IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO. CCT 171/15

In the matter between:

DEMOCRATIC ALLIANCE Applicant

and

SPEAKER OF THE NATIONAL ASSEMBLY First Respondent

PRESIDENT JACOB GEDLEYIHLEKISA ZUMA Second Respondent

MINISTER OF POLICE Third Respondent

PUBLIC PROTECTOR Fourth Respondent

INDEX TO THIRD RESPONDENT'S HEADS OF ARGUMENT

A. INTRODUCTION 3

B. BACKGROUND 7

C. DIRECT ACCESS TO THE CONSTITUTIONAL COURT 12

D. THE LEGAL STATUS OF THE MINISTER'S REPORT 16

E. SEPARATION OF POWERS 22

F. CONCLUSION 26

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THIRD RESPONDENT'S HEADS OF ARGUMENT

A. INTRODUCTION

1. The applicant ("the Democratic Alliance") brought an application in the Western Cape Provincial Division on 19 August 2015. The Minister of Police was cited as the third respondent.

2. The Speaker of the National Assembly was cited as the first respondent; the President as the second respondent and the Public Protector as the fourth respondent.

3. Preceding this application by the Democratic Alliance ("DA") was an application by the Economic Freedom Fighters ("EFF") filed with the Constitutional Court on or about 5 August 2015 under case no: CC143/15. The EFF cited in its application only the Speaker as the first respondent and the President as the second respondent.

4. The Minister of Police was not cited although in the founding affidavit of the EFF his report is been criticized as unlawful. The relief sought in the EFF's application is centred on the allegation that the Speaker and the President have failed to fulfil their obligations imposed by the Constitution of the Republic of South Africa Act 108 of 1996 ("the Constitution") and asking the Constitutional Court to direct the President to give effect and comply with the remedial action contained in the Public Protector's report, within 30 days of the order.

5. On the other hand, the DA in its application launched in the Western Cape High Court sought a much wider relief directed against the Speaker; the President and the Minister. Relevant to these heads is the relief sought against the Minister, because these heads are filed on behalf of the Minister. The Minister the DA sought in prayers 3.1 and

3.2 of the notice of motion an order that a report prepared by the Minister which was submitted to Parliament on the security upgrades at the Nkandla Private Residence of the President dated 25 March 2015 be declared to be unlawful and invalid.

6. In prayer 3.2 the DA sought an order of a declaratory nature that the Minister is not entitled to report to the National Assembly regarding the remedial action required by the Public Protector at page 442, paragraph 11.1.4 of the Nkandla report and under section 3(5)(a) of the Ethics Act.

7. In bringing this application in the Western Cape High Court, the DA understood, and well appreciated that the relief as sought in the notice of motion is well suited for determination first by the High Court as a Court of first instance and not by the Constitutional Court as the Court of first instance.

8. In the meantime, the Constitutional Court issued a direction to the parties in the EFF application after the filing of opposing papers and heads of argument. On realising that a direction of this nature had been issued by the Constitutional Court, the DA opportunistically launched an application with the Constitutional Court which is the exact replica of its application pending in the Western Cape High Court.

9. The application is undated but was served on Parliament on 14 September 2015. The application is titled “conditional application for direct access”. The relief sought in this “conditional application” is exactly the same relief that the DA seeks in the Western Cape High Court application. The reason why the DA has referred to its Constitutional Court application as a “conditional application” is because the application is dependent on the Constitutional Court granting direct access to the EFF.

10. The DA seems to implicitly acknowledge that it has no independent grounds of its own to seek direct access except for a complete reliance on the EFF’s application. This much is fortified by the absence of grounds justifiable in law for direct access in the founding affidavit of the DA and its complete reliance on its affidavit in the Western Cape High Court without alleging any factual basis in the affidavit deposed to in this Court.

11. We demonstrate in these heads that the DA’s application is misconceived. The structure of these heads takes the following format. First we set out the background facts in brief; whether a case has been made out for direct access; whether the application is not pre-mature given the statutory internal remedies which were not yet exhausted; whether the Public Protector’s report can be taken on review before the internal processes have been concluded; whether the Minister’s report accords with his accountability to Parliament and whether the Minister

could have ignored the request from the Speaker or the National Assembly; and whether this Court can sit as Court of first instance and adjudicate on the issues raised by the DA in the light of the disputes of fact and whether the nature of the issues arising from this matter require the invocation of the separation of powers principle.

12. We deal with each of the points we have raised above in detail below.

B. THE BACKGROUND FACTS

13. On 19 March 2014 the Public Protector published a report entitled "SECURE IN COMFORT".[1] The report contains the Public Protector's findings and recommendations following her investigation conducted into the alleged impropriety and unethical conduct relating to the installation and implementation of security and related measures at the private residence of the President.[2]

14. In her report, the Public Protector recommended, *inter alia,* that the President:

14.1. with the assistance of the National Treasury and the South African Police Services, take steps to determine the reasonable cost of the measures implemented by the Department of Public Works ("DPW") at his private residence that do not relate to

[1] Annexure JS1, PAGES 49 to 272
[2] Paragraph (i) on page 4 of the executive summary of the Public Protector's report, page 50 of the record

security, and which include Visitors' Centre, the amphitheatre, the cattle kraal and chicken run, and the swimming pool;[3]

14.2. pay a reasonable percentage of the cost of the measures as determined with the assistance of National Treasury, also considering the DPW apportionment document;[4]

14.3. reprimand the Ministers involved for the appalling manner in which the Nkandla Project was handled and state funds were abused;[5] and

14.4. report to the National Assembly on his comments and actions on the Public Protector's report within 14 days.[6]

15. On 2 April 2014, the President submitted his report to the National Assembly. The relevant contents of the President's report are summarised below. He advised that:

15.1. the investigations which were conducted by the Ministerial Task Team and the Public Protector enquired into substantially the same subject-matter;

15.2. there were stark differences in the two reports, both in respect of the findings as well as the remedial actions proposed in them;

15.3. during the course of December 2013, he caused a proclamation to be gazetted which empowered the Special Investigating Unit

[3] Paragraph 11.1.1 page 442 of the Public Protector's report, page 269 of the record.
[4] Paragraph 11.1.2 page 442 of the Public Protector's report, page 269 of the record.
[5] Paragraphs 11.1.3 page 442 of the Public Protector's report, page 269 of the record.
[6] Paragraph 11.1.14 page 442 of the Public Protector's report, page 269 of the record.

("SIU") to enquire into and investigate the security upgrade at Nkandla;

15.4. he was going to give full and proper consideration of all matters that were raised in the reports, including the SIU's report; and

15.5. he would provide Parliament with a further final report on the executive interventions that he would consider to be appropriate.

16. On 14 August 2014, the President provided the further report to the first respondent, the Speaker of the National Assembly ("the Speaker"). In this second report, the President stated that:

16.1 he had received and considered the report of the SIU, the report of the Joint Standing Committee on Intelligence ("JSCI") as well as the Public Protector's report titled "Secure in Comfort";

16.2 his report was not meant to be a critique of any of the said reports; and

16.3 he deemed the Minister of Police as the designated Minister under the National Key Points Act, to report to Cabinet on a determination to whether he is liable for any contribution in respect of the security upgrades having regard to the legislation, past practices, culture and findings contained in the respective reports.[7]

[7] Paragraph 63.2 of the report dated 14 August 2015, page 520 of the record.

17. On 21 August 2014, the Public Protector responded to the President's report and stated, *inter alia,* that she was finding it difficult to understand why the Minister of Police was tasked to make a determination on whether the President was liable for any contribution in respect of the security upgrades.[8]

18. Further, that this tasking of the Minister of Police gives the Minister of Police power which he does not have under the law, namely to review the Public Protector's decision taken in pursuit of her powers of administrative scrutiny which she has in terms of section 182 of the Constitution and as expected by the relevant sections of the Ethics Act.[9] Further, there was nothing in the President's August 2014 document indicating that he disagreed with the Public Protector's findings; and

18.1 she would appreciate to see the President's comments to the National Assembly on her findings and an indication on the actions taken or to be taken to implement the remedial action determined by her.

19. On 11 September 2015, the President responded to the Public Protector. In this response he pertinently stated that :

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[8] Paragraph 14 of the fourth respondent's correspondence dated 21 August 2014, pages 528-529 of the record.
[9] Paragraph 14.6 of the fourth respondent's correspondence dated 21 August 2014, pages 528-529 of the record.

"*I am awaiting the outcome of the parliamentary process and venture to suggest that you do likewise should allow this important institution of our democracy to do its work."*[10]

20. As part of the parliamentary process, an ad hoc committee was established and tasked with the responsibility of considering the report of the President on the security upgrades at the Nkandla private residence.

21. This ad hoc committee recommended that:

> *"The President must ensure the implementation of all measure, as outlined in his final report on the upgrades at his Nkandla private residence to the Speaker of the National Assembly (announcements, tabling's and committee reports, 1026, 14 August 2014). However, the committee is of the considered view that the cabinet memorandum of 2003 is applicable and not the National Key Points Act (Act 102 of 1980). A report must be made available to Parliament within 3 months."* [11]

22. The report of the ad hoc committee, which contained the above recommendation, was adopted by the National Assembly on 13 November 2014.

23. On 29 December 2014, the Speaker wrote to the Minister of Police, requesting him to report on the issue of whether the President benefited from the non-security upgrades at Nkandla.

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[10] The President's letter dated 11 September 2014, JS10, on page 536 of the record
[11] Annexure JS 13 page 581 para 5.9

24. Pursuant to the resolution of the National Assembly, and the request of the Speaker, the Minister of Police established a technical team of qualified security experts to undertake an evaluation of the existing security features at the Nkandla homestead, to probe their effectiveness and appropriateness.

25. The Minister of Police's report which is dated 25 March 2015, was tabled before the ad hoc committee on 21 July 2015. The Speaker caused the report to be tabled before the National Assembly. On the same day the Chief Whip of the Majority Party in Parliament tabled a motion for the National Assembly to establish an ad hoc committee to consider the report of the Minister of Police. The motion was adopted by the National Assembly and the ad hoc committee was established.

26. The ad hoc committee considered the Minister of Police's report and thereafter adopted it.

27. In consequence of the adoption of the Minister's report, on 18 August 2015, the National Assembly adopted the report and the findings of the ad hoc committee.

C. DIRECT ACCESS

28. The applicant has brought an application for direct access.

29. The application is brought in accordance with the provisions of section 167(6)(a) of the Constitution, which provides that:

> *"National legislation or the rules of the Constitutional Court must allow a person, when it is in the interests of justice and with leave of the Constitutional Court to bring a matter directly to the Constitutional Court".*

30. It is contemplated in section 167(6)(a), that the applicant sets out the grounds on which it contents that it would be in the interests of justice that an order for direct access be grated.

31. The applicant relies upon the following grounds in its application for direct access:

32.1 that it would be in the interest of justice for this court to make a determination of the issues raised in its application and that of the EFF in one hearing, in which all the parties who have a direct and substantial interests in the matter are heard;[12] and

32.2 that, given the public interests and importance of the constitutional issues raised in both the EFF and DA's applications, the contentions of the Public Protector, in particular, ought to be heard by this Court.[13]

[12] page 17 para 19
[13] page 13 para 20

32. It could be discerned from the above that the applicant's grounds supporting the application for direct access to this Court, are primarily based on the Court granting the EFF direct access.

33. The question then arises, whether the grounds relied upon by the applicant amount to exceptional circumstances which would entitle it to direct access. In Mazibuk this Court has stated that:

> *"[35] In Bruce this court stated that in granting an application for direct access the interests of justice requirement will ordinarily be met only where exceptional circumstances exist. For the existence of exceptional circumstances there must, in addition to other factors, be sufficient urgency or public importance, and proof of prejudice to the public interest or the ends of justice and good government, to justify such a procedure. An additional consideration is whether there are any issues, and evidence relating to those issues, that would be better isolated and clarified through the multi-stage judicial process."*[14]

34. This Court has also stated that:

> *"[27] However, the power to grant litigants direct access outside the court's exclusive competence is one this court rarely exercises, and with good reason. It is loath to be a court of first and last instance, thereby depriving all parties to a dispute of a right of appeal. It is also loath to deprive itself of the benefit of other courts' insights."*[15]

35. The nature of the relief sought against the Minister of Police hardly constitutes exceptional circumstances which would render granting the applicant direct access in the interest of justice. The relief sought by

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[14] Mazibuko NO v Sisulu and Others NNO 2013 (6) SA 249 (CC)
[15] Women's Legal Centre Trust v President of the Republic of South Africa and Others 2009 (6) SA 94 (CC) at paragraph 27

the DA against the Minister fall squarely within the domain of the High Court. This Court should intervene only after the other Court have the benefit of adjudicating on the matter.

