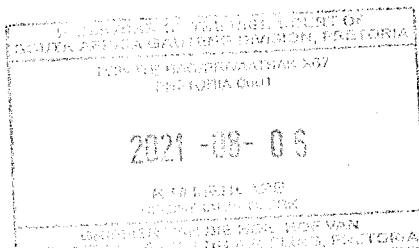


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SAKELIGA NPC

Applicant

and



First Respondent

Second Respondent

Third Respondent

Fourth Respondent

Fifth Respondent

NOTICE OF MOTION

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;
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.

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 24 JANUARY 2022 at 10h00 or as soon thereafter as Counsel may be heard.

SIGNED AT  ON THIS 5th DAY OF AUGUST 2021.



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

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.

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

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

Case number:

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 INFORMATION OFFICER:
THE NATIONAL DEPARTMENT
COOPERATIVE GOVERNANCE**

Third Respondent

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Fourth Respondent

FOUNDING AFFIDAVIT

Handwritten signature and initials in the bottom right corner of the page.

I, the undersigned,

PIETER JACOBUS LE ROUX

declare under oath that:

1. I am an adult male and the Chief Executive Officer of 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 "X1".
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. Where I make legal submissions herein, I do so on the strength of legal advice received, which advice I accept as both correct and good in law.
6. The applicant has appointed Pèter Wassenaar [*"Wassenaar"*] of Kriek Wassenaar & Venter Inc. [*"KWV"*] as its attorney of record, with instructions to institute and prosecute this application.

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.
8. The applicant is a business-interest organisation with a supporter and donor base of more than 17 000 businesspeople, companies and business organisations and a network of more than 40 000 subscribers in South Africa supporting its causes and objectives.
9. 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 rights, constitutional order, the rule of law, free market principles and a just and sustainable business environment within the Republic of South Africa.
10. To this extent, the applicant lobbies to promote a free market and economic prosperity and to create a favourable business environment in the interest of its supporters as well as in the interest of the common good. In order to give effect to its main object, it also provides *ad hoc* assistance to its supporters and the public at large, which support includes legal support where appropriate. This application falls within that category of support.

11. Further, to achieve the applicant's objectives and to perform its functions and mandate, as an ancillary object, is *inter alia* to act in the interest of its supporters and members of the public to protect their business and other constitutional rights.
12. The aforesaid is also evident from an extract of the applicant's memorandum of incorporation which I attach as "X2". 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.
13. 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, but I request the Court to have regard to the content of X2. The applicant will make its full memorandum of incorporation available to the Court or any of the respondents who request it.

THE RESPONDENTS.

14. The first respondent is the *National Minister of Cooperative Governance and Traditional Affairs*, currently Dr. Nkosazana Clarice Dlamini-Zuma, who is cited herein as the nominal head of the National Department of Co-operative Governance and Traditional Affairs, with address at 87 Hamilton Street, Arcadia, Pretoria, Gauteng Province.
15. The second respondent is the *National Department of Co-operative Governance and Traditional Affairs*, a department of the National Government

of the Republic of South Africa, with principal place of administration at 87 Hamilton Street, Arcadia, Pretoria.

16. The third respondent is the *Information Officer in the National Department of Co-operative Governance and Traditional Affairs*, an office currently held by Ms. Avril Williamson, cited herein in her capacity as the appointed information officer of the second respondent in terms of the Promotion of Access to Information Act, No. 2 of 2000.
17. The fourth 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.
18. In respect of all the respondents, this application shall also be served to the State Attorney Pretoria at 316 Thabo Sehume Street, Pretoria Central, Pretoria, Gauteng Province.
19. The fourth respondent, as head of the national executive and of Cabinet, is joined because of the potential interest that the fourth respondent and/or Cabinet may have in the outcome of the application.
20. No cost order is sought against the fourth respondent. A cost order will only be sought in the event of the fourth respondent opposing this application.

REFERENCING.

21. For ease of reference and continuity in what follows, where I refer to:

21.1. "*the COGTA Minister*", I am referring to the first respondent;

21.2. "*the Department*", I am referring to the second respondent;

21.3. "*the Information Officer*", I am referring to the third respondent;

21.4. "*the President*", I am referring to the fourth respondent;

21.5. "*the D-G*", I am referring to the Director-General in the Department;

21.6. "*Cabinet*", I am referring to the Cabinet as provided for in section 91 of the Constitution and Chapter 5 of the Constitution more broadly.

21.7. "*the DMA*", I am referring to the Disaster Management Act 57 of 2002;

21.8. "*PAIA*", I am referring to the Promotion of Access to Information Act 2 of 2000; and

21.9. "*the PAIA Rules*", I am referring to the Promotion of Access to Information Rules and Administrative Review Rules, 2019.

NATURE OF THE APPLICATION.

22. This is an application brought in terms of Section 78, read with Section 82 of PAIA and the PAIA Rules to compel compliance with a PAIA request for information.

LOCUS STANDI.

23. The applicant is a *requester* as contemplated in Section 1 of PAIA and therefore has *locus standi* to launch this application in terms of Section 78 of PAIA.
24. It is also a matter of public interest that public office bearers, such as the COGTA Minister, act within the scope and ambit of the Constitution and comply with their obligations under PAIA.
25. In the premise, the applicant also brings this application:
- 25.1. in its own interest (as contemplated in section 38(a) of the Constitution).
 - 25.2. in the public interest (as contemplated in section 38(d) of the Constitution); and/or
 - 25.3. in the interest of its members (as contemplated in section 38(e) of the Constitution).



JURISDICTION.

26. The Court has jurisdiction to adjudicate this application by virtue of the fact that all of the respondents' principal places of business and administration are situated within the Court's area of territorial jurisdiction.

PURPOSE.

27. As stated, this is an application brought in terms of section 78 of PAIA, seeking the following relief as contemplated in section 82 of PAIA:

27.1. That the decision of the COGTA Minister, taken on or about 26 June 2021 to refuse the applicant's internal PAIA appeal against the D-G's decision not to grant the applicant's PAIA request be set aside;

27.2. That the decision of the D-G, taken on or about 25 February 2021 to not to grant the applicant's PAIA request be set aside;

27.3. That the COGTA Minister, the Department and/or the Information Officer be ordered to provide the applicant with all of the documents and/or information requested by the applicant in its request for access to information dated 15 December 2020 (and attached to the founding affidavit, marked as annexure "X3") within 30 days of the date of the order; and

27.4. That the costs of the application be paid by the COGTA Minister.

THE DISASTER MANAGEMENT ACT.

28. This application and the PAIA request which forms the basis for the application arise from the exercise of public power by the COGTA Minister in terms of the DMA.
29. As such, I am advised that it is prudent firstly to discuss the nature and administration of the DMA in order to contextualise the PAIA request and what follows.
30. The operation of the DMA is triggered by the declaration of a national disaster in terms of Section 27(1).
31. The DMA defines a "disaster" as a progressive or sudden, widespread or localised, natural or human-caused occurrence which causes or threatens to cause death, injury or disease; damage to property, infrastructure or the environment; or significant disruption of the life of a community; and is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources.
32. Under the DMA, a state of disaster was declared in South Africa on 15 March, relating to the spread of Covid-19.
33. The DMA is intended to provide a framework for an 'integrated and coordinated disaster management policy that focusses on preventing or reducing the risks of disasters, mitigating the severity of disasters, emergency preparedness,

rapid and effective response to disasters, and post-disaster recovery and rehabilitations.

34. The DMA is administered by a cabinet member designated by the President. In the current state of disaster, that cabinet member is the COGTA Minister.
35. However, Section 26(1) of the DMA provides that the national executive is primarily responsible for the co-ordination and management of national disasters and Section 26(2) of the DMA obliges the national executive to "deal with a national disaster".
36. The national executive refers to the President, in whom executive authority is vested by Section 85(1) of the Constitution, and the members of Cabinet, who exercise executive authority collectively with the President in terms of Section 85(2) in, *inter alia*, implementing national legislation, developing and implementing national policy and performing any executive functions provided for in legislation such as the DMA.
37. In her role as the member of cabinet responsible for the administration of the DMA, the COGTA Minister has various powers available to her through the DMA to combat and curtail the effects of a national disaster.
38. Relevant to this application is the following specific powers:

- 38.1. In terms of section 27(1) the COGTA Minister has the power to declare, by publication of a notice in the *Government Gazette*, a national state of disaster.
- 38.2. In terms of section 27(5) the COGTA Minister has the power to terminate or extend a national state of disaster before it lapses by publication of a notice in the *Government Gazette*.
- 38.3. After a national state of disaster has been declared, the COGTA Minister has the powers in terms of section 27(2) of the DMA to make regulations or issue directions in relation to the disaster. Section 27(2) sets out the subject-matter which the first respondent may regulate.
39. The COGTA Minister does not stand alone in her efforts to combat a national state of disaster and her powers in Section 27 are not unfettered.
40. Section 26(2) of the DMA still requires the national executive to deal with a national disaster by the exercise of the respective powers of its members in terms of existing legislation as it pertains to their specific portfolios, as well as contingency arrangements augmented by regulations or directions made by the COGTA Minister in terms of Section 27(2).
41. There is thus a legislated mandate of intra-governmental co-operation in dealing with a national disaster. Section 26(2) read with Section 27(2) specifically obliges the COGTA Minister to consult with the responsible Cabinet

member before making regulations or issuing directions which would impact upon the relevant portfolio or matters and legislation affected by that portfolio.

42. However, at the end of the day the power to make regulations and issue directions vests only with the COGTA Minister and not with the national executive as a collective or any other member individually.
43. As the public office bearer responsible for making regulations and issuing directives under the DMA, the COGTA Minister has an inherent duty to apply her mind to all relevant facts and matters available to her at the time of making regulations and issuing directions.
44. This process must, of inherent necessity, entail the COGTA Minister receiving and considering information which informs the measures taken in terms of Section 27(2)
45. In as far as the national executive organises itself in order to expedite, streamline, support and coordinate in their joint effort to manage a disaster, whether in Cabinet or in committee, such organisation is antecedent to the regulations issued and directions made by the COGTA Minister in her role administering the DMA.
46. Therefore, in respect of the making of regulations and issuing of directions, Cabinet, and any committee of Cabinet, supports the COGTA Minister in the execution of her power in terms of Section 27(2). Cabinet may not usurp the COGTA Minister's role. Section 3 of the DMA is clear in this regard.

47. It is not contended that there would generally be anything but a seamless line between the discussions and decisions of Cabinet and/or its committees regarding national government's response to the national state of disaster and the steps actioned by the COGTA Minister in terms of her powers.
48. The Department will naturally also support the COGTA Minister in collecting and considering evidence, research, records, correspondence and further documentation necessary for the COGTA Minister to make a decision on any particular issue.
49. In addition to necessary work done by the Department in support of the COGTA Minister, the Department will also:
- 49.1. Assist the COGTA Minister in conducting public participation proceedings and preparing reports on the outcome of such public participation;
 - 49.2. Consulting and procuring reports from various experts on particular issues;
 - 49.3. Assessing the socio-economic impact and effect of the COGTA Minister's potential regulations on the economy, public and government;
 - 49.4. Collecting and processing policy decisions received from Cabinet relating to any particular matter;

- 49.5. Collating and advising the COGTA Minister on specific issues after considering all of the relevant information received;
- 49.6. Assisting the COGTA Minister in preparing her particular regulations and directions;
- 49.7. Assisting the COGTA Minister in communicating proposed regulations and directions to the various branches of government, the public and Cabinet;
- 49.8. Assisting the COGTA Minister in finalising and publishing final versions of approved regulations and directions.
50. It is accepted that, in making regulations under the DMA, the COGTA Minister will only make her decision on any final version of a regulation and/or direction, after having properly debated the issue with the relevant members of Cabinet, and/or any such multi-disciplinary committee of Cabinet created to assist the COGTA Minister.
51. It is also accepted that members of Cabinet, and any committee formed by Cabinet for such purpose, might make recommendations and/or issue policy directives to the COGTA Minister which she will need to consider when applying her mind to specific intended regulations and/or directions.
52. These processes are contemplated in the DMA and, specifically, in Section 27(2).

53. The abovementioned does not, however, mean that the COGTA Minister does not have the duty to properly investigate and consider relevant facts when exercising the powers of her public office.
54. Ultimately, the power under Section 27(2) is exercised by the COGTA Minister who prefaces every regulation made and published with the assertion that it is she, as designated under section 3 of the DMA, who has declared a national state of disaster and she who makes the regulation so published in terms of section 27(2) of the DMA.

COVID-19 STATE OF DISASTER AND THE LOCKDOWN REGULATIONS.

55. For more than fifteen months and since 15 March 2020, South Africa has been under a national state of disaster, declared in terms of Section 27(1) of the DMA, in response to the outbreak of the global Covid-19 pandemic.
56. As discussed above, the DMA empowers the COGTA Minister to:
- 56.1. declare a national state of disaster;
 - 56.2. terminate or extend a national state of disaster; and
 - 56.3. make regulations and issue directions in response to the said national state of disaster.
57. The COGTA Minister has extended the national state of disaster thirteen times (on 5 June 2020, 13 July 2020, 15 August 2020, 14 September 2020, 14



October 2020, 15 November 2020, 11 December 2020, 13 January 2021, 11 February 2021, 11 March 2021, 14 April 2021, 14 May 2021, 11 June 2021 and 12 July respectively).

58. Since 18 March 2020, the COGTA Minister has made and published various regulations in terms of section 27(2) of the DMA, the first being the Disaster Management Act, 2002 Regulations published on 18 March 2020 (GG43107) [*"the lockdown regulations"*].

