
SEVENTH COMPLAINT AGAINST MLAMBO JP
UNDER SECTION 14 OF THE JUDICIAL SERVICE COMMISSION ACT

I, Anthony Brink, affirm:

1. I am an advocate of the High Court of South Africa, residing at 25 Balcomb Avenue, Zini River Estate, Mtunzini, KwaZulu-Natal. My email address is anthonybrink.sa@gmail.com and my cellphone number is 0837794174. I am the complainant.
2. This is a complaint made under section 14 of the Judicial Service Commission Act 9 of 1994 against Dunstan Mlambo JP, head of the Gauteng Division of the High Court, and chairperson of the Board of Directors of Legal Aid South Africa ('LASA'), hereinafter 'the respondent'.
3. I charge the respondent with 'gross misconduct, as envisaged in section 177(1)(a) of the Constitution', per section 14(4)(a) of the said Act, in lying to the Portfolio Committee of the National Assembly on Justice and Constitutional Development (as it was then called; hereinafter 'the Committee') in a 'confidential' report, under a covering letter quoting a dishonest and disparaging email he'd sent me, to pervert the Committee's enquiry into my complaint repeated in my third petition to the respondent, which I'd copied to the Committee, that LASA CEO and information officer Vidhu Vedalankar had persistently and repeatedly illegally refused to comply with my requests in August and December 2010 under the Promotion of Access to Information Act 2 of 2000 ('PAIA') for access to specified LASA records, and that she'd thereby violated my fundamental right to public body information entrenched by section 32(1)(a) of the Bill of Rights in Chapter 2 of the Constitution.

4. By perverting the Committee's enquiry with his lies, the respondent:
- 4.1. obstructed and successfully defeated the National Assembly's policing duty imposed by section 55(2)(b)(ii) of the Constitution 'to maintain oversight of ... organ[s] of state', and thereby prevented it from holding LASA's most senior public officers to account for their repeated and persistent fundamental right violations – an extraordinarily serious matter after apartheid; and,
 - 4.2. criminally contravened section 17(2) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act 4 of 2004, which provides:

A person who –

...

(d) with intent to deceive a House or committee, produces to the House or committee any false, untrue, fabricated or falsified document; or

(e) ... wilfully furnishes a House or committee with information ... which is false or misleading,

commits an offence and is liable to a fine or to imprisonment for a period not exceeding two years or to both the fine and imprisonment.

5. For concision, I'll refer to parts of my previous complaints against the respondent, and to their annexures, and I request that they be read as incorporated in this Seventh Complaint.
6. Paragraphs 4–13 of my Second Complaint establish the Judicial Service Commission's jurisdiction to deal with this Seventh Complaint.
7. Section 56(d) of the Constitution provides that 'The National Assembly or any of its committees may ... receive, petitions, representations or

submissions from any interested persons' – such as my third petition to the respondent and the Board on 25 February 2011, copied to the Committee, protesting Vedalankar's repeated illegal total refusals of my PAIA requests and pleading for their intervention and remediation. (I detail this in paragraphs 6–9 of my Fifth Complaint, to which my third petition is annexure 'A'.)

8. Section 56(b) of the Constitution provides that 'The National Assembly or any of its committees may ... require any person to report to it' – and duly acting under this constitutional power, after reading my third petition to the respondent, which I copied to the chairperson of the Committee, the latter wrote to the respondent on 23 March 2011 to 'ask you, your Board and the [Legal Aid] Board's¹ CEO for a formal response to these allegations please' concerning the latter's 'refusal to comply with the Promotion of Access to Information Act amongst other things.' A copy of the Committee chairperson's demand for a report about this from the respondent is annexed marked 'A'.

1. The 'Legal Aid Board' to which the Committee chairperson referred, and explicitly named as such in the inside address of his letter, was LASA's previous name.

9. As just mentioned, the Committee specifically required 'a formal response to these allegations' from the respondent, from the Board, and from Vedalankar. Disobeying his clear instruction to obtain it, however, the respondent didn't seek the Board's response to my fundamental rights violation complaints protested in my three petitions; and the likely reason he didn't do so is that he didn't want the Board discussing the grave illegality and constitutional rights violations in which he was personally and directly complicit.

10. The respondent responded the Committee chairperson by letter on 22 June 2011:

Attached please find a report on this matter which was submitted to the Minister of Justice and Constitutional Development in March 2011 and which has since been updated. In summary I wish to reiterate what I said to Mr Brink when he wrote and complained to me: [The respondent here quoted his untruthful and abusive email to me of 24 January 2011, annexure 'C' to my First Complaint.] I trust that the attached report and this letter clarify the matter concerning Mr Brink.

11. A copy of the respondent's covering letter is annexed marked 'B'; and a copy of his 'updated' report is annexed marked 'C'.
12. By quoting to the Committee his lie told me in his January 2011 email that he still saw nothing remiss in Vedalankar's illegal and unconstitutional refusals of my PAIA requests made in August and December 2010, notwithstanding my detailed complaints about this in my repeated petitions to him, the respondent thereby repeated this lie to the Committee, and thus lied to it with the dishonest object of discrediting my entirely proper, duly made complaint to him in my third petition about Vedalankar's ongoing violation of my fundamental right to information.
13. And by quoting to the Committee his false charges against me of personal and professional misconduct, the respondent defamed me with the dishonest object of misleading the Committee by discrediting me personally.
14. The respondent's corrupt intention in repeating his said lie and in defaming me to the Committee was to prejudice it against me and my complaint, the better to pervert its enquiry inter alia into Vedalankar's repeated illegal and unconstitutional refusals of my duly made requests for sight of LASA's public records, about which I'd repeatedly protested to the respondent and sought his intervention to remedy it.

15. By the time the respondent wrote and reported to the Committee in June 2011, three months after his report to the Minister in March 2011:

15.1. I'd made a third PAIA request on 9 March 2011, testing Vedalankar's stories told me in her 28 January 2011 letter, in which she'd again refused my first PAIA request made in August 2010; and,

15.2. a month later on 8 April 2011, deputy information officer Brian Nair had responded to my third PAIA request, and at the same time had revisited my August and December 2010 PAIA requests, which on 3 March 2011 I'd narrowed and reduced to focus on testing the specific budgetary excuse for cancelling my appointment that Vedalankar had cooked up and fed me in her October 2010 letter and reheated in her January 2011 one.

1. Nair persisted in unlawfully refusing most of my record requests on factually and legally spurious grounds (the South African Human Rights Commission ('SAHRC') later agreed, and LASA itself conceded; see below), but at last he furnished an affidavit under section 23 of PAIA, certifying that certain requested records didn't exist – records that would have existed had I been told the truth. Crucially, he confirmed that no record whatsoever existed to support Vedalankar's brazen, ridiculous lie to me in October 2010, repeated in January 2011 and contradicted by the very records she put up 'to demonstrate' this, that 'in July 2010' she and Nair had 'immediately' frozen LASA's remaining three vacant critical Senior Litigator posts, after suitable candidates had been selected and recommended for them, for lack, 'due to the recession', of sufficient budget provided by the Department to fill them. Refuting Vedalankar's blatant lie to me, LASA's Senior Litigator salary budget applications for five years from 2010/11 to 2015/16, which I requested from the Department in 2015 (after LASA had, as usual, illegally refused me access to such information requested for one financial year) prove the posts have always been and remain fully budgeted. Also, by 2010 the global 'recession' of 2008 was long over.