36. We submit, furthermore, that the applicant's application should fail because the applicant has pleaded no substantive grounds why direct access to the Constitutional Court should be granted. This Court emphasised in ***Van Vuuren v Minister of Correctional Service and Others*** that:

> *"Direct access to this Court may be granted in exceptional circumstance only. The application for direct access should be brought on notice of motion, supported by an affidavit setting forth the facts upon which the applicant relies for relief. This Court will grant direct access only if it considers it to be in the interests of justice to do so. This Court has, repeatedly, emphasised that compelling reasons are required in order to justify the exercise of its discretion in favour of granting direct access and in sitting as a court of first and last instance".*[16] **[Our underlining for emphasis]**

37. There is no gainsaying, therefore, that the applicant has a duty to persuade the Court that there exists special or compelling circumstances that warrant direct access to this Court. This can only be achieved by the applicant stating the full reasons to support such application.

38. Furthermore, the applicant initially instituted the application in the Western Cape High Court. In instituting the application in the High

[16] 2012 (1) SACR 103 (CC).

Court, the applicant had full appreciation that the relief sought and the matters raised in the application should first be adjudicated by the High Court as the Court of first instance before the case could be brought to the Constitutional Court for further adjudication.

39. The applicant should have proceeded with or pursued the application in the Western Cape High Court, which does have the requisite jurisdiction to adjudicate on the application.

40. In the circumstances, the grounds upon which the applicant rely to support this application for direct access fail to meet the constitutional test, are inadequate and, consequently, the applicant should be refused direct access to this Court. Accordingly the application should be dismissed with costs on this basis.

D. THE LEGAL STATUS OF THE MINISTER'S REPORT

41. The legal status of the Minister's report is dependent on the mandate received from the Speaker of the National Assembly and the request from the President. If the mandate is lawful then the Minister's report cannot be impugned. We submit that the Minister's report is lawful as the Minister was lawfully executing his mandate being a Member of Cabinet accountable to Parliament. The Minister's report is not a final word on the matter until it is adopted by the National Assembly.

42. The lawfulness and validity of the Minister of Police's report is grounded in the duties and responsibilities bestowed upon Cabinet members.

43. It is common cause that the Minister of Police is a member of cabinet in terms of section 91(1) of the Constitution of the Republic of South Africa Act 108 of 1996 ("the Constitution").

44. Section 92(2) of the Constitution reads as follows:

> *"Members of the Cabinet are accountable collectively and individually to Parliament for the exercise of their powers and the performance of their functions. Therefore members of the cabinet are accountable to the National Assembly and to the Speaker of Parliament. In addition subsection (3)(a) enjoins Members of the Cabinet to act in accordance with the Constitution."*

45. By virtue of his position as a National Minister, the Minister of Police is a member of the Cabinet and thus accountable to Parliament.

46. As set out in section 42(1) of the Constitution, Parliament consists of the National Assembly and the National Council of Provinces.

47. The National Assembly adopted the ad hoc committee's report on 13 November 2014. Following this on 29 December 2014, the Speaker wrote to the Minister of Police, wherein she stated:

> *"(a) A technical team of qualified security experts from the State Security Agency (SSA) and the South African Police Services (SAPS) should undertake an evaluation of the existing security features at the private residence of the President at Nkandla to*

> *assess whether the implemented security features are secure, and to evaluate the concerns raised by the SIU report. The outcome of this evaluation must be reported to Cabinet and Parliament within three months."*[17]

48. The Minister of Police complied with the request of the ad hoc committee and the Speaker and compiled a report. The Minister of Police was mindful of his accounting duties or responsibilities towards Parliament, which included adhering to the request of the Speaker.

49. In terms of the cabinet memorandum of 2003, the Minister of Police is the relevant Cabinet member tasked with securing the safety and protection of Presidents, Deputy Presidents and Ministers.

50. In addition section 198 of the Constitution provides that:

> "*The following principles govern national security in the Republic –*
>
> > *"(a) ...;*
> > *(d) National security is subject to the authority of Parliament and the national executive."*

51. The above section vests questions of national security in the authority of Parliament and the National Executive. Therefore, the Speaker was empowered and authorised to request the Minister of Police, as the relevant Cabinet Member charged with the responsibility for the security of the Cabinet members, to prepare a report as to what

[17] BM 13

constituted security and non-security upgrades at the President's Nkandla private residence.

52. The Minister of Police's report was concluded pursuant to his obligation to comply with the direction of the National Assembly as contained in the resolution and to prepare a report for submission to the National Assembly.

53. Further, the Minister of Police is constitutionally obliged to comply with the directions of the National Assembly in terms of section 56(d) of the Constitution. This section clothes the National Assembly or any of its committees with the power to require any person, or institution to report to it. Consequently, the Minister of Police could not ignore the instructions of the Speaker upon receipt of the request dated 29 December 2015. A refusal by the Minister of Police to carry out the lawful instructions or request of the Speaker would have been tantamount to ignoring Minister's constitutional duties towards Parliament.