59. By 29 June 2021, the lockdown regulations made by the COGTA Minister have been amended thirty-four times, and more specifically on:

- 59.1. 25 March 2020 (GG43148),
- 59.2. 2 April 2020 (GG43199),
- 59.3. 16 April 2020 (GG43232),
- 59.4. 20 April 2020 (GG43240),
- 59.5. 29 April 2020 (GG43258),
- 59.6. 28 May 2020 (R608 / GG43364),
- 59.7. 25 June 2020 (R714 / GG43476),
- 59.8. 12 July 2020 (R763 / GG43521),
- 59.9. 31 July 2020 (R846 / GG43577),
- 59.10. 17 August 2020 (R891 / GG43620),



- 59.11. 18 September 2020 (R999 / GG43725),
- 59.12. 20 September 2020 (R1011 / GG43727)
- 59.13. 1 October 2020 (R1053 / GG43763)
- 59.14. 21 October 2020 (R1104 / GG43825)
- 59.15. 11 November 2020 (R1199 / GG43897)
- 59.16. 3 December 2020 (R1290 / GG43964)
- 59.17. 15 December 2020 (R1346 / GG43997),
- 59.18. 17 December 2020 (R1370 / GG44009),
- 59.19. 24 December 2020 (R1421 / GG44042),
- 59.20. 29 December 2020 (R1423 / GG44044),
- 59.21. 29 December 2020 (R1435 / GG44051),
- 59.22. 11 January 2021 (R11 / GG44066),
- 59.23. 1 February 2021 (R69 / GG44130),
- 59.24. 13 February 2021 (R92 / GG44158),
- 59.25. 13 February 2021 (R93 / GG44159),
- 59.26. 28 February 2021 (R152 / GG44201),
- 59.27. 30 March 2021 (R284 / GG44367),
- 59.28. 22 April 2021 (R376 / GG44485),



- 59.29. 30 May 2021 (R477 / GG44642),
- 59.30. 15 June 2021 (R530 / GG44715),
- 59.31. 17 June 2021 (R532 / GG44721),
- 59.32. 27 June 2021 (R565 / GG44772),
- 59.33. 29 June 2021 (R567 / GG44778) and
- 59.34. 25 July 2021 (R651 / GG44895).
60. These aforesaid amendments to the lockdown regulations will not be attached to this affidavit in order to avoid the papers becoming prolix but they are a matter of public record. The applicant's attorneys are in possession of copies of each of the relevant regulations and will make them available to any of the parties requiring access to same, on request.
61. The measures introduced by the COGTA Minister through the lockdown regulations and the innumerable directions also issued, have ranged from understandably cautious measures aligned with practices in other countries to the down-right bizarre.

IMPACT.

62. Virtually no part of public nor anyone's private life in South Africa has escaped being profoundly impacted by lockdown regulations, as these regulations under the DMA have come to be known, regardless of whether any one or more of the regulations were justified or not.

63. The lockdown regulations made by the COGTA Minister have had a direct impact on every business and every resident of South Africa and their networks, with resulting limitations of personal freedom, freedom of trade, access to education, access to courts, and religious freedom, to mention but a few.
64. While it might be argued that many of the regulations introduced by the COGTA Minister were fit for purpose, there can equally be no debate about the detrimental impact of the lockdown regulations on South African lives.
65. It is beyond the scope of this application to deal with the impact of the lockdown regulations. It is however necessary to at least place this application in context in order to show the importance of the right to access to information which the applicant seeks to enforce. I therefore only mention but a few of the most notable impacts:
- 65.1. The lockdown regulations have created various contravention penalties and offences. As a result thereof, by 13 January 2021, more than 342 000 South Africans had been arrested for contraventions of the lockdown regulations. I attach a press release issued by government in this regard as "X4".
- 65.2. According to Statistics South Africa data, more than 2.2 million people in South Africa lost their jobs in the second quarter of 2020, post the implementation of the lockdown regulations and the recovery since has

been slow. In this regard, I attach a press release from the Statistics South Africa website, dated 29 September 2020, as "X5".

65.3. The impact of the lockdown regulations has resulted in hundreds of urgent and semi-urgent applications launched in the various divisions of the High Court during the period of March 2020 to date.

65.4. Many businesses have closed their doors as a direct consequence of the lockdown regulations and many more have had to retrench or furlough staff.

65.5. The already strained and under-resourced education sector on primary, secondary and tertiary levels has been impacted.

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 COGTA 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 COGTA 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.
74. 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 COGTA 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 COGTA Minister.

75. Without having access to a full record of what informed the COGTA 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 COGTA 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 COGTA 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 regulations and, more broadly, informed the COGTA Minister's disaster management strategy.

CONSTITUTIONAL CONSIDERATIONS.

79. While the application is one in terms of PAIA, there are a number of constitutional considerations which are triggered by the subject-matter of the application. These considerations arise in addition to the specific limitations on rights and freedoms effected by the making of the lockdown regulations.
80. For present purposes, the applicant is concerned with the basis for and reasoning behind the lockdown regulations. To that end, the applicant seeks to consider the information relied upon by the COGTA Minister, if any, in deciding to make the lockdown regulations.
81. The Constitution declares that South Africa is a sovereign, democratic state founded on, inter alia, values aimed at ensuring accountability, responsiveness and openness from government.
82. To this end, section 32 of the Constitution provides everyone with the right to access information held by the State. PAIA is the mechanism for obtaining information from the state and I shall return to PAIA below.
83. Section 41 of the Constitution further obliges all spheres of government and all organs of state within each sphere to, inter alia, provide effective, transparent, accountable and coherent government for the Republic as a whole.



84. Transparency and accountability can only flourish where public officials open the basis for their decisions to public scrutiny. One can hardly think of a reason not to do so in the present circumstances.

THE PAIA REQUEST.

85. On 16 December 2020, Wassenaar procured a copy of the Department's manual published in terms of section 14 of PAIA [*"the Department's PAIA manual"*]. A copy of the Department's PAIA manual is attached hereto as "X6".
86. In terms of the Department's PAIA manual, the applicant could deliver its PAIA request by e-mail to the following information officer and deputy information officers:
- 86.1. Information Officer – Ms Avril Williamson – Avrilw@cogta.gov.za
- 86.2. Deputy Information Officer – Tozi Faba – Tozi@cogta.gov.za
- 86.3. Deputy Information Officer – Themba Fosi -
ThembaF@cogta.gov.za
87. On 15 December 2020, Wassenaar prepared a PAIA request to the COGTA Minister which incorporates an additional annexure "A", listing the records being requested from the COGTA Minister.
88. The PAIA request sought to obtain all records, reports, findings, deliberations, communications, memoranda and / or further documentation relied upon by the

COGTA Minister in making the decisions and / or taking the steps in terms of the DMA to the date of the request.

89. This information would form the basis for the lockdown regulations and the directions issued by the COGTA Minister.
90. A full copy of the PAIA request as well as proof of transmission on 17 December 2020 to the e-mail addresses identified in the Department's PAIA manual, are attached hereto as "X7" and "X8" respectively.
91. None of the recipients responded to the PAIA request submitted to them.
92. In order to ensure that the PAIA request was brought to the attention of the Department's Information Officer, Wassenaar instructed the sheriff to serve a copy of the PAIA request on the Information Officer.
93. A copy of the PAIA request was thus served by the sheriff on 15 February 2021, as shown from the sheriff's return of service attached hereto as annexure "X9".
94. A response was received from the Director-General of the Department [*"the D-G"*], dated 25 February 2021, wherein the D-G essentially states that:
 - 94.1. The information the applicant seeks is extremely broad; and
 - 94.2. The D-G had considered the PAIA request and established that the information sought is "records of the Cabinet and or the NCCC"; and

94.3. He concludes that, given that Section 12(a) of the PAIA states that the Act does not apply to a record of cabinet and its committees, access to the information cannot be provided.

A copy of the D-G's response is attached hereto as "X10".

95. On 15 March 2021, Wassenaar replied to the aforesaid correspondence from the D-G, placing on record that:

95.1. The D-G's response did not comply with the provisions of the PAIA in respect of the raising of privilege or exception; and

95.2. Calling upon the D-G to, within 7 days, specify the documents which the Minister claims are privileged; and

95.3. The PAIA request is aimed at records within the ambit of the Minister's authority to make regulations under the DMA, as an administrative action, which authority is not subject to a blanket privilege.

A copy of Wassenaar's aforesaid letter is attached as "X11".

96. The D-G did not respond to X9 within the 7 days as requested or at all and his neglect to respond would constitute a refusal of the PAIA request.

97. The Department's PAIA manual makes provision for an internal appeal as contemplated in section 74 of PAIA and the applicant accordingly instructed KVV to proceed with an internal appeal.
98. In terms of the Department's PAIA manual, the appeal:
- 98.1. Must be lodged in the prescribed Form B;
 - 98.2. Must be lodged within 60 days of the rejection;
 - 98.3. Must state the reasons for the appeal; and
 - 98.4. Must be accompanied by the prescribed fee.
99. On 23 April 2021, KVV lodged an appeal against the D-G's rejection of the applicant's PAIA request as required by the Department's PAIA manual [*the internal appeal*']. I attach a copy of the internal appeal as "X12" and proof of transmission as "X13".
100. The internal appeal complied with all requirements of the Department's PAIA manual.
101. On or about 26 June 2021, Wassenaar received a letter from the COGTA Minister, referencing and refusing the internal appeal.
102. The relevant portions of the COGTA Minister's letter state the following:

"You posit that the rights and duties I hold in terms of Section 27(2) of the Disaster Management Act, 2002 (DMA) is clear and that I cannot claim a blanket exclusion from PAIA requests on the basis of Cabinet privilege for action which the Act specifically designates to me alone. You however also concede that I may claim an exclusion of the record of consultation between myself and other members of Cabinet within the Cabinet. You also state that the request is aimed at gaining access to the records I hold in my capacity as the authorised designee acting in terms of section 27(2) of the DMA.

I have applied my mind and conclude that the contentions you put forward in the Notice of Internal Appeal cannot be considered in isolation and must also consider that in terms of Section 26 of the Disaster Management Act, 2002 the National Executive is responsible for the coordination and management of a national disaster. You should also consider that the Cabinet resolved to establish the National Coronavirus Command Council as a Cabinet sub-committee to advise cabinet and the NCCC have since its establishment played this role.

As stated in the letter of the Director-General on 25 February 2021, Cabinet takes collective decisions on issues discussed in the NCCC and when they are required to do so, the Ministers implement measures that emanate from recommendations of the NCCC that are approved by Cabinet.



Given that you have not considered the implications of Section 26 as set out above and that you have conceded that I may claim an exclusion of the record of consultation between myself and other members of Cabinet within the Cabinet, I confirm the decision of the Director-General in refusing access to these records. "

I attach a copy of this letter from the COGTA Minister as "X14".

103. Upon receipt of the aforesaid letter from the COGTA Minister, the applicant had exhausted its internal appeal procedure as the Department's PAIA manual provides for no further appeals and the COGTA Minister's decision on the appeal is the final word on internal procedures.

APPLICATION IN TERMS OF PAIA.

104. Having exhausted its internal appeal, the applicant elected to invoke chapter 2 of PAIA through this application.
105. With her decision on the internal appeal, the COGTA Minister has effectively thrown the entire body of records that is in possession of herself and / or the Department under the blanket protection of Cabinet privilege, thereby effectively refusing the public access to the entire record of her decision making under the DMA during 2020.
106. It is incomprehensible that citizens and businesses have to accept that the COGTA Minister is able to throw an impenetrable cloak of secrecy over the

executive branch of government in circumstances where the decisions of the executive have had such a profound impact upon the citizenry of South Africa over the past 15 months.

107. One may be able to stomach a limited and reasoned disclosure but to refuse the PAIA request *in toto* on the strength of a blanket claim can barely be considered a proper response to the PAIA request, let alone an acceptable response.

108. Procedurally, it is necessary for me to bring to the Court's attention that this application is brought in terms of Section 78 of PAIA and that the applicant is entitled to do so in that, as a requester, the applicant has exhausted its internal appeal remedies. I have detailed the steps taken in respect of the internal appeal remedy above.

SUBMISSIONS ON THE REFUSAL OF THE PAIA REQUEST.

109. I have referred the Court to the COGTA Minister's ruling on the internal appeal against the D-G's refusal of the applicant's PAIA request above. It is annexure X12 and I shall refer to it herein below as "*the COGTA Minister's ruling*".

110. The COGTA Minister's ruling largely echo's the D-G's initial response to the PAIA request, resulting in the refusal to disclose a single piece of information considered by her in the making of the lockdown regulations or the 34 amendments thereto over a period of approximately 15 months.



111. At the outset, let me say that it is impossible to hold accountable a government that operates in secrecy. I have already addressed the need for transparency and the constitutional considerations which arise above.

112. As stated in Section 9 thereof, PAIA itself exists, *inter alia*, "to promote transparency, accountability and effective governance of all public and private bodies by, including, but not limited to, empowering and educating everyone to effectively scrutinise, and participate in, decision-making by public bodies that affects their rights. (my emphasis)

113. It will be for the respondents to demonstrate to this Court that there is a sustainable basis to assert that no person outside of Cabinet shall know what, if anything, was relied upon in making the lockdown regulations under section 27(2) of the DMA during the covid-19 pandemic - not a single piece of information.

114. I do not intend to turn this affidavit into an extensive legal argument. However, it is necessary for me highlight the fallacious reasoning in the COGTA Minister's ruling which would entitle the Court to act in terms of Section 82 of PAIA.

115. I submit that the following is clear from the COGTA Minister's ruling that she relies on the following reasoning:

115.1. *In terms of Section 26 of the DMA, the National Executive is responsible for the coordination and management of a national disaster;*

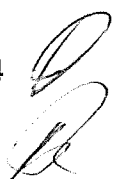
- 115.2. *Cabinet resolved to establish the National Coronavirus Command Council as a Cabinet sub-committee to advise Cabinet, which role the NCCC have since executed;*
- 115.3. *The COGTA Minister may claim an exclusion of the record of consultation between herself and other members of Cabinet within the Cabinet;*
- 115.4. *Cabinet takes collective decisions on issues discussed in the NCCC and when they are required to do so; and*
- 115.5. *Ministers implement measures that emanate from recommendations of the NCCC that are approved by Cabinet.*
116. We know that, by this stage, the NCCC is comprised of the entire Cabinet. Therefore, although it calls itself a sub-committee, the NCCC is Cabinet and Cabinet is the NCCC.
117. While she does not say so expressly, the COGTA Minister appears to rely on the principle of Cabinet secrecy and the claim that every piece of information considered in the making of the lockdown regulations resides within Cabinet and is therefore subject to Cabinet secrecy.
118. This is an entirely unsustainable position to adopt.
119. The principle of "Cabinet privilege" or "Cabinet secrecy" is premised on a need to protect Cabinet deliberations and to establish a front of collective



responsibility for decisions which are taken and policy positions adopted within Cabinet. There is no issue with this.

120. However, the COGTA Minister's attempt to clothe the entire record of information in Cabinet secrecy fails to account for the fact that Cabinet privilege or Cabinet secrecy is essentially waived once a decision is taken or a policy is adopted and assigned to the Minister or, in many instances, her delegate, for implementation through the formulation of regulations or directives.
121. Once *Cabinet takes collective decisions on issues*, as the COGTA Minister states in her ruling, and tasks the Minister or other functionaries of State with the implementation of those alleged *collective decisions*, the matter moves out of Cabinet and the position of policy adopted is implemented out of Cabinet through the formulation of regulations or directives.
122. While the Cabinet may debate and decide on matters of policy, the COGTA Minister is solely responsible for the exercise of the powers and functions assigned to her by the President under the DMA. The DMA makes no provision for the collective usurpation of the COGTA Minister's role by Cabinet.
123. It is important to distinguish the process of policy making by Cabinet from the COGTA Minister's exercise of the powers and functions assigned to her by the President under the DMA.

124. Further, Section 92(2) of the Constitution renders Cabinet members “collectively and individually to Parliament for the exercise of their powers and the performance of their functions”.
125. Neither the COGTA Minister, nor the Cabinet, nor the President can divest a member of Cabinet of that constitutionally entrenched individual responsibility.
126. It would defeat the spirit and purpose of the PAIA to allow Cabinet to become a refuge for the secrecy of information which does not truly comply with the definition of a record of Cabinet.
127. I submit that the processes and considerations of *individual Cabinet members* in taking decisions and implementing measures that emanate from decisions of Cabinet are processes external to Cabinet, executed by the relevant Minister and within the relevant Ministry.
128. Therefore, irrespective of the views of individual Cabinet members on the issues *in consultation*, where the Minister or her delegate acts in terms of Sections 3 read with 27(2) of the DMA in promulgating regulations under the DMA, I submit that she is not acting from *within Cabinet* at all.
129. The COGTA Minister may be acting upon decisions taken pursuant to deliberations within Cabinet, but the applicant does not pursue the records of cabinet.



130. Accordingly, it follows that not all records, reasons, reports, findings, deliberations, communications, memoranda and/or further documentation relied upon by the COGTA Minister in making the decisions and/or taking the steps set forth in Annexure A to the PAIA request, is in the possession or under the control of Cabinet as opposed to the Department and the Minister herself.

131. Anecdotally, the consistent discrepancies between the measures announced by the President from Cabinet and the measures ultimately promulgated in the regulations by the Minister bear testimony to the independent execution of her mandate under the DMA. In this regard, the following examples are illustrative:

131.1. In an address to the nation on Monday 14 December 2020, the President announced that curfew would start at 23:00 and end at 04:00, with non-essential establishments required to close by 22:00. He stated:

"The hours of the curfew will be longer, starting at 11pm and ending at 4am.

Non-essential establishments, including restaurants and bars, will have to close at 10pm so that staff and patrons can get home before the enforcement of the curfew."

131.2. I attach the relevant extract of the President's statement as "X15".

131.3. However, when the COGTA Minister promulgated amended regulations on 17 December 2020 (R1370 / GG44009), these non-essential establishments were, in fact, required to close by 21:00.

- 131.4. The COGTA Minister was slated in the media and by opposition political parties for "over-ruling" the President, but the COGTA Minister was acting entirely within her powers under the DMA.
- 131.5. On 23 April 2020, in an address to the nation, the President said under Alert level 4 "*the sale of cigarettes will be permitted*". I attach the relevant extract of the President's statement as "**X16**".
- 131.6. However, when the COGTA Minister promulgated the regulations for Alert level 4 on 29 April 2020 (R658 / GG43258), the sale of cigarettes remained "*prohibited*".
132. These discrepancies were readily explained by the independent exercise of the COGTA Minister's powers and functions outside of Cabinet and subsequent to Cabinet deliberations.
133. I therefore believe that it sets dangerous precedent to allow the COGTA Minister to seek refuge in Cabinet on the strength of a tenuous interpretation of a record of Cabinet for the purposes of the PAIA while it is improbable that all the information sought lies within the possession or under the control of Cabinet at all.



CONCLUSION.

134. At the heart of this application is not a critique of the lockdown regulations, but the rights of people and businesses throughout South Africa to the openness and transparency the Constitution requires of Government.
135. Whether the lockdown regulations prove to have been disastrous or global best practice is of no relevance. What is relevant is the right and ability of any person affected by the lockdown regulations to consider and assess what informed those measures.
136. What is relevant is the right and ability of any person affected by the lockdown regulations to know why they lost their job, why their business failed, why they were arrested, why they were separated from their loved ones, why they were limited in their ability to exercise, consume alcohol or smoke a "zoll".
137. One would prefer the COGTA Minister to disclose the information sought, as it informed the lockdown regulations, willingly and secure in the knowledge that she has done her duty in terms of the DMA and the Constitution.
138. However, we are instead confronted with a cloak and dagger approach.
139. The applicant is asserting its constitutional rights in terms of sections 32 and 41 of the Constitution through the provisions of section 78 of PAIA. In addition, the applicant is acting both in the interest of its members and the public interest more broadly.

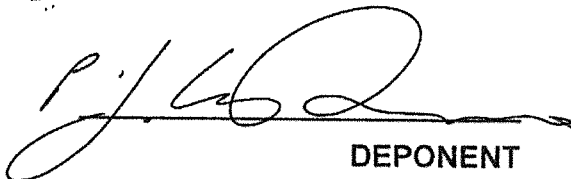
140. In the result, it is my submission that:

140.1. The information sought in the applicant's PAIA request is not the subject of a blanket privilege of any sorts and the COGTA Minister should be ordered to comply with the PAIA request forthwith; and

140.2. In the event that privilege is claimed in respect of any specified documents or information, which may conceivably occur, that privilege ought to be clearly raised in relation to those specific documents or information in response to the PAIA request.

141. In the light of the aforementioned I request the Court to grant the prayers as sought in the Notice of Motion.

SIGNED AT PRETORIA ON THIS 14th DAY OF AUGUST 2021.


DEPONENT

THUS SIGNED AND SWORN TO BEFORE ME AT PRETORIA ON THIS THE 14th DAY OF **AUGUST 2021**, THE DEPONENT HAVING ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THE ABOVE OATH AND THAT HE CONSIDERS THE SAID OATH BINDING ON HIS CONSCIENCE.


COMMISSIONER OF OATHS

JOHANNES JACOBUS VAN DEN MERWE
Commissioner of Oaths
HB Forum
13 Starville Street
Val De Grace
Ex Officio Practising Attorney
Republic of South Africa

SAKELIGA NPC
REG: 2012/043725/08

EXTRACTS OF MINUTES OF MEETING OF DIRECTORS HELD AT CENTURION ON 26 NOVEMBER 2019

PRESENT:	NAME: -	CAPACITY
	ANDRIES BRINK	DIRECTOR
	DAVID JAKOBUS DE VILLIERS	DIRECTOR
	BERNARD DU PLESSIS	DIRECTOR
	CHRISTIAAN PHILIPPUS LERM	DIRECTOR
	MARIO BRONN PRETORIUS	DIRECTOR
	NICOLAAS HOUGH VLOK	DIRECTOR / CHAIRMAN
	PIETER JACOBUS LE ROUX	DIRECTOR / CEO

RESOLVED:

- 1) That the Board hereby delegates to the Company's chief executive officer (CEO), **PIETER JACOBUS LE ROUX**, the authority to authorise the Company to institute, defend and / or to participate in any legal proceedings (whether as a party or *amicus curiae*), which includes but is not limited to appeals and/or reviews of any matter, and/or the right to have the Company appear, argue, act, support and/or oppose any matter before any State authority or judicial body, as is set out in the Company's objectives.
- 2) The Board hereby authorises the CEO to represent the Company in all matters referred to in paragraph 1) above, and to sign any document on behalf of and in the name of the Company as its lawful representative.
- 3) The CEO is furthermore duly authorised to incur costs on behalf of the Company and to appoint, instruct and direct attorneys, experts and/or consultants to assist the Company with any matters relating to paragraph 1) above.
- 4) The CEO is hereby granted all necessary powers to take any such further steps and to do all further necessary things on behalf of the Company in order to give effect to paragraphs 1) to 3) above.
- 5) The CEO may, within the sole discretion of the CEO, delegate all or some of his functions in terms of paragraphs 1) to 4) above to any such employees or agents of the Company as the CEO deems meet.

CERTIFIED AT CENTURION ON 26 November 2019.



NICHOLAAS HOUGH VLOK
CHAIRMAN OF THE BOARD





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:

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, hofisties 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 sakewaghand 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

Extract of memorandum of incorporation



SAKELIGA

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;
- 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 regsverteenvoordiging 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



X3

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

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

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
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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

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:


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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.



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:

☒

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

☒

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

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:
 - 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);
- 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



POWER OF ATTORNEY

I, the undersigned

PIETER JACOBUS LE ROUX

ID: 8402105255087

In my capacity as duly authorised

CHIEF EXECUTIVE OFFICER

of

SAKELIGA NPC

REG: 2012/04375/08

do hereby appoint and nominate,

KRIEK WASSENAAR & VENTER INC

and /or their appointed agents / correspondents /nominees

with full power of substitution, to be my lawful attorney with full power and authority for me and in my name, and for my account and benefit in the matter of and/or relating to:

PAIA- Department: Cooperative Governance and Traditional Affairs (COGTA)
regarding national state of disaster and lockdown regulations issued

In the event that I act in a representative capacity, any reference to myself will by implication refer to the principal and/or organisation which I represent as indicated above and as the context requires.

My attorneys will in terms of this power of attorney be able to:

- 1. Receive and handle moneys:** To demand, sue for and recover, and give discharges for all moneys, securities for all sums of money, debts, stocks, shares and property now or hereafter belonging to me, whether solely or jointly with any other person or persons. Remembering that my attorney will accrue costs/disbursements on my behalf and that certain fees will become payable out of the work done on my behalf, I hereby give *in rem sum* authority to recover all capital, costs, disbursements, fees and all other sums of money due to me on my behalf, and that all amounts received must first be deducted or set off against all fees and disbursements made on my behalf before any payments are made to me. I give specific authority to sign any release or discharge for the amount for the settlement in order to receive and recover the said amount. My attorneys and/or their nominees are also authorised to make use of any capital payments received to make payment of all debts and/or expenses. They are also hereby authorised to withhold as security for costs any portion of any capital received on my behalf as they in their sole discretion see fit, being allowed to debit any preliminary attorney and client fees at any stage;
- 2. To institute legal proceedings or to defend:** To defend any civil action brought against me or to institute action in any High Court or Magistrates Court or Arbitration Institution. This will include but not be limited to the institution and/or defending of any action and/or application brought



KRIEK WASSENAAR & VENTER INC
Advokate • Advokates • Attorneys • Advocaats

DIRECTORS: J Kriek, PJ Wassenaar Reg: 2012/030418/21
Third Floor, HB Forum, 13 Stamvrug Street, Val De Grace, Pretoria
(t) (012) 803 4719 (f) (086 596 8516 (e) peter@kriekprok.co.za

Document version date: 2020/12/07

by and/or against me, including but not limited to debt collection, civil claims, delictual matters, contractual matters, enrichment matters, status matters, family law matters, divorce proceedings, maintenance and custody matters, liquidations, sequestrations and/or any other proceeding for the protection and/or enforcement and/or confirmation of any right that I may hold.

3. **To negotiate, discuss consider and settle:** To negotiate a settlement with any party concerned, to discuss the facts, merits and quantum and to give me advice. To consider all facts and documentation and to make decisions on my behalf. To agree, propose and settle any point in dispute and to agree, propose and settle any figures of settlement and to advise me thereof.
4. **To settle accounts:** To settle, compromise or submit to arbitration all accounts, claims and disputes between me and any other person or persons;
5. **To act with other persons:** To investigate, negotiate, receive and give out any information, documentation or data of any form or sort on my behalf and to act and communicate with any person, attorney, advocate or third party on my behalf ;
6. **To draft, receive and sign documentation:** To be able to draft, receive, peruse, consider, sign and give out any documentation that he/she considers relevant or necessary;
7. **To appoint experts:** To approach, consult and appoint any expert witnesses, to acquire expert reports and testimony and to accrue costs and make payments in that regard;
8. **To institute alternative dispute resolution proceedings:** To institute, make use of or request any alternative dispute resolution proceeding including but not limited to arbitration and/or mediation proceedings;
9. **To appoint assessors and agents:** To appoint any assessors, agents and/or tracing agents to assist, do work and give advice on my behalf. I also give authority to pay and settle all accounts in this regard;
10. **To appoint advocates and legal advisors:** To appoint any advocate and/or legal advisor to assist, give opinion and handle matters on my behalf. I also give authority to pay and settle all accounts in this regard;
11. **General power to act:** To do all that is necessary to finalize any matter and to act on my behalf in any manner that he/she considers necessary and in doing so, I confirm this Power is irrevocable. To generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, and fully and effectively, for all intents and purposes, as I might or could do if personally present and acting herein /hereby ratifying, allowing and confirming and promising and agreeing tot ratify, allow and confirm all and whatsoever my said Attorneys and Agents shall lawfully do, or cause to be done, by virtue of these presents.