16. The respondent's 'updated' report to the Committee repeated the lies he told the Minister about the handling of my PAIA requests, and told him two more new lies about this.
17. The original lies told to the Minister to put down my complaints about Vedalankar's persistent illegal refusals of my PAIA requests, which the respondent repeated to the Committee, are quoted in paragraph 14 of my Sixth Complaint, and are glossed in its paragraph 15.
18. Concerning PAIA, the report to the Committee contained the fresh allegation (among other lies unrelated to PAIA): 'We have responded to all Adv Brink's requests for information in terms of PAIA within the timeframe stipulated in the Act.'
19. In truth and in fact, and contrary to this glib, smooth-sounding criminal lie told to misinform and mislead the Committee, and to conceal from it the fact that Vedalankar and Nair had persistently and repeatedly illegally refused to comply with my duly made PAIA requests in violation of my fundamental right to information:
 - 19.1. my main PAIA request, my first one in August 2010, had been ignored in the 30 calendar days allowed by section 25 of the Act to respond to it – a deemed refusal under section 27; then expressly refused in October 2010 for unlawful reasons, three weeks outside 'the timeframe stipulated in the Act'; then refused again three months later in January 2011 for different unlawful reasons; and then refused again in April 2011 three months after that for more unlawful reasons;
 - 19.2. my second PAIA request in December 2010 had been timeously responded to in January 2011, but also unlawfully refused in toto, on the false basis that it was a mere repetition of my first August request; and,

- 19.3. my third PAIA request in March 2011 was similarly responded to in April 2011 within the prescribed timeframe, but was unlawfully substantially refused (as the SAHRC confirmed and LASA conceded, both quoted below doing so).
20. Again, like his false report to the Minister, the respondent's 'updated' report to the Committee contained no indication that LASA was persistently and repeatedly illegally denying me access to LASA's business records that I'd duly requested.
21. Quite the opposite, to falsely and deceptively imply to the Committee that my PAIA requests had been duly complied with, the respondent's report to it made the meretricious new statement, true on its face but false in substance: 'We copied these responses to the SA Human Rights Commission to confirm our compliance with PAIA.'
22. To the contrary, four days later on 26 June 2011, the SAHRC disconfirmed LASA's 'compliance with PAIA', as the respondent had falsely alleged to the Committee. Responding to my 'Second Memorandum' that I'd submitted, showing the factual and legal vacancy of Nair's reasons for withholding records I'd duly requested, the SAHRC concurred: 'A cogent opinion demonstrating the unlawfulness of the action of the deputy information officer is made in your memorandum.'
23. The SAHRC, together with ODAC (the Open Democracy Advice Centre, a PAIA watchdog NGO), then stepped in to try remedying the crisis (the persistent, repeated violation of the Constitution by LASA's top two management executives Vedalankar and Nair) and on 6 October 2011 held a special remedial class for the clueless 'key personnel' in LASA's national office, during which extra lesson they admitted that 'they had previously been misapplying the provisions of PAIA in certain instances' – i.e. to my requests, the only ones refused – and had 'identified [this] misinterpretation

and misapplication ... as of high risk to LASA ... [They] reacted to the reporting of LASA as non-compliant to Parliament with concern'. A copy of the SAHRC's workshop report recording this is annexed marked 'D'.

24. Whereas at the trial of my labour claim in mid-2013 Nair finally admitted he'd ghost-written the report to the Minister, as proved by the 'Author' properties of the document given me in PDF (discussed and shown in paragraphs 1 and 2 of Part Two of the Endnote to my Sixth Complaint), he denied having 'updated' it for the Committee by adding any further information to it, and said could 'only assume the Judge personally wrote that' – although later he wasn't sure: he couldn't say 'If the Judge wrote it himself, implying it could have been Vedalankar to whom he'd passed the original report he'd drawn for the respondent to sign and give the Minister. Material excerpts from the trial record in this regard are annexed marked 'E'.
25. As with his report to the Minister, the respondent's 'updated' report to the Committee was clearly calculated to pervert its enquiry, by misleading it and inducing it to believe incorrectly that:
- 25.1. my three complaints to the respondent in November and December 2010 and in February 2011 about Vedalankar's illegal refusals of my PAIA requests were baseless;
- 25.2. Vedalankar and Nair had duly complied with my PAIA requests and had refused me nothing;
- 25.3. a few outstanding records that they'd agreed to provide me were still being gathered for delivery;
- 25.4. they'd duly responded to all my PAIA requests timeously under the Act;

- 25.5. they'd duly furnished me with all the documents I needed to see for myself that the financial insufficiency explanation Vedalankar had given me for the abortion of my appointment was true;
- 25.6. I was mentally perturbed (a) for not accepting Vedalankar's budgetary explanation for the abortion of my appointment (which in an affidavit confirming Nair's section 23 affidavit in April 2011 she falsely confirmed as true under penalty of perjury, as did Nair, who later went on to tell several other completely different stories, also under oath), and (b) for complaining that the documents that she'd put up, and others I'd sourced, did not support and quite obviously contradicted her claim that LASA's three remaining vacant critical Senior Litigator posts had been frozen indefinitely for want of sufficient budget to fill them;
- 25.7. I'd asked for and was wasting Vedalankar's and Nair's time in seeking access to irrelevant documents that had no bearing on the abortion of my appointment;
- 25.8. my 'requests for further information' (in fact the same illegally denied information) that I was 'currently pursuing ... with the Human Rights Commission' were an equal waste of time;
- 25.9. my 'threatened litigation' to compel the production of the records I'd requested was meritless and bound to fail;
- 25.10. my correspondence with LASA's executive management and Board was 'insulting and malicious' and my 'conduct ... invasive' – which is to say, in repeatedly entreating the respondent and the Board to see to Vedalankar's compliance with my PAIA requests, and thereby respect my fundamental right to information held by the state guaranteed by

section 32(1)(a) in the Bill of Rights of the Constitution, I'd grievously misconducted myself and was continuing to do so; and,

25.11. in my communications with LASA's officers, as I was pursuing entirely misconceived claims and complaints, I was raving like a demented person.

26. All the respondent's claims and clear implications to the Committee in his report about my complaint, repeated again in my third petition, that Vedalankar had illegally and unconstitutionally refused to comply with my PAIA requests, were lies.

27. The respondent well knew it, because, as said in paragraphs 17–19 of my Sixth Complaint, he'd received, had read, had well understood, and had very deliberately spurned my three petitions to him about Vedalankar's obviously illegal and unconstitutional refusals of my PAIA requests and her ongoing violation of my fundamental right to information.

28. And as said in my Second Complaint, the respondent cannot reasonably and credibly answer as a senior judge that he was so ignorant of a pivotal, core fundamental civil right entrenched in our democracy by the Constitution – essential, the courts have repeatedly emphasized, for the enforcement and protection of other rights – that my repeated petitions to him, especially my first one, finely detailing Vedalankar's illegal refusal to allow me access to LASA records that I wanted to examine, went right over his head, because he couldn't and didn't understand what I was complaining about.

29. The fact is, the respondent understood perfectly that I was being illegally denied duly requested records in violation of my fundamental constitutional right to information. And he was quite happy about this, because what he wanted was that I should just push off, and stop:

- 29.1. requesting documentary information about why my appointment to LASA's top legal professional post in Kwazulu-Natal had been cancelled off the record;
 - 29.2. testing with PAIA the already obviously false say-so information Vedalankar had given me about it in her letters refusing me access to the records I'd requested; and,
 - 29.3. investigating with PAIA the true reason my recruitment had been aborted.
30. Nor can the respondent reasonably and credibly contend that in repeating to the Committee the several lies he told the Minister, plus two more new ones told the Committee, all to the effect that my PAIA requests had been lawfully handled and acceded to, he was deferring to and relying on the professional legal advice of a junior advocate; which is to say, in the language of the Nkandla judgment, 'He might have been following wrong legal advice and therefore acting in good faith'.
31. Paragraph 75.2 of the respondent's answering affidavit in my application for leave to subpoena him for cross-examination at the trial of my labour claim on the reason he dismissed my petitions and lied to the Minister and Portfolio Committee, made on his behalf by LASA's lead in-house attorney Corporate Services Executive Thembile Mtati, following 'consultations' with him, records that counsel in private practice was briefed to opine on how my PAIA requests should be answered, 'to be safe', and that 'Counsel advised that limited access to information be given to the Applicant.' A material excerpt of this affidavit is annexed marked 'F'. (Its title and signature pages are part of annexure 'A' to my First Complaint.)
32. Nair's responses to my PAIA requests in April 2011 show that this young good-news lawyer's advice to LASA was that besides providing me with a

long overdue section 23 affidavit certifying non-existent records, I should be given nothing else; because for various plainly spurious reasons Nair persisted in illegally refusing my requests.

33. As said, the SAHRC confirmed this illegality soon afterwards in June 2011; and in October 2011, LASA admitted it: The SAHRC's report of the PAIA workshop (annexure 'D') records that LASA's abysmally ignorant head office 'personnel from the Legal Department' repeatedly conceded their 'lack of application based knowledge' and 'challenges complying with PAIA ... Most participants had no prior knowledge of PAIA' and 'were a little overwhelmed by the requirements of the legislation', which 'led to inconsistent application in the organisation'. So they 'were able to gain value from the training. They have as a result undertaken to review decisions which may not have had justification in terms of PAIA' – namely Vedalankar's and Nair's illegal refusals of my PAIA requests, since only mine were refused. (How the special remedial lesson was completely lost on LASA's top attorneys; how they reneged on their undertaking to review the illegal refusals of my PAIA requests; and how my subsequent PAIA requests continued being illegally refused is described in my Endnote.)
34. It bears mentioning that unlike the respondent, Satchwell J in the Gauteng Division of the High Court, under his leadership as head of that court, but following a very different, correctly dissenting line on PAIA, has sharply deplored the deliberate employment of inexperienced and incompetent junior lawyers by public bodies to obstruct access to their public records duly requested for the purpose of exposing evidence of their corruption. A news report of this is annexed marked 'G'.
35. The respondent thus 'failed to uphold, defend and respect the Constitution' (per the Nkandla judgment) yet again.

36. Since the lies told in the report and covering letter were subscribed by a senior judge, the chairperson of the Committee naturally believed them to be true; concluded that my PAIA complaints were devoid of merit and that I was a personal and professional reprobate as the respondent alleged; and fairly wrote back to me on 29 June 2011: 'In light of the facts set out in Justice Mlambo's response, I now regard this matter as closed.' A copy of his letter is annexed marked 'H'.
37. The respondent thus succeeded in corruptly misleading the Committee, and thereby perverting its enquiry inter alia into my complaint – reiterated in my third petition to him on 25 February 2011, copied to the Committee – that LASA CEO and information officer Vidhu Vedalankar had repeatedly and persistently illegally refused to comply with my duly made requests for access to LASA's records, and was thereby violating my fundamental right to public body information entrenched by section 32(1)(a) of the Bill of Rights in the Constitution.
38. Plainly the reason the chairperson of the Committee decided to close his enquiry is that it was unimaginable to him that 'the facts set out in Justice Mlambo's response' – namely his covering letter and report – were actually lies told to mislead him, so as to pervert the Committee's enquiry and defeat its oversight function over LASA under section 55(2) of the Constitution, in:
- 38.1. breach of multiple relevant provisions of LASA's Code of Ethics and Conduct, as enumerated in paragraphs 38 and 41 of my Second Complaint;
- 38.2. manifold criminal contraventions of section 17(2) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act 4 of 2004, cited in paragraph 4.2 above; and,

38.3. violation of the respondent's judicial oath to 'uphold and protect the Constitution and the human rights entrenched in it' in that he deliberately 'failed to uphold, defend and respect the Constitution' (per the Nkandla judgment) in twice colluding in, twice conniving at, and then twice covering up Vedalankar's illegal and unconstitutional refusals of my PAIA requests with the object of: (a) obstructing my access to records testing the lying budgetary insufficiency story she'd eventually told me, under rising pressure to account, eleven months after my successful interview for the Pietermaritzburg Senior Litigator post, as the reason my recruitment had been aborted; and, (b) concealing the true reason for it, the respondent's wish that his former long-time judicial colleague in the Labour Court be appointed to the post for which I'd been recommended instead of me.

ENDNOTE

The SAHRC's tutorial for LASA's head office lawyers on how PAIA works entirely failed, and their undertaking to the SAHRC was promptly dishonoured: Not only were the illegal refusals of my requests not reviewed as promised, LASA continued illegally refusing virtually all my further PAIA requests made after the trial of my labour claim in mid-2013, inter alia testing the veracity of some surprising, unexpected, brand-new stories Nair told in his evidence, one of them radically contradicting and changing the previous story Vedalankar had told me twice in her letters of October 2010 and January 2011, and then confirmed on affidavit in April 2011, just as he did, namely that she and he had frozen LASA's three remaining vacant Senior Litigator posts at Pietermaritzburg, Durban and Mthatha 'immediately ... in July 2010' for want of sufficient budget from the Department to fill them 'due to the recession'.

Flatly contradicting the story he'd sworn to in April 2011, Nair testified at trial in mid-2013 that the Mthatha post was not frozen for financial reasons or at all. His new story in court was that despite his repeated appeals to Vedalankar, she'd refused to approve the abolition of the redundant Kimberley post and the creation of the sorely needed Mthatha post – *after* the new Mthatha post had been created, advertised, interviewed for, and a suitable candidate selected and recommended for it. An obvious new lie, told on oath.

One of junior counsel's fee-notes, his fourth in the matter of my PAIA requests, reflects a charge of R159 600 for spending, he claimed, eight days in the period 11–31 March 2011 'researching the law' and writing his advice, based on his new learning about PAIA, of which he'd previously had zero, into a 'memo'.

After Corporate Legal Manager Solly Sekgota 'Recommended for payment' this magnificent charge for advising LASA to continue illegally refusing me access to the records I'd duly requested, rather than just handing them over as the Constitution and PAIA required, and junior counsel was paid his fabulous fee, LASA strangely presented me with this bill for reimbursement. A copy is annexed marked 'J'.

Under PAIA I duly requested copies of all this junior counsel's other fee-notes reflecting his charges – likely millions of rands – for his services to LASA, from early 2011 on, in recommending that my PAIA requests be illegally refused and that my several applications to court to compel LASA's delivery of duly requested records be opposed with many lever-arch files full of worthless papers he drew and ultimately abandoned at the point of argument in court after reading my pre-trial conference agenda taking them to pieces.

When I stated my intention to pass these invoices on to the Auditor General for the personal recovery of this massive public revenue squandered on violating my constitutional rights – 'irregular and fruitless and wasteful expenditure' prohibited by section 38(1)(1)(c)(ii) of the Public Finance Management Act 1 of 1999 – LASA's head office executives anxiously changed their mind about showing me any more of them; refused to hand them over; is now hiding them from me and the Auditor General:

Vedalankar authorised Mtati to answer my application brought in the Pietermaritzburg High Court in October 2016 to compel their production (case 1118/16) – and to answer my application brought in the Magistrate's Court in July 2016 to compel LASA's full and proper compliance with its obligations under its settlement agreement in February 2016 to hand over all requested records or duly certify any that don't exist – with an application of its own three weeks later (case 12124/16), at further enormous wasted cost (at least 'R350 000', it was said in the Magistrate's Court) to have me banned as a vexatious litigant.

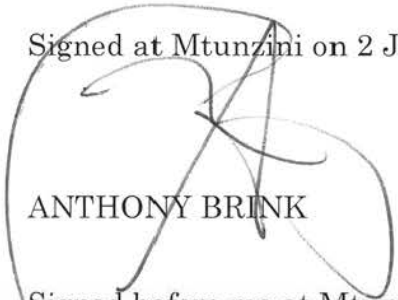
Such is the fantastic corruption of this organisation, descending to the standard last resort the world over in a major cover-up: seeking a court order to neutralise its investigator or whistleblower.

The respondent is well aware of this latest corrupt gambit to block my access to the records I've duly requested, including records LASA formally agreed in writing to give me, because all major litigation by and against LASA is reported to the Board.

Not having queried it, and not having called it out for the outrageous abuse of court process that it is, the respondent is evidently happy with executive management's move to block me in this way.

Investigative journalist Andrew Jennings, who exposed the massive corruption at the top of FIFA, explains why: 'I'm a document hound. If I've got your documents, I know all about you. ... You just find some disgraceful, disgustingly corrupt people and you work on it! ... Our job is to investigate, acquire evidence.' A material excerpt of a Washington Post article quoting him is annexed marked 'K'.

Signed at Mtunzini on 2 July 2017.



ANTHONY BRINK

Signed before me at Mtunzini on 2 July 2017 by the deponent who has acknowledged that he knows and understands the contents of this affidavit and affirms its contents to be true to the best of his knowledge and belief.



COMMISSIONER OF OATHS

Name: Khombisile Zand
Address: No 1 Clarke Avenue
Mtunzini SAPS
Capacity: Sergeant





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LUWELLYN LANDERS MP
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Ref.: Brink(1)

Judge D. Mlambo
Chairperson: Legal Aid Board of S.A.
P/Bag X76
BRAAMFONTEIN 2017

23 March 2011

Dear Judge Mlambo

ADVOCATE ANTHONY BRINK

Attached for your attention please find copies of correspondence relating to a complaint comprising allegations made against the Legal Aid Board and it's CEO, Ms. Vidhu Vedalanker, with specific reference to his recruitment as Senior Litigator in Pietermaritzburg and refusal to comply with the provisions of the Promotion of Access to Information Act, amongst other things.

Having received Advocate Brink's letter you will understand that I must ask you, your Board and the Board's CEO for a formal response to these allegations, please.

Thank you.

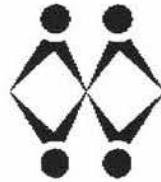
Yours faithfully

LUWELLYN LANDERS MP

Chairperson:
Justice Portfolio Committee,
National Assembly

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22 June 2011

Mr L Landers MP
Chairperson Justice Portfolio Committee
National Assembly
P O Box 15
Cape Town
8000

Dear Mr Landers

Adv A Brink

Your letter dated 23 March 2011 on the above matter refers. Please accept my sincere apology for the delay in responding to your letter. Attached please find a report on this matter which was submitted to the Minister of Justice and Constitutional Development in March 2011 and which has since been updated. In summary I wish to reiterate what I said to Mr Brink when he wrote and complained to me :

"Your conduct is unbecoming to say the least and borders on harassment. I have on a previous occasion informed you that I could find nothing untoward in how you have been treated by Legal Aid SA. I reiterate this view. I further take this opportunity to advise you that the Board of Directors of Legal SA is not the appropriate forum to raise your matter. Your approach to the Board is therefore misdirected. Your matter was handled at Executive Management level, being the level at which such matters are handled, and should you have any issues in that regard you are free to institute whatever legal action you may deem appropriate to obtain whatever redress you fathom is due to you. For this reason I call on you to desist from communicating with Board Members in this regard. I have, in turn, requested Board Members to ignore all communications from you and/or on your behalf."

I trust that the attached report and this letter clarify the matter concerning Mr Brink.

Yours faithfully


Judge Dunstan Mlambo
Chairperson
Legal Aid South Africa

Your voice. For justice.

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REPORT TO THE HONOURABLE MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

Re: Adv Anthony Brink

1. Background

On 12 July 2010 Advocate Anthony Brink wrote to the CEO expressing his concern with regards the delays in the finalisation of the recruitment process for the senior litigator position at our Pietermaritzburg Justice Centre. Adv Brink was an applicant for this position and he was interviewed by our regional selection panel. He was recommended by the regional selection panel to the second stage of the interview process, before a nationally constituted interview panel.

This nationally constituted panel did not however sit to consider applicants recommended for the second stage of interviews. Whilst the initial reason for this panel not sitting was caused by delays in coordinating a meeting time suitable for all members of the panel of which the Chairperson of the Board of Directors is one, other pressing financial constraints facing Legal Aid SA resulted in a decision being made not to proceed with the filling of vacant senior litigator posts. Adv Brink was subsequently informed of this decision.

This resulted in him generating numerous requests for information in terms of PAIA, arising from his discontent with not being appointed to this post. He also wrote several lengthy letters to various individuals and organisations, including to the Chairperson and other Directors of the Board of Legal Aid SA. In his letter to the Board, Adv Brink also made allegations relating to multiple contraventions of the PFMA, including the presentation of false financial information in our 2009/10 Annual Report.

2. Adv Brink's discontent with non-appointment to Senior Litigator Position

From the many letters received from Adv Brink, it is clear that he believes that he was not appointed because of a racial and political bias against him resulting in a conspiracy to exclude him from Legal Aid SA. The conspiracy he alleges relates to his political views against the use of anti-retro viral drugs for HIV AIDS and also discrimination against him as a white male. He incorrectly believes that the second round of interviews was simply a confirmation process where he appears before the Chairperson of our Board who must ratify his appointment. This however is incorrect. All executives involved in this matter have confirmed that this individual was not known to them, nor his political views or publications, and that the first time they came across his name was when his letter of complaint about his non-appointment was received.

The reason for freezing of senior litigator posts was that Legal Aid SA was going through a very uncertain period with regards the provision of funding by the DoJ to finance our OSD phase 1 implementation, which was resulting in an unbalanced budget for 2010/11. As a result various options to make up for the shortfall in our funding, including the freezing of posts, were considered. Various documents which clearly demonstrate the financial uncertainty that we were experiencing at the time, as well as contingency measures that we were contemplating to cater for this, including

the freezing of many positions, were shared with Adv Brink in response to his request for information in terms of PAIA.

