Protector and Deputy Public Protector and the Independent Electoral Commission; and

26.2 Services rendered by the institutions referred to in item 26.1

27. Transport and logistics in respect of cargo and goods as set out in Part A to neighbouring countries;
28. Tow trucks and vehicle recovery services;
29. Call centres necessary to provide health, safety, social support, government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income;
30. Harvesting and storage activities essential to prevent the wastage of primary agricultural goods;
31. Implementation of payroll systems to the extent that such arrangement has not been made, to ensure timeous payments to workers; and

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

10/1/2024-12:50:33 PM
351

32. Critical maintenance services which cannot be delayed for more than 21 days and are essential to resume operations;
33. Trades necessary for the rendering of emergency repair work, including plumbers, electricians, locksmiths, glaziers, roof repair work;
34. Trades necessary for emergency automobile repairs for persons rendering essential services;
35. Information and Communication Technology services rendered to entities and institutions engaged in delivering essential services in terms of these Regulations.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

ANNEXURE E
WORKPLACE PLANS
Regulation 16(6)(*b*)

A COVID-ready Workplace Plan must be developed prior to the reopening of an enterprise employing persons or serving the public.

For small businesses, the plan can be basic reflecting the size of the business, while for medium and larger businesses, a more detailed written plan should be developed given the larger numbers of persons at the workplace.

The Plan for medium and large businesses must include the following:

1. The date the business will open and the hours of opening;
2. The timetable setting out the phased return-to-work of employees, to enable appropriate measures to be taken to avoid and reduce the spread of the virus in the workplace;
3. The steps taken to get the workplace COVID-19 ready;
4. A list of staff who can work from home; staff who are 60 years or older; and staff with comorbidities who will be required to stay at home or work from home;
5. Arrangements for staff in the establishment:
   (a) sanitary and social distancing measures and facilities at the entrance and exit to the workplace;
   (b) screening facilities and systems;
   (c) the attendance-record system and infrastructure;
   (d) the work-area of employees;
   (e) any designated area where the public is served;
   (f) canteen and bathroom facilities;
   (g) testing facilities (for establishments with more than 500 employees);
   (h) staff rotational arrangements (for establishments where fewer than 100% of employees will be permitted to work).
6. Arrangements for customers or members of the public, including sanitation and social distancing measures.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA