



# Liberty Fighters Network

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**Date:** 18 August 2025

**VERY URGENT**

**To:** Ms. Siviwe Gwarube, MP

Minister of Basic Education

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cc. Adv Zukile Ntshwanti – Director: Legal Services

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cc. DBE: Information Officers

Mr HM Mveli & Adv N. Mashigo

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Dear Minister

**RE: DRAFT ADMISSION OF LEARNERS TO PUBLIC SCHOOLS REGULATIONS, 2025 – REGULATION 14 (“PROOF OF IMMUNISATION”) – DEMAND FOR INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (“PAIA”) AND THE COMMON LAW, AND NOTICE OF INTENDED LEGAL PROCEEDINGS**

1. I acknowledge receipt of your letter dated 18 August 2025, issued in response to mine of 12 August 2025.
2. Whilst I appreciate your assurance that draft Regulation 14 remains a draft and will be finalised only after consideration of public comments and legal vetting, the central issue raised in my earlier correspondence remains unresolved: the **absence of disclosure of the evidentiary record that informed the decision to publish Regulation 14 in draft form.**
3. Draft regulations are not prepared in a vacuum. They must be founded upon information, data, reports, or expert opinions justifying their inclusion at draft stage. Without disclosure of such records, members of the public are deprived of a meaningful and informed opportunity to exercise their constitutional right to comment. Put differently: one cannot effectively counter, analyse, or test the justification for a regulation without knowing the very basis on which it has been proposed.
4. I therefore repeat and emphasise our request in terms of section 11 of the Promotion of Access to Information Act, 2000, and the common law right to access information necessary for the exercise of rights:

- 4.1. All records, data, reports, memoranda, correspondence, or assessments that informed the decision to include Regulation 14 in the draft regulations, including the categories specified in paragraph 29 of our 12 August 2025 letter.
5. Kindly be reminded that our original letter stipulated a **14-calendar-day timeframe for compliance**, which remains in force. In the event that the requested records are not supplied within that timeframe, Liberty Fighters Network will be left with no option but to approach the High Court to secure appropriate relief, including, if necessary, an urgent interdict preventing the promulgation of Regulation 14.
6. In addition, **we kindly require your formal commitment that, should Regulation 14 be implemented in the same, or an effectively similar, format to the current draft, a reasonable period of grace shall be afforded before such regulation comes into force. Specifically, we request that a window of three (3) months be provided between promulgation and commencement.**
7. This will allow any affected party sufficient time to institute judicial review proceedings, ensuring that the constitutional rights to access courts, to just administrative action, and to meaningful public participation are not rendered illusory. Such an undertaking by your office would reflect a genuine commitment to considering all comments received, and would protect the integrity of the public participation process.
8. Respectfully, the seriousness of Regulation 14 cannot be overstated. The proposal amounts to conditioning access to basic education on proof of vaccination, which, absent demonstrable necessity and scientific justification, represents a measure inconsistent with the Constitution and international law. For this reason, the record underpinning the draft is not only relevant, but indispensable to the lawfulness of the current public comment process.

9. We accordingly look forward to receipt of the requested information within the prescribed period and your kind undertaking as per paragraph 6 *supra*.
10. Our rights, and those of our members and the public we represent, remain reserved *in toto*.

Yours Faithfully,



**Reyno D. De Beer** \

President: Liberty Fighters Network

On behalf of our member, interest of the Public