



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

Case Number: 36962/2020

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: NO

(2) OF INTEREST TO OTHER JUDGES: YES/NO

(3) REVISED

DATE: 20 OCTOBER 2020

SIGNATURE:

In the matter between:

SA CHILDCARE (PTY) LTD

First Applicant

CENTRE FOR EARLY CHILDHOOD DEVELOPMENT NPC

Second Applicant

THE REVEREND TEMBELA MAGADLA

Third Applicant

BUSY BEE CRÈCHE AND PLAY SCHOOL

Fourth Applicant

SOSHANGUVE FOR EARLY CHILDHOOD

DEVELOPMENT FORUM

Fifth Applicant

BONANG DAY CARE CENTRE

Sixth Applicant

THE COMMUNITIES, CHILDREN AND RESPONSIBLE

CARE ORGANISATION

Seventh Applicant

FEED THE BABIES FUND

Eighth Applicant

And

MINISTER OF SOCIAL DEVELOPMENT

First Respondent

MEC SOCIAL DEVELOPMENT EASTERN CAPE

Second Respondent

MEC SOCIAL DEVELOPMENT GAUTENG

Third Respondent

MEC SOCIAL DEVELOPMENT FREE STATE

Fourth Respondent

MEC SOCIAL DEVELOPMENT KWAZULU-NATAL

Fifth Respondent

MEC SOCIAL DEVELOPMENT LIMPOPO

Sixth Respondent

MEC SOCIAL DEVELOPMENT MPUMALANGA

Seventh Respondent

MEC SOCIAL DEVELOPMENT NORTHERN CAPE

Eighth Respondent

MEC SOCIAL DEVELOPMENT NORTH WEST

Ninth Respondent

THE MINISTER OF FINANCE

Tenth Respondent

JUDGMENT

JANSE VAN NIEUWENHUIZEN J

Introduction

- [1] The relief claimed by the applicants is contained in two parts. Part 1 seeks a declaration that directives issued by the first respondent, the Minister of Social Development (“the Minister”) be declared unconstitutional and invalid and in Part 2, the applicants seek a structural interdict pertaining to the payment of subsidies to Early Child Development and Partial Care Centres (“ECDS”).
- [2] The Minister and the second to ninth respondents, the MECs of eight provinces (“the MECs”) oppose the relief claimed herein.
- [3] The Minister of Finance is the tenth respondent. No order is sought against the Minister of Finance.

PART 1: DIRECTIONS

- [4] The hardship caused by the COVID 19 lockdown regulations on indigent vulnerable young children attending ECDs is unimaginable. ECDs cater for the needs of babies and children until school going age. Most of the children attending ECDs live in the poorest of circumstances. Their parents are either absent or if present do not have the financial means to care for the children’s nutritional and stimulation needs.
- [5] Without ECDs these children are left without nutrition in, for the most part, a socially unstable and perilous environment. ECDs were closed at the end of March 2020 in

accordance with the Alert Level 5 lockdown regulations. Their closure led to thousands of poor children being without food or proper care. Once the country moved to Alert Level 4, the struggle to re-open ECDs has been fought bitterly and on a continuous basis.

[6] The various directives issued by the Minister from time to time did not alleviate the plight of ECDs. To the contrary, and during July 2020, ECDs had to approach this Court to obtain much needed relief. In the matter of *Skole-Ondersteuningsentrum NPC and Others v Minister of Social Development and Others*, Gauteng Division, Pretoria (Case No. 24258/2020) [2020] ZAGPPHC 267], an order was granted by Fabricius J on 7 July 2020 that ECDs may open immediately subject to the appropriate and/or prescribed safety measures being in place ("Fabricius J order").

[7] The relief envisaged by the order was short lived. On 10 July 2020 the Minister issued directions that imposed various conditions that had to be complied with prior to the re-opening of ECDs. The imposed conditions had devastating effects on ECDs in underprivileged communities. Most of these ECDs who had been without funding since April 2020 simply did not have the financial means to comply with the conditions.

[8] As a result this application was brought on or about 12 August 2020.