AND

Ratification: I hereby ratify and agree to ratify everything which my Attorney or his/her substitute or substitutes or agent or agents appointed by the Attorney under this power of attorney shall do or purport to do by virtue of this power of attorney.

Pretoria

16-Dec-2020

This done and signed at on



(signed)



KRIEK WASSENAAR & VENTER INC
Advokate • Advokaten • Advogados • Advokaty • Advokats • Advokats • Advokats • Advokats • Advokats • Advokats

DIRECTORS: J Kriek, PJ Wassenaar Reg: 2012/030418/21
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Minister Bheki Cele on arrests for violation of the Disaster Management Act

13 Jan 2021

Police Minister concerned about thousands arrested for violation of the Disaster Management Act

The Police Minister, General Bheki Cele has called on South Africans to heed government's call to adhere to the adjusted lockdown regulations.

This comes after over 20 000 people were arrested and/or fined for contravention of the Disaster Management Act, since the start of the Adjusted Level 3 Lockdown on 29 December 2020.

Cele noted with great concern the arrest of 7 455 citizens who were caught not wearing masks in public.

"These arrests were made despite people being told continuously to wear their masks. Wearing a mask is mandatory and people caught without one in public, are committing an offence. The wearing of masks is both for your safety and the safety of others around you."

A further 834 people were arrested for liquor related infringements such as for the sale, dispensing, distribution and transporting of alcohol.

Minister Cele has commended the majority of South Africans who are complying with the adjusted regulations.

"I want to stress the point that the law enforcement agencies do not enjoy making these arrests as these laws are there to contain the spread of the COVID-19 virus that's ravaging our country. However, officers of the SAPS are left with no choice but to act in the interest of saving lives. Therefore, I urge everyone who resides within our borders to respect the laws of this land. The regulations are among our arsenal against this deadly virus and failure to comply with them, certainly will result in more people being infected and more lives being lost," Cele concluded.

Since the start of the National Lockdown in March 2020, over 342 000 people have been arrested for contravening the Disaster Management Act.

Enquiries:

Lirandzu Themba

Police Ministry Spokesperson

082 604 9080

thembalirandzu@saps.gov.za

Issued by: South African Police Service

More from: South African Police Service

More on: CoronavirusCrime



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A handwritten signature in black ink, consisting of a stylized 'P' followed by a circular flourish.

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X5

Home / Data Stories / Poverty and inequality / SA economy sheds 2.2 million jobs in Q2 but unemployment levels drop

SA economy sheds 2.2 million jobs in Q2 but unemployment levels drop

The South African economy shed 2.2 million jobs in the second quarter of 2020, according to the latest Quarterly Labour Force Survey. Quarter 2: 2020 results, released by Statistics South Africa on 29 September 2020.

There were 2.2 million less people employed in Q2 2020



The results indicate that the number of employed persons decreased by 2.2 million to 14.1 million in the 2nd quarter of 2020 compared to the 1st quarter of 2020. This unprecedented change is the largest quarter 1 to quarter 2 decline since the survey began in 2005. Contrary to what one would expect in the face of such a large decline in employment, the number of unemployed persons declined substantially as well – by 2.8 million – to 4.3 million compared to Q1: 2020. In spite of this massive decline in employment, the number of discouraged workers, like the number of unemployed, decreased by 447 000. The majority of those who moved out of these three categories moved into the category of not economically active for reasons other than discouragement, which increased by 5.6 million between the two quarters.

South Africa's unemployment rate declined by 0.5 percentage points to 29.3% in Q2 2020 compared to Q1 2020



The official unemployment rate is calculated using the number of persons who are employed and unemployed, and does not include discouraged work seekers. The significant changes in the number of persons in these two categories resulted in a significant decrease of 0.8 percentage points in the official unemployment rate from 30.1% in quarter 1:2020 to 29.3% in quarter 2:2020. This is lowest rate recorded since quarter 3:2009.

However, the expanded unemployment rate increased by 2.3 percentage points in Q2:2020 compared to Q1:2020, reflective of the fact that people were available for work but did not actively look for work. The unemployment rate according to the expanded definition increased in all provinces except in the Free State, where it decreased by 0.3 percentage points. The largest increase was recorded in the Northern Cape (up by 5.1 percentage points), followed by the Eastern Cape (up by 3.3 percentage points). When asked why they did not look for work, most people cited the national lockdown / COVID-19 / coronavirus as the main reason for not actively looking for work.

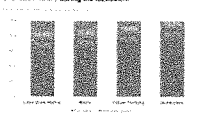
This phenomena of a greater increase in inactivity than in unemployment is not unique to South Africa. It has been observed in most countries across the globe, with the exception of Canada and the United States, according to the *ILO Monitor: COVID-19 and the world of work, sixth edition*.

To capture changes brought about by the national lockdown, some additional questions were included in the quarter 2:2020 questionnaire. Respondents were asked if they were working from their usual place of work or working from home, whether they continued to receive salaries during lockdown, whether they received full or reduced salary, whether they would be returning to the same job/business after the lockdown, and whether they thought they might lose their jobs or their businesses would close in a foreseeable future due to COVID-19.

Of the 14.2 million persons who were employed in Q2:2020, more than half (58.1%) were expected to work during the national lockdown by the companies/organisations they work for. There were 173 000 employed persons who were expected to work during the national lockdown but could not do any work during that period. About 76.3% cited the national lockdown as the main reason for not actually working while the rest indicated that they did not work due to health reasons (10.2%); family responsibility (3.5%); or shift work arrangements (10.0%).

Prior to the national lockdown, working from home was not a common practice in South Africa, although the proportion is not known. Although most of those who actually worked during the national lockdown did so from their usual place of work, about 17.6% indicated that they worked from home. The proportion of those who worked from home was higher in Gauteng and Western Cape than in the other provinces. The share of those who worked from home was higher among professionals (44.7%) and Managers (40.6%) indicating access to tools of trade to facilitate work from home for these workers.

At 24.8%, those with less than matric were more likely to have a reduced salary during the lockdown



There were 11.5 million employed persons who continued to receive pay during the lockdown. About one in five of the employed had a reduction in their pay/salary during the lockdown. There seems to be some relationship between the level of education and reduction in pay/salary. Those with higher levels of education had higher chances of receiving a full salary than those with lower levels of education. Almost 9 in every 10 employed graduates (89.7%) continued to receive a full salary, compared to 75.2% of those with less than matric as their highest level of education.

Those who were employed during the national lockdown were also asked if they will be returning to the same job after lockdown and 94.5% indicated that they will, 2.0% indicated that they will not return to the same job, and 3.5% were not sure. Those who were not returning to the same job or were not sure, were also asked if they thought they might lose their jobs or close their businesses in the four weeks succeeding the survey interview due to COVID-19. 25.3% indicated that they thought they would.

Due to the lockdown restrictions, data was collected telephonically, unlike the usual face-to-face interviews. As such, data could not be collected from the full sample but only from households for which contact numbers were available. This introduced bias to the sample. These were adjusted for and the details on how the adjustment was done are contained in the report.

For more information, download the full report [here](#).

ILO Monitor: COVID-19 and the world of work, sixth edition:

https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS_755910/lang-de/index.htm

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Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA

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Reference number 8/1/1/1/1




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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.

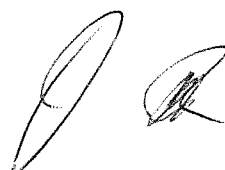
The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) hereafter referred to as "the Act" gives effect to the constitutional right of access to information held by any public or private body and is required for the exercise or protection of any rights. The Act details the procedures to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

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:



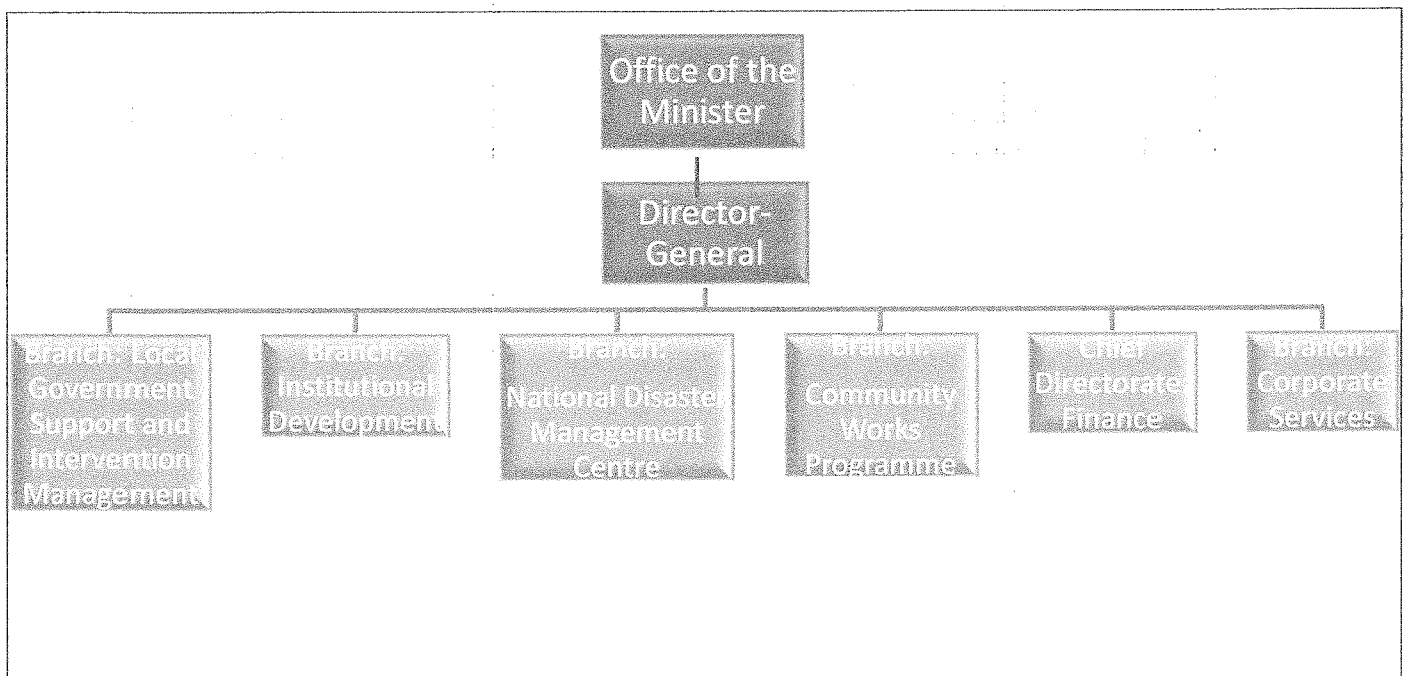
- Professionalism;
- Activist approach;
- Partnership and collectivism
- Service excellence

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

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.

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	012-3340603	Avrilw@cogta.gov.za



5.2 Deputy Information Officers

DIO	PHONE	FAX	EMAIL
Mr Tozi Faba	(012) 334 0778	012-3340603	Tozi@cogta.gov.za
Mr Themba Fosi	(012) 334 0800	012-3340603	ThembaF@cogta.gov.za
Ms Thinavhuyo Skosana	(012) 334 4883	012-3340603	ThinavhuyoN@cogta.gov.za
Ms Manahano Mokone	(012) 336 5813	012-3954680	ManahanoM@cogta.gov.za
Mr. Dudley Petersen	(012) 336 5717	012-3340603	Dudleyp@cogta.gov.za
Dr Mmaphaka Tau	(012) 334 4602	012-3340603	MmaphakaT@ndmc.gov.za
Dr Batandwa Siswana	(012) 848 4602	012-3340603	BatandwaS@cogta.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

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

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.

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 +27 12 334 0603

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

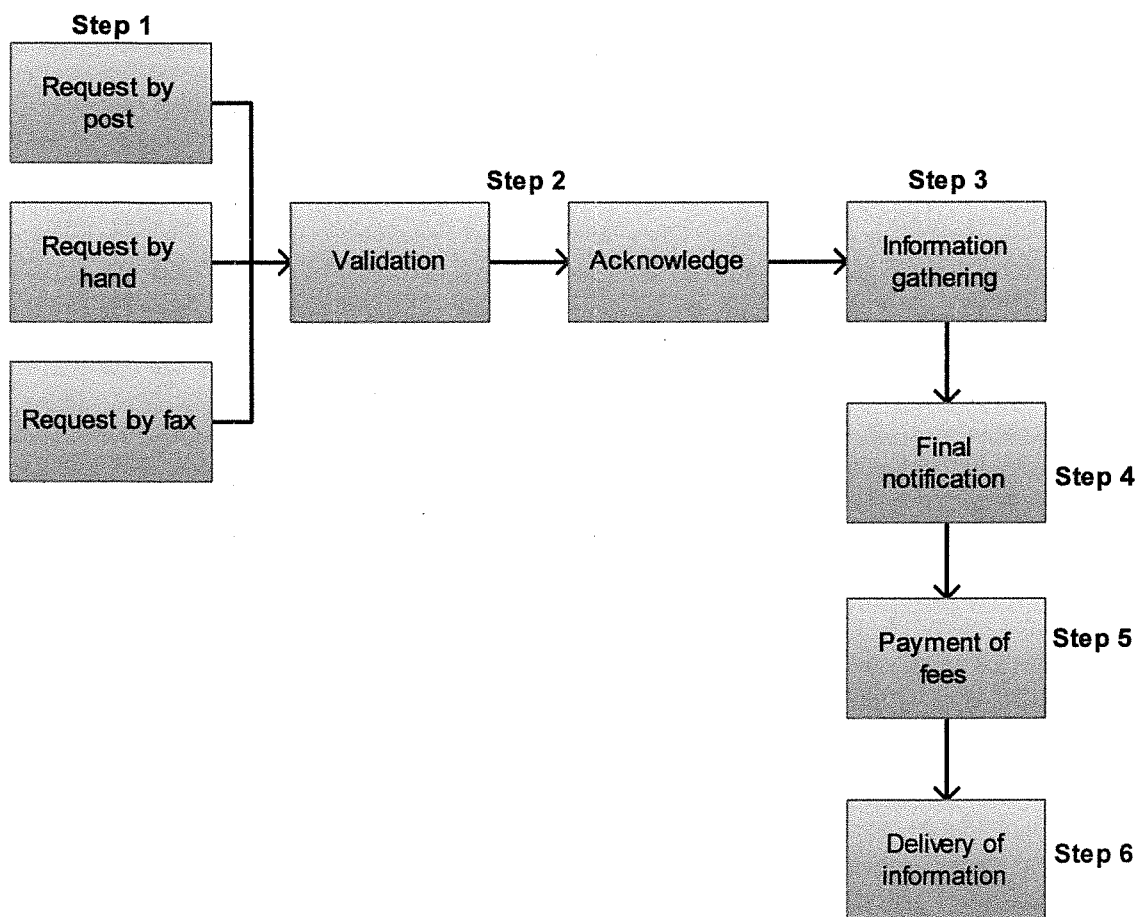
If the request is accepted, the Department will gather and prepare the information and calculate the relevant cost involved (See paragraph 8.2)

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.