Adv Brink however remains unconvinced that our reasons for freezing this post is honest, as he remains convinced that there is a conspiracy against him. Legal Aid SA, has under the current leadership, never refused legal aid nor refused appointment of any individual/s because of their race or political views. He is currently pursuing his requests for further information with the Human Rights Commission and has threatened litigation. We are satisfied that we have been open and transparent with Adv Brink in terms of the provision of information as it relates to his core complaint. We are in the process of ensuring that any outstanding requests for information are attended to in terms of PAIA, notwithstanding the fact that many of his requests do not relate to his complaint regarding non appointment. Whilst Adv Brink has threatened legal action in his correspondence to us, we remain confident that we have acted properly in this matter and that we have complied with the provisions of PAIA. We have responded to all Adv Brink's requests for information in terms of PAIA within the timeframe stipulated in the Act. We copied these responses to the SA Human Rights Commission to confirm our compliance with PAIA.

Adv A Brink subsequently referred a dispute against Legal Aid SA in the CCMA on 20 April 2011. He alleged unfair discrimination on the basis of political conscience, belief and activism on the issue of HIV Aids and to a lesser extent race. He further contended that he held the belief that this alleged unfair discrimination resulted in him not being appointed to the position of Senior Litigator at Legal Aid SA – a position for which he applied and was interviewed. The relief he sought was monetary in the amount of R55 000 per month from January 2011 (he avers to have become aware of the alleged discrimination at this point) to the date of the conciliation which totalled R220 000. The dispute could not be resolved as Legal Aid SA submitted that it believed that it had not directly or indirectly discriminated unfairly against Mr Brink on the basis averred by him or on any other basis. A certificate of non-resolution was thus issued by the CCMA on 20 April 2011 which paved the way for Mr Brink to refer the dispute for adjudication to the Labour Court, a route he has to date not pursued.

3. Allegations of multiple contraventions of the PFMA

In Adv Brink's November correspondence to the Board Chairperson and members of the Board, he draws attention to the fact that Table 3 in Section 4.1 at page 106 of Legal Aid SA's Annual Report for 2009/10, relating to executives remuneration, contains incorrect column totals for basic salaries, bonuses, incentives, expenses/allowances and other unspecified payments.

An examination of this table has revealed that these four column totals are indeed incorrect, although the last column relating to total expenditure is correct. It must also be noted that the row totals which show individual executives remuneration is correct. We have since been able to determine that the source of this problem was caused by human error at the time when the annual report was being prepared for printing.

This table is however not a part of the Annual Financial Statements (AFS) nor is it material to the AFS presented later in that section. They therefore do not alter any of the AFS, which do not have any errors. These are the AFS that were audited by the Auditor-General and found to 'present fairly, in all material respects, the financial position of Legal Aid SA as at 31 March 2010...".

The executives' remuneration is also referred to in Note 18.2 of the AFS (page 145 of the Annual Report) in which the total per executive as well as the overall total is indicated. The total per

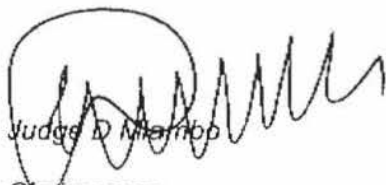
executive as well as the overall total in Note 18.2 of the AFS is the same as the row totals and overall total in Table 3. This confirms that the material amount included in the AFS was not incorrect and therefore our AFS 2009/10 remain correct.

Given that the AFS remain correct and that the error in Table 3 is not material to the AFS, the allegations by Brink of 'false and misleading figures' being a serious criminal offence and that our Annual Financial Statements in our Annual Report are not a 'true and fair representation' are unfounded.

4. Conclusion

Notwithstanding the insulting and malicious tone of most of Adv Brink correspondence with us on this matter, we have tried to convince him, by the provision of relevant documentary evidence, that the basis of his conspiracy theory is unfounded. It is however clear that Adv Brink believes otherwise. Therefore, whilst we would not prefer litigation in the normal course of dispute resolution, it seems in this matter that Adv Brink would be well advised to approach the courts to ventilate his issues. We are however comfortable that we would be able to show to a court of law that the decisions we took on this matter made good business sense and were in the best interests of our organisation at the time. As a result of Mr Brink's invasive conduct, the Chairperson of the Board wrote to him specifically requesting him to cease contacting Board members as the attached email attests. Despite the Board Chairperson's request Mr Brink has continued with his tirade.

This report is sent to the Ministry to provide the necessary background to this matter as well as to contextualise and clarify the allegations by Mr Brink re contravention of the PFMA and provides the necessary reassurance that no contravention occurred in this regard.



Chairperson

Legal Aid SA

9 March 2011

Updated with sections in blue font

22 June 2011

Workshop Report: PAIA

Date of Event: 06.10.2011

Venue: Braampark, Forum III, Braamfontien

Body Trained: Legal Aid South Africa

Contact Person: Ricardo

Number of Participants: 20

Materials Distributed: Handbooks, PAIA legislation and Frontline Training Manual and ODAC information packs

INTRODUCTION

The Commission and the Open Democracy Advice Centre (ODAC) co-hosted training for personnel of Legal Aid South Africa (LASA). The Rationale for the training rested on the critical services provided by the board to vulnerable groups in society and to ensure that personnel of the board had an awareness of the legislation to increase their resource base, the quality of service and advice provided to their stakeholders. It is has also been deemed important on the basis of the Commission's monitoring of LASA institutional compliance with PAIA and the need to ensure that clients who are wishing to litigate on the basis of PAIA are responded to on the same basis as other applicants with recognised rights.

A number of personnel were identified for training, including personnel ranging from the head of the legal department, internal audit, national operations, call centre as well as corporate services.

LASA has experienced an increased number of requests over the past financial year. The status and contestation with some of these requests prompted the need for training to its key personnel.

LASA falls under the type "B" category of public bodies in terms of PAIA. LASA has this year complied with mandatory compliance obligations satisfactorily and has compiled its section 14 manual. It has also submitted its section 32 report in terms of PAIA for the first time this year.

In delivering the presentation the Commission made use of a power point presentation as well as case studies and interactive engagement with participants. These presentations were supported with the distribution of frontline training manuals, PAIA legislation and PAIA handbooks as a resource to the delegates for onward use.

Most participants had no prior knowledge of PAIA, although these personnel had been with their respective organization for a period in excess of three years. In this regard it should also be noted that LASA has ad hoc PAIA functionaries in their legal department. Participants agreed during discussions that this was not ideal since PAIA application was time consuming and compliance required dedicated personnel. The lack of application based knowledge; general awareness and organisational design were identified as key reasons why LASA would have challenges complying with PAIA. Other formal compliance obligations were noted in terms of DIO delegations, Section 15 automatic records lists and the provision of DIO information to the DG of GCIS in terms of section 16.

The frontline training manual was welcomed as a tool for ongoing awareness raising of frontline officials. Similarly the recommendations for induction processes of new on-boarding personnel were welcomed as a means of ensuring continued awareness of PAIA for all personnel.

Interpretation and application of definition sections of PAIA were discussed with participants through actual case examples.

All participants were appreciative of this discussion due to their own experiences in particular instances and due to the fact that they had previously been misapplying the provisions of PAIA. In certain instances, this has led to inconsistent application in the organisation. The misinterpretation and misapplication was identified as being high risk to LASA on the basis of the sensitive information and reports it generates for its clients.