[9] On 18 August 2020 Alert Level 2 was declared which prompted the Minister to gazette new directions pertaining to the re-opening of ECDs. [See: *Government Gazette* No 43710, Government Notice No 993]

[10] Direction 4 deals with the basic conditions for the reopening of ECD programmes or partial care facilities and reads as follows:

- "4(1) *An ECD programme may reopen subject to health and safety measures being in place.*
- (2) *A partial care facility that provides an after-school service may reopen subject to health and safety measures being in place.*
- (3) *The provisions of subdirections (1) and (2) only apply to an ECD programme or partial care facility that was operational during the month that the national state of disaster was first declared, which is March 2020.*
- (4) *The principal or manager of an ECD programme or partial care facility must confirm that the ECD programme or facility complies with the minimum health, safety and social distancing measures on COVID-19 by signing the declaration set out in Annexure A.*
- (5) *An ECD programme or partial care facility that does not comply with the minimum health, safety and social distancing measures on COVID-19, must remain closed or be required to close until all the health, safety and social distancing measures are in place. 10.11.11).*"

[11] I pause to mention that the directions, although issued some two months later, now finally complies with the Fabricius J order. The obstacles created by the July 2020

directions have been removed and counsel for the applicants, Ms Lourens, agreed that the relief claimed in Part 1 has become moot.

PART 2: SUBSIDIES

Background

- [12] The Department of Social Development in recognising its obligation towards young vulnerable children has developed a National Integrated Early Childhood Development Policy, 2015 ("IDP"). The goal of the IDP is to increase the number of poor children accessing subsidized early childhood development services through partial care facilities, to support early childhood development providers delivering an early childhood development program to meet basic health and safety requirements for registration and to pilot the construction of new low-cost early development centres.
- [13] To achieve this goal a specific purpose conditional grant was developed and published as a special purpose allocation in Schedule 5, Part A of the Division of Revenue Act, 4 of 2020 ("the Act").
- [14] The grant consists of two components, a subsidy component aimed at attending to the nutritional and stimulation needs of children, and an infrastructure component aimed at the development of low cost ECD centres.
- [15] The subsidy component that forms the subject matter of this application, is divided into three parts; nutrition, stimulation and administration.

- [16] Section 17 of the Act governs the purposing of the subsidy and provide that despite any other legislation to the contrary, an allocation referred to in schedule 4 to 7 may only be used for the purpose stipulated in the schedule concerned and in accordance with the applicable framework. The framework is published in terms of the provisions of section 16 of the Act.
- [17] The Framework for the year 2020/2021 was published In *Government Gazette* No. 434495 on 3 July 2020.
- [18] In terms of the published Framework, the Minister has the duty to monitor the utilization of the subsidy against the set outcomes and take appropriate action in cases of non-compliance with the framework, facilitate approval of the payment schedule, monitor project progress and compliance to conditional grant framework and review and update subsidy guidelines in relation to the subsidy.
- [19] The MECs are tasked with the processing of applications for the subsidies and the payment of the subsidies to successful applicants.
- [20] ECDs desirous of utilising the benefits of the subsidy, apply to the relevant Provincial Department of Social Development and once an application has been approved enter into a Service Level Agreement ("SLA") that regulates the terms of engagement relating to the payment and rights and obligations of each party.

- [21] *In casu* and due to COVID-19 it has not been possible for all approved ECDs to sign SLAs.
- [22] Although according to the applicants there were problems prior to lockdown in receiving the subsidies timeously, it seems that the much needed relief eventually reached the intended beneficiaries and ECDs were at least in a position to elevate some of the desperate needs of vulnerable children.
- [23] Since the dawn of lockdown and save for the Western Cape Province, the payment of the subsidies was either withheld in its entirety or only partially paid by the remainder of the provinces. In the Western Cape the provision of food was deemed as an essential service and ECDs' kitchens were allowed to remain open.
- [24] The full subsidies were paid to ECDs in the Western Cape and vulnerable children still received daily nutrition. Caregivers at the ECDs received their stipends and could at least provide for their families.
- [25] The effect the withholding of subsidies in the other provinces had on caregivers and the children is devastating.
- [26] The ongoing withholding of the payment of the subsidies will, according to Sibongile Mita Musah Adams, a qualified preschool practitioner and representative of the Soshanguve for Early Childhood Development Forum consisting of 210 Early Child

Development Centres in Soshanguve, Gauteng lead to the eventual closure of these facilities.

