

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

Case No: CCT 300/24

Case No: CCT 306/24

In the application to be admitted as amicus curiae of

RECREATE ACTION

Applicant for admission as
amicus curiae

In re: the matter between:

BLIND SA



First Applicant

And

**PRESIDENT OF THE REPUBLIC OF SOUTH
AFRICA**

First Respondent

SPEAKER OF THE NATIONAL ASSEMBLY

Second Respondent

**CHAIRPERSON OF THE NATIONAL COUNCIL OF
PROVINCES**

Third Respondent

**MINISTER OF TRADE INDUSTRY AND
COMPETITION**

Fourth Respondent

**MINISTER OF INTERNATIONAL RELATIONS AND
COOPERATION**

Fifth Respondent

And

In the *ex parte* application of:

**PRESIDENT OF THE REPUBLIC OF SOUTH
AFRICA**

Applicant

In re: Constitutionality of the Copyright Amendment Bill and the Performers'
Protection Amendment Bill

NOTICE OF MOTION IN TERMS OF RULE 10(4)

KINDLY TAKE NOTICE that the Recreate Action hereby makes application to the above Honourable Court for an order in the following terms:

1. Admitting the Recreate Action as an *amicus curiae* in the consolidated applications of *Blind SA v President of RSA and Others* (CCT 300/24) and *Ex parte President of RSA* (CCT 206/24), in terms of Rule 10(4) of the Rules of this Court;
2. Granting the Recreate Action the opportunity to submit written argument and to present oral argument at the hearing of the consolidated applications;
3. Granting costs against any party opposing this application; and
4. Further and alternative relief.

KINDLY TAKE NOTICE FURTHER that the accompanying affidavit of **HIMAL BHUSHAN DEVNARAIN** will be used in support of this application.

KINDLY TAKE NOTICE FURTHER that the Recreate Action has appointed the offices of the Legal Resources Centre, 2nd Floor West Wing, Women's Jail, Constitution Hill, 1 Kotze Street, Braamfontein, Johannesburg as the physical address and shaatirah@lrc.org.za/ zahraa@lrc.org.za as the email address(es) at which it will accept notice and service of all documents in these proceedings.

KINDLY place this matter before the Chief Justice to be dealt with in terms of Rule 10 of the Constitutional Court Rules.

DATED at JOHANNESBURG on this 11 of November 2024


LEGAL RESOURCES CENTRE

Attorneys for Applicant for
Admission as Amicus Curiae

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WOMEN'S JAIL

CONSTITUTION HILL

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JOHANNESBURG

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Ref: S Hassim/ZMotani

TO: THE REGISTRAR OF THE CONSTITUTIONAL COURT
BRAAMFONTEIN

AND TO: SECTION 27

Attorneys for the Applicant in Case No. 300/24

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D Petherbridge

AND TO: THE STATE ATTORNEY, PRETORIA

Attorneys for the First and Fifth respondents

SALU BUILDING

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Pretoria

Ref: rsebelemetsa@jutsice.org.za; NMbata@jutsice.org.za

Attorneys for the Fourth respondent

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AND TO: THE STATE ATTORNEY, CAPE TOWN

Attorneys for the Second and Third respondents

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Ref: speer@parliament.gov.za

AND TO: THE STATE ATTORNEY

Attorneys for the Applicant in Case No. 306/24

Salu Building

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Pretoria

Ref: 0820/2021/Z64

Mr RJ Joseph Sebelemetsa

c/o STATE ATTORNEY JOHANNESBURG

Ref: rsebelemetsa@jutsice.org.za

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

Case No: CCT 300/24

Case No: CCT 306/24

In the application to be admitted as amicus curiae of

RECREATE ACTION

Applicant for admission as
amicus curiae

In re: the matter between:

BLIND SA

And

**PRESIDENT OF THE REPUBLIC OF SOUTH
AFRICA**

First Applicant

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SPEAKER OF THE NATIONAL ASSEMBLY

Second Respondent

**CHAIRPERSON OF THE NATIONAL COUNCIL OF
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**MINISTER OF TRADE INDUSTRY AND
COMPETITION**

Fourth Respondent

**MINISTER OF INTERNATIONAL RELATIONS AND
COOPERATION**

Fifth Respondent

And

In the *ex parte* application of:

**PRESIDENT OF THE REPUBLIC OF SOUTH
AFRICA**

Applicant

In re: Constitutionality of the Copyright Amendment Bill and the Performers'
Protection Amendment Bill

FOUNDING AFFIDAVIT IN APPLICATION FOR ADMISSION AS AMICUS CURIAE

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I, the undersigned:

HIMAL BHUSHAN DEVNARAIN

do hereby make oath and state that:

1. I am a member of the management committee of the applicant, ReCreate Action, which is a voluntary association with its place of business at 63 Craighall Road, Victory Park, Randburg.
2. I am duly authorized to depose to this affidavit and to institute this application on behalf of ReCreate Action.
3. ReCreate Action, in turn, brings this litigation on behalf of a number of the organizations that it is affiliated with. These organizations are described below.
4. The facts contained herein are, to the best of my knowledge, true and correct and, unless otherwise stated or indicated by the context, are within my personal knowledge.

INTRODUCTION

5. This is an application for the admission of ReCreate Action as *amicus curiae* in the consolidated applications listed above. ReCreate Action seeks leave to make both written and oral argument, in accordance with rule 10 of the Rules of the Constitutional Court.
6. On 4 November 2024, ReCreate Action wrote to the parties in case numbers CCT 300/24 and CCT 306/24, requesting their consent for its admission as *amicus curiae*. Given the tight timelines set out in the Constitutional Court's directions of 22 October 2024, ReCreate Action requested that the parties

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respond by close of business on 6 November 2024. A copy of this letter is attached hereto marked "BC1". At the date of deposing to this affidavit, the following responses have been received:

- 6.1. Section 27, on behalf of the applicant (Blind SA) in the application numbered CCT 300/24, consented to the admission of ReCreate Action as amicus curiae on the terms requested. A copy of this letter is attached hereto marked "BC2".
- 6.2. The State Attorney, Pretoria (on behalf of the President of RSA), stated that the President would abide by the Court's decision in relation to ReCreate Action's application for admission as an amicus curiae. A copy of this letter is attached hereto marked "BC3".
- 6.3. The State Attorney, Cape Town (on behalf of the Speaker of the National Assembly) responded that "to the extent that it is within our client's power, our client does not object" to ReCreate Action being admitted as an amicus curiae. A copy of this letter is attached hereto marked "BC4".
7. Responses have not been received from the remaining respondents. As such, ReCreate Action makes this application for admission as *amicus curiae* by the Court (and directions as to the terms and conditions thereof) in accordance with Rule 10.
8. In what follows, I briefly describe ReCreate Action and its particular interest in this consolidated matter. Thereafter I describe the submissions that ReCreate Action will seek to advance if admitted and their relevance to the proceedings.

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RECREATE ACTION'S INTEREST IN THIS MATTER

9. ReCreate Action is:

9.1. a voluntary association with a membership consisting of organisations and individuals working as teachers, writers, actors and performers, film producers, film directors, photographers, educational content producers, software and video game developers, technology entrepreneurs, artists, producers of accessible format materials, researchers, librarians, and other South African creators and users of culture and knowledge; and

9.2. a leading civil society movement in South Africa working with government and other stakeholders to support the broader copyright reform process, in the interest of South Africans.

10. A copy of the Constitution of ReCreate Action is annexed as "BC5".

11. To the best of my knowledge, ReCreate Action is the only organisation in South Africa (and Africa) that represents, and has as affiliates, groupings of both creators and users of copyrighted works. It represents the following organisations (with which ReCreate Action is affiliated) in this litigation:

11.1. The South African Democratic Teachers Union ("**SADTU**"), which is the largest trade union in the basic education sector in South Africa, representing over 250 000 teachers and other education workers. These are the people who educate the vast majority of South Africa's young people.

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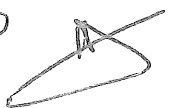
- 11.2. The South African Guild of Actors ("**SAGA**"), which is a registered Non-Profit Organisation and the only organisation representing actors in the film, television, live theatre, voice overs, commercials and corporate sectors in South Africa. SAGA is an advocacy group for, amongst other things, fair regulation of the creative sector.
- 11.3. The Directors Association Africa ("**IDAA**"), which implements policies and programs for (amongst other things) the economic and educational development and growth of film and TV directors, directors of photography and "below the line crew members" in South Africa and Africa.
- 11.4. Library and Information Association of South Africa ("**LIASA**"), which is a professional body representing 2000 librarians. It is committed to maintaining high standards in the library and information services ("**LIS**") sector, advocating for the interests of LIS practitioners across South Africa.
- 11.5. The Authors Alliance, which campaigns on behalf of its South African members to advance the interests of authors in academia and beyond, who want to serve the public good by sharing their creations broadly. Authors Alliance creates resources to help authors understand and enjoy their rights and promotes policies that make knowledge and culture available and discoverable.
- 11.6. The Committee for Higher Education Libraries of South Africa ("**CHELSA**"), which is a consortium of heads of libraries of the twenty-six (26) public higher education institutions in South Africa, two (2) research

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councils and the National Library of South Africa. CHELSA is a registered non-profit organisation (140-828-NPO) representing the interests of these libraries in the sector.

- 11.7. Creative Commons South Africa, a chapter of the Creative Commons Global Network, which provides tools and licences to copyright owners to legally allow others to reuse, share, and remix their material.
- 11.8. The National Professional Teachers' Organisation of South Africa ("**NAPTOSA**"), a teachers' union open to any education sector employee in the Republic of South Africa. NAPTOSA aims to promote, protect and maintain the rights, status and interests of teachers and to advance quality education in South Africa.
- 11.9. The Higher and Further Education Disability Services Association ("**HEDSA**"), which is registered as an NPO under the Department of Social Development. It does advocacy work, representing higher education institutions including 26 universities, 50 Technical Vocational Education and Training colleges ("**TVETs**") and 12 Community Education and Training colleges ("**CETs**"), and assists in the development of disability projects and programmes.
- 11.10. Music Makers United ("**MMU**"), which is a collective of musicians and industry players interested in (i) the regulation of intermediaries that collect royalties and (ii) the support of musicians through legislative reform and other interventions.

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11.11. The South African Finishing Artists and Imaging Technicians Society (“**SAFAITS**”), which represents Digital Intermediate Colourists, Digital Imaging Technicians, Online Editors, VFX Artists, Compositors, Quality Control and Delivery Editors who play a crucial role in ensuring the visual quality of South African film, TV, and digital media.

11.12. The Southern African Regional Universities Association, which was established in 2005 as a membership-based association for the 66 public universities in the 15 countries of the Southern African Development Community (“**SADC**”). SARUA aims to assist in the general revitalization of higher education in Southern Africa.

11.13. Data Science for Social Impact (“**DSFSI**”), which is based at the University of Pretoria, and works to ensure Data Sciences serve our broader society and the public interest.

11.14. Wikimedia South Africa, which is the non-profit chapter for Wikipedia editors in South Africa. The chapter represents the over 500 volunteer Wikipedia editors, across all South African language versions of the free online encyclopedia and Wikipedia’s open-knowledge sister projects in the country.

11.15. The Wits Centre for Deaf Studies (“**SANDA**”) aims to develop globally competitive standards of excellence in the training of teachers of the Deaf, provide equitable learning, and research in the field of Deaf Education. In addition to working with teachers of the Deaf, they aim to equip parents of Deaf children, and the greater Deaf community with the

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necessary knowledge and skills to foster equal opportunities for the South African Deaf Community.

11.16. The Association for Progressive Communications ("**APC**") is a global network of 71 organisational members, founded in 1990. APC's mission is to strengthen collective organising towards building a transformative movement to ensure that the internet and digital technologies enable social, gender and environmental justice for all people.

11.17. The South African National Deaf Association ("**SANDA**") is a leading independent not-for-profit public benefit, national advocacy and consumer organization founded 2004, managed by Deaf people with 25 affiliated local Deaf associations throughout the country representing 4 million Deaf and hard of hearing people.

12. Letters confirming that ReCreate Action is authorised to litigate on behalf of these affiliates are attached hereto marked "BC6", "BC7", "BC8", "BC9", "BC10", "BC11", "BC12", "BC13", "BC14", "BC15", "BC16", "BC17", "BC18", "BC19", "BC20", "BC21", "BC22"
13. ReCreate Action's key objective is to promote the interests of South Africans and the public interest in South Africa, especially with regards to copyright legislation. It was established to advocate for a balance between copyright that protects modern creators' rights and users of copyrighted works.
14. To this end, ReCreate Action has been actively following and engaged in the copyright law reform process, and has advocated for the adoption of the

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Copyright Amendment Bill ("**the Bill**"), which is the subject matter of the consolidated application.

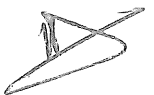
15. Therefore, the issues raised in the applications that have been consolidated before this Court fall squarely within the scope of Recreate Action's expertise and areas of work. Recreate Action's understanding of the meaning and impact of the current Act and the Bill, on (i) creators and (ii) access to copyrighted works for education and other purposes, will be of assistance to the Court in determining the Bill's constitutionality.
16. ReCreate Action's interest in these issues is underscored by the fact that it has been involved in earlier litigation on these issues. In 2021, Blind SA (the applicant under CCT 300/24), instituted an application to challenge the constitutionality of the Copyright Act and to seek an order enacting certain provisions of the Bill into law (to cure that unconstitutionality). Recreate Action applied to be admitted as an *amicus curiae* in the High Court and made submissions to that Court.

THE SUBMISSIONS THAT RECREATE ACTION SEEKS TO MAKE

17. If admitted, ReCreate Action will make submissions in relation to the constitutionality of the Bill and the need for the Bill to be finally signed into law. In particular, ReCreate Action will draw on domestic and international law to address the following issues that arise in the President's *ex parte* application (CCT 306/24):

- 17.1. ReCreate Action will show that the specified provisions of the Bill (which the President has highlighted as being concerning) are constitutionally

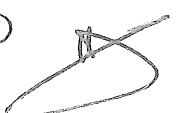
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sound. Not only are they sound, but these provisions are necessary in order for the State to comply with its obligations to respect, protect, promote and fulfil a number of rights in the Bill of Rights, as well as its obligations under international law.

- 17.2. To the extent that any of the provisions highlighted by the President may limit the constitutional right to property (of any person owning copyright), ReCreate Action will show that such limitation is justified under section 36 of the Constitution. It is justified when the following is weighed and considered: the need for the exchange of information and ideas, the promotion of innovation, access to education, the choice of a trade or profession to generate a livelihood, and the underlying constitutional values of dignity and equality.
- 17.3. ReCreate Action will show that exceptions to exclusive rights in copyright have been integral to the field since its inception, that every copyright law has exceptions to meet a variety of public interest purposes, and that international law permits and requires such exceptions. ReCreate Action will specifically demonstrate the prevalence of exceptions worded similarly to those in sections 12A - 12D in other open and democratic societies, including the 19 countries that have or are considering open general exceptions in their copyright laws similar to section 12A. It will also show that courts in other jurisdictions have found such exceptions necessary to meet fundamental rights obligations.
- 17.4. Importantly the Copyright Act of 1978, as it presently stands, suffers several constitutional deficiencies. It:

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- 17.4.1. does not permit uses of works to the degree required for freedom of expression. This violates the right to receive and impart information (which is a component of the right to freedom of expression);
- 17.4.2. inhibits access to educational materials in the modern world, including through the digital environment. This violates the right to equal access to basic and further education for all, including in languages of the students' choice;
- 17.4.3. does not allow for materials to be translated into under-served languages, in violation of rights to use languages of one's choice and participate in cultural life;
- 17.4.4. does not give recognition to the rights of authors, performers, and other creators to fair remuneration and fair contract terms, as needed to promote the right to dignity and the principle of decent work; and
- 17.4.5. does not allow libraries and museums to perform important tasks to support the rights to education and culture, including digitising collections (such as those relating to legal deposit libraries, special and cultural heritage collections and priceless African treasures).
- 17.5. In light of the above, the Act does not balance the rights of creators and the users of copyright, but rather disregards the rights of both groups. As such, the rights of both groups are unjustifiably infringed.

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17.6. These constitutional shortcomings are in addition to the current Act's unconstitutional discrimination against persons with visual and print disabilities, on which the Constitutional Court has already pronounced.

17.7. The President has expressed concerns with the new sections 6A, 7A, and 8A, as contemplated in the Bill. ReCreate Action will show that:

17.7.1. These provisions will provide appropriate safeguards for authors of copyright works. The ability of authors to retain royalties in works when they are no longer owners of such works is designed to incentivise creativity and innovation.

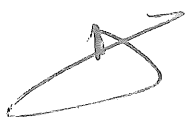
17.7.2. In addition, those provisions leave appropriate choices in the hands of authors, and include options for agreements providing for deviations from the default position. They also exclude from their ambit authorship within the scope of one's employment.

17.7.3. Accordingly, there is no deprivation of property, and certainly no arbitrary deprivation. Instead, the original author of the work is provided with a statutory power to retain an aspect of that work, in the form of a royalty right, which the author may opt out of.

17.7.4. In response to the President's concerns that the provisions are retroactive, ReCreate will clarify that the provisions do not apply to income received prior to the effective date of the Act.

17.7.5. To the extent there is any limitation of a right in the Bill of Rights by the fair royalty provisions, ReCreate will show that these provisions serve important public purposes and are similar to

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policies adopted in other open and democratic societies, including in recent policy changes in the European Union.

17.8. The President also expresses concerns about the proposed new sections 12A to 12D, which enact a variety of limitations and exceptions to exclusive copyright, with such exceptions and limitations being modelled on provisions in other countries.

17.8.1. Recreate will show that these are ordinary limitations and exceptions to exclusive rights that are common in other countries and indeed present in some form in every copyright law.

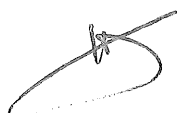
17.8.2. They are not only in line with international trends, but are necessary to promote a range of rights in the Bill of Rights, including the right to receive and impart information, and the right to basic education (an "immediately realisable" right which is intricately linked to the best interests of children principle).

17.9. Similarly, the new proposed sections 19B and 19C, with which the President is concerned, are not only justifiable but necessary.

17.9.1. The former is designed to ensure that South Africans can reverse engineer computer programmes to develop new applications and software compatible with those programmes. Absent this ability, copyright protections will largely bar South Africans from participating in the growing digital economy.

17.9.2. The latter is concerned with affording rights for libraries for education and non-commercial purposes.

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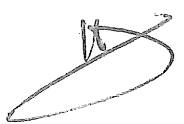


18. ReCreate Action will also make submissions in relation to Blind SA's application under case number CCT 300/24. That application relates to the failure to cure the constitutional invalidity declared by the Constitutional Court in previous litigation (initiated by Blind SA). ReCreate Action participated in that litigation as an *amicus curiae* at the High Court stage.
19. In relation to Blind SA's application, ReCreate Action will underscore the necessity of all the limitations and exceptions in the Bill for all people, including people who are blind or visually impaired who, in addition to needing accessible format materials, also need rights to use educational materials, translated materials, materials from libraries, and other resources protected by the Bill's provisions.
20. In respect of the matter referred by the President under case number 306/24, ReCreate Action's view is that its role as an *amicus curiae* would be particularly apposite and of use to the Court. A referral application in terms of section 79 of the Constitution is a unique process, wherein there may not, as a matter of course, be a party or parties assisting the Court in submissions about the constitutionality of the provisions with which the President is concerned. For that reason, and given the unique role and perspective of ReCreate Action, and the wide interest of its affiliates, ReCreate Action is well-placed to assist that Court in respect of the referral.

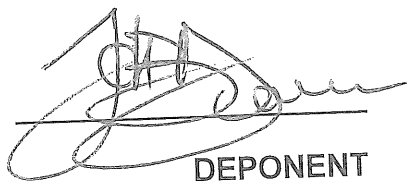
CONCLUSION

21. I respectfully submit that the submissions that ReCreate Action seeks to advance are:

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- 21.1. Directly relevant to the issues arising in the consolidated applications and helpful to the Court in determining the matter; and
- 21.2. Distinctive, in that they will not repeat submissions which are contained in the other parties' heads of argument. In this regard, the application brought by Blind SA is primarily concerned with section 19D of the Bill. ReCreate Action's proposed submissions will go beyond this and address the additional provisions discussed above. ReCreate Action has a direct interest and expertise in relation to the subject matter of those provisions (which include provisions that benefit creators and users). ReCreate Action is best placed to make these submissions and assist the Court in relation to these issues.
22. In the circumstances, ReCreate Action prays for an order in terms of the Notice of Motion, admitting it as amicus curiae to advance written and oral legal argument in this matter.


DEPONENT

SIGNED and SWORN to BEFORE ME at Johannesburg on this 11 day of November 2024, the deponent having acknowledged that they know and understand the contents of this affidavit, that they have no objection to taking the prescribed oath and that they consider the said oath to be binding on their conscience.

Name: Nathamba Spangisa
Commissioner of Oaths
Admitted Attorney - RSA
2 Kotze Street, Woman's Jail, East Wing,
Constitution Hill, Braamfontein, 2017
Tel (011) 403-7182 Fax: (011) 403-5609
Sign: 



JOHANNESBURG/NATIONAL OFFICE
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info@lrc.org.za

Our Ref: S DASS/ S HASSIM

4 November 2024

TO: SECTION 27

Attorneys for the Applicant: BLIND SA
Per email: petherbridge@section27.org.za
REF: D PETHERBRIDGE/ Z SUJEE

TO: THE STATE ATTORNEY-PRETORIA

Attorneys for:
The President of South Africa,
Minister of International Relations and Co operation
First and Fifth respondents
Per email: NMbata@justice.gov.za

Minister of Trade, Industry and Competition,
Fourth Respondent
Per email: PGPillay@justice.gov.za

TO: THE STATE ATTORNEY-CAPE TOWN

Attorneys for:
The Speaker of the National Assembly
Chairperson of the National Council of Provinces
Second and Third Respondents
Per email: speer@parliament.gov.za

Dear Madams / Sirs,

NOTICE OF INTENTION AND REQUEST FOR CONSENT TO ENTER AS AMICUS CURIAE IN THE CONSOLIDATED MATTERS IN *BLIND SA v THE PRESIDENT OF SOUTH AFRICA AND OTHERS* CCT 300/24 AND *EX PARTE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA* CCT 306/24

1. We write to you on behalf of ReCreate Action for the purpose of obtaining your respective clients' consent for ReCreate Action's admission as *amicus curiae* in the above matters.

Legal Resources Centre South Africa NPC

Registration No. 2022/410419/08

PBO No. 930077643

NPO No. 290-199

www.lrc.org.za

N.J.S. A handwritten signature in dark ink, appearing to be 'N.J.S.' followed by a stylized flourish or signature mark.

2. ReCreate Action, if admitted by the Court, intends to make written and oral legal submissions.
3. Below is a brief description of ReCreate Action's interest and an outline of the subject-matter of the legal submissions that will be made if it is admitted as *amicus curiae*.

Interest in the matter

4. ReCreate Action is a Voluntary Association with a membership consisting of organisations and individuals working as writers, filmmakers, photographers, educational content producers, software and video game developers, technology entrepreneurs, artists, poets, producers of accessible format materials and other South African creators.
5. ReCreate Action is a leading civil society movement in South Africa working with government and other stakeholders to support the broader copyright reform process, in the interest of South Africans.
6. To the best of its knowledge, ReCreate Action is the only organisation in South Africa (and potentially in Africa) that represents and has as affiliates groupings of both authors and users of copyright. By way of example, its affiliates include the South African Guild of Actors, as well as the South African Democratic Teachers Union. ReCreate Action's key objective is to promote the interests of South Africans with regards to copyright legislation. It was established to advocate for a balance between copyright that protects modern creators' rights and users of copyright.
7. To this end, ReCreate Action has been actively following and engaged in the copyright law reform process, and has advocated for the adoption of the Copyright Laws Amendment Bill ("**the Bill**"), which is the subject matter of the consolidated application.
8. In 2021, when Blind SA, the applicant under CCT 300/24, instituted an application to challenge the constitutionality of the Copyright Act, and to seek an order enacting certain provisions of the Bill into law (to cure that unconstitutionality), ReCreate Action was admitted as an *amicus curiae* in the High Court.
9. In light of the issues raised in both of the applications consolidated before the Constitutional Court, ReCreate Action will seek admission as an *amicus curiae*. ReCreate Action is of the view that its understanding of the import of the current Act, and the Bill, on creators and on access to copyright for education and other purpose for users will be of assistance to the Court in determining the Bill's constitutionality. ReCreate Action will ensure that its submissions are relevant and will not repeat submissions which contained in the parties' heads of argument.

ReCreate Action's Submissions to be advanced

10. If admitted ReCreate Action would like to make written and. oral submissions in relation to the constitutionality of the Bill and the need for the Bill to be finally signed into law.
11. In particular, Recreate Action intends to make submissions on the domestic and international legal positions in relation to the following issues.
12. Insofar as the President's referral under case number 306/24 is concerned, ReCreate Action wishes to illustrate that the provisions of the Bill with which the President appears concerned are not only constitutionally sound, but are necessary for the State to comply with its obligations to respect, protect, promote and fulfil a number of rights in the bill of rights. To the extent that any of the provisions with which the President is concerned may constitute a limitation on the right to property of any person owning copyright, ReCreate Action will show that the need the exchange of information and ideas, the promotion of innovation, access to education, and the underlying constitutional values of dignity and equality render mean that such limitation will be justified under the limitations provision in section 36 of the Constitution.
13. Importantly the Copyright Act, at present, suffers several constitutional deficiencies.

The Act:
 - 13.1 does not permit uses of works to the degree required for freedom of expression, in violation of the right to receive and impart information;
 - 13.2 inhibits access to educational materials in the modern world, including through the digital environment, in violation of the equal right to basic and further education for all, including in languages of the students' choice;
 - 13.3 does not allow for materials to be translated into underserved languages, in violation of rights to use languages of one's choice and participate in cultural life; and
 - 13.4 does not give recognition to the rights of authors, performers, and other creators to fair remuneration and fair contract terms, as needed to promote the right to dignity and the principle of decent work.
14. Because of these deficiencies, there is no balancing of rights between creators and users of copyright groups but rather a disregard for the rights of both groups. As such an unconstitutional infringement has occurred for both users and creators of copyright.
15. Notably, these constitutional shortcomings are in addition to the current Act's unconstitutional discrimination against persons with visual and print disabilities, on which the Constitutional Court has already pronounced.

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16. The President has expressed concerns with provisions of the new sections 6A, 7A, and 8A, as contemplated in the Bill. However, those provisions will provide appropriate safeguards for authors of copyright works. The ability of authors to retain royalties in works when they are no longer owners is designed to result in the incentivisation of creativity and innovation.
17. In addition, those provisions leave appropriate choices in the hands of authors, and include options for agreements providing for deviation from the default position. They also exclude from their ambit authorship within the scope of one's employment.
18. Accordingly, there is no deprivation of property, and certainly no arbitrary deprivation. Instead, the original author of the work is provided with a statutory power to retain an aspect of that work, in the form of a royalty right, which the author may opt out of.
19. The President also expresses concerns about the proposed new sections 12A to 12D. However, these are ordinary fair use exceptions to the protections afforded by copyright. They are not only in line with international trends, but are necessary to promote a range of rights in the Bill of Rights, including the right to receive and impart information, and the right to basic education (an "immediately realisable" right which is intricately linked to the best interests of children principle).
20. Similarly, the new proposed sections 19B and 19C, with which the president also remains concerned, are critically needed provisions. The former is designed to ensure that South African can reverse engineer computer programmes in order to be able to develop new applications and software compatible with those programmes. Absent this ability, copyright protections will largely bar South Africans from participating in the growing digital economy. The latter is concerned with affording rights for libraries for education and non-commercial purposes.
21. In addition, ReCreate Action wishes to make submissions in relation to the application under case number 300/24. That application relates to the failure to cure the constitutional invalidity pronounced on by the Constitutional Court in previous litigation initiated by the same applicant, Blind SA. As noted, ReCreate Action participated in that litigation at the High Court stage, as an *amicus curiae*. In relation to this part of the now consolidated application, ReCreate Action wishes to underscore the import of South Africa's obligations to incorporate international law, and the continued harm suffered people with visual and print disabilities by virtue of the failure to remedy the defects already identified by the Constitutional Court.

Request for parties' consent

22. Accordingly ReCreate Action requests your written consent for it to be admitted as *amicus curiae* in terms of Rule 10 of the Constitutional Court Rules.

N.J.S. 

23. In light of the timeframes set out in the Constitutional Court's directions of 22 October 2024, we ask that you please advise us by close of business on 6 November 2024 if your client consents to ReCreate Action being admitted as *amicus curiae*. Kindly email your response to Shaahirah@lrc.org.za.

Yours faithfully,



LEGAL RESOURCES CENTRE
PER: Shaahirah Hussim-ATTORNEY

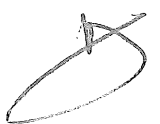
Legal Resources Centre South Africa NPC

Registration No. 2022/410419/08

PBO No. 930077643

NPO No. 290-199

www.lrc.org.za

N.J.S. 

To: Shaatirah Hassim
Legal Resources Centre
Attorneys for ReCreate Action
2nd Floor, West Wing, Women's Jail
Constitution Hill, 1 Kotze Street
Braamfontein, Johannesburg

Email: shaatirah@lrc.org.za

And to: The State Attorney, Pretoria
Attorneys for the First, Fourth and Fifth Respondents

Email: rsebelemetsa@justice.gov.za
ramatics@gmail.gov.za
PGPillay@justice.gov.za
NMbata@justice.gov.za

And To: The State Attorney (Cape Town)
Attorneys for the Second and Third Respondents

Email: LeRaphasha@justice.co.za

CC: speer@parliament.gov.za /
zngoma@parliament.gov.za

6 November 2024

Your ref: S Dass/ S Hassim

Dear Ms Shaatirah,

**Re: NOTICE OF INTENTION AND REQUEST FOR CONSENT TO ENTER AS
AMICUS CURIAE IN THE CONSOLIDATED MATTERS IN *BLIND SA v THE
PRESIDENT OF SOUTH AFRICA AND OTHERS* CCT 300/24 AND *EX PARTE
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA* CCT 306/24**

1. Your letter dated 4 November 2024 refers.
2. On instruction from our client, we hereby consent to your client's intervention as *amicus curiae* in the matter *Blind SA v President of the Republic of South Africa & Others* (CCT 300/24), which shall include the making of written and oral submissions related hereto as described in your letter.

Yours sincerely,

SECTION27

Per: Demichelle Petherbridge

(submitted electronically without signature)



Office of the State Attorney Pretoria

Private Bag X 91
PRETORIA
0001

Docex: 298

316 Salu Building
Cnr Francis Baard & Thabo Sehume Str
Ground Floor
Entrance Thabo Sehume Street
Pretoria

Tel: (Switchboard): 012 309 1500
(Direct Line): 012 309 1623
(Cellphone): 071 870 2442
(Secretary): 012 309 1539

Fax (General) 012 309 1649/50
(Personal) 086 507 1910

04 NOVEMBER 2024

Enquires: Mr R.J Sebelemetsa
Email: rsebelemetsa@justice.gov.za

My Ref: 0820/2021/Z64
Your Ref: S DASS/ S HASSIM

ATT: MS SHAATIRAH HASSIM
EMAIL: Shaahirah@lrc.org.za

LEGAL RESOURCES CENTRE

RE: BLIND SA // PRESIDENT OF RSA AND 4 OTHERS: CASE NO: CCT 300/24

1. We confirm receipt of your letter dated the 04th instant.
2. We have taken instruction on your client's request for consent to be admitted as an *amicus*.
3. Be informed that the First Respondent will abide by your application for intervention as an *amicus* which application must be made before Constitutional court.

Best regards,

MR R.J (JOSEPH) SEBELEMETSA
FOR THE STATE ATTORNEY (PRETORIA)



Office of the State Attorney Cape Town

PRIVATE BAG X 9001
CAPE TOWN
8000

4TH FLOOR,
22 LONG STREET,
CAPE TOWN

TEL: (SWITCHBOARD): (021) 441 9200
(DIRECT LINE): (021) 441 9304
(SECRETARY): (021) 441 9215

FAX: (021) 421 9364

DOCEX: 156

DATE: WEDNESDAY, 06 NOVEMBER 2024

ENQ: RAPHASHA LERATO AUGUSTINE
EMAIL: LeRaphasha@justice.gov.za
TWareley@justice.gov.za

OUR REF: 1761/24/P25

ATT: Dario Milo
Per e-mail: dario.milo@webberwentzel.com

ATT: Shaatirah Hassim
Per e-mail: Shaatirah@lrc.org.za

ATT: David Feinberg
Per e-mail: davidf@rf-law.co.za

ATT: Tina Power
Per e-mail: tina.power@powerlaw.africa

Dear Sirs/ Madams

**Ex Parte President of the Republic of South Africa: Constitutionality of the
Copyright Amendment Bill (Case No: CCT 306/24)**

1. We refer to the above matter and your clients' applications to be admitted as *amici*.
2. We have obtained instructions with regards to your client's requests.
3. This letter serves as a confirmation that, to the extent that it is within our client's power, our client does not object, to your clients being admitted as *amici*.

N.J.S.

Yours faithfully
RAPHASHA LERATO AUGUSTINE
for STATE ATTORNEY CAPE TOWN

N.J.S. 

CONSTITUTION OF RECREATE ACTION

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Clause Heading

1. Background
2. Name
3. Objectives
4. Legal Status
5. Non Profit Distributing Character
6. Powers
7. Members
8. Structure of the Association
9. Financial Matters
10. Amendments to the Constitution and Dissolution
11. Indemnity
12. Disputes

Schedule A: Requirements of the Commissioner for the South African Revenue Service
for Exemption from Taxes and Duties

Schedule B: General Administrative and Investment Powers

Schedule C: Schedule of Initial Members

1. BACKGROUND

The mission of ReCreate Action is to protect and promote the rights of people in South Africa affected by copyright reform, including creators and users of copyrighted materials such as teachers, learners, researchers, journalists, creatives, performers, activists and many others.

ReCreate Action is particularly focused on the right to education, the right to freedom of expression and the rights which allow creatives in South Africa to participate in the economy.

2. NAME

The name of the Association is ReCreate Action (hereafter referred to as the "Association").

3. OBJECTIVES

3.1 The Association is a public, non-profit organisation established for the following overarching objectives:

- a. **To protect and promote the right to access to education**
- b. **To protect and promote the right to freedom of expression**
- c. **To protect and promote the rights of creators of copyright material**
- d. **To promote a balanced approach to copyright, which supports access to knowledge**

The Association directs these aims to primary areas of action:

3.2 The Association exists to defend the interests of hundreds of thousands of people making up its member organisations.

3.3 It draws on ten years of experience and expertise of ReCreate South Africa in promoting copyright reform through activism, legal research and opinions, parliamentary submissions, global research and networking.

4. LEGAL STATUS

The Association is a body corporate with its own legal identity which is separate from its individual members. The Association shall continue to exist even if the members change. The Association may own property, enter into contracts, and sue or be sued in its own name.

5. NON-PROFIT DISTRIBUTING CHARACTER

5.1 The income and property of the Association shall be used solely for the promotion of its stated objectives. The members and the office-bearers shall have no rights to the property or other assets of the Association solely by virtue of them being members or office-bearers. No portion of the income or property of the Association shall be paid or distributed directly or indirectly to

any person (otherwise than in the ordinary course of undertaking any public benefit activity) or to any member of the Association or Management Committee, except as:

- 5.1.1 reasonable compensation for services actually rendered to the Association;
- 5.1.2 reimbursement of actual costs or expenses reasonably incurred on behalf of the Association.
- 5.2 Upon the dissolution of the Association, after all debts and commitments have been paid, any remaining assets shall not be paid to or distributed amongst members, but shall be transferred by donation to some other non-profit organisation which the Management Committee (and failing which any division of the High Court) considers appropriate and which has objectives the same or similar to the objectives of the Association; and should the Association become an approved public benefit organisation:
 - 5.2.1 is a similar public benefit organisation which has been approved in terms of section 30 of the Income Tax Act, or
 - 5.2.2 any institution, board or body which is exempt from tax under the provisions of section 10(1)(cA), which has as its sole or principal object the carrying on of any public benefit activity, or
 - 5.2.3 any department of state or administration in the national or provincial or local sphere of government of the Republic contemplated in section 10(1)(a) or (b).
- 5.3 The Association may elect to apply to the Commissioner for the South African Revenue Service exemption from appropriate taxes and duties. In compliance with the provisions of the Income Tax Act, the provisions set out in the attached Schedule A shall bind the Association and qualify this Constitution.

6. POWERS

The Association, acting through its Management Committee, or at General Meeting, shall have all the powers necessary for it to carry out its stated objectives effectively. Such powers shall include, but not be limited to, the General Investment and Administrative Powers set out in the attached Schedule B.

7. MEMBERS

- 7.1 The initial membership shall be those persons whose names and signatures appear on the attached Schedule C.

7.2 The Management Committee may admit further members from time to time:

7.2.1 Subject to due compliance with any conditions of membership which the Management Committee may stipulate from time to time; and

7.2.2 In accordance with the following criteria:

Voting members means members who are permitted to vote on decision of the Association at ordinary meetings and at the Annual General Meeting.

Non-voting members will not have the right to vote on decisions relating to the management of the Association whatsoever. Non-voting members may be natural and juristic persons who request membership status from the Management Committee.

Voting members shall be individuals who are members of the Management Committee.
Non-voting members shall be any and all employees of the Association.

7.3 The Management Committee may suspend or terminate the membership of any member provided that:

7.3.1 At least (14) fourteen days prior written notice is given to all members of the Management Committee of the intention to terminate a membership; and

7.3.2 At least (14) fourteen days prior written notice is given to the member concerned. The notice shall invite the member to make written or verbal representations to the meeting as the member may consider appropriate.

7.4 The decision of the Management Committee to admit an applicant to membership, or to suspend or terminate a membership shall lapse unless confirmed by a resolution of two thirds of the members of the Association present at the next General Meeting.

8. STRUCTURE OF THE ASSOCIATION

8.1 The Management Committee

8.1.1 Powers

8.1.1.1 The affairs of the Association shall be controlled and managed by the Management Committee.

8.1.1.2 Management Committee members shall be members of the Association.

8.1.2 Composition

8.1.2.1 The Management Committee shall comprise at least three (3) but not more than seven (7) members. The membership of the Management Committee shall comprise at least:

8.1.2.1.1 the Chairperson;

8.1.2.1.2 the Treasurer;

8.1.2.1.3 the Secretary;

8.1.2.2 The Management Committee may co-opt up to ten (10) additional non-voting members as it may consider appropriate from time to time to conduct work on behalf of the Management committee. The co-opted members shall serve for such period as the Management Committee considers appropriate.

8.1.3 Management Committee Member Vacating Office

8.1.3.1 The office of a Management Committee member shall be vacated if a member:

8.1.3.1.1 resigns; or

8.1.3.1.2 becomes unfit and/or incapable of acting as such;

or

8.1.3.1.3 would be disqualified, in terms of the Companies Act or equivalent legislation in force from time to time, from acting as a Director of a Company;

or

8.1.3.1.4 is removed by the Management Committee, by resolution adopted by at least two-thirds (2/3) of its members in office from time to time, being not less than the required minimum of two-thirds (2/3). The Management Committee shall not be obliged to furnish reasons for its decision/s regarding removal except to the member removed and to the members of the Association in General Meeting.

8.1.3.2 Should a position on the Management Committee fall vacant, the Management Committee, by resolution adopted at least two-thirds (2/3) of its members, may

(and if the vacancy reduces the number of members to less than two [2], shall) co-opt a member/s to fill the vacancy/ies, temporarily. The office of any person so co-opted as member of the Management Committee shall lapse unless confirmed by resolution of members at the next General Meeting.

8.1.4 Procedure at Management Committee Meetings

8.1.4.1 The Management Committee shall conduct its meetings and regulate its proceedings as it finds convenient, provided that:

8.1.4.1.1 The Chairperson, or in their absence, the Vice-Chairperson, shall chair all meetings of the Management Committee which they attend. In the absence of the Chairperson and the Vice-Chairperson, the remaining members of the Management Committee shall elect a chairperson from those attending.

8.1.4.1.2 The Chairperson shall convene a meeting of the Management Committee, quarterly and at the written request of any two (2) members of the Management Committee and may convene such a meeting at any other time.

8.1.4.1.3 The quorum necessary for the transaction of any business by the Management Committee shall be two-thirds (2/3) of the Management Committee members serving at any given time.

8.1.4.1.4 At meetings of the Management Committee each member shall have one (1) vote.

8.1.4.1.5 Questions arising shall be decided by a majority of votes. Should there be an equality of votes the Chairperson shall have a casting or second vote.

8.1.4.1.6 Proper minutes shall be kept of the proceedings of the Management Committee, and a record of the persons present at each meeting. The minutes shall be signed by the member who chairs the meeting, and shall be available at all times for inspection or copying by any member of the Management Committee, and on two (2) days' notice to the Secretary or his or her deputy, by any member of the Association.

8.1.6.1.7 A resolution signed by all members of the Management Committee shall be as valid as if passed at a duly convened meeting of the Management Committee.

8.1.7 The Management Committee may delegate any of its powers to any of its members, or to a special purpose committee. The member, committee, employee or agent to whom such delegation is made shall conform to any regulations and procedures that may be stipulated by the Management Committee from time to time.

8.1.8 The Management Committee may appoint a Chief Executive and other officers and employees as it may consider necessary from time to time upon such terms and conditions as it may consider appropriate.

8.2 General Meetings

8.2.1 Annual General Meeting

8.2.1.1 An Annual General Meeting of the Association shall be held within a period of fifteen (15) months of the adoption of this Constitution. Subsequent Annual General Meetings shall be held within three (3) months of the end of each financial year.

8.2.1.2 Annual General Meetings shall be convened by the Chairperson on not less than twenty-one (21) days prior written notice to all members entitled to attend the meeting. This notice shall state the date, time and place of the meeting and in broad terms the business to be transacted at the meeting.

8.2.1.3 The business of an Annual General Meeting shall include:

8.2.1.3.1 the presentation and adoption of the Annual Report of the Chairperson;

8.2.1.3.2 the consideration of the Annual Financial Statements;

8.2.1.3.3 the appointment of Auditors or Accounting Officer;

8.2.1.3.4 other matters as may be considered appropriate.

8.2.2 Other General Meetings

8.2.2.1 Other General Meetings of the Association shall be convened at any time by the Chairperson or at the written request of:

8.2.2.1.1 the Management Committee;

8.2.2.1.2 the lesser of one quarter (1/4) or three (3) of the members of the Association.

8.2.2.2 Any General Meeting other than the Annual General Meeting shall be convened on not less than fourteen (14) days written notice to all members. The notice shall state the date, time and place of the meeting and in broad terms the business to be transacted at the meeting, provided that: should the Chairperson, having been requested to give such notice, fail to give it within seven (7) days of the request, the persons requesting the meeting shall be entitled themselves to give notice of and to convene the meeting.

8.2.3 Quorum

8.2.3.1 A quorum constituting a General Meeting of the Association shall be the lesser of:

8.2.3.1.1 three (3) members; or

8.2.3.1.2 one quarter (1/4) of the members.

8.2.3.2 Should any General Meeting have been properly convened but no quorum be present, the meeting shall stand adjourned to another date, which shall be within seven (7) days thereafter. The notice reflecting such adjournment shall be given to the persons and in the manner provided for in this Constitution. At such reconvened General Meeting, the members then present or represented shall be deemed to constitute a quorum.

8.2.4 Resolutions and Voting

8.2.4.1 At all General Meetings, a resolution put to the vote shall be decided by means of a show of hands or by ballot of voting members. A vote by ballot shall be held only if demanded by the Chairperson or not less than one third (1/3) of the persons voting in person or by proxy. The result of the vote shall be the resolution of the meeting.

8.2.4.2 Each voting member present or represented at such meeting shall be entitled to one (1) vote.

8.2.4.3 Questions arising shall be decided by a majority of votes. Should there be an equality of votes the Chairperson shall have a casting or second vote.

8.2.5 Minutes

Proper minutes shall be kept of the proceedings of all General Meetings, and a record of the persons present at each meeting. The minutes shall be signed by the chairperson of the meeting, and shall be available for inspection or copying by any member on two (2) days notice to the Secretary or his or her deputy.

8.2.6 Powers

Subject to the provisions of Clause 8.1.1.2 above, a duly convened General Meeting of the Association, at which a quorum is present, is competent to carry out all the objectives and to exercise all the powers of the Association as set out in this Constitution.

8.3 Notices

- 8.3.1 Notice of all meetings provided for in this Constitution, shall be delivered personally, or sent by prepaid post, to the last address notified by each person concerned to the Association, or in any other manner as the Management Committee may decide from time to time.
- 8.3.2 The accidental omission to address notice/s to any person shall not invalidate the proceedings of any meeting.
- 8.3.3 If posted, notices shall be deemed to have been received seven (7) days after posting.

9. FINANCIAL MANAGEMENT

9.1 Bank Account

The Management Committee must open a bank account should it choose to accept donations. Should the Management Committee accept donation is must open a bank account in the name of the Association with a registered Bank or Building Society. The Management Committee shall ensure that all monies received by the Association are deposited in the above mentioned bank account as soon as possible after receipt.

9.2 Signatures

All cheques, promissory notes and other documents requiring signature on behalf of the Association shall be signed by two (2) of the Management Committee members.

9.3 Financial Year End

The Association's financial year-end shall be: End March

9.4 Financial Records

The Management Committee shall ensure that the Association keeps proper records and books of account which fairly reflect the affairs of the Association.

9.5 Annual Narrative Report and Financial Statements

- 9.5.1 The Management Committee shall ensure that the Association prepares an Annual Narrative Report describing the Association's activities and an Annual Financial Statement for each financial year. The Annual Financial Statements shall conform to generally accepted

accounting principles and shall include a statement of income and expenditure and a balance sheet of assets and liabilities.

9.5.2 Within two (2) months after drawing up the Annual Financial Statements, the Management Committee shall ensure that the Association arranges for an accounting officer to certify that the annual financial statements are consistent with the financial records of the Association and that its accounting policies are appropriate and have been appropriately applied in the preparation of its financial statements.

9.5.3 A copy of the Annual Financial Statements and Annual Narrative Report shall be made available to all members as soon as possible after the close of the financial year.

10. AMENDMENTS TO THE CONSTITUTION AND DISSOLUTION

The terms of this Constitution may be amended, the name of the Association may be changed and the Association may be dissolved by resolution of sixty six per cent (66%) of the voting members present at a General Meeting: provided that proper notice of the meeting is given not less than twenty-eight (28) days prior to the date of the Meeting and such notice states the nature of the resolution to be proposed.

11. INDEMNITY

11.1 Subject to the provisions of any relevant statute, members of the Management Committee and other office bearers shall be indemnified by the Association for all acts done by them in good faith on its behalf. It shall be the duty of the Association to pay all costs and expenses which any such person incurs or becomes liable for as a result of any contract entered into, or act done by him or her, in his or her said capacity, in the discharge, in good faith, of his or her duties on behalf of the Association.

11.2 Subject to the provisions of any relevant statute, no member of the Management Committee and or other office bearer of the Association shall be liable for the acts, receipts, neglects or defaults of any other member or office bearer, or for any loss, damage or expense suffered by the Association, which occurs in the execution of the duties of his or her office, unless it arises as a result of his or her dishonesty, or failure to exercise the degree of care, diligence and skill required by law.

12. DISPUTES

12.1 In the event of a serious disagreement between the members of the Management Committee and/or the Association regarding the interpretation of this constitution then any two (2) Management Committee members shall be entitled to declare a dispute. Such declaration shall be in writing, state the issue in dispute, and be addressed to the Management Committee.

- 12.2 The Management Committee shall consider such declaration within two (2) weeks of receiving it. Should the Management Committee not be able to resolve the dispute to the satisfaction of the person(s) declaring it, the dispute shall be referred either to a mediator or arbitrator.
- 12.3 Should the dispute be referred to a mediator, the person(s) declaring the dispute and the Management Committee must agree on a suitable mediator and to the costs of such mediation. A mediator may recommend an appropriate resolution of the dispute.
- 12.4 In the absence of agreement regarding a mediator or should mediation not resolve the dispute, the dispute shall be referred to arbitration. The arbitrator shall be such suitably qualified person/s as the person(s) declaring the dispute and the Management Committee may mutually agree. Alternatively, each of the parties shall be entitled to nominate one arbitrator, who shall act jointly with a third person to be nominated jointly by the respective nominees of the parties; on the basis that a majority decision of the appointed arbitrators shall be final and binding.
- 12.5 The arbitration shall be held on an informal basis, and the arbitrator shall have the power to determine the procedure to be adopted subject to principles of natural justice.
- 12.6 The arbitrator may base her/his award not only upon the applicable law but also upon the principles of equity and fairness.
- 12.7 The person(s) declaring the dispute and the Management Committee, beforehand, may agree to share the costs of the arbitration. In the absence of such agreement the arbitrator shall decide which parties shall be liable for the costs.
- 12.8 The decision of the arbitrator shall be final and binding upon all parties and capable of being made an Order of Court on application by any of them.

