

**IN THE HIGH COURT OF SOUTH AFRICA**

**GAUTENG DIVISION, PRETORIA**

CASE NO: A155/19

Water Tribunal Case number: WT03/17/MP

In the matter between:

**ENDANGERED WILDLIFE TRUST**

First Appellant

**FEDERATION FOR A SUSTAINABLE ENVIRONMENT**

Second Appellant

and

**DIRECTOR-GENERAL (ACTING),  
DEPARTMENT OF WATER AND SANITATION**

First Respondent

**ATHA-AFRICA VENTURES (PTY) LTD**

Second Respondent

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**NOTICE IN TERMS OF RULE 16A**

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**KINDLY TAKE NOTICE** that this appeal raises the following constitutional issues:

- 1 the rights of public interest lawyers to litigate the rights in the Constitution and at the same time to have and express views about those rights, without being disciplined by way of punitive costs orders or prosecution for unethical conduct;
- 2 the entitlement of non-profit juristic entities and approved law clinics established in terms of section 34(8) of the Legal Practice Act No. 28 of 2014, to do the same;

- 3 the entitlement of non-profit juristic entities and approved law clinics established in terms of section 34(8) of the Legal Practice Act No. 28 of 2014 to engage in litigation in respect of the rights in the Constitution that their objects seek to enforce and uphold;
- 4 the rights of public interest lawyers to freedom of conscience, belief and opinion as set out in section 15 of the Constitution;
- 5 the rights of public interest lawyers to freedom of expression, including the freedom to receive or impart information or ideas;
- 6 the same rights on the part of non-profit juristic entities and approved law clinics established in terms of section 34(8) of the Legal Practice Act No. 28 of 2014; and
- 7 the rights of litigants in terms of section 34 of the Constitution to be represented in public interest litigation by lawyers of their choosing, including on the basis that their lawyers have ideas, views and interests aligned with their own.

**TAKE NOTICE FURTHER** that any person who believes that they may have an interest in any constitutional issue raised in this application may, with the written consent of all the parties to the proceedings and within 20 days of this notice being published by the Registrar of the above Honourable Court, be admitted herein as an *amicus curiae* upon such terms and conditions as may be agreed upon in writing by the parties.

**TAKE NOTICE FURTHER** that the written consent contemplated above shall, within five days of it having been obtained, be lodged with the Registrar of the above

Honourable Court. The *amicus curiae* shall, in addition to any other provision, comply with the times agreed upon for the lodging of written argument.

**TAKE NOTICE FURTHER** that the terms and conditions agreed upon may be amended by the above Honourable Court.

**TAKE NOTICE FURTHER** that if any interested party is unable to obtain the written consent contemplated above, they may, within five days of the expiry of the 20-day period referred to above, apply to this Honourable Court to be admitted as an *amicus curiae* in these proceedings. Such application shall:

- (a) briefly describe the interest of the *amicus curiae* in the proceedings;
- (b) clearly and succinctly set out the submissions which will be advanced by the *amicus curiae*, the relevance thereof to the proceedings and their reasons for believing that the submissions will assist the court and are different from those of other parties; and
- (c) be served upon all parties to the proceedings.

**TAKE NOTICE FURTHER** that any party wishing to be admitted as an *amicus curiae*, and making application to the above Honourable Court to be so admitted, shall serve a copy of that application upon all parties to these proceedings. Any party to these proceedings shall be entitled to oppose such application by filing an answering affidavit within five days of the service of the application upon them. The answering affidavit shall clearly and succinctly set out the grounds of such opposition.

DATED at \_\_\_\_\_ on this the \_\_\_\_\_ day of OCTOBER 2020

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**CENTRE FOR ENVIRONMENTAL RIGHTS**

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TO:

**THE REGISTRAR**

of the above Honourable Court  
PRETORIA

AND TO:

**THE STATE ATTORNEY**

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