[27] Ms Adams stated the following in her affidavit:

"The devastation that will occur in the communities that we operate in should our establishments be closed would be unjust towards the children of the Soshanguve community. These children are vulnerable and subject to abuse. They're hungry and out on the streets. The meals they ate at schools were their main food for the day."

and

"Without being able to get our subsidies again, we will close. Some of our centres have 30 children and some have 200. There are about 250 of us. The collective impact will be that approximately 15 000 children will not be able to access ECDs in Soshanguve and thousands of practitioners will be out of work. We comply with norms and standards, we are well established, we feed thousands of children and we fill a vital role in the Soshanguve community. We urgently seek relief so that we can receive our subsidies and keep our centres alive."

[28] Another principal, Mpho Kutumela of the Bonang Day Care Centre in Soshanguve, Gauteng stated the following:

"During lockdown I see children roaming around and I ask what they are going to eat. ...We used to provide two balanced meals with snacks in between. If we do open how will we feed the children? Our monthly fees range from R 250-R 350 per child but many parents don't

have that. Creche fees could help but we won't get enough, without the subsidies I don't know what we are going to do."

[29] Similar outcries are reflected in the affidavits filed by:

29.1 Reverend Tembela Magadla, convenor of the Early Childhood Development sector in the Sarah Baartman District in the Eastern Cape;

29.2 Catharine Banyane, principal of the Busy Bee Creche and Play School in Soshanguve, Gauteng;

29.3 Mari van der Merwe, director of the NPO, Communities, Children and Responsible Care in Kwa-Zulu-Natal;

29.4 Dean Groenink, chief executive officer of the Feed the Babies Fund, KwaZulu-Natal.

[30] Although the Minister urged provinces to pay the full subsidies, the Minister denies that she has a duty to take action in cases of non-compliance with the Framework. In view of the express wording of the Framework, the Minister's stance is manifestly wrong.

[31] The Minister has a statutory obligation to take appropriate action in the event that the provinces fail to pay subsidies to ECDs.

[32] The MECs acknowledge that they have a statutory duty to pay the full subsidies allocated in terms of the provisions of the Act. Various reasons were proffered by the MECs for their failure to pay full subsidies to ECDs during lockdown, which reasons

have fallen by the wayside in view of the following express undertaking contained in the opposing affidavit filed on behalf of the MECs:

"29. Moreover, it is significant that on the implementation of alert level 2 and the return of children to ECDs all of the cited provinces have undertaken to reinstate the full allocation of the grant."

[33] In view of the express provisions of section 17 of the Act, the withholding of the subsidies / partial payment thereof was in clear breach of the MECs statutory obligations.

[34] Once again, one would have expected that the clear undertaking by the MECs will be the end of the matter. Unfortunately it is not.

[35] Although the MECs refer in their affidavit to a circular dated 29 May 2020 that advised the Provincial Heads of Social Developments Departments that *"the ECD sector had been informed that those EC Development Programmes that received funding through subsidy before 31 March 2020, shall continue to receive their funding in 2020/2021 financial year for the duration of the lockdown's alert levels"*, they have changed tact.

[36] In opposing the relief claimed herein, the MECs expressed the view that only "operational" ECDs will be entitled to the subsidy. This in turn places the ECDs in the poor communities in the invidious position that they cannot open without receiving the subsidy, but without opening they cannot receive the subsidy! In the result, the

very purpose of the subsidies, namely to provide nutrition and stimulation to children in underprivileged societies, is once again circumvented.

[37] This predicament seems to have either escaped the MECs or they simply do not care for the plight of poor young vulnerable children in their communities.

[38] In order to alleviate the suffering of these young children, the applicants had no choice but to persist in their application for a structural interdict.

Structural Interdict

[39] The relief pertaining to the structural interdict firstly envisages declaratory relief, to wit:

- "5. It is declared that all approved institutions providing early childhood development and partial care services (hereinafter jointly referred to as "approved ECDs), regardless whether or not they have resumed the provision of such services, are entitled to receive all subsidies, inclusive of all three components thereof, namely the nutritional, stimulation and administrative components (hereinafter "the subsidies"), in accordance with the allocation process conducted in terms of the Division of Revenue Act, Act 4 of 2020 ("Division of Revenue Act");*
- 6. It is declared that the first respondent ("the Minister") is under a constitutional and statutory duty to ensure that the subsidies are paid to approved ECDs to allow them to function so that they may provide nutrition and stimulation to infants and young vulnerable children, thereby promoting the rights of children to life, nutrition, social services, education and the enhancement of their development, whether they are*

attending qualifying ECD facilities or merely collecting food as a result of the COVID – 19 pandemic;