SIGNED ON 22 April 2021.

Tusi Matshama Nthabiseng Fokane	
Douglas Ian Scott	
Himal Bhushan Devnarain	
Benjamin Charles Cashdan	
Unathi Noxolo Ndiki	

Witness: Simone Hammersley



Witness: Kudakwashe Tatenda
Jani



SCHEDULE A

REQUIREMENTS OF THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE FOR EXEMPTION FROM TAXES AND DUTIES

As provided for in Clause 5.3 of this Constitution, the Association may apply to the Receiver of Revenue for the exemption from appropriate taxes and duties. In compliance with the anticipated requirements of the Commissioner in respect of such exemptions, the following provisions shall bind the Association:

1. *In the case of a PBO seeking an exemption from income and other related taxes only, in terms of section 10(1)(cN) of the Income Tax Act, as amended:*

Carry out all its public benefit activities (or substantially the whole thereof) in the Republic, unless the Minister of Finance ("the Minister"), having regard to the circumstances of the case, directs otherwise. While also, ensuring that the public benefit activity is carried out for the benefit of, or is widely available to the general public at large.

Or

In the case of a PBO seeking a section 10(1)(cN) exemption from income and other related taxes and donor deductible status in terms of sections 10(1)(cN) and 18A, respectively, of the Income Tax Act, as amended:

Carry on its public benefit activities in the Republic and ensure that the public benefit activity is carried out for the benefit of, or is widely available to the general public at large.

2. *Only in the case of a PBO which provides funds solely to any income tax exempt PBO seeking a section 10(1)(cN) exemption from income and other related taxes only and section 18A donor deductible status, as described in section 18A(1)(b) of the Income Tax Act, as amended.*

Within 12 months following the year of assessment during which the donation is received, distribute or incur the obligation to so distribute at least 50% of the funds received in respect of which receipts were issued. Provided that the Commissioner may on good cause shown and subject to such conditions as he or she may determine, either generally or in a particular instance, waive, defer or reduce the obligation to distribute at least 50% of its funds having regard to the public interest and the purpose for which the relevant organisation wishes to accumulate those funds.

3. Carry on its public benefit activities in a non-profit manner and with an altruistic or philanthropic intent.

No activity carried out by the Association will be intended to directly or indirectly promote the economic self-interest of any member or employee of the organisation, otherwise than by way of reasonable remuneration payable to that member or employee.

4. Comply with such conditions, if any, as the Minister may prescribe by way of regulation to ensure that the activities and resources of the organisation are directed in the furtherance of its objects.
5. Submit to the Commissioner a copy of, and a copy of any amendment to the Constitution, Will or other written instrument under which it has been established.
6. Be required to have at least three persons, who are not connected persons in relation to each other, to accept the fiduciary responsibility of the organisation and no other single person directly or indirectly controls the decision making powers relating to that organisation: Provided that the provisions of this sub-paragraph shall not apply in respect of any trust established in terms of a will of any person who died on or before 31 December 2003.
7. In the event of the Association investing funds, invest such funds :

7.1 with a financial institution as defined in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990); and/or

7.2 in securities listed on a stock exchange as defined in section 1 of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985) ; and/or

7.3 in such other prudent investments in financial instruments and assets as the Commissioner may determine after consultation with the Executive Officer of the Financial Services Board and the Director of Non-Profit Organisations;

Provided that the provisions of this sub-paragraph do not prohibit any such organisation from retaining any investment (other than any investment in the form of a business undertaking or trading activity or asset which is used in such business undertaking or trading activity) in the form that it was acquired by way of donation, bequest or inheritance

8. Be prohibited from carrying on any business undertaking or trading activity, otherwise than to the extent that:

8.1 the gross income derived from such business undertaking or trading activity does not exceed the greater of :

8.1.1 five percent (5%) of the total receipts and accruals of such public benefit organization during the year of assessment; or

8.1.2 two hundred thousand Rand (R200 000,00);

8.2 the undertaking or activity is:

8.2.1 integral and directly related to the sole object of such public benefit organisation; and

8.2.2 carried out or conducted on a basis substantially the whole of which is directed towards the recovery of cost, and which would not result in unfair competition in relation to taxable entities;

8.3 the undertaking or activity, if not integral and directly related to the sole object of such public benefit organisation as contemplated in clause 8.2.1, is of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation; or

8.4 the undertaking or activity is approved by the Minister by notice in the Gazette, having regard to:

8.4.1 the scope and benevolent nature of the undertaking or activity;

8.4.2 the direct connection and interrelationship of the undertaking or activity with the sole purpose of the public benefit organisation;

8.4.3 the profitability of the undertaking or activity; and

8.4.4 the level of economic distortion that may be caused by the tax-exempt status of the public benefit organisation carrying out the undertaking or activity.

9. Be prohibited from accepting any donation which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in

terms of section 18A; provided that a donor (other than a donor which is an approved public benefit organisation or an institution, board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on or any public benefit activity) may not impose conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.

10. Ensure that it is not knowingly a party to, and does not knowingly permit itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is or was the reduction, postponement or avoidance of liability for any tax, duty or levy, which, but for such transaction, operation or scheme, would have been or would have become payable by any person under the Act or any other Act administered by the Commissioner.
11. Has not and will not pay any remuneration as defined in the Fourth Schedule, to any employee, office bearer, member or other person, which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its objects.
12. Comply with such reporting requirements as may be determined by the Commissioner.
13. Take reasonable steps to ensure that the funds which it may provide to any association of persons are utilised for the purpose for which they are provided.
14. Become registered in terms of section 13(5) of the Non-Profit Organisations Act, 1997 (Act No. 71 of 1997), within such period as the Commissioner may determine, and comply with any other requirements imposed in terms of that Act, unless the Commissioner in consultation with the Director or Nonprofit Organisations designated in terms of section 8 of the Nonprofit Organisations Act, 1997, on good cause shown, otherwise directs.
15. Has not and will not use its resources directly or indirectly to support, advance or oppose any political party.
16. Ensure that any books of account, records or other documents relating to its affairs are:
 - 16.1 where kept in book form, retained and carefully preserved by any person in control of the organisation, for a period of at least four years after the date of the last entry in any such book; or

16.2 where not kept in book form, are retained and carefully preserved by any person in control of the organisation, for a period of four years after the completion of the transaction, act or operation to which they relate.

SCHEDULE B

GENERAL ADMINISTRATIVE AND INVESTMENT POWERS

1. To employ staff and hire professional and other services.
2. To institute or defend any legal or arbitration proceedings and to settle any claims made by or against the Association.
3. To open and operate accounts with registered banks and building societies.
4. To make and vary investments and re-invest the proceeds of such investments on condition that any investments made by the Association shall be with Financial Institutions as defined in Schedule A Clause 7 above.
5. To accept donations made to the Association and retain them in the form in which they are received, or sell them and re-invest the proceeds.
6. With regard to movable and immovable property and tangible and intangible assets of whatsoever nature:
 - 6.1 to purchase or acquire property and assets;
 - 6.2 to maintain, manage, develop, exchange, lease, sell, or in any way deal with the property and assets of the Association;
 - 6.3 to donate and transfer the property and assets of the Association to organisations with the same or similar objectives and the same exemptions from taxes and duties to those of the Association.
7. To borrow and to use the property or assets of the Association as security for borrowing;
8. To guarantee the performance of contracts or obligations of any person on condition that any such person is primarily engaged in activities which further the objectives of the Association.
9. To execute any act or deed in any deeds registry, mining titles or other public office.
10. To work in collaboration with other organisations and to amalgamate with any organisation with the same or similar objectives and the same exemptions from taxes and duties to those of the Association.

11. To exercise all the management and executive powers that are normally vested in the Board of Directors of a Company.
12. To exercise all the powers and authority of the Association not only in the Republic of South Africa but in any other part of the world.

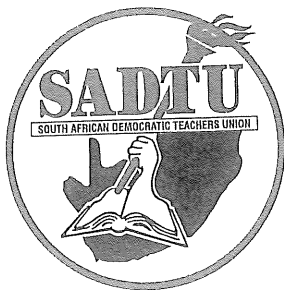
SCHEDULE C

SCHEDULE OF INITIAL MEMBERS

Name	Address	Date	Signature
Tusi Matshama Nthabiseng Fokane	166 Cooperville AH, Midvaal Municipality, 1949	22 April 2021	
Douglas Ian Scott,	10 Sheerness Road, Kenilworth, Cape Town, 7701	22 April 2021	
Himal Bhushan Devnarain	357 Cork Ave Ferndale, 2194	22 April 2021	
Benjamin Charles Cashdan	63 Craighall Road, Victory Park 2195	22 April 2021	
Unathi Noxolo Ndiki	48 Nelson Street Vasco estates, Goodwood 7460	22 April 2021	

SOUTH AFRICAN DEMOCRATIC TEACHERS' UNION (SADTU)

"Mobilising the consciousness and uniting revolutionary professionals in strengthening foundational learning and functional skills, to advance inclusive and sustainable economic growth in pursuance of a socialist society"



8 November 2024

Re: COPYRIGHT AMENDMENT BILL - APPLICATION FOR AMICUS CURIAE

SADTU Village
Portion 74
Corner Dann Road &
Loam Street
Glen Marais, Ext 144
Kempton Park, 1619

Postnet Suite 106
Private Bag X 5
Aston Manor
1630

Tel: 011 971 2000

Email: sadtu@sadtu.org.za

www.sadtu.org.za



South African
Democratic Teachers' Union
SADTU



@SadtuNational



SADTU, the Largest Affiliate
of Education International
in South Africa



SADTU, the Largest Union in
Public Service and
an Affiliate of COSATU

Yours Faithfully


Dr Mugwena Maluleke
General Secretary



N.J.S

Re: COPYRIGHT AMENDMENT BILL - APPLICATION FOR AMICUS CURIAE

Date: 07 November 2024

To Whom It May Concern,

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation.