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.

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	5.00
b) Compact disc (readable form)	40.00
4) For a transcription of visual images	
a) For an A4 page or part thereof	22.00
b) For a copy of visual images	60.00
5) For a transcription of an audio record	
a) For an A4 page or part thereof	12.00
b) For a copy of the audio record	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 form)	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	12.00
d) For a copy of the audio record	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.

- 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 if the record consists of information:

- Already publicly available.
- About or owned by the public body, other than the public body to whom 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.
- 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;

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



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 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:

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:	
<input type="checkbox"/> Copy of record	<input type="checkbox"/> 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
<i>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.</i>			
In which language would you prefer the record?			

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:

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:

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:

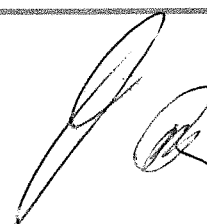
Decision of the Information Officer/Deputy Information Officer

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

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

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	www.cogta.gov.za
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



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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

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

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

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:

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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.

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

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

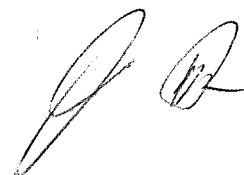
Signed at Pretoria this day 15th of December year 2020

.....
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:
 - 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);
- 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);

A handwritten signature in black ink, consisting of a stylized 'P' followed by a cursive 'R'.


SIGNED AT PRETORIA ON 15 DECEMBER 2020

A large, stylized handwritten signature in black ink, appearing to be 'PW' or similar, written over the printed name.

ATTORNEY FOR SAKÉLIGA NPC

PETER WASSENAAR

KRIEK WASSENAAR & VENTER INC

A smaller, stylized handwritten signature in black ink, appearing to be 'PW' or similar, located at the bottom right of the page.

POWER OF ATTORNEY

I, the undersigned

PIETER JACOBUS LE ROUX

ID: 8402105255087

In my capacity as duly authorised

CHIEF EXECUTIVE OFFICER

of

SAKELIGA NPC

REG: 2012/04375/08

do hereby appoint and nominate,

KRIEK WASSENAAR & VENTER INC

and /or their appointed agents / correspondents /nominees

with full power of substitution, to be my lawful attorney with full power and authority for me and in my name, and for my account and benefit in the matter of and/or relating to:

PAIA- Department: Cooperative Governance and Traditional Affairs (COGTA)
regarding national state of disaster and lockdown regulations issued

In the event that I act in a representative capacity, any reference to myself will by implication refer to the principal and/or organisation which I represent as indicated above and as the context requires.

My attorneys will in terms of this power of attorney be able to:

1. **Receive and handle moneys:** To demand, sue for and recover, and give discharges for all moneys, securities for all sums of money, debts, stocks, shares and property now or hereafter belonging to me, whether solely or jointly with any other person or persons. Remembering that my attorney will accrue costs/disbursements on my behalf and that certain fees will become payable out of the work done on my behalf, I hereby give *in rem sum* authority to recover all capital, costs, disbursements, fees and all other sums of money due to me on my behalf, and that all amounts received must first be deducted or set off against all fees and disbursements made on my behalf before any payments are made to me. I give specific authority to sign any release or discharge for the amount for the settlement in order to receive and recover the said amount. My attorneys and/or their nominees are also authorised to make use of any capital payments received to make payment of all debts and/or expenses. They are also hereby authorised to withhold as security for costs any portion of any capital received on my behalf as they in their sole discretion see fit, being allowed to debit any preliminary attorney and client fees at any stage;
2. **To institute legal proceedings or to defend:** To defend any civil action brought against me or to institute action in any High Court or Magistrates Court or Arbitration Institution. This will include but not be limited to the institution and/or defending of any action and/or application brought



KRIEK WASSENAAR & VENTER INC
Advokate • Aktevervaardigers • Attorneys • Conveyancers

DIRECTORS: J Kriek, PJ Wassenaar Reg: 2012/030418/21
Third Floor, HB Forum, 13 Stamvrug Street, Val De Grace, Pretoria
(t) (012) 803 4719 (f) (086 596 8516 (e) peter@kriekprok.co.za

Document version date: 2020/12/07

by and/or against me, including but not limited to debt collection, civil claims, delictual matters, contractual matters, enrichment matters, status matters, family law matters, divorce proceedings, maintenance and custody matters, liquidations, sequestrations and/or any other proceeding for the protection and/or enforcement and/or confirmation of any right that I may hold.

3. **To negotiate, discuss consider and settle:** To negotiate a settlement with any party concerned, to discuss the facts, merits and quantum and to give me advice. To consider all facts and documentation and to make decisions on my behalf. To agree, propose and settle any point in dispute and to agree, propose and settle any figures of settlement and to advise me thereof.
4. **To settle accounts:** To settle, compromise or submit to arbitration all accounts, claims and disputes between me and any other person or persons;
5. **To act with other persons:** To investigate, negotiate, receive and give out any information, documentation or data of any form or sort on my behalf and to act and communicate with any person, attorney, advocate or third party on my behalf ;
6. **To draft, receive and sign documentation:** To be able to draft, receive, peruse, consider, sign and give out any documentation that he/she considers relevant or necessary;
7. **To appoint experts:** To approach, consult and appoint any expert witnesses, to acquire expert reports and testimony and to accrue costs and make payments in that regard;
8. **To institute alternative dispute resolution proceedings:** To institute, make use of or request any alternative dispute resolution proceeding including but not limited to arbitration and/or mediation proceedings;
9. **To appoint assessors and agents:** To appoint any assessors, agents and/or tracing agents to assist, do work and give advice on my behalf. I also give authority to pay and settle all accounts in this regard;
10. **To appoint advocates and legal advisors:** To appoint any advocate and/or legal advisor to assist, give opinion and handle matters on my behalf. I also give authority to pay and settle all accounts in this regard;
11. **General power to act:** To do all that is necessary to finalize any matter and to act on my behalf in any manner that he/she considers necessary and in doing so, I confirm this Power is irrevocable. To generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, and fully and effectively, for all intents and purposes, as I might or could do if personally present and acting herein /hereby ratifying, allowing and confirming and promising and agreeing tot ratify, allow and confirm all and whatsoever my said Attorneys and Agents shall lawfully do, or cause to be done, by virtue of these presents.

AND

Ratification: I hereby ratify and agree to ratify everything which my Attorney or his/her substitute or substitutes or agent or agents appointed by the Attorney under this power of attorney shall do or purport to do by virtue of this power of attorney.

Pretoria

16-Dec-2020

This done and signed at on



(signed)



KRIEK WASSENAAR & VENTER INC
Advokate • Advokaten • Attorneys • Advogados

DIRECTORS: J Kriek, PJ Wassenaar Reg: 2012/030418/21
Third Floor, HB Forum, 13 Stamvrug Street, Val De Grace, Pretoria
(t) (012) 803 4719 (f) (086 596 8516 (e) peter@kriekprok.co.za

Document version date: 2020/12/07

From: rohann@kriekprok.co.za
Sent: Thursday, 17 December 2020 08:13
To: 'Avrilw@cogta.gov.za'; 'ThembaF@cogta.gov.za'; 'Tozi@cogta.gov.za'
Cc: 'Pieter Kriel'
Subject: SAKELIGA NPC - PAIA REQUEST: DEPARTMENT OF COGTA
Attachments: PAIA request- COGTA 20201215.pdf

Good day

The above-mentioned matter refers.

Kindly find attached a PAIA request for your attention.

Yours faithfully



Rohann Eloff

Kriek Wassenaar & Venter Ing

Kandidaatprokureur / Candidate Attorney

• (t) [\(+27\) 12 803 4719](tel:+27128034719) • (f) [\(+27\) 86 596 8797](tel:+2712865968797)

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

• (p) Postnet Suite # A7, Privaatsak / Private Bag X592, Silverton, 0127 • BTW Reg: 4020260685 • Reg: 2012/030418/21

Hierdie e-pos is onderhewig aan voorwaardes. [Klik hier](#) vir meer besonderhede.

This e-mail is subject to certain conditions. [Click here](#) for more information.



KRIEK WASSENAAR & VENTER ING
Advokate • Prokureurs • Jurisprudente • Administratiewetenskap

IN THE MAGISTRATES' COURT FOR THE DISTRICT OF PRETORIA
held at Pretoria (civil)

Case No. NONE

In the matter between:

SAKELIGA NPC

X9

Plaintiff

and

MINISTER OF COOPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS (COGTA)

00 Defendant

RETURN: SERVICE OF REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

IT IS HEREBY CERTIFIED:

That on the 15 February 2021 at 09h31 at THE INFORMATION OFFICER, 87 HAMILTON STREET, ARCADIA, PRETORIA GAUTENG being the principal place of business of MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS (COGTA), a copy of the REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY was served upon MRS ZE MODIPANE (LEGAL CLERK) of MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS (COGTA), after the original document was displayed and the nature and contents thereof explained to her. MRS MODIPANE a person apparently not less than sixteen years of age and in the employ of MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS (COGTA) accepted service. Rule 9(3)(e)..

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

Description	Tariff	QTY	Amount	Description	Tariff	QTY	Amount
Service 00-06 Km	44.00	1	44.00				
Registration & Return	28.50	1	28.50				
Travelling	6.00	6	36.00				

TO: THE CLERK OF THE COURT Pretoria

Zero rated items	0.00
Sub-total	108.50
VAT	16.27
Total	124.77

Account No.: 0JOHANK050
TO: KRIEK WASSENAAR & VENTER **AFHA
POSTNET SUITE # A7
PRIVAATSAK X592
SILVERTON
0127

Your Reference: QB0792/PJ WASSENAAR/ES



MR F J Batt - Deputy - Sheriff

(Properly appointed in terms of Section 2 of the Sheriff's Act No. 90/1986)

Signed at Pretoria on 17/02/21

My Reference: 2021/00/01813.00 / MDW

Sheriff Pretoria North East - A. J. Visser

P. O. Box 8894 Pretoria 0001

Tel: +27-12-329 6024/5 Bank: ABSA - 334 645

Fax: +27-12-329 6022 Acc No: 712 024 720

VAT No./BTW Nr. 4600116653

X10



cooperative governance

Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA

Private Bag X804, Pretoria, 0001 Tel: (012) 334 0600, Fax: (012) 334 0603
cnr Hamilton and Johannes Ramokhoase Street, Arcadia, Pretoria

Reference: COVID-19

Mr Peter Johannes Wassenaar
3rd Floor, HB Forum Building
13 Stamvrug Street
Pretoria
0001

Per e-mail: peter@kriekprok.co.za
Cc: rohann@kriekprok.co.za

Dear Adv. Wassenaar

REQUEST FOR INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (PAIA)

The above matter bears reference.

The information you seek is extremely broad and relates to all records, reasons, reports, findings, deliberations, communications, memoranda, and / or further documentation the Minister of Cooperative Governance and Traditional Affairs relied on in making decisions about the declaration of a national state of disaster, the extension of the national state of disaster and the lockdown regulations.

As you may be aware, the National Corona Command Council (NCCC) comprise of Cabinet members and was established as a Cabinet committee to specifically enable Cabinet to deal exclusively with Covid-19 issues at a meeting as opposed to other general Cabinet business and meetings. In this regard, Cabinet takes collective decisions on issues discussed in the NCCC, where they are required to do so and individual Cabinet members similarly take decisions and implement measures that emanate from discussions at the NCCC or decisions of Cabinet when they are required to do so.

In light of this I considered the request and established that the records, reasons, reports, findings, deliberations, communications, memoranda, and / or further documentation the Minister of Cooperative Governance and Traditional Affairs relied on in making decisions about the declaration of a national state of disaster, the extension of the national state of disaster and the lockdown regulations is records of the Cabinet and or the NCCC.

Given that section 12(a) of the PAIA states that the Act does not apply to a record of Cabinet and its committees access to the information cannot be provided.