7. *It is declared that the Minister is in breach of that duty;*
8. *The Minister is ordered to ensure without delay that the subsidies are paid to approved ECDs to allow them to function so that they may provide nutrition and stimulation to infants and young vulnerable children, thereby promoting the rights of children to life, nutrition, social services, education and the enhancement of their development, whether they are attending qualifying ECD facilities or merely collecting food as a result of the COVID-19 pandemic;*
9. *It is declared that the second to ninth respondents (“the MECs”) are under a constitutional and statutory duty to implement the subsidies in their respective Provinces in such manner that it provides approved ECDs with the means to provide access to nutrition and stimulation to infants and young vulnerable children, thereby promoting the rights of children to life, nutrition, social services, education and the enhancement of their development, whether they are attending approved ECD facilities or merely collecting food as a result of the COVID – 19 pandemic;*
10. *It is declared that the MECs are in breach of that duty;*
11. *The MECs are ordered to forthwith implement the subsidies in their respective Provinces in such a manner that it provides approved ECDs with the means to provide access to nutrition and stimulation to infants and young vulnerable children, thereby promoting the rights of children to life, nutrition, social services, education and the enhancement of their development, whether they are attending qualifying ECD facilities or merely collecting food as a result of the COVID-19 pandemic;”*

[40] The structural interdict commences from prayer 12 and reads as follows:

12. *The Minister is ordered to file at this Court under oath, within five (5) days, and to provide copies to the applicants, a plan and programme which she will implement without delay so as to ensure that the MECs immediately carry out their duties referred to above, and which will address the following matters:*

12.1 *what steps she has taken to ensure that the MECs continue to provide access to nutrition and stimulation to infants and young vulnerable children by means of early childhood development and/or partial care services as provided by approved ECDs during the national state of disaster;*

12.2 *what further steps she will take in that regard; and*

12.3 *when she will take each such step.*

13. *The Minister is ordered to file reports with this Court under oath, and provide copies to all applicants, every fifteen (15) days from the date of this order until the order is discharged by this Court, setting out the steps she has taken to give effect to this order, when she took such steps, what the results of those steps have been, what further steps she will take, and when she will take each such step.*

14. *The MECs are each ordered to file at this Court under oath, within five (5) days, and to provide a copy to the applicants, a plan and programme which they will implement without delay so as to comply with their duties referred to above, and which will address the following matters:*

14.1 *when all approved ECDs that fall within their jurisdiction will receive subsidies to allow them to provide access to nutrition and stimulation to infants and young vulnerable children by providing early childhood development and/or partial care services and by the distribution of food;*

14.2 *what further steps they have taken to achieve that; and*

14.3 *what further steps they will take to implement that plan and programme, and*

14.4 *when they will take each such step.*

15. *The MECs are ordered to file reports under oath with this Court, and provide copies to the applicants, every fifteen (15) days from the date of this order, until the order is discharged by this Court, setting out the steps they have taken to implement the plan and programme, when they took such steps, and how many approved ECDs in the area of their jurisdiction are receiving the subsidies to provide access to nutrition and stimulation to infants and young vulnerable children.*

16. *The applicants may set this matter down for further hearing, or hearings by the Court, on these papers and the reports filed in terms of this order, supplemented to the extent necessary:*

16.1 *for a determination of whether the plans and programmes referred to above comply with the duties of the Minister and/or the MECs concerned as declared or set out in this order;*

16.2 *for a determination of whether the Minister and/or the MECs has complied with the order of this Court and/or with his/her duties as declared or set out in this order;*

16.3 *for further or alternative relief to ensure that the Minister and the MECs comply with their duties as declared or set out in this order."*

[41] In opposing the relief claimed in respect of a structural interdict, the Minister contended that no lawful basis for the interdict exists. According to the Minister she has complied with her duty in respect of the payment of subsidies by issuing a direction on 9 May 2020 which provided that *"[t]he department must continue to subsidise early childhood development centres or partial care facilities during the national state of disaster."*