Sincerely



Jack Devnarain
SAGA Chairman

SAGA EXECUTIVE COMMITTEE MEMBERS

Jack Devnarain (Chairman) Adrian Galley (Vice Chair CT) Carlynn de Waal-Smit (Secretary/Treasurer) Daniel Janks (Legal)
Jacques Adriaanse (Membership CT) Nambitha Mpumlwana (Membership JHB) Thoko Ntshinga (Vice Secretary Cape Town)
Hungani Ndlovu (Media and Communications) Londiwe Shange (Vice Secretary Durban)
NPO Registration Number 119-128 NPO (NPC Registration Number 2012/073405/08) PBO No: 930041853

EST. 2022



ADVOCATES FOR

CHANGE
TRANSFORMATION
EQUALITY
HUMAN DIGNITY

Re: COPYRIGHT AMENDMENT BILL - APPLICATION FOR AMICUS CURIAE

Date: 8 November 2024

To Whom It May Concern,

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation.

Regards,

A handwritten signature in black ink, appearing to be "A. Smp", written over a horizontal line.

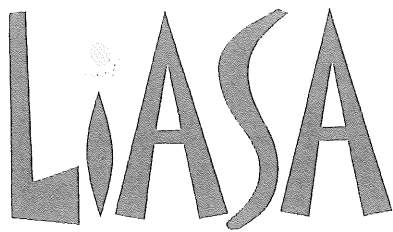
Chairperson



CHAMBERS HOUSE | 38 WALE STREET | CAPE TOWN | W: www.idaafrika.org

A handwritten signature in black ink, appearing to be "N.J.S.", written over a horizontal line.

"BC 91"



LIBRARY AND INFORMATION ASSOCIATION OF SOUTH AFRICA

009-577NPO

Office of the LIASA President

P O Box 1598

Pretoria, 0001

Tel: 082 839 3749

e-mail: President@liasa.org.za

07 November 2024

To Whom It May Concern,

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation.

Kind Regards

Charlie Maphuntshane Molepo

LIASA President

Board Members:

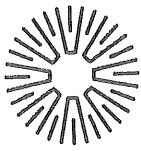
Mr. C Molepo (President), Prof L Makgahlela (President-Elect),
Ms S Bhim (Public Libraries), Ms D Mashiyane (Academic Libraries),
Ms M Seageng (Special Libraries), Mr Jan Moeketsi, Mr Romeo
Matumba, Mr. Jef Nyoka, Ms Mamohube Maserumula

LIASA is a SAQA recognised
Professional Body in accordance with
the NQF Amendment Act 12 of 2019
Professional Body Number 920



N.J.S.

"BC 110"



AUTHORS
ALLIANCE

authorsalliance.org
510.480.8302

2108 N ST #8898
Sacramento, CA 95816

Re: *Copyright Amendment Bill - Application for Amicus Curiae*

8 November 2024

To Whom It May Concern:

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation.

Sincerely,

Dave Hansen
Executive Director, Authors Alliance

N.J.S



COMMITTEE OF HIGHER EDUCATION
LIBRARIES OF SOUTH AFRICA

8 November 2024

To Whom It May Concern,

RE: COPYRIGHT AMENDMENT BILL - APPLICATION FOR AMICUS CURIAE

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation.

Yours faithfully

A handwritten signature in black ink, appearing to read 'N. Danster'.

Ms Nomawethu Danster
CHELSA Chairperson



CreativeCommonsSA@gmail.com

Re: COPYRIGHT AMENDMENT BILL - APPLICATION FOR AMICUS CURIAE

Date: 7 November 2024

To Whom It May Concern,

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation, the Creative Commons South Africa Chapter, a chapter of the Creative Commons Global Network.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Kathryn Kure".

Kathryn S. Kure
Chapter Lead, Creative Commons South African Chapter

A handwritten signature in black ink, appearing to be a stylized "P" followed by "West".

Paul West

Chapter Representative to the Global Network Council
Creative Commons South Africa Chapter

A handwritten signature in black ink, appearing to be "N.J.S." with a stylized flourish above it.

NAPTOSA HOUSE
270 Prince's Park Avenue
Pretoria

PO Box 572, Pretoria, 0001



Tel: (012) 324-1365
Fax: (012) 324-1366

E-mail: info@naptosa.org.za
www.naptosa.org.za

NAPTOSA

National Professional Teachers' Organisation of South Africa

LETTER OF RECOMMENDATION

RE: COPYRIGHT AMENDMENT BILL - APPLICATION FOR AMICUS CURIAE

Date: 7 November 2024

To Whom It May Concern,

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of

Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation.

Signature

**MR BL. MANUEL
EXECUTIVE DIRECTOR**

N.J.S



Ms Charity Morrison

HEDSA Secretary

Physical Address: University of the Free State
205 Nelson Mandela Drive, Parkwest, Bfn, 9300

Tel: 051 401 9348

E-mail: morrisoncy@ufs.ac.za

Registered at Universities South Africa (USAf) as a Community of Practice NPO no.: 078-484

Re: COPYRIGHT AMENDMENT BILL – APPLICATION FOR AMICUS CURIAE

Date: 07 November 2024

To Whom It May Concern,

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation.

Sincerely,

Dr Nosiphiwo Delubom

Chairperson of HEDSA

HEDSA EXCO

Dr. Nosiphiwo Delubom (Chairperson, NMU); Dr. Leila Abdool Gafoor (Vice-Chairperson, Wits); Ms. Charity Morrison (Secretary, UFS); Dr. Ashley Subbiah (Treasurer, UKZN); Dr. Maria Ramaahlo (Publicity & Communications, UJ);
Mr Nceba Nyanda (Co-opted member, Lovedale TVET college)
(Outgoing Chairperson – Martie Miranda (UFS)
Website: www.hedsa.org.za

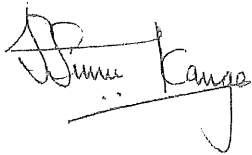
N.J.S.

TO WHOM IT MAY CONCERN

8th November, 2024

RE: COPYRIGHT AMENDMENT BILL - APPLICATION FOR AMICUS CURIAE

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation.



Prof. Stephen Simukanga
Interim Executive Director
Southern African Regional Universities Association

Wikimedia South Africa
Unit 68 Lethabong, Friendship Town, Commercia ext 9
Midrand, 1682, Gauteng, South Africa
<http://wmza.org>
2012/038827/08



Re: COPYRIGHT AMENDMENT BILL - APPLICATION FOR AMICUS CURIAE

Date: 8 November 2024

To Whom It May Concern,

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation.

Regards,

Douglas Scott
Director
Advocacy Lead

Wikimedia South Africa

A handwritten signature in black ink, appearing to read "D Scott".



11 November 2024

Re: COPYRIGHT AMENDMENT BILL - APPLICATION FOR AMICUS CURIAE

Whom It May Concern,

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation.

Yours sincerely

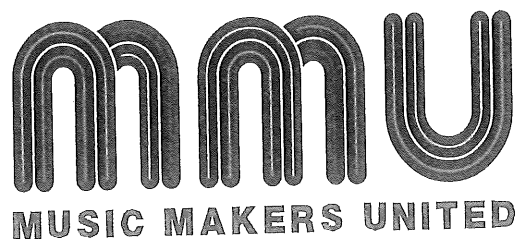
Prof Claudine Storbeck
Director: Centre for Deaf Studies
Director: Hi Hopes Early Intervention Programme
University of the Witwatersrand

" BC18

11 Kotze Street, Braamfontein
Johannesburg, 2017

musickmakersunited@gmail.com

072 371 8675



Re: COPYRIGHT AMENDMENT BILL - APPLICATION FOR AMICUS CURIAE

Date: November 8, 2024

To Whom It May Concern,

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation.

Regards,

On behalf of Music Makers United

"BC 19



THE SOUTH AFRICAN FINISHING ARTISTS AND IMAGING TECHNICIANS SOCIETY (SAFAITS)

EMPOWERING DITS, DI COLOURISTS, ONLINE EDITORS,
QC & DELIVERY EDITORS, VFX ARTISTS & COMPOSITORS TO PERFECT EVERY PIXEL.

DATE: 08 November, 2024

RE: COPYRIGHT AMENDMENT BILL - APPLICATION FOR AMICUS CURIAE

To Whom It May Concern,

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation.

From,
WHITEMORE NGWIRA
Chairperson

SIGNATURE



+27 608 967 911



www.safaits.org
info@safaits.org



50 BOUNDARY ROAD 67 BELLEVUE STREET,
LINDEN, HIGGOVALE
JOHANNESBURG CAPE TOWN

Non-Profit Organisation
#299-425 NPO
Formerly ICG-SA, Now Representing a Broader Community

N.J.S

NPO: 125-166 • PBO: 930041714

Enq: Thoriso Mndawe

RE : COPYRIGHT AMENDMENT BILL - APPLICATION FOR AMICUS CURIAE

DATE : 11 NOVEMBER 2024

TO WHOM IT MAY CONCERN

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation.

SANDA is a leading independent not-for-profit, public benefit, national advocacy, and consumer organization founded in 2004, managed by Deaf people with 25 affiliated local Deaf Associations throughout the country representing more than 4 million Deaf and hard of hearing people. SANDA is dedicated to building capacity, influencing public policies, and setting the agenda for meaningful inclusive development in the Deaf sector. To this end, SANDA serves as an innovative, responsive, and dynamic developmental Deaf organisation that consistently ensures the protection and promotion of the rights, needs and concerns of Deaf people in South Africa. SANDA is a member of the South African Disability Alliance (SADA).



Yours sincerely

JABULANE BLOSE
EXECUTIVE DIRECTOR

A member of:



SADA
South African Disability Alliance



N.J.S.