Kind regards,



MS AA WILLIAMSON
DIRECTOR-GENERAL
DATE: 25/02/2021





X11

KRIEK WASSENAAR & VENTER ING

Prokureurs • Aktevervaardigers • Attorneys • Conveyancers

Our ref: PJ Wassenaar/es/QB0792

Your ref:

15 March 2021

**DEPARTMENT COOPERATIVE GOVERNANCE
CNR HAMILTON & JOHANNES RAMOKHOASE STREET
ARCADIA
PRETORIA**

By e-mail: JurgensD@ndmc.gov.za
Jurgens.alt@gmail.com

Sir/Madam

PAIA REQUEST: SAKELIGA NPC / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

1. We refer to your letter of 25 February 2021.
2. You are completely correct that our client is requesting copies of all records relating to the Minister's decision under the Disaster Management Act for the period stipulated in our request. It is a clearly defined and identifiable class of documentation requested. The fact that the number of records is voluminous is irrelevant to the PAIA request. The Minister and her Department are responsible for issuing regulations and has been called by our PAIA request to deliver those records to our client.
3. In terms of PAIA the Minister and our Department may raise certain exceptions to specific documents that fall within the ambit of our request. These exceptions however still requires that the Minister and her Department:
 - 3.1 Disclose and make available all records to which no privilege or exception attaches; and
 - 3.2 Disclose the specific list of records to which the privilege does attach.

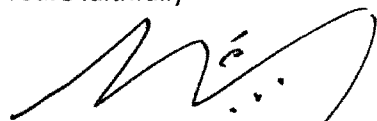
www.kwv-inc.com

(t) (+27) 12 756 7566 • (f) (+27) 86 596 8799 (a) 3rd Floor, H8 Forum Building, 13 Stamvrug Road, Val de Grace, Pretoria 0184
(p) Postnet Suite # A7, Privaatsak / Private Bag X592, Silverton, 0127 • BTW Reg: 4020260685

Direkteure/ Directors: Johan Kriek (B Proc, LLM), P ter Johannes Wassenaar (LLB)
Bygestaan deur/assisted by Tertia Johanna Wassenaar (LLB);
Konsultante / Consultants: Catherina Elizabeth Pienaar (BA, BCur, LLB, LLM, PhD), Sylvia Adriana Venter (LLB)
• Reg: 2012/030418/21
DocDate: 20201201

4. Your letter of 25 February 2021 clearly failed to comply with PAIA requirements when a privilege or exception is raised. **We now demand that you provide us with a full schedule of records to which you claim a privilege attaches within the next 7 days.**
5. It is impossible for the Minister in our view to claim privilege over every record which was discussed at a meeting of Cabinet. The discussions might be subject to privilege. This does not imply that every record attracts such privilege.
6. When promulgating regulations, the Minister is required to give reasons for her decisions. These decisions cannot receive blanket protection under the privilege awarded to Cabinet. When promulgating regulations, the Minister is making administrative decisions that fall under the ambit of the Promotion of Administrative Justice Act ("PAJA"), which will also result in all records used in making a decision falling within the ambit of PAIA. **Therefore, our client's PAIA request is aimed at records falling within the ambit of the Minister's authority to make regulations under the Disaster Management Act.** It is insufficient to reject our PAIA request because certain documentation might be privileged. You are required to adequately disclose the records to which you claim to have privilege and disclose and make available the rest.
7. The lack of transparency in regards to our request is of great concern to our client.
8. We now demand a proper response within the next 7 days, failing thereto our client will seek further advice from counsel to compel the Minister. Kindly again refer to our PAIA request when responding to our request.

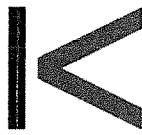
Yours faithfully



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

Elektronies geteken
Electronically signed





X12

KRIEK WASSENAAR & VENTER ING

Prokureurs • Aktevervaardigers • Attorneys • Conveyancers

Our ref: PJ Wassenaar/es/QB0792

Your ref:

23 April 2021

**THE INFORMATION OFFICER
DEPARTMENT COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
CNR HAMILTON & JOHANNES RAMOKHOASE STREET
ARCADIA
PRETORIA**

By e-mail: Avrilw@cogta.gov.za
JurgensD@ndmc.gov.za
Jurgens.alt@gmail.com
ThinavhuyoN@cogta.gov.za
Tozi@cogta.gov.za
ThembaF@cogta.gov.za
Dudleyp@cogta.gov.za
ManahanoM@cogta.gov.za
MmaphakaT@ndmc.gov.za

Sir/Madam

NOTICE OF INTERNAL-APPEAL

PAIA REQUEST: SAKELIGA NPC / MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

1. We refer to your rejection letter of 25 February 2021.
2. Kindly find attached hereto our client's notice of appeal in terms of the department's PAIA manual.
3. You are required to provide us with your decision within the next 30 days.

Yours faithfully

KRIEK WASSENAAR & VENTER INC
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 # A7, Privaatsak / Private Bag X592, Silverton, 0127 • BTW Reg: 4020260685

Direkteure/ Directors: Johan Kriek (B Proc, LLM), Péter Johannes Wassenaar (LLB)
Bygestaan deur/assisted by Tertia Johanna Wassenaar (LLB);
Konsultante / Consultants: Catherina Elizabeth Pienaar (BA, BCur, LLB, LLM, PhD), Sylvia Adriana Venter (LLB)

• Reg: 2012/030418/21

DocDate: 20201201

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:

DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

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: PETER JOHANNES WASSENAAR

Identity number: 8701255120086

Postal Address: POSTNET A7, PRIVAATSAK X592, SILVERTON, 012

Fax number: _____

Telephone number: 0128034719

Email address: peter@kriekprok.co.za

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

Attorney of record for SAKELIGA NPC

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: SAKELIGA NPC

Identity number: 2020/043725/08

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:



X	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:

See attached annexure X

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: Writing

Particulars of manner: By email to peter@kriekprok.co.za and rohan@kriekprok.co.za

Signed on this 21st day of April 2021



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:

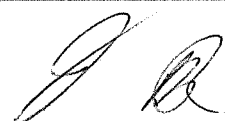
Decision of the Information Officer/Deputy Information Officer

CONFIRMED/NEW DECISION SUBSTITUTED

NEW DECISION _____

DATE (Minister): _____

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM
THE MINISTER ON (date): _____



PAIA INTERNAL APPEAL

1. Kindly note that Sakeliga NPC, the requester, hereby notes an appeal against the refusal by the Department of Cooperative Governance and Traditional Affairs to grant the requester access to the information contained in the requester's PAIA request dated 15 December 2020 which was served by e-mail on 17 December 2020. A copy of the PAIA request is attached hereto as annexure "X1".
2. The requester's legal representative is duly authorised in terms of the power of attorney dated 16 December 2020 to lodge this appeal. The power of attorney is attached to the PAIA request [annexure "X1"].
3. The requester's PAIA request sought to obtain all records, reports, findings, deliberations, communications, memoranda and/or further documentation relied upon by the Minister of COGTA [**"the Minister"**] in making the decisions and/or taking the steps in terms of the Disaster Management Act 57 of 2002 [**"the DMA"**] as set forth in annexure "A" of the requester's PAIA request.
4. A response was received from the Director-General of the Department of COGTA [**"the D-G"**], dated 25 February 2021, wherein the D-G stated that:
 - 4.1 The information sought is extremely broad; and
 - 4.2 The D-G had considered the PAIA request and established that the information sought is "records of the Cabinet and/or the NCCC"; and



4.3 That given section 12(a) of PAIA, that the act does not apply to a record of Cabinet and its committees and that access to the information requested cannot be provided.

4.4 A copy of the D-G's letter of 25 February 2021 is attached hereto as annexure "X2".

5. It is pursuant to this decision by the D-G to refuse to grant the requester access to the information requested, communicated to the requester on 25 February 2021, that the requester notes this appeal for the reasons set forth below.

REASONS FOR THE APPEAL

6. The D-G's decision constitutes a refusal of the requester's request as contemplated in PAIA.

7. However, the requester submits that the request has been improperly rejected.

8. The request was neither submitted or directed at:

8.1 The Cabinet; or

8.2 The Minister in her capacity as a member of Cabinet; or

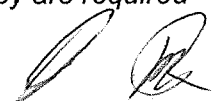
8.3 The records of Cabinet, properly defined, which would infringe upon the principles of Cabinet secrecy and the collective responsibility of the Cabinet.

9. The request also does not refer to the exercise of any executive function of Cabinet or of its committees.

10. The object of PAIA is defined in section 9 to include:

(a) *to give effect to the constitutional right of access to-*

- (i) *any information held by the State; and*
 - (ii) *any information that is held by another person and that is required for exercise or protection of any rights;*
- (e) *generally, to promote transparency, accountability and effective governance of all public and private bodies by, including, but not limited to, empowering and educating everyone-*
- (i) *to understand their rights in terms of this Act in order to exercise their rights in relation to public and private bodies;*
 - (ii) *to understand the functions and operation of public bodies; and*
 - (iii) *to effectively scrutinise, and participate in, decision-making by public bodies that affects their rights.*
11. It would defeat the spirit and purpose of PAIA to allow Cabinet to become a refuge for the secrecy of information properly held by the Minister and the Department in the exercise of their duties as such, for the mere fact that that same information was also allegedly discussed at a meeting of Cabinet.
12. It follows logically that the mere fact that records of Cabinet are excluded from a PAIA request, does not result in all records held by the Minister and the Department, in the exercise of their duties as such, becoming records subject to the privilege of Cabinet for the mere fact that it was allegedly discussed at a meeting of Cabinet.
13. The D-G's response is indicative in this regard when he states that:
- "...the National Corona Command Council (NCCC) comprise of Cabinet members and was established as a Cabinet committee to specifically enable Cabinet to deal exclusively with Covid-19 issues at a meeting as opposed to other general Cabinet business and meetings. In this regard, Cabinet takes collective decisions on issues discussed in the NCCC, where they are required*



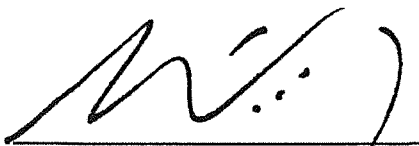
to do so and individual Cabinet members similarly take decisions and implement measures that emanate from discussions at the NCCC or decisions of Cabinet where they are required to do so."

14. Where a particular Minister, appointed by the President in terms of Section 91 of the Constitution, acts to take decisions and implement measures that emanate from decisions taken collectively by Cabinet, those decisions and implementation by the Minister are processes external to Cabinet, executed by the relevant Minister and within the relevant ministry. These executive steps do not fall within the privilege of Cabinet and the related records are not subject to Cabinet exclusion under PAIA.
15. The information sought by the requester's PAIA request does not relate to the records of Cabinet, as properly defined by the PAIA. The information specifically relates to the Minister's actions in terms of section 3 read with section 27(2) of the DMA in promulgating regulations under the DMA.
16. Even though the DMA provides for a non-prescriptive process whereby the Minister *consults* with members of Cabinet responsible for the administration of national legislation, that process of consultation does not occur within Cabinet *per se* and is therefore an administrative action rather than an executive function of Cabinet.
17. When promulgating regulations under section 27(2) of the DMA, the Minister is acting outside of the scope of Cabinet.
18. Finally, the Minister is required by PAIA to specifically indicate which records in possession falls within the ambit of the requester's request. If there are records within the ambit of the requester's request which is subject to a privilege or an exclusion in terms of PAIA, the Minister must give reasons why those specific records are indeed subject to such privilege and/or exception for the purpose of severing that specific information from the record in terms of Section 28 of PAIA.



19. If one considers the nature of the Minister's rights and duties in terms of Section 27(2) of the DMA, it is clear that the Minister cannot claim a blanket exclusion from PAIA requests on the basis of Cabinet privilege for actions which the act specifically designates to her alone.
20. We understand and accept the Minister may claim an exclusion of the record of consultation between herself and other members of Cabinet within the Cabinet. This is not the aim of the request. The request is aimed at gaining access to the records of the Minister in her capacity as the authorised designee acting in terms of section 27(2) of the DMA.
21. It is therefore submitted that the refusal to gain access is improper.
22. It is submitted that the Minister should grant access to the records as per annexure "A" of the PAIA request (attached hereto as annexure "X1").
23. Alternatively, the Minister ought to identify and sever those portions of the record of information requested to which the Section 12(a) exclusion may apply in terms of Section 28 of PAIA, while providing the requester with the balance of the record of information requested.

SIGNED at PRETORIA on 22 APRIL 2021.



PETER WASSENAAR
ATTORNEY ACTING FOR SAKELIGA NPC
3RD FLOOR, HB FORUM BUILDING
13 STAMVRUG STREET
VAL DE GRACE
PRETORIA
REF: P WASSENAAR/QB0792



E-MAIL: peter@kriekprok.co.za
rohann@kriekprok.co.za

A handwritten signature in black ink, consisting of a stylized 'J' followed by a circular mark containing a cross-like shape.

Elbie Swanepoel

X13

From: Elbie Swanepoel
Sent: 23 April 2021 09:32
To: 'Avrilw@cogta.gov.za'; 'JurgensD@ndmc.gov.za'; 'Jurgens.alt@gmail.com';
'ThinavhuyoN@cogta.gov.za'; 'Tozi@cogta.gov.za'; 'ThembaF@cogta.gov.za';
'Dudleyp@cogta.gov.za'; 'ManahanoM@cogta.gov.za'; 'MmaphakaT@ndmc.gov.za'
Cc: Rohann Eloff
Subject: NOTICE OF INTERNAL APPEAL - PAIA
Attachments: Notice Internal appeal - National Dept COGTA 20210423.pdf
Sensitivity: Private

Good day,

We refer to the above and attach hereto a letter (with attachment thereto) for your attention.

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 # A7, Privaatsak / Private Bag X592, Silverton, 0127 • BTW Reg: 4020260685 • Reg: 2012/030418/21



X 14

MINISTRY
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
REPUBLIC OF SOUTH AFRICA

Private Bag x 802, PRETORIA, 0001 Tel: (+27 12) 334 0705 Fax: (+27 12) 336 5950
Private Bag x 9123, CAPE TOWN, 8000 Tel: (+27 21) 469 6701 Fax: (+27 21) 461 0851

Ref: 8/1/1/1/2

Adv Peter Wassenaar
Kriek Wassenaar & Venter Inc.
3rd Floor HB Forum Building
13 Stamvrug Street
Pretoria
0001

Dear Adv Wassenaar,

**NOTICE OF INTERNAL APPEAL, PAIA REQUEST: SAKELIGA NPC / MINISTER
OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS.**

Your Notice to Appeal a request for information sent to the Department on 23 April 2021, has reference.