54. At no time prior to compiling his report or on presenting it to Parliament, was the establishment of the ad hoc committee or the instruction to the Minister of Police to conduct the assessment and thereafter compile a report, set aside or challenged in a court of law.

55. Further also, at no time prior to the applicant instituting its application in the Western Cape High Court, was the Minister of Police's report challenged in a court of law or taken on review.

56. The establishment of the ad hoc committee was lawful as was the request to compile a report. Consequently, it had to be given effect to.

57. Furthermore, we submit that the National Assembly's recommendation as well as the Speaker's request are reconcilable and in accordance with the recommendations made by the Public Protector. This is so to the extent that the Public Protector recommended that Parliament must determine whether or not the upgrades at the President's residence were security related for the purpose of implementing the recommended remedial actions.

58. To achieve what is contained in the Public Protector's recommendations, the National Assembly and Parliament relied on the Minister of Police making a determination as to which features are not security related and which, therefore, the President was liable to pay for.

59. The Minister of Police's conduct of compiling a report falls within the obligations imposed upon him as a member of Cabinet by section 56(b) and (c), section 92(2) and 92(3)(a) of the Constitution.

60. The Public Protector, in her correspondence with the President, has alleged that the Minister of Police's report constitutes a review of her report.[18] This is simply not the case.

61. Rather, the report compiled by the Minister of Police was part of a complimentary process to that carried out by the Public Protector.

62. At the time at which the Minister of Police carried out his analysis of what and what did not constitute security features, as he was required to do by Parliament, the Public Protector had already concluded her investigation.

63. The said analysis and subsequent report to Parliament by the Minister of Police constituted part of the Parliamentary process that was underway, and which, save for COPE, was sanctioned by all the political parties which participated in the ad hoc committee.

64. As the report by the Minister of Police is valid and lawful, the application stands to be dismissed.

65. The Minister, as a Member of Cabinet is constitutionally obliged to report to Parliament because Parliament has the constitutional authority to hold members of Cabinet to account. This was one way of

[18]Paragraph 14.6 of the Public Protector's letter dated 21 August 2014, JS9, page 524 of the record.

accountability by the Minister to the National Assembly. Section 55(2)(a)(b) of the Constitution is authoritative in this regard.

E. SEPARATION OF POWERS

66. Furthermore, the applicant's approach to Court is premature because the parliamentary processes have not yet been finalised. To adjudicate the issues at this stage, would deny Parliament an opportunity to fully consider the report and to reach final determination of the matter as recommended by the Public Protector. In the circumstances, this application should not, at this stage, be entertained by the Court.

67. The Minister of Police was requested to provide the National Assembly with a report. However, this request and compliance therewith did not complete the parliamentary process.

68. As the internal parliamentary processes have not been finalized, the applicant cannot know whether, at the end of the internal parliamentary processes, any parties affected by the remedial action recommended by the Public Protector, would wish to take the report on judicial review.

69. Should this Court grant this application, at this stage, it will amount to an interference with the pending processes of the National Assembly or Parliament, which would infringe upon the doctrine of separation of

powers. In the *Doctors for Life International v Speaker of the National Assembly and Others,* this Court held that:

> *"Parliament has a very special role to play in our constitutional democracy - it is the principal legislative organ of the state. With due regard to that rule, it must be free to carry out its functions without interference."*[19]

70. The Court held further that:

> *"The constitutional principle of separation of powers requires that other branches of government refrain from interfering in parliamentary proceedings. This principle is not simply an abstract notion; it is reflected in the very structure of our government. The structure of the provisions entrusting and separating powers between the legislative, executive and judicial branches reflects the concepts of separation of powers. The principle "has important consequences for the way in which and the institutions by which power can be exercised. Courts must be conscious of the vital limits on judicial authority and the Constitution's design to leave certain matters to other branches of government".*[20]

71. The principle of separation of powers was also applied in the case of ***National Director of Public Prosecutions and Others v Freedom Under Law*** where the Supreme Court Appeal held that:[21]

> *"... That doctrine precludes the courts from impermissibly assuming the functions that fall within the domain of the executive. In terms of the Constitution the NDPP is the authority mandated to prosecute crime, while the Commissioner of Police is the authority mandated to manage and control the SAPS. <u>As I</u>*

[19] 2006 (6) SA 416 (CC) para 36
[20] Ibid para 37.
[21] 2014 (4) SA 298 (SCA); 2014 (2) SACR 107 (SCA); [2014] 4 All SA 147 (SCA) (17 April 2014).