- [42] From the evidence it is clear that the Minister's direction was not complied with and that she failed to take steps to rectify the non-compliance with the Framework.
- [43] The Minister has thus failed to comply with her statutory duty to take steps to address the non-compliance of the Act read with the Framework. The Minister's failure, furthermore, infringes on the children's rights entrenched in section 28(1)(c) of the Constitution that provides that every child has a right to *"basic nutrition, shelter, basic health care services and social services"*.
- [44] In the result, the applicants are entitled to a declarator against the Minister.
- [45] The MECs are of the view that the failure to pay the subsidies is an *"executive decision"* that must be reviewed and set aside. I do not agree.
- [46] The liability to pay subsidies is not an executive function, but a statutory obligation. The MECs failure to pay subsidies, furthermore, infringes on the children's rights entrenched in section 28(1)(c) of the Constitution that provides that every child has a right to *"basic nutrition, shelter, basic health care services and social services"*.
- [47] In *Equal Education and Others v Minister of Basic Education and Others* (22588/2020) [2020] ZAGPPHC 306 (17 July 2020), Potterill ADJP dealt with a similar right in respect of school children. At paragraph 45, Potterill ADJP stated the following:

[45] *The Court applied the negative obligation to protect the right to basic education in the matter of Governing Body of the Juma Masjid Primary School and Others v Essay NO and Others (Centre for Child Law and Other as Amici Curiae 2011 (8) BCLR 761 (CC)). The breach of this obligation 'occurs when there is a failure to respect the right, or indirectly, when there is a failure to prevent the direct infringement of the right by another or a failure to respect existing protection of the right by taking measures that diminish that protection'.¹ The Court further found that in diminishing an existing right there is an infringement of the obligation to respect, promote and fulfil the rights in the Bill of Rights contained in section 7(2) of the Constitution.*

[46] *The Minister and MEC's cannot take away the pre-existing right of basic nutrition of at least a meal a day during school terms.² Any deliberate retrogressive measure needs to be fully justified upon careful consideration with reference to the totality "of the rights provided for in the Covenant and in the context of the full use of the maximum available resources."³*

[48] In the result, the applicants are equally entitled to the declaratory relief claimed against the MECs.

[49] Having settled the legal principle underlying the relief claimed by the applicants, the MECs then contended that the wording of the interdict is vague and unenforceable. The vagueness pertains to the word "*approved*" ECDs contained in the prayers.

¹ Paragraphs 57 and 58.

² *Law Society of South Africa & Others v President of the Republic of South Africa & Others* 2019 (3) SA 30 (CC).

³ *Grootboom* at paragraph [45] quoting from the United Nations Committee on Social and Economic Rights General Comment 3, paragraph 9.

- [50] The applicants explained that they are not *au fait* with the terminology utilised by the MECs in describing the ECDs that are entitled to receive subsidies in terms of the Act.
- [51] In seeking to find a solution that will avoid children going hungry due to over technical objections, I implored Ms Pillay, counsel appearing for the MECs to assist in identifying the correct term that will result in an enforceable order.
- [52] Ms Pillay, no doubt on instructions from the MECs, refused. It is clear from the affidavit filed by the MECs that a list in respect of the ECDs that are entitled to receive the subsidy must exist. In fact and in terms of the Framework referred to *supra*, the MECs is legally obliged to do so. Under the heading: **Early Childhood Development Grant: Subsidy Component, the Responsibilities of provincial departments** include *inter alia* to “*Maintain a database on the status of full and conditional registration of all ECD centres and non-centre based programmes in the province that include the following basic information: ...*”.
- [53] The wording of the circular of 29 May 2020, referred to *supra* further confirms that the MECs know exactly which ECDs should receive subsidies, namely “*those EC Development Programmes that received funding through subsidy before 31 March 2020, shall continue to receive their funding in 2020/2021 financial year for the duration of the lockdown’s alert levels.*”

[54] In order to ensure that the MECs have no doubt to which ECDs the relief will apply, I will amend the wording of the prayers accordingly.

[55] I am, however, of the view that a structural interdict will not at present be necessary. Subsidies have been paid prior to the lockdown and the only problem that arose during the lockdown is the Minister and MECs misunderstanding of their respective statutory and constitutional obligations in respect of the payment of the subsidies. This misunderstanding will be addressed in the declaratory relief.

[56] In order to ensure compliance with the order, I will grant the applicants leave to approach the court on the same papers should the Minister and MECs fail in their respective duties. Such failure may in future lead to a structural interdict.

COSTS

[57] The applicants seek a punitive cost order against the Minister and the MECs.

[58] The Minister and the MECs persistent denial of their statutory and constitutional duties and obligations throughout the proceedings, is a serious cause for concern, more specifically if one takes the subject of the dispute into consideration.