The presentation provided a detailed contextual background of the legislation, emphasizing the need to break the culture of secrecy which shrouds the public service in general. Commencing

with the status of PAIA as a fundamental right, its status was reiterated and emphasized at different points of the training.

Once the primacy of the legislation was addressed, key provisions and definitions were provided and these were contextualized in hypothetical cases for application. These included defining what constituted a record, type of public body, personal requests and types of fees. Key rules of PAIA application were also shared in the course of the presentation to ensure that the PAIA principles were easily identifiable and made easy to apply.

The result of the training session apart from increased awareness of personnel included an increased appreciation by participants that a review of the organizational response to PAIA was necessary to improve compliance and efficacy.

PRESENTATION AND DISCUSSION

The Commission's needs assessment revealed a number of areas of critical need for training. Key amongst these was the following:

- PAIA objectives and its connection to records management and delivery
- Overall mechanics of the request procedure
- Responses to requests and technical application of process
- Centralizing of certain obligations e.g. the collection and auditing of request fees
- Scope of the legislation
- Exemption provisions particularly with regard to investigative reports
- Status of preliminary findings
- Transfer provisions and
- Confidentiality of reports

The session provided an in depth view of the global move toward the adoption of access to information laws in the context of accountability, the responsibility of public bodies as repositories of information, transparency and public participation to align to this move. The latter was stressed as a fundamental cornerstone of sound democracies. Through discussion of

hypothetical examples participants were able to contextualize the objectives of the legislation in their professional and personal lives. These applications were brought to bear largely on examples involving the sharing of information with employees of LASA.

Further contextualisation occurred through the location of PAIA within the bill of rights and the need for organisations to be constitutionally compliant. The primacy of the legislation and constitutional status was also discussed with participants, together with a basic information cycle to reinforce the obligation to comply with the legislation and incorporate it in the range of rights for which legal aid is offered. In this regard participants expressed difficulties in having to provide information within the stipulated timelines since most requests required information which included third party information and requests for reports of other public bodies. Similarly the addition of PAIA functions to the legal department was also identified as a challenge.

The discussion also provided the opportunity to consider the risks in litigation for unjustified refusals of information, negative imaging and drop in confidence associated with law suits of this nature.

The presentation was phased into three brief interactive sessions, each ending with a discussion session, where implementers raised issues for further clarity within the context of particular cases they had been engaging with. Most were of the view that the need for consistent records management policies and PAIA protocols were necessary, together with the need to have dedicated DIOs.

A number of other interesting challenges were noted with regard to timeframes and duties of DIO's. Key amongst these challenges was the ability to interpret and apply PAIA with confidence based on thorough knowledge. Organisational design to facilitate PAIA delivery was also raised and discussed. Participants indicated that personnel through-out the department could not identify with confidence the identity of their DIO's, nor could they agree on the identity of the IO.

The need to change levels of awareness internally was accepted and these issues were flagged on an agenda for the core PAIA personnel to respond to. Emphasis was also placed on the role of staff to be trained and briefed on PAIA more intensively since these personnel will be the

interface between high volumes of requesters and LASA. The frontline training manual was provided to the participants to assist further in this regard.

The training session was concluded with a review of current legislation before Parliament and its impact on records being held and processed by the institutions.

The following two key forms of compliance were stressed:

i. S32 PAIA Report

The mandatory obligation for all government organizations to compile a report in terms of section 32 of PAIA was discussed. LASA compliance history was flagged with participants and most responded to the reporting of LASA as non compliant to Parliament with concern.

ii. S14 PAIA Manual

The objectives and purpose of the section 14 manual was discussed. It was explained that it was mandatory for LASA to create a S14 PAIA manual. LASA had complied with this requirement but it was stressed that it should be maintained in at least three of the official languages and that it should be constantly updated to increase its relevance and accessibility. It was stressed that the development of a S14 manual is easy but was dependant on proper records management and therefore LASA had to ensure that their records management system was fully functional.

OTHER TRAINING MECHANISMS

The PAIA DVD was used as a tool to place PAIA in context for delegates. Most participants were a little overwhelmed by the requirements of the legislation and welcomed the contextualization and illustration of the purposes and objectives of PAIA through the two case examples in the DVD. They were able to identify the provisions in the formal context to identify and relate to access decisions impacting on practical delivery.

Hypothetical Case Study

2 case studies were presented to participants for group work after the presentations. These case studies extended the process of information assimilation and application. Most participants demonstrated through guidance and facilitation a grasp of the key concepts and basic response needs to the issues raised in the hypotheticals.

RECOMMENDATIONS

A critical feature of the training was that the participants comprised various departments of LASA. Although no dedicated DIO exists within the Department with an exclusive focus on PAIA, personnel from the Legal Department were able to gain value from the training. They have as a result undertaken to review decisions which may not have had justification in terms of PAIA and to create guidelines within the organization to ensure misapplication does not recur. The initial training intervention by the Commission and ODAC has yielded some gains as non traditional PAIA personnel were included to increase organisation wide awareness. The diversity of participants was therefore an excellent point of commencement and will contribute to internal promotion of PAIA across departments within LASA. It was strongly recommended by consensus of the participants that a PAIA protocol be developed and implemented.

The session has also created a heightened awareness by personnel of the need for ongoing training and engagement with the Commission to reach optimal implementation if it is to be a point of reference to other public bodies. Similarly, LASA has identified the need to have a clear budget dedicated to PAIA compliance and implementation which will allow internal interventions like training and the provision of increased accessibility of information to be addressed.

Emerging from the session is the urgent and critical need for the sector to create a structure to facilitate integrated responses to PAIA. Such a structure could at minimum consist of representatives from the legal and records management structures in each department to ensure that the processes within each department are PAIA aligned and to further enhance the process of implementation and compliance. Widespread training at regional offices was also

flagged as a need by participants. This recommendation is one which both ODAC and the Commission regard as critical for organisational wide awareness of PAIA at LASA and for fulfilment of the PAIA mandate.

that paragraph? --- My Lord, when I did the draft I would have sent it to the CEO for her to discuss further with our Chairperson. So I cannot say for sure who actually (indistinct) it, but it was certainly not me. There are also other changes.

Are there? --- Yes, if you look at background under paragraph, under background, the second paragraph, second sentence. In my initial draft I had:

"Whilst the initial reason of this panel (indistinct) sitting was caused by delays..." (intervenes)

10 COURT: You said the second, under paragraph 1, the second paragraph? --- Second paragraph, second sentence.

Oh, second paragraph, second sentence, the reason for freezing? --- No, we are dealing with background. Second paragraph, second sentence starts with:

"Whilst."

Yes. Yes. ---

"Whilst the initial reason for this panel not sitting was caused by delays in coordinating a meeting in time suitable for all members of the panel, other pressing financial..."

20 If you look at that part that I read, in the version that was signed by Judge:

"Whilst the initial reason for the panel not sitting was caused by delays in coordinating a meeting time suitable for all members of the panel [and then this is in addition] of which the Chairperson of the Board of Directors is one."

I can only assume the Judge personally wrote that. And...

(intervenes)

Just a minute. Yes.

MR DU TOIT: Right, whatever the position (indistinct) wrote it, it was, this document was amended after you did it, right? --- Yes.