Re: COPYRIGHT AMENDMENT BILL - APPLICATION FOR AMICUS CURIAE

Date: 7 November 2024

To Whom It May Concern,

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation.

The Association for Progressive Communications (APC) is a global nongovernmental organisation and network of 71 organisational members, founded in 1990. APC's mission is to strengthen collective organising towards building a transformative movement to ensure that the internet and digital technologies enable social, gender and environmental justice for all people. APC has an office in South Africa and 18 members in the African region.

Sincerely

Concepcion Ramilo

Concepcion Ramilo

Executive Director

Association for Progressive Communications (APC) - anriette@apc.org

APC South Africa Office: 133 Second Avenue, Melville, Johannesburg, 2092



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Engineering, Built Environment and Information Technology

8 Nov 2024

Re: COPYRIGHT AMENDMENT BILL - APPLICATION FOR AMICUS CURIAE

To Whom It May Concern,

We confirm that ReCreate Action is authorised to litigate in the consolidated applications of Blind SA v President of RSA and Others (CCT 300/24) and Ex Parte President of RSA (CCT 206/24) on behalf of our organisation.

On Behalf of Data Science for Social Impact Lab at the University of Pretoria

Regards,

Assoc. Prof. Vukosi Marivate
ABSA Chair of Data Science
MITC Big Data Science Coordinator
vukosi.marivate@cs.up.ac.za
+27723292126

Fakulteit Ingenieurswese, Bou-omgewing en Inligtingtegnologie
Lefapha la Boetšenere, Tikologo ya Kago le Theknološi ya Tshedimošo

N.J.S.

Shaahirah Baboo

From: Demichelle Petherbridge <Petherbridge@section27.org.za>
Sent: Monday, 11 November 2024 15:43
To: Shaahirah Baboo; Zeenat Sujee; Demichelle Petherbridge
Cc: Zahraa Motani
Subject: RE: CASE NR CCT 300/24 & 306/24 BLIND SA/ THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND OTHERS & EX PARTE THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Good afternoon Ms Hassim,

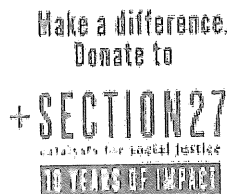
Thank you for your email. I hereby acknowledge receipt of your client's application to intervene as *amicus curiae*,

Yours sincerely,
Demichelle Petherbridge

Demichelle Petherbridge

Senior Attorney

Tel +27 11 356 4100
Cell +27 78 852 0424
Email petherbridge@section27.org.za
First floor, South Point Corner,
87 De Korte Street, Braamfontein
Johannesburg
www.section27.org.za



From: Shaahirah Baboo <shaahirah@lrc.org.za>
Sent: Monday, 11 November 2024 15:35
To: Zeenat Sujee <zeenat@section27.org.za>; Demichelle Petherbridge <Petherbridge@section27.org.za>
Cc: Shaahirah Baboo <shaahirah@lrc.org.za>; Zahraa Motani <Zahraa@lrc.org.za>
Subject: FW: CASE NR CCT 300/24 & 306/24 BLIND SA/ THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND OTHERS & EX PARTE THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Good day

Kindly find attached hereto, for your attention, our client's application to be admitted as *amicus curiae*.

A copy of the application will be filed at the Constitutional Court.

Please acknowledge receipt hereof.

Kindest Regards

Shahirah Baboo Hassim
Attorney

+27 11 038 9709



LEGAL
RESOURCE
CENTRE

Shaahirah Baboo

From: Microsoft Outlook
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@lrc.org.za>
To: speer@parliament.gov.za
Sent: Monday, 11 November 2024 15:17
Subject: Relayed: CASE NR CCT 300/24 & 306/24 BLIND SA/ THE PRESIDENT OF THE
REPUBLIC OF SOUTH AFRICA AND OTHERS & EX PARTE THE PRESIDENT OF THE
REPUBLIC OF SOUTH AFRICA

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

speer@parliament.gov.za (speer@parliament.gov.za)

Subject: CASE NR CCT 300/24 & 306/24 BLIND SA/ THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND
OTHERS & EX PARTE THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Shaahirah Baboo

From: Microsoft Outlook
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@lrc.org.za>
To: NMbata@jutsice.gov.za
Sent: Monday, 11 November 2024 15:18
Subject: Undeliverable: RE: CASE NR CCT 300/24 & 306/24 BLIND SA/ THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND OTHERS & EX PARTE THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Delivery has failed to these recipients or groups:

NMbata@jutsice.gov.za (NMbata@jutsice.gov.za)

Your message couldn't be delivered. The Domain Name System (DNS) reported that the recipient's domain does not exist.

Contact the recipient by some other means (by phone, for example) and ask them to tell their email admin that it appears that their domain isn't properly registered at their domain registrar. Give them the error details shown below. It's likely that the recipient's email admin is the only one who can fix this problem.

For more information and tips to fix this issue see this article:
<https://go.microsoft.com/fwlink/?LinkId=389361>.

Diagnostic information for administrators:

Rating server: JN1P275MB1382.ZAFP275.PROD.OUTLOOK.COM

NMbata@jutsice.gov.za

Remote server returned '550 5.4.310 DNS domain jutsice.gov.za does not exist [Message=InfoDomainNonexistent] [LastAttemptedServerName=jutsice.gov.za] [CPT0EPF0000070F.ZAFP275.PROD.OUTLOOK.COM 2024-11-11T13:18:16.757Z 08DD00FEEBFC2E07]'

Original message headers:

ARC-Seal: i=1; a=rsa-sha256; s=arcselector10001; d=microsoft.com; cv=none;

b=kNWuazfJtHFygEelRCvYXpQJMhtHY9FxVIPjQsE3OGOpDunzXNO31EuT+qL2AGI9jfk1SH0ZPUaBSyZudDYv6x28j4O8XRAcRkuUSwU3tJwIrorhZT/s6HMzZCLPyU+Ez6oRDrdyCfYqmtX4HbeTDEXCZTVYnGVlkt8m7a/uvIh6wsYyzT4t9qrCTdOP+mynloE43fLq5J/t1TjwQxmf9CP2EGQyqOKFrPAoy3zqHImMIzTuCDGLdX22jCmdrrWEwiH+FkjVal2AzZm9zNRBvJHCcd/a5JbvXJIq5ZFyYnF109xfA425YyKFDw3FCGx8KU00//y77rjxYxH8DGuyg==

ARC-Message-Signature: i=1; a=rsa-sha256; c=relaxed/relaxed; d=microsoft.com; s=arcselector10001;

h=From:Date:Subject:Message-ID:Content-Type:MIME-Version:X-MS-Exchange-AntiSpam-MessageData-ChunkCount:X-MS-Exchange-AntiSpam-MessageData-0:X-MS-Exchange-AntiSpam-MessageData-1;
bh=Nonz0VBWpJ7FNkLv11cm5kuSymhIgqU008r0rHNvkiM=;

Shaahirah Baboo

From: Microsoft Outlook
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@lrc.org.za>
To: Sebelemetsa Ramathiti; PGPIllay@justice.gov.za
Sent: Monday, 11 November 2024 15:18
Subject: Relayed: RE: CASE NR CCT 300/24 & 306/24 BLIND SA/ THE PRESIDENT OF THE
REPUBLIC OF SOUTH AFRICA AND OTHERS & EX PARTE THE PRESIDENT OF THE
REPUBLIC OF SOUTH AFRICA

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Sebelemetsa Ramathiti (rsebelemetsa@justice.gov.za)

PGPIllay@justice.gov.za (PGPIllay@justice.gov.za)

Subject: RE: CASE NR CCT 300/24 & 306/24 BLIND SA/ THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND
OTHERS & EX PARTE THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Shaatirah Baboo

From: Microsoft Outlook
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@lrc.org.za>
To: speer@parliament.gov.za
Sent: Monday, 11 November 2024 15:18
Subject: Relayed: RE: CASE NR CCT 300/24 & 306/24 BLIND SA/ THE PRESIDENT OF THE
REPUBLIC OF SOUTH AFRICA AND OTHERS & EX PARTE THE PRESIDENT OF THE
REPUBLIC OF SOUTH AFRICA

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

speer@parliament.gov.za (speer@parliament.gov.za)

Subject: RE: CASE NR CCT 300/24 & 306/24 BLIND SA/ THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND
OTHERS & EX PARTE THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Shaahirah Baboo

From: Pious Khoza <khoza@concourt.org.za>
Sent: Monday, 11 November 2024 15:18
To: Shaahirah Baboo
Subject: Automatic reply: CASE NR CCT 300/24 & 306/24 BLIND SA/ THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND OTHERS & EX PARTE THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Good day,

Kindly note that I am out of office, as such I am unable to reply to your email. Kindly direct all emails to generaloffice@concourt.org.za

Best!

Shaatirah Baboo

From: postmaster@concourt.org.za
To: khoza@concourt.org.za
Sent: Monday, 11 November 2024 15:18
Subject: Delivered: RE: CASE NR CCT 300/24 & 306/24 BLIND SA/ THE PRESIDENT OF THE
REPUBLIC OF SOUTH AFRICA AND OTHERS & EX PARTE THE PRESIDENT OF THE
REPUBLIC OF SOUTH AFRICA

Your message has been delivered to the following recipients:

khoza@concourt.org.za (khoza@concourt.org.za)

Subject: RE: CASE NR CCT 300/24 & 306/24 BLIND SA/ THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND
OTHERS & EX PARTE THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Shaatirah Baboo

From: postmaster@concourt.org.za
To: generaloffice@concourt.org.za
Sent: Monday, 11 November 2024 15:18
Subject: Delivered: RE: CASE NR CCT 300/24 & 306/24 BLIND SA/ THE PRESIDENT OF THE
REPUBLIC OF SOUTH AFRICA AND OTHERS & EX PARTE THE PRESIDENT OF THE
REPUBLIC OF SOUTH AFRICA

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