[59] In *Buffalo City Metropolitan Municipality v Asla Construction (Pty) Ltd (CCT91/17)* [2019] ZACC 15; 2019 (6) BCLR 661 (CC); 2019 (4) SA 331 (CC) (16 April 2019) the court held at paragraph [60] as follows:

[60] *This court has repeatedly stated that the state or an organ of state is subject to a higher duty to respect the law. As Cameron J put it in Kirkland:*

'there is a higher duty on the state to respect the law, to fulfil procedural requirements and to treat respectfully when dealing with rights. Government is not an indigent or bewildered litigant, adrift in a sea of litigious uncertainty, to whom courts must extent a procedure=circumventing lifeline. It is the constitution's primary agent. It must do right, and it must do it properly.'

[60] In the opposing affidavits filed by the Minister and the MECs, the plight of caregivers and young children in ECDs as can be gleaned from the extracts of their affidavits referred to *supra*, was not dealt with. These desperate calls from ECDs that operate in the poorest of communities were simply ignored.

[61] To the contrary, the MECs stated the following in their opposing affidavit: *"Provinces did not leave children to go hungry. The applicants' allegations in this regard are sensational and ill-informed."*

[62] The remark is particularly hurtful and demeaning of the plight of *inter alia* Ms Adams and Ms Kutumela referred to *supra*. The other confirmatory affidavits similarly explained the plight of young vulnerable hungry children. These are the experiences of people at grassroot level, the very people the state is constitutionally obliged to serve. The absolute no-care arrogance with which these facts were met is in stark contrast with the *"higher duty on the state to treat respectfully when dealing with rights"*.

[63] In order to express my dismay at the attitude of the state herein, a punitive cost order will follow.

ORDER

[64] In the premises, I grant the following order:

1. It is declared that all institutions providing early childhood development and partial care services that received funding through subsidies before 31 March 2020, shall continue to receive their funding in the 2020/2021 financial year for the duration of the lockdown's alert levels ("ECDs"), regardless of whether or not they have resumed the provision of such services, inclusive of all three components thereof, namely the nutritional, stimulation and administrative components (hereinafter "the subsidies"), in accordance with the allocation process conducted in terms of the Division of Revenue Act, Act 4 of 2020 ("Division of Revenue Act").
2. It is declared that the first respondent ("the Minister") is under a constitutional and statutory duty to ensure that the subsidies are paid to ECDs to allow them to function so that they may provide nutrition and stimulation to infants and young vulnerable children, thereby promoting the rights of children to life, nutrition, social services, education and the enhancement of their development.
3. It is declared that the Minister is in breach of that duty.
4. The Minister is ordered to ensure without delay that the subsidies are paid to approved ECDs to allow them to function so that they may provide nutrition and

stimulation to infants and young vulnerable children, thereby promoting the rights of children to life, nutrition, social services, education and the enhancement of their development.

5. It is declared that the second to ninth respondents ("the MECs") are under a constitutional and statutory duty to implement the subsidies in their respective provinces in such manner that it provides ECDs with the means to provide access to nutrition and stimulation to infants and young vulnerable children, thereby promoting the rights of children to life, nutrition, social services, education and the enhancement of their development.
6. It is declared that the MECs are in breach of that duty.
7. The MECs are ordered to forthwith implement the subsidies in their respective provinces in such a manner that it provides ECDs with the means to provide access to nutrition and stimulation to infants and young vulnerable children, thereby promoting the rights of children to life, nutrition, social services, education and the enhancement of their development.
8. The first to ninth respondents are jointly and severally ordered to pay the costs of the application on an attorney-client scale, the one to pay the other to be absolved.



N. JANSE VAN NIEUWENHUIZEN

JUDGE OF THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

DATES HEARD PER COVID19 DIRECTIVES:

7th and 8th of October 2020

(TEAMS HEARING)

DATE DELIVERED PER COVID19 DIRECTIVES:

20th of October 2020

APPEARANCES

Counsel for the Applicants:

Advocate E.A. Lourens

Instructed by:

Van Wyk and Associates

Counsel for the First Respondent:

Advocate M. Moerane SC and

Advocate N. Muvangua

Instructed by:

State Attorney Pretoria

Counsel for the Second to

Ninth Respondents:

Advocate K. Pillay SC, Advocate R. Tulk and

Advocate M. Rantho

Instructed by:

State Attorney Pretoria