Now, we know that you had been accused of lying more than one, on more than one occasion, but in this document a number of alleged lies were identified by the applicant. And I would like just to direct your attention to them. The first is the one which is in that very
10 paragraph that you have just dealt with. And it says:

"Other pressing financial constraints facing Legal Aid resulted in (indistinct)."

And you have testified both about the financial constraints and also about the delay between the end of November and February? --- Correct.

Yes. So what is your answer if it is suggested that this is a lie? --- It is preposterous.

Thank you. Now, the second one is at the bottom of the page:
"As I recall, as a result of the various options to make up the
20 shortfall I find (indistinct) freezing of posts were considered various documents which clearly demonstrate the financial uncertainty that we have experienced at times, as well as, the contingency measures that we were (indistinct) to cater for this including the freezing of many positions were shared with Advocate Brink in response to his request for information in

Okay. I had by this stage commenced proceedings in the CCMA, right, in March/April, Mr Nahir? --- [No audible reply].

Because you talk about:

"He subsequently referred a dispute to the CCMA on 20 April."

--- May I bring it to your attention that in my evidence yesterday... (intervenes)

Ja. --- This paragraph was specifically not in my original letter, so I am not the one who (indistinct).

10 That is very interesting. Now let me ask you, are you suggesting that Judge Mlambo is the author of this information in this particular paragraph? --- I have not read the paragraph in... (intervenes)

Have a look, have a look. --- Okay, I have read it.

Okay. Let me reframe it, My Lord. As I understand it from what you said previously, this must have been inserted by either Judge Mlambo or Vedalankar? --- It is not either or, it could be anyone else the Judge wanted the information from. I am not in the position... (intervenes)

Okay. --- To indicate who wrote it.

20 Okay. --- If the Judge wrote it himself.

Okay. --- Or the CEO or anyone else.

Fair enough. But the allegation to Parliament is that mine is a money claim, mine is a money claim:

"The relief is sought is monetary..."

And there is a figure here:

I admit the contents of this paragraph.

73. AD PARAGRAPH 25.

73.1 I deny the correctness of the contents of this paragraph.

73.2 I have set out the background facts leading to the abortion of the recruitment of the Applicant's application. I will not answer to the Applicant's speculation regarding the reasons why his application was aborted.

74. AD PARAGRAPH 26.

74.1 I have stated that none of these institutions that the Applicant has referred this matter to have seen it necessary to contact the Respondent or LASA for any response.

74.2 Accordingly, I have no knowledge of the facts set out herein.

75. AD PARAGRAPHS 27 – 29.

75.1 I deny the correctness of the contents of these paragraphs.

75.2 I submit that the CEO considered the Applicant's requests for access to information in terms of PAIA and felt justified to refuse him access thereto. Thereafter and to be safe, the same request was given to counsel for his opinion. Counsel advised that limited access to information be granted to the Applicant.



Judge tells City Power: You f****d up!

May 23 2015 at 09:15am
By Thabiso Thakali

[Comment on this story](#)

Johannesburg - A Joburg High Court judge has launched a scathing attack on the City of Joburg and its power utility City Power, calling them "idiots" and accusing them of "f****ing up" over their reluctance to reveal information about a R800-million solar geyser deal.

In a Promotion of Access to Information case brought by Numsa, the metal workers union, against City Power, Judge Kathy Satchwell accused the utility's officials of "covering up fraud and corruption" over its refusal to hand over documents relating to the contract on solar geyser heaters.

Judge Satchwell was unimpressed with City Power's failure to respond to Numsa's requests for information since 2013. She said that City Power had replaced the Road Accident Fund "in so far as incompetence and fraud is concerned".

Lawyers representing City Power argued that the judge was "biased" after she had ordered that legal costs be paid by the utility's officials responsible for the litigation out of their own pockets, and not the ratepayers'. The lawyers argued that Satchwell had used "profanities" in her chambers against the utility's attorneys by calling them "idiots" and remarking that someone had "f****ed up".

"Some person" within City Power, she remarked, was "lazy, covering up, hiding things, and idiots and the like" and the "knowledge of such things comes to one like a dagger in the night".

"The learned judge stated that the City... only uses young incompetent black attorneys or little grey old white men sucking up to the black people in the city," read the application by City Power's lawyers.

City Power said that the judge had suggested that these attorneys were used in order to cover up fraud and corruption. "The learned judge stated that the city believes that it is a tail wagging the dog and that 'I should decide whether or not I am going to allow this'."

The utility's lawyers said this was an indication of bias because the judge had not heard the merits of the case.

The utterances were apparently made in April in Judge Satchwell's chambers when she granted an order of costs to Numsa.

At the heart of the matter is Numsa's request for information on an R800-million contract for the supply and installation of solar geysers in 2012.

Numsa had sought the court's intervention after its requests for information in August 2014 had been ignored.

The union previously alleged that the contract was awarded to companies that imported the geysers from



Joburg High Court Judge Kathy Satchwell. Photo: Sharon Seretlo

China while the same were made in the East Rand. According to the recusal application by City Power, Judge Satchwell also stated that, by not disclosing the documents sought by Numsa, "You are being tarred by the tar of President (Jacob) Zuma. Go think about this". G

But on Friday Satchwell was unapologetic as she refused the application to recuse herself. She told the defence lawyers she was only prepared to amend patent errors in her judgement. The City Power attorney, she remarked, had tried to set her up but "I don't care".

City Power has people "who don't know how to do their job. That sounds like incompetence – so my 'bias' remains".

Satchwell added that profanities she was accused of using "would worry my mother but not my father".

She said that her order for costs to be paid by officials of City Power was meant to "look to see if anybody has placed City Power in the dwang".

"City Power might have been badly done by its staff," she said. "Look to see if there should be any employees held responsible." She dismissed the application for her recusal but the order for City Power to pay the legal costs remained.

Judge Satchwell instructed the attorneys to write to Sicelo Xulu, City Power's managing director, to put his house in order. She said that City Power's refusal to disclose information was made without reading the relevant provisions of the Promotion of Access to Information Act.

Judge Satchwell said City Power's information officer had refused Numsa's request in 2013 and 2014 unprocedurally and without full information before him. The utility had been "contemptuous" to the court, she said. Judge Satchwell said Numsa may appeal the refusal through internal processes before turning to the court for assistance.

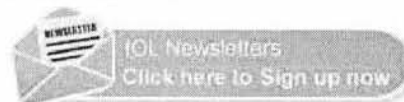
In 2001, Satchwell, a lesbian, won the right for her partner to enjoy the same benefits as those previously reserved for spouses of married heterosexual judges, a right confirmed by the Constitutional Court the following year.

Saturday Star

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374

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LUWELLYN LANDERS MP
National Assembly

e-mail:

llanders@parliament.gov.za

29 June 2011

Ref.: Brink (29-06-11)

Adv. Anthony Brink
25 Baker Road
Prestbury
PIETERMARITZBURG

Dear Advocate Brink

Your e-mail dated Tuesday, 28 June 2011 refers.

On receipt of your original letter I submitted a letter to the Chairperson: Legal Aid South Africa (LASA), Judge D. Mlambo dated 23 March 2011 (please see Annexure **A**).

On 22 June 2011 I received a written response from Judge Mlambo, Chairperson: LASA, a copy of which I have attached (please see Annexure **B**) which serves as a formal response to your complaint.

