

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO: 166 /2016

In the matter between:

THANDEKA GQUBULE	First Applicant
FOETA KRIGE	Second Applicant
SUNA VENTER	Third Applicant
BUSISIWE NTULI	Fourth Applicant
KRIVANI PILLAY	Fifth Applicant
JACQUES STEENKAMP	Sixth Applicant
LUKHANYO CALATA	Seventh Applicant
VUYO MVOKO	Eighth Applicant

and

SOUTH AFRICAN BROADCASTING CORPORATION (SOC)	First Respondent
MINISTER OF COMMUNICATIONS	Second Respondent
INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA	Third Respondent
MEDIA MONITORING AFRICA	Fourth Respondent
S.O.S SUPPORT PUBLIC BROADCASTING COALITION	Fifth Respondent
FREEDOM OF EXPRESSION INSTITUTE	Sixth Respondent
HELEN SUZMAN FOUNDATION	Seventh Respondent
SOUTH AFRICAN NATIONAL EDITORS FORUM	Eighth Respondent
THE SPEAKER OF THE NATIONAL ASSEMBLY	Ninth Respondent
THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON COMMUNICATION	Tenth Respondent

AMENDED NOTICE OF MOTION (10 SEPTEMBER 2016)

TAKE NOTICE that the applicants hereby make application to this Court for an order in the following terms:

1. To the extent necessary, granting the applicants direct access to this Court.
2. Declaring that the Protest Policy purportedly adopted by the SABC during May 2016 is unconstitutional, unlawful and invalid.
3. Declaring that the National Assembly and the Portfolio Committee on Communications breached their obligations in terms of section 55(2) of the Constitution to ensure the accountability of the SABC to them and to maintain oversight over the SABC.
4. Directing the National Assembly, within one month of the date of this order, to institute an enquiry into the various issues raised by the applicants.
5. Directing that the costs of this application are to be paid on an attorney client scale, jointly and severally (the one paying the others to be absolved) by the SABC, any other respondent that opposes this application and personally by the SABC officials involved in the decision to oppose the relief claimed in this application.
6. Further and/or alternative relief.

TAKE NOTICE FURTHER that the founding affidavit and the supplementary affidavits of THANDEKA GQUBULE and annexures thereto will be used in support hereof.

TAKE NOTICE THAT any respondent which intends opposing this application (apart from the SABC, which has already delivered a notice of intention to oppose)

must within 10 days notify the applicants' attorneys and the Registrar in writing of its notice of intention to oppose, in accordance with Rule 18(3).

Signed at SANDTON on 11 September 2016



Norton Rose Fulbright South Africa Inc
 Attorneys for Applicants
 34 Fredman Drive
 Sandton
 Tel: 011 685 8860
 Email: aslam.moosajee@nortonrosefulbright.com
 Ref: Mr A Moosajee/PBO1796

To:
 The Registrar of the Constitutional
 Court
 Braamfontein

And to:

**South African Broadcasting
 Corporation (SOC)**
 1st Respondent
 c/o **Mchunu Attorneys**
 1st Respondent's attorneys
 3rd Floor, North Tower
 160 Jan Smuts Avenue
 Rosebank
 Tel: 011 778 4060
 Ref: NTM/SABC.3668/011
 Email: titus@mchunu.co.za
leigh@mchunu.co.za
michelle@mchunu.co.za

Service by email
 as agreed

And to:

Minister of Communications
 2nd Respondent
 Tshedimoseetso House
 1035 Frances Baard / Festival Sts
 Hatfield
 Pretoria

Service by email
sello@doc.gov.za
pari@doc.gov.za
freddy@doc.gov.za
information@gcis.gov.za

nozipo@doc.gov.za
mishack@doc.gov.za

And to:

**Independent Communications
 Authority of South Africa**
 3rd Respondent
 Blocks A to D
 Pinville Farm
 164 Katherine Street
 Sandton

Service by email
bmakola@icasa.org.za
mmodisane@icasa.org.za

And to:

**Media Monitoring Africa
 S.O.S Support Public
 Broadcasting Coalition
 Freedom of Expression Institute**
 4th to 6th Respondents
 c/o **Webber Wentzel**
 4th to 6th Respondents' attorneys
 90 Rivonia Road
 Sandton
 Ref: Dario Milo / 3010326

Service by email as agreed
 Email: Dario.milo@webberwentzel.com
Kgololego.pooe@webberwentzel.com
Philippa.Marques@webberwentzel.com

And to:

Helen Suzman Foundation
 7th Respondent
 c/o **Webber Wentzel**
 7th Respondent's attorneys
 90 Rivonia Road
 Sandton
 Ref: Vlad Movshovich/P Dela/
 D Cron / D Rafferty / L Pillay
 3010866

Service by email as agreed
 Email: vlad.movshovich@webberwentzel.com
Pooja.dela@webberwentzel.com
Dylan.cron@webberwentzel.com
Lavanya.Pillay@webberwentzel.com
Daniel.Rafferty@webberwentzel.com

And to:

**South African National Editors
 Forum**
 8th Respondent
 c/o **Willem de Klerk Attorneys**
 8th Respondent's attorneys
 Le Val Office Park, North Block
 45 Jan Smuts Avenue
 Cnr The Valley Road
 Westcliff
 Tel: 011 486 0242/3

Service by email
 as agreed

Email: willem@wdklaw.co.za
hugo@wdklaw.co.za
info@wdklaw.co.za
Ref: WDK/ SAN/S/0192

And to:

**The Speaker of the National
Assembly**

9th Respondent
Parliament of the Republic of
South Africa
120 Plein Street
Cape Town
Email: ZNgoma@parliament.gov.za

Service by email

And to:

**The Chairperson of the Portfolio
Committee on Communications**

10th Respondent
c/o The Committee Secretary
Thembinkosi Terence Ngoma
Email: tnsama@parliament.gov.za

Service by email