You posit that the rights and duties I hold in terms of Section 27(2) of the Disaster Management Act, 2002 (DMA) is clear and that I cannot claim a blanket exclusion from PAIA requests on the basis of Cabinet privilege for actions which the Act specifically designates to me alone. You however also concede that I may claim an exclusion of the record of consultation between myself and other members of Cabinet within the Cabinet. You also state that the request is aimed at gaining access to the records I hold in my capacity as the authorised designee acting in terms of section 27(2) of the DMA.

I have applied my mind and concluded that the contentions you put forward in the Notice of Internal Appeal cannot be considered in isolation and must also consider that in terms of Section 26 of the Disaster Management Act, 2002 the National Executive is responsible for the coordination and management of a national disaster. You should also consider that the Cabinet resolved to establish the National Coronavirus Command Council as a Cabinet sub-committee to advise cabinet and that the NCCC have since its establishment played this role.

As stated in the letter of the Director-General on 25 February 2021, Cabinet takes collective decisions on issues discussed in the NCCC and when they are required to do so, the Ministers implement measures that emanate from recommendations of NCCC that are approved by Cabinet.

Given that you have not considered the implications of Section 26 as set out above and that you have conceded that that I may claim an exclusion of the record of consultation between myself and other members of Cabinet within the Cabinet, I confirm the decision of the Director-General in refusing access to these records.

Yours Sincerely,


DR NKOSAZANA DLAMINI ZUMA, MP
MINISTER
DATE: 26.06.2021

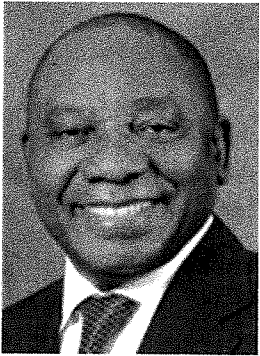




THE PRESIDENCY
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[Home](#) (1) > Statement by President Cyril Ramaphosa on progress in the national effort to contain the COVID-19 pandemic, Union Buildings, Tshwane



My fellow South Africans,

It is just 11 days since I last addressed you.

Then I reported on the signs of a resurgence of coronavirus infections in various parts of the country.

On that day, the 3rd of December, our country recorded over 4,400 new cases.

Yesterday, the 13th of December, we recorded nearly 8,000 new cases.

The cumulative number of confirmed coronavirus cases in South Africa now stands at 866,127.

These figures are a cause for great concern.

There can no longer be any doubt – the country has entered a second wave of coronavirus infections.

Given the rate at which new cases have grown over the last two weeks, there is every possibility that if we do not act urgently and if we do not act together, the second wave will be more severe than the first wave.

The daily average of new cases nationally over the last 7 days is 74% higher than the previous 7 days.

In this time, the number of new cases has increased from a daily average of around 3,800 to just over 6,600 a day.

The daily average of COVID-19 deaths has increased by nearly 50% over the same period from just over 100 deaths a day to just over 150 deaths.

The four provinces that are leading the second wave are Eastern Cape, Western Cape, KwaZulu-Natal and Gauteng.

For the first time in this pandemic, most of the new infections are among young people, particularly those in the age group of 15 to 19 years.

There are probably many reasons for this massive spike in infections, but some key contributors are now becoming clearer.

X15

Gatherings – especially social gatherings and parties – are the largest source of outbreaks.

In many of these gatherings, social distancing is not being observed, venues are crowded and not adequately ventilated, hand sanitiser is not readily available, and people are not wearing masks.

Many people consume alcoholic drinks at these 'super-spreader' events, with the result that people become less careful about taking measures to protect themselves and prevent infection.

The recent post-matric Rage Festival event in Ballito is a harsh reminder of how dangerous large gatherings can be.

We now know that nearly 1,000 young people from Gauteng who attended the event have tested positive for the coronavirus. What we don't yet know is how many more people each of them has infected.

It is said that up to 300 families could in turn have been infected.

The sad truth about this pandemic is that festivals, concerts and parties – which should be occasions for fun and joy – are proving to be sources of infection and illness, and may even lead to deaths.

Another factor in the rise in infections is increased travel.

Many people do not observe prevention measures as they move within cities, towns and rural areas, and between different areas.

We have to recognise that the more we travel, the greater the potential for the spread of the virus.

That means wearing a mask when you are in public transport and making sure that the windows are open at all times.

It also means reducing the number of people that you spend time with if you are travelling to visit family and friends in other parts of the country.

It is safer to socialise with your immediate family than with large gatherings that could cause the virus to spread.

More broadly, the massive rise in infections is the result of people not observing basic – and easy to follow – practices.

These measures are particularly important as transmission is often caused by people who are infected but are not yet showing symptoms, if they develop symptoms at all, and may not even know they have the virus.

The relatively low rates of infection over the last few months have made us more relaxed about wearing a mask over our nose and mouth every time we go out in public.

We no longer see the point of avoiding crowded venues, or standing more than 1.5 metres from each other, or keeping windows open when travelling on public transport or sanitising commonly used places.



We have gotten into the Christmas spirit early and are inviting friends and family over for get-togethers.

Yet, it is our failure to closely adhere to all these basic precautions at all times that has brought us to this second wave.

These safety precautions may not seem important until someone you love has been infected with the virus because of your own carelessness.

The festive season now poses the greatest threat to the health and well-being of our nation.

It poses the greatest threat also to the recovery of our economy.

This is because the festive season is traditionally a time of gatherings, of travel, of meeting friends and family, and of relaxing after a difficult and stressful year.

In these respects, the festive season is very much like the Easter period.

It is worth remembering that during Easter this year, we were able to limit the number of infections because we all remained disciplined, we all observed the restrictions and we all adhered to the basic health measures.

In this regard, we recognise the sacrifices that churches made by suspending Easter services, and indeed the contribution that all faiths have made throughout the year to preserving life.

Just as we did during Easter, we need to once again adhere to the basic health protocols.

If we do not do things differently this festive season, we will greet the new year not with joy, but with sorrow.

Many of our friends, relatives and co-workers will be infected, some will get severely ill and some, tragically, will die.

Unless we do things differently, this will be the last Christmas for many, many South Africans.

This is certainly what we don't want. We all want to live and let our loved ones live.

It is therefore essential that we take extraordinary measures to contain the second wave and save lives, while working to protect livelihoods.

My fellow South Africans,

Eleven days ago, we declared Nelson Mandela Bay to be a coronavirus 'hotspot' areas, in line with our differentiated approach to the management of the pandemic.

There are other municipalities that have also shown a particularly sharp rise in infections.

The Minister of Health Dr Zwelini Mkhize has visited these areas and after consultations with various stakeholders,



Cabinet has decided to also declare the following two districts as coronavirus hotspots.

These are the:

- Farah Baartman District
- Garden Route District

This all means that the same additional restrictions that we applied to Nelson Mandela Bay will apply in these districts from midnight tonight and will continue until we see a clear and sustained decline in infections.

While these hotspot areas require particular attention, the festive season poses significant risks for the entire country.

We have therefore been undertaking consultations in provinces, including at municipal level, on the measures that need to be taken to contain the second wave.

There have been extensive deliberations within the National Coronavirus Command Council and the President's Coordinating Council, which brings representatives of national, provincial and local government together.

Based on the recommendations from these meetings, Cabinet has decided that further restrictions need to be imposed nation-wide from midnight tonight.

Firstly, we will ensure that there is stricter enforcement of existing alert level 1 restrictions throughout the country during the festive season and beyond.

This includes the requirement that drivers and operators of any form of public transport must ensure that all passengers wear a mask.

The managers or owners of buildings, places or premises – including retail stores, shopping centres, and government buildings – are obliged by law to ensure that all customers who enter their facilities or buildings wear a mask.

An employer must ensure that all employees wear a mask while they perform their duties.

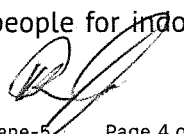
This places a responsibility on all owners, managers and employers – and on all of us – to ensure that South Africans are safe whenever they are in any of these places.

The responsible individuals who do not ensure compliance with the regulations by their passengers, customers or employees will be liable to a fine or to imprisonment of up to six months.

Secondly, we are taking measures to reduce the risk of super-spreading events.

The current restrictions on the size of gatherings do not do enough to prevent crowding in the current situation where new cases are rising rapidly.

Therefore, gatherings – including religious gatherings – may not be attended by more than 100 people for indoor



events and 250 for outdoor events.

At all times, and particularly in smaller venues, the total number of people in a venue may not exceed more than 50% of the capacity of the venue.

All gatherings must include adequate ventilation, social distancing, wearing of masks and provision of hand-sanitiser.

Due to the potential for transmission, all post-funeral gatherings, including 'after-tears' parties, are prohibited.

One of the greatest challenges we need to confront are the huge crowds that flock to beaches and recreational parks on public holidays over the festive season.

We have undertaken extensive consultations on this issue so that we can find an approach that reduces the risk of large-scale transmission while limiting the negative impact on businesses in coastal areas.

We have therefore agreed to adopt a differentiated approach, which takes into account the different circumstances in different areas of the country.

In the areas with the highest rate of infection, beaches and public parks will be closed for the duration of the festive season from the 16th of December to the 3rd of January.

This will apply to all of the Eastern Cape, as well as to the Garden Route district in the Western Cape.

In KwaZulu-Natal, beaches and public parks will be closed on what are traditionally the busiest days of the season.

These days are the 16th, 25th, 26th and 31st of December 2020 and the 1st, 2nd and 3rd of January 2021.

The beaches and public parks of the Northern Cape and the Western Cape – with the exception of the Garden Route – will remain open to the public over the festive season.

Festivals, live music, and live performances at beaches are prohibited.

Beaches and parks that are open to the public will only be open between 9am and 6pm.

The situation will be monitored daily by local authorities to ensure compliance with the regulations on gatherings and the prohibition of alcohol.

In instances, where there are large crowds or poor compliance with safety measures, specific beaches and recreational parks will be closed.

National and provincial parks and other parks where access control measures and entry limitations are already in place may remain open to the public.

This is a most trying situation, which requires constant attention.



I have directed that all members of the National Coronavirus Command Council and key personnel should be on standby to ensure constant monitoring and assessment of the situation countrywide.

Should the situation deteriorate, further action will be taken to protect our people.

The third area of focus over this period is to prevent super-spreader events and reduce the burden on health care services due to irresponsible alcohol consumption.

Therefore, the following measures will be implemented:

The hours of the curfew will be longer, starting at 11pm and ending at 4am.

Non-essential establishments, including restaurants and bars, will have to close at 10pm so that staff and patrons can get home before the enforcement of the curfew.

The curfew is meant to prevent gatherings that go on late into the night, while enabling restaurants, bars and taverns to continue to operate and earn an income.

We should all remember that the hours of curfew also apply to Christmas Eve and New Year's Eve. This means that we will all need to make changes to the way in which we celebrate these occasions.

The sale of alcohol from retail outlets will only be permitted between 10am and 6pm from Monday to Thursday.

Registered wineries and wine farms may continue to offer tastings and wine sales to the public for off-site consumption over weekends. This exception is being made due to the vital contribution of these establishments to the tourism sector in several parts of the country.

Alcohol consumption in all public spaces, such as beaches and parks, is strictly forbidden.

We will not allow large numbers of people congregating in any one place without proper controls or protocols in place.

These festive season restrictions will be reviewed in early January based on the state of the pandemic across the country.

My fellow South Africans,

In determining our response to the second wave of infections, we have sought to carefully balance the need to save lives and to protect livelihoods.

The national lockdown which we imposed at the beginning of the epidemic was designed to delay the spread of the virus so that we could adequately prepare our health system to respond to the rise of infections.

At that time, we were not ready to cope with a sudden increase of cases and hospital admissions.



We needed to secure adequate equipment and supplies, to make additional space available in our health facilities, to train our healthcare workers and to put in place systems to monitor and respond to trends in the epidemic.

A full lockdown was absolutely necessary to delay the epidemic but would not serve the same purpose now.

Over the past several months, we have put in place a range of measures to enhance our capacity to respond.

Through the hard work of our healthcare workers, public servants, medical experts and scientific advisors, we have marshalled all of our resources to protect the people of South Africa and provide care to those who need it.

The measures that we took early in the epidemic, and the actions of every South African, have allowed us to save many lives already.

Now, we must protect the gains we have made and work together to contain the second wave.

As we have done since the very beginning, we must act based on the best scientific evidence that is available to us.

Just as our doctors, nurses and frontline workers are working tirelessly to protect us, we must work tirelessly to protect them.

To date, over 38,000 health workers in the public sector have tested positive for coronavirus. Of these, nearly 5,000 were admitted to hospital.

Sadly, 391 health workers in the public sector have passed away.

As a nation, we owe so much to these brave and dedicated people and to their families, for without them, we would not have come this far.

As we confront the second wave of infections, we must do everything we can to support and protect our health workers.

Unless we act responsibly now, unless we adhere at all times to the basic precautions that we all know, we will face a bleak new year.

Despite the restrictions on many of our regular activities, this season can be both festive and safe.

This festive season, I am asking you to keep your celebrations small and to avoid crowds.

If you are spending time with other people, I am asking you to do so outside, enjoying the splendid South African summer weather, or at least to make sure that you are in a well-ventilated space.

I am asking you to wear a mask that covers your nose and mouth whenever in public, or in the company of people you don't live with.

There is no point wearing a mask on your chin, keeping it in your pocket or lowering it to speak to someone.



Remember to regularly wash your hands with soap and water for at least 20 seconds or with sanitiser.