It is important to note that whilst I have sought to comply with your request for intervention in this matter, normally neither I nor the Justice Portfolio Committee becomes involved in the day-to-day operational matters of LASA, or any other entity of the Justice family.

If I have been tardy in not responding to you sooner, do forgive me. In light of the facts set out in Justice Mlambo's response, I now regard this matter as closed. Thank you.

Yours faithfully

LUWELLYN LANDERS MP

Chairperson: Justice & Constitutional Development
Portfolio Committee

10 years in the business of satisfying legal practice

J

ADV. THABISO MACHABA BA LLB LLM LLM (TAX LAW) WITS[†]

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VAT NO: 4060233725

TAX INVOICE NO: 13/11

To: THE LEGAL AID BOARD
Attention: Mr Solly Sekgota
Your Fax: (011) 887 2000
Your Tel: (011) 887 2011
Date: 31 Mar. 2011
Your Ref: Mr Sekgota
My Ref: 4TH Acc/LAB/A.BRINK PAIA/INV. 13/11

Re: ACCOUNT IN THE SETTLING OF DRAFT MEMORANDUM IN VIEW OF THIRD REQUEST BY A BRINK AND CONSEQUENT CONSULTATION WITH MR T. MTATI IN A BRINK'S APPLICATION FOR ACCESSTO INFORMATION I.T.O. PAIA 2000

HEREWITH IS MY FOURTH ACCOUNT FOR YOUR SETTLEMENT

Activity	Dates	Fees
On consultation with Mr Mtati and on considering the papers afresh and preparing to settle a memo to the LASA in view of Mr Brink's 3 rd request for access for information	11 Mar. 2011	@ R10000.00
On researching the law after consideration of Mr Brink's third request and on settling the required memorandum in answer to various questions posed by Mr Mthati o.b.o LASA and on emailing same to Mr Mthati and Mr Sekgota for 3.5 days	16 – 19 Mar. 2011	@ R60000.00

[†] "Forgiveness is the key to action and freedom." – Hannah Arendt

K.Z.

On perusal of Mr Brink's referral of a complaint to the Human Rights Commission and considering same; and incorporating its contents to the final memo and on settling memo on whether the LAB completely responded to Mr Brink's 15 December 20101 request for access to information.	26 – 28 Mar. 2011	@ R30000.00
On perusal of Mr Brian Nair's affidavits and considering the laws that arise therefrom and researching the law to see if same complies with PAIA and administrative law principles for 2.5 days.	29 – 31 Mar. 2011	@ R40000.00

TOTAL BALANCE DUE TO ADV. T MACHABA: R140000.00

ADD VAT AT 14% @: R19600.00

TOTAL PAYABLE: R159600.40

Herewith are Adv. Machaba's banking details for effecting payment.

Bank and branch: Standard Bank (Small Street City Branch)
 Account type: Cheque Account
 Account No: 001087673

Thank you for the above brief and do enjoy words of wisdom below.

Please provide proof of payment to Adv. Machaba for filing and records.

THABISO MACHABA
 PITJE CHAMBERS
 JOHANNESBURG

Recommended for payment
M. Pitje
30/03/2011
Pay from legal prov

Morning Mix

How a curmudgeonly old reporter exposed the FIFA scandal that toppled Sepp Blatter

By Michael E. Miller June 3 at 5:03 AM

The biggest news story of the year was breaking, but the journalist responsible was fast asleep.

It was just after dawn on May 27 when Andrew Jennings's phone began ringing. Swiss police had just launched a startling raid on a luxury hotel in Zurich, arresting seven top FIFA officials and charging them and others with running a \$150 million racket. The world was stunned.

The waking world, that is. If Jennings had bothered to climb out of bed, he wouldn't have been surprised at the news. After all, he was the man who set the investigation in motion, with a book in 2006, "[FOUL! The Secret World of FIFA: Bribes, Vote Rigging and Ticket Scandals](#)," followed by an exposé aired on the BBC's "Panorama" program that same year, and then another book in 2014, called "[Omerta: Sepp Blatter's FIFA Organised Crime Family](#)."

"My phone started ringing at six in the morning," Jennings said Tuesday from his farm in the hilly north of England. "I turned it off actually to get some more sleep, because whatever is happening at six in the morning is still going to be there at lunch time, isn't it?"

If you can't tell already, Jennings is an advocate of slow, methodical journalism. For half a century, the 71-year-old investigative reporter has been digging into complex, time-consuming stories about organized crime. In the 1980s, it was bad cops, the Thai heroin trade and the Italian mob. In the '90s, he turned to sports, exposing corruption with the International Olympic Committee.

For the past 15 years, Jennings has focused on the Federation Internationale de Football Association (FIFA), international soccer's governing body. As other journalists were ball watching — reporting scorelines or writing player profiles — Jennings was digging into the dirty deals underpinning the world's most popular game.

"Credit in this saga should go to the dogged obsession of a single reporter, Andrew Jennings," the Guardian's [Simon Jenkins](#) wrote last week, citing in particular Jennings's BBC "Panorama" film called "[The Beautiful Bung: Corruption and the World Cup](#)."

Now, after decades of threats, suspicions about tapped phones and intermittent paychecks, Jennings is being vindicated with every twist and turn in the FIFA scandal. **K**

[Interpol issues 'red notices' for 6 people tied to the scandal: Who they are and what that means]

During a phone interview Tuesday morning with The Washington Post, he called FIFA President Sepp Blatter “a dead man walking.” Two hours later, Blatter announced he was stepping down, just days after being reelected.

“I know that they are criminal scum, and I’ve known it for years,” he said. “And that is a thoughtful summation. That is not an insult. That is not throwing about wild words.”

“These scum have stolen the people’s sport. They’ve stolen it, the cynical thieving bastards,” he said. “So, yes, it’s nice to see the fear on their faces.”

A ‘document hound’

The best way for Americans to imagine Andrew Jennings is to roll Bob Woodward and Carl Bernstein together, then add a touch of a Scottish burr and plenty of flannel. Jennings was born in Scotland but moved to London as a child. His grandfather played for a prominent London soccer team, Clapton Orient (now called Leyton Orient), but Jennings had little interest in the sport. He did, however, have a nose for journalism.

After finishing school, Jennings joined the Sunday Times in London, where he got a taste of investigative journalism. He went to work for the BBC, but when the network wouldn’t air his documentary on corruption within Scotland Yard, he quit and joined a rival program called “World in Action.” He turned his police investigation into his first book, “Scotland Yard’s Cocaine Connection,” and a documentary.

“I’m a document hound. If I’ve got your documents, I know all about you,” he said. “This journalism business is easy, you know. You just find some disgraceful, disgustingly corrupt people and you work on it! You have to. That’s what we do. The rest of the media gets far too cozy with them. It’s wrong. Your mother told you what was wrong. You know what’s wrong. Our job is to investigate, acquire evidence.”

That is, essentially, Jennings’s mantra: Take time, dig up dirt and don’t trust those in power. He applied the same logic to international drug smuggling rings and Italian mafiosi.

Then sports. After the Scotland Yard exposé, a colleague at “World In Action” named Paul Greengrass — who later became a Hollywood filmmaker, directing several Jason Bourne films as well as the recent blockbuster “Captain Phillips” — suggested investigating the IOC.