> *see it, the court will only be allowed to interfere with this constitutional scheme on rare occasions and for compelling reasons. Suffice it to say that in my view this is not one of those rare occasions and I can find no compelling reason why the executive authorities should not be given the opportunity to perform their constitutional mandates in a proper way. The setting aside of the withdrawal of the criminal charges and the disciplinary proceedings have the effect that the charges and the proceedings are automatically reinstated and it is for the executive authorities to deal with them. The court below went too far."* [Our underlining for emphasis]

72. The applicant has not advanced any compelling reasons for the Court to interfere with the parliamentary processes that are currently pending before the relevant Houses of Parliament.

73. This Court held in the case of ***National Treasury and Others v Opposition for Urban Tolling*** that:[22]

> **"**[65] *When it evaluates where the balance of convenience rests, a court must recognise that it is invited to restrain the exercise of statutory power within the exclusive terrain of the Executive or Legislative branches of Government. It must assess carefully how and to what extent its interdict will disrupt executive or legislative functions conferred by the law and thus whether its restraining order will implicate the tenet of division of powers. Whilst a court has the power to grant a restraining order of that kind, it does not readily do so except when a proper and strong case has been made out for the relief and, even so, only in the clearest of cases." [Our underlining for emphasis]*

74. As indicated above, the applicant has failed to provide compelling grounds for the Court to intervene with the parliamentary processes. In the circumstances, the application stands to fail also on this front.

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[22] 2012 (6) SA 223 (CC); 2012 (11) BCLR 1148 (CC) (20 September 2012).

75. It is quite clear that the application for direct access to this Court and to declare the report of the Minister of Police to be unlawful and invalid is ill-conceived and must fail in this Court.

76. For present purposes, we submit that this Court should refrain from adjudicating on the merits of this matter. The interest of justice demands that the High Court be left to adjudicate on issues arising from the application with the review record to be filed if needs be and the possibility of oral evidence if the dispute of fact are not capable of resolution on paper.

77. There are other issues which would require the attention of the High Court such as whether the evidence that was placed before the Public Protector was sufficient is any to justify a finding that certain of the security features were not in fact security features without the benefit of security expert evidence or whether the Public Protector's powers extend to a power to determine what constitutes security features without the benefit of expert but also whether that propagative vests with Parliament and the executive as postulated in section 98(d) of the Constitution.

78. Our respectful submission is that whilst it may be in the reading of the Public Protector's Act that the Public Protector may investigate a wide ranging issues in the public service and in government, such powers to

investigate are contained by law. The Public Protector certainly has no power to decide on matter of security and to disbelieve security and veto them when they have identified security measures without the assistance of experts herself.

79. It is common cause from reading the report of the Public Protector that her finding on what constituted security features and what not was entirely based on her own value judgment without the benefit of expert opinion. All these pointers are a strong indication that this Court is not better placed to deal with these issues as the Court of first instance.

80. It is for this reason and others we have alluded to above which militate against this Court granting direct access and entertaining the application on the merits.

F. CONCLUSION

81. Accordingly, the following order should be made:

81.1 the application for direct access should be dismissed;

81.2 the application is dismissed;

81.3 the applicant is ordered to pay the costs of the Minister of Police which should include the costs consequent upon the employment of two counsel.

W R MOKHARI S.C
H SLINGERS
M KGATLA
Counsel for the Minister of Police
Sandton & Cape Town Chambers

03 December 2015

MINISTER OF POLICE'S LIST OF AUTHORITIES

CASES:

1. Mazibuko NO v Sisulu and Others NNO 2013 (6) SA 249 (CC)

2. Women's Legal Centre Trust v President of the Republic of South Africa and Others 2009 (6) SA 94 (CC)

3. Doctors for Life International v Speaker of the National Assembly and Others 2006 (6) SA 416 (CC)

4. National Director of Public Prosecutions and Others v Freedom Under Law 2014 (4) SA 298 (SCA)

5. National Treasury and Other v Opposition for Urban Tolling 2012 (6) SA 223 (CC)

6. Van Vuuren v Minister of Correctional Service and Others 2012 (1) SACR 103 (CC)

ACTS:

1. Constitution of the Republic of South Africa, 1996