Limit your travel as much as possible. And if you have to travel, make sure that you travel safely.

If you are going to visit friends and family, limit your number of contacts for at least one week before you travel and try to spend time with only your immediate family or as small a group of people as possible.

We know that COVID-19 affects people differently.

According to the World Health Organization, most people are likely to develop mild or moderate illness and will recover without hospitalisation.

The most common symptoms are fever, dry cough, and tiredness. Less common, but moderate, symptoms are aches and pains, sore throat, and a loss of taste or smell.

If you experience these symptoms, then you should isolate yourself from others.

If you experience severe symptoms, such as difficulty breathing or shortness of breath, chest pain, loss of speech or movement, you should seek immediate medical attention.

Please remember that if you have tested positive for coronavirus or if you have been in close contact with someone who has tested positive, you should immediately isolate yourself from others.

As we have said in the past the only viable defence we will have against Covid-19 will be the vaccine.

South Africa has concluded all the necessary processes to ensure its participation in the World Health Organization's COVID-19 Global Vaccine Access Facility.

This facility – known as COVAX – pools resources and shares vaccine development risk to ensure equitable access to vaccines when they become available.

As part of this facility, it is expected that South Africa will receive initial vaccines to cover 10% of our population in the early part of next year.

We are also part of the African Vaccine Acquisition Task Team that is looking at alternative financing mechanisms to secure additional vaccines for African countries beyond COVAX.

The Minister of Health is part of this Task Team and is also looking at innovative partnerships with the private sector to ensure that South Africans have access to an effective vaccine that is suitable to our conditions.

The next few weeks are going to be a great test of our determination and restraint.

This period will require each of us to do things differently to previous years because this year is unlike any other we have lived through before.



It will require us to give up some short-lived pleasures to protect ourselves and others, and to ensure that we can enjoy such times together in future years.

I am convinced that if we each play our part, if we each follow the few basic precautions, then we can all have a joyful festive season – and, most importantly, we can all have a happy, healthy and prosperous new year.

I wish you all a blessed festive season, that you may remain safe and in good health, and that we may welcome in the new year as one united and resolute nation.

May God Bless South Africa and protect her people.

I thank you.

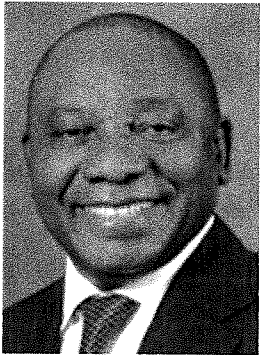




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[Home](#) ([/](#)) > Statement by President Cyril Ramaphosa on South Africa's response to the coronavirus pandemic, Union Buildings, Tshwane



My Fellow South Africans,

It has been exactly seven weeks since the first case of the coronavirus was confirmed in our country.

Since then, all our lives have changed in fundamental ways.

As a nation we have been forced to take aggressive action against an invisible enemy that threatened our lives and the lives of our loved ones.

We have been forced to adapt to a new way of living, in a short space of time.

As we enter the fifth week of an unprecedented nation-wide lockdown – and as we look to the future – we should remember why we are here.

The novel coronavirus, which was identified in the Chinese city of Wuhan in December last year, has spread rapidly across the world.

To date, over 2.6 million confirmed cases have been reported worldwide.

The actual number of people infected is likely to be far higher.

The coronavirus causes the disease known as COVID-19, a respiratory illness for which humans currently have no immunity and for which there is no known cure.

The coronavirus is passed from person to person in small droplets from the nose and mouth that can be transmitted by direct contact, on surfaces we touch or when an infected person coughs or sneezes when they are close to another person.

Most infected people exhibit only mild symptoms; some do not show any symptoms at all.

But there are people who develop severe symptoms and require hospitalisation.

These are usually older people and those who suffer from underlying conditions such as heart disease, diabetes,

chronic respiratory disease and cancer.

For some of these people, COVID-19 is fatal.

Across the world, more than 185,000 people have succumbed to the disease.

Here in South Africa, at least 75 people have lost their lives.

Because the coronavirus can spread so rapidly through a population, it can overwhelm even the best-resourced health system within a matter of weeks.

This is what has occurred in many countries across the world, and it is precisely what we, as South Africa, have gone to great lengths to prevent.

Very few health systems across the world – if any – are prepared for a sudden and exponential increase in people requiring treatment for a severe respiratory illness.

As a result, if the virus spreads too quickly, there are not enough hospital beds, intensive care units, ventilators, personal protection equipment or medicine for everyone who needs them.

To make matters worse, people who are suffering from other conditions or need emergency procedures are unable to get the care they need.

And in such circumstances, many lives that could have been saved, are lost.

I am reiterating these basic facts – which by now are probably familiar to many of you – because they explain the actions we have taken to date and they inform the measures I am announcing this evening.

From the moment we declared the coronavirus pandemic to be a national disaster on Sunday 15 March, our objective was to delay the spread of the virus.

We have sought to avoid a massive surge in infections and an uncontrollable increase in the number of people needing medical care.

Our approach has been based on the principles of social distancing, restriction of movement and stringent basic hygiene practices.

By delaying the spread of the virus, we have had time to prepare our health facilities and mobilise some of the essential medical supplies needed to meet the inevitable increase in infections.

And it is in so doing, that we hope to save tens of thousands of lives.

There is clear evidence that the lockdown has been working.



Together with the other measures we have taken – such as closing our borders – and the changes in behaviour that

each of us has made, the lockdown has slowed the progression of the pandemic in the country.

The World Health Organization has commended South Africa for acting swiftly and for following scientific advice to delay the spread of the virus.

Yet, while a nation-wide lockdown is probably the most effective means to contain the spread of the coronavirus, it cannot be sustained indefinitely.

Our people need to eat. They need to earn a living. Companies need to be able to produce and to trade, they need to generate revenue and keep their employees in employment.

We have accordingly decided that beyond Thursday 30 April, we should begin a gradual and phased recovery of economic activity.

We will implement a risk adjusted strategy through which we take a deliberate and cautious approach to the easing of current lockdown restrictions.

We have decided on this approach because there is still much that is unknown about the rate and manner of the spread of the virus within our population.

The action we take now must therefore be measured and incremental.

This approach is guided by the advice from scientists who have advised that an abrupt and uncontrolled lifting of restrictions could cause a massive resurgence in infections.

We cannot take action today that we will deeply regret tomorrow.

We must avoid a rushed re-opening that could risk a spread, which would need to be followed by another hard lockdown, as has happened in other countries.

We have to balance the need to resume economic activity with the imperative to contain the virus and save lives.

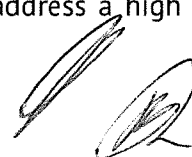
To achieve this, we have developed an approach that determines the measures we should have in place based on the direction of the pandemic in our country.

As part of this approach, there will be five coronavirus levels:

Level 5 means that drastic measures are required to contain the spread of the virus to save lives.

Level 4 means that some activity can be allowed to resume subject to extreme precautions required to limit community transmission and outbreaks.

Level 3 involves the easing of some restrictions, including on work and social activities, to address a high risk of transmission.



Level 2 involves the further easing of restrictions, but the maintenance of physical distancing and restrictions on some leisure and social activities to prevent a resurgence of the virus.

Level 1 means that most normal activity can resume, with precautions and health guidelines followed at all times.

To ensure that our response to the pandemic can be as precise and targeted as possible, there will be a national level and separate levels for each province, district and metro in the country.

We are currently at Level 5, which requires a full national lockdown to contain the spread of the virus.

This is the highest level of lockdown and was imposed when drastic action was necessary to curb transmission.

The National Coronavirus Command Council will determine the alert level based on an assessment of the infection rate and the capacity of our health system to provide care to those who need it.

We have undertaken a detailed exercise to classify the different parts of the economy according to the risk of transmission in that sector, the expected impact of the lockdown, the economic contribution of the sector and the effect on livelihoods.

The relevant Ministers will provide a detailed briefing on the classification of industries and how each is affected at each level.

We will give all industry bodies an opportunity to consider these details and, should they wish, to make submissions before new regulations are gazetted.

The National Coronavirus Command Council met earlier today and determined that the national coronavirus alert level will be lowered from level 5 to level 4 with effect from Friday the 1st of May.

This means that some activity will be allowed to resume subject to extreme precautions to limit community transmission and outbreaks

Some businesses will be allowed to resume operations under specific conditions.

Every business will have to adhere to detailed health and safety protocols to protect their employees, and workplace plans will be put in place to enable disease surveillance and prevent the spread of infection.

All businesses that are permitted to resume operations will be required to do so in a phased manner, first preparing the workplace for a return to operations, followed by the return of the workforce in batches of no more than one-third.

In some cases, a sector will not be able to return to full production during Level 4 while the risk of infection remains high.

These will be spelt out next week following a final round of consultations.



Businesses will be encouraged to adopt a work-from-home strategy where possible.

All staff who can work remotely must be allowed to do so.

The relevant Ministers will provide details on the process for the phased re-opening of schools and other educational institutions.

As we gradually ease the restrictions, it is necessary that many of the measures to contain the spread of the virus remain in place.

When the country moves to level 4 on 1 May:

Our borders will remain closed to international travel, except for the repatriation of South African nationals and foreign citizens.

No travel will be allowed between provinces, except for the transportation of goods and exceptional circumstances such as funerals.

Public transport will continue to operate, with limitations on the number of passengers and stringent hygiene requirements, including that all passengers must wear a face mask.

The public is encouraged to stay at home, other than for essential personal movement, doing essential work and work in sectors that are under controlled opening. People can exercise under strict public health conditions.

All gatherings, apart from funerals and for work, will remain prohibited.

Those who are elderly, and those with underlying conditions, must remain at home and take additional precautions to isolate themselves.

The sale of cigarettes will be permitted.

The range of goods that may be sold will be extended to incorporate certain additional categories. These will be detailed by the relevant Ministers.

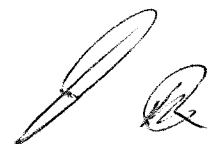
It is important to note that several restrictions will remain in place regardless of the level of alert for as long as the risk of transmission is present:

Bars and shebeens will remain closed.

Conference and convention centres, entertainment venues, cinemas, theatres, and concerts will remain closed.

Concerts, sporting events, and religious, cultural and social gatherings will not be allowed until it is deemed safe for them to continue.

The coronavirus is spread by contact between people.



If people do not travel, the virus does not travel.

We know, for example, that just one funeral in Port St Johns and one religious gathering in Mangaung contributed to a state of infections in their respective provinces.

From the evidence we have, we know that 75 percent of confirmed coronavirus cases are found in just six metro municipalities – Johannesburg, Ekurhuleni, Cape Town, Buffalo City, eThekweni and Mangaung.

It is therefore essential that we do everything in our means to restrict the movement of people and – although it runs counter to our very nature – to reduce the contact that each of us has with each other.

Ultimately, it is our own actions, as individuals, that will determine how quickly the virus spreads.

If we all adhere to instructions and follow public health guidelines, we will keep the virus under control and will not need to reinstate the most drastic restrictions.

We can prevent the spread of coronavirus by doing a few simple things.

Wash your hands frequently with soap and water or use an alcohol based sanitiser.

Keep a distance of more than one metre between yourself and the next person, especially those who are coughing and sneezing.

Try not to touch your mouth, nose and eyes because your hands may have touched the coronavirus on surfaces.

When you cough or sneeze cover your mouth and nose with your bent elbow or a tissue, and dispose of the tissue right away.

As we begin the easing of lockdown restrictions from the beginning of May, we are calling on all South Africans to wear a face mask whenever you leave home.

Our clothing and textile industry – including many small businesses – are gearing up to produce these masks on a mass scale.

The extraordinary measures that we have put in place to combat the coronavirus pandemic have been matched by the extraordinary contributions of many South Africans.

We pay tribute to them, the nurses, the doctors, the scientists and the community screening field workers who are leading our public health response.

We are committed to ensuring that they have all the resources they need – including adequate personal protection equipment and other recognition – to undertake the work that is being asked of them.

As we slowly ease the lockdown restrictions, we are substantially and rapidly increasing our public health response.

We have already seen a huge increase in community screening and testing.

Guided by advice from the World Health Organization and the Africa Centres for Disease Control and Prevention, we have joined other African countries in placing mass screening and testing at the centre of the next phase of our response.

Earlier in the week, I announced an additional allocation of R20 billion to our health response to ensure that we have the beds, medicine, equipment and personnel required when the country experiences the peak of infections.

This evening, I also want to pay tribute to those who are providing essential services and goods – the truck, taxi, bus and train drivers; the workers on farms, in stores, at power stations, at water plants, at petrol stations, in banks and in call centres; the law enforcement officials and security personnel.

It is thanks to your efforts that we have been able to make such valuable progress in combating this pandemic.

As part of expanding this effort, I have employed over 70,000 defence force personnel to assist with various parts of our coronavirus response.

Until now, those defence force members that have been deployed have supported the South African Police Service in their responsibilities.

They will continue to do so, but they will also be providing assistance in other essential areas, such as the provision of water supply, infrastructure maintenance and health services.

This is a crucial moment in our struggle against the coronavirus.

It is a time for caution.

It is a time to act responsibly.

It is a time for patience.

There is no person who doesn't want to return to work.

There is no company that does not want to re-open.

There is no student who does not want to return to their studies.

Yet, we are all called upon, at some time in our lives, to make great sacrifices for our own future and for the future of others.

There are times when we must endure hardship and difficulty, so that we can enjoy freedom and prosperity into the future.



During the past five weeks, we have demonstrated to the entire world what a nation can achieve with courage, determination and solidarity.

We must not give up now.

I am asking you to stay strong.

I am asking you to remain united.

Stay home, stay safe.

Thank you for all that you have done and continue to do.

May God bless South Africa and protect her people.

I thank you.

A handwritten signature in black ink, appearing to be 'C. Ramaphosa', located in the bottom right corner of the page.