

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Division, Pretoria

CASE NO: **2024-037092**

In the matter between:

**MEDIA MONITORING AFRICA
TRUST,SOUTH AFRICA NATIONAL
EDITORS' FORUM,CAMPAIGN FOR
FREE EXPRESSION,SOS SUPPORT
PUBLIC BROADCASTING
COALITION,PRESS COUNCIL OF
SOUTH AFRICA**

Plaintiff / Applicant / Appellant

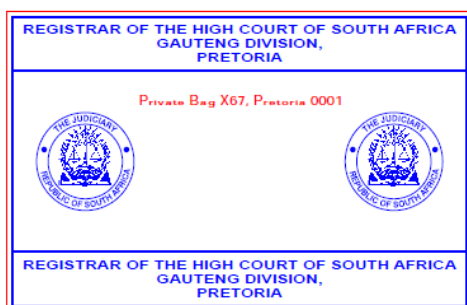
and

**FILM AND PUBLICATION
BOARD,MINISTER OF
COMMUNICATIONS AND DIGITAL
TECHNOLOGIES,ELECTORAL
COMMISSION OF SOUTH AFRICA**

Defendant / Respondent

Notice in terms of Rule 16A

NOTE: This document was filed electronically by the Registrar on 5/4/2024 at 4:43:29 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

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

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

CASE NO.: 2024-037092

In the matter between:

MEDIA MONITORING AFRICA TRUST

First Applicant

SOUTH AFRICA NATIONAL EDITORS' FORUM

Second Applicant

CAMPAIGN FOR FREE EXPRESSION

Third Applicant

SOS SUPPORT PUBLIC BROADCASTING COALITION

Fourth Applicant

PRESS COUNCIL OF SOUTH AFRICA

Fifth Applicant



and

FILM AND PUBLICATION BOARD

First Respondent

**MINISTER OF COMMUNICATIONS
AND DIGITAL TECHNOLOGIES**

Second Respondent

ELECTORAL COMMISSION OF SOUTH AFRICA

Third Respondent

RULE 16A NOTICE

TAKE NOTICE that the following constitutional issues have been raised in this urgent application:

1. The applicants seek an order declaring unconstitutional and setting aside a “notice” published by the first respondent on 22 March 2024, under Government Notice No. 4526 of Government Gazette No. 50311, entitled “Notice in terms of

section 18H and section 27A of the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended” (“**Notice**”), on the grounds that:

- 1.1. It is ultra vires, as the Films and Publications Act, 1996, does not authorise:
 - 1.1.1. the first respondent to prescribe a “notice” of this kind; nor
 - 1.1.2. the expansion of the definition of “prohibited content” by “notice”.
- 1.2. It is irrational, as the regulation of “disinformation” and “misinformation” has no rational connection with the prohibition of propaganda for war, incitement of imminent violence, or advocacy of hatred that constitutes incitement to cause harm.
- 1.3. It is void for vagueness, as it defines “disinformation” and “misinformation” so vaguely that those bound by the Notice cannot know with reasonable certainty what conduct is prohibited and required.
- 1.4. It unjustifiably limits the right to freedom of expression (section 16), as it casts a chilling effect on the free flow of harmless information and ideas.
- 1.5. It unjustifiably limits political rights, as the free flow of political information and ideas is essential for free and fair elections (section 19(2)) as well as the meaningful right to vote and to stand for public office (section 19(3)).



TAKE NOTICE FURTHER that, in terms of Rule 16A (departed from for the sake of urgency in terms of Rule 6(12)):

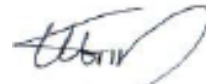
1. Any interested party may:

- 1.1. by **MONDAY 15 APRIL 2024**, seek the parties' consent to be admitted as amicus curiae;
- 1.2. by **TUESDAY 16 APRIL 2024**, whether or not such consent has been granted, lodge an application with the Court for such admission, served upon all of the parties and supported by an affidavit or affidavits:
 - 1.2.1. briefly describing its interest in the matter;
 - 1.2.2. clearly and succinctly setting out the legal submissions it intends to advance, their relevance to the matter, and its reasons for believing that they will assist the Court and be different from the submissions of the other parties; and
 - 1.2.3. fully canvassing any factual material which it wishes to place before the Court.
2. The parties shall lodge, by **THURSDAY 18 APRIL 2024**, any affidavits in answer to any such application by a prospective amicus curiae;
3. A prospective amicus curiae shall lodge, by **FRIDAY 19 APRIL 2024**, any affidavits in reply to any such answering affidavits;
4. A prospective amicus curiae shall lodge, by **12h00 on MONDAY 22 APRIL 2024**, its heads of argument.
5. Any applications for admission as amici curiae shall be heard together with the main application on **TUESDAY 23 APRIL 2024** at **10h00** or so soon thereafter as counsel may be heard.



THE REGISTRAR is kindly requested to place a copy of this notice on the designated notice board for a period of twenty days.

SIGNED at Rosebank on this the **5th** day of **April 2024**.



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