



INFORMATION REGULATOR (SOUTH AFRICA)

Ensuring protection of your personal information
and effective access to information

Address: JD House, 27 Stiemens Street
Braamfontein, Johannesburg, 2001
P.O. Box 31533
Braamfontein, Johannesburg, 2017
Tel: 010 023 5200
Email: PAIAComplaints@infoRegulator.org.za

COMPLAINT FORM

FORM 5 [Regulation 10]

NOTE:

1. This form is designed to assist the Requester or Third Party (hereinafter referred to as "the Complainant") in requesting a review of a Public or Private Body's response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"). Please fill out this form and send it to the following email address: PAIAComplaints@infoRegulator.org.za or complete online complaint form available at <https://www.justice.gov.za/inforeg/>.
2. PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part F of this complaint form.
3. It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as "the Body") an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed **PAIA Form 2** and submit it to the Body.
4. A copy of this Form will be provided to the Body that is the subject of your complaint. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.
5. The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.
6. **Please attach copies of the following documents, if you have them:**
 - a. Copy of the form to the Body requesting access to records;
 - b. The Body's response to your complaint or access request;
 - c. Any other correspondence between you and the Body regarding your request;
 - d. Copy of the appeal form, if your complaint relate to a public body;
 - e. The Body's response to your appeal;
 - f. Any other correspondence between you and the Body regarding your appeal;
 - g. Documentation authorizing you to act on behalf of another person (if applicable);
 - h. Court Order or Court documents relevant to your complaint, if any.
7. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

CAPACITY OF PERSON/PARTY LODGING A COMPLAINT (Mark with an "X")

- Complainant Personally
- Representative of Complainant
- Third Party

PREREQUISITES

| | | | | |
|-------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|----|-------------------------------------|
| Did you submit request (PAIA form) for access to record of a public/private body? | Yes | <input checked="" type="checkbox"/> | No | |
| Has 30 days lapsed from the date on which you submitted your PAIA form? | Yes | <input checked="" type="checkbox"/> | No | |
| Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body? | Yes | <input type="checkbox"/> | No | N/A |
| Have you applied to Court for appropriate relief regarding this matter? | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |

| FOR INFORMATION REGULATOR'S USE ONLY | |
|---------------------------------------------|----------------------------------------------------------|
| Received by: (Full names) | |
| Position | |
| Signature | |
| Complaint accepted | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Reference Number | |
| Date stamp | |

| Postal address | Facsimile | Other electronic communication (Please specify) |
|----------------|-----------|----------------------------------------------------|
| | | |

**PART A
PERSONAL INFORMATION OF COMPLAINANT**

| | | | |
|-----------------|-------------------------------------|--------------|-----------|
| Full Names | Anthony Brink | | |
| Identity Number | 5902255116081 | | |
| Postal Address | 36 Pearson Street, Eshowe 3815, KZN | | |
| Street Address | | | |
| E-Mail Address | | | |
| Contact numbers | Tel. (B) | | Facsimile |
| | Cellular | 083 779 4174 | |

**PART B
REPRESENTATIVE INFORMATION**
(Complete only if you will be represented. A Power of Attorney must be attached if complainant is represented, failing which the complaint will be rejected)

| | | | |
|---------------------------------------|----------|--|-----------|
| Full Names of Representative | | | |
| Nature of representation | | | |
| Identity Number / Registration Number | | | |
| Postal Address | | | |
| Street Address | | | |
| E-mail Address | | | |
| Contact Numbers | Tel. (B) | | Facsimile |
| | Cellular | | |

**PART C
THIRD PARTY INFORMATION**
(Please attach letter of authorisation)

| | | |
|-------------------------------------------------------------------|----------------------------------|---------------------------------|
| Type of Body | Private <input type="checkbox"/> | Public <input type="checkbox"/> |
| Name of Public / Private Body | | |
| Registration Number (if any) | | |
| Name, Surname and Title of person authorised to lodge a complaint | | |
| Postal Address | | |
| Street Address | | |
| E-mail Address | | |

| | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------|-------------------------------------|
| Contact Numbers | Tel. (B): | 010 493 2500 | Facsimile | |
| | Cellular | | | |
| PART D | | | | |
| BODY AGAINST WHICH THE COMPLAINT IS LODGED | | | | |
| Type of body | Private | <input type="checkbox"/> | Public | <input checked="" type="checkbox"/> |
| Name of public / private body | Judicial Service Commission | | | |
| Registration number (if any) | | | | |
| Name, surname and title of person you dealt with at the public or private body to try to resolve your complaint or request for access to information | Nelson Phakola (Office of the Chief Justice) See annexure | | | |
| Postal Address | P Bag X10 Marshalltown 2017 | | | |
| Street Address | 188 14th Road, Noordwyk, Midrand 1685 | | | |
| E-mail Address | nphakola@judiciary.org.za ; ntshubwana@judiciary.org.za ; bmokati@judiciary.org.za ; paia@judiciary.org.za | | | |
| Contact Numbers | Tel. (B): | 010 493 2500 | Facsimile | |
| | Cellular | | | |
| Reference Number given (if any) | PAIA26/21/8/25-OCJ | | | |
| PART E | | | | |
| COMPLAINT | | | | |
| <i>Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public or private body for response and possible resolution)</i> | | | | |
| See annexure | | | | |
| Date on which request for access to records submitted. | 31 July 2025 | | | |
| Please specify the nature of the right(s) to be exercised or protected, if a complaint is against a private body. | N/A (public body) | | | |
| Have you attempted to resolve the matter with the organisation? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| If yes, when did you receive it? (Please attach the letter to this application.) | Attached | | | |
| Did you appeal against a decision of the information officer of the public body? | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| If yes, when did you lodge an appeal? | | | | |
| Have you applied to Court for appropriate relief regarding this matter? | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any. | N/A | | | |
| PART F | | | | |
| DETAILED TYPE OF ACCESS TO RECORDS | | | | |
| <i>(Please select one or more of the following to describe your complaint to the Information Regulator)</i> | | | | |
| Unsuccessful appeal (Section 77A(2)(a) or section 77A(3)(a) of PAIA) | I have appealed against the decision of the public body and the appeal is unsuccessful. | | | |
| Unsuccessful application for condonation (Sections 77A(2)(b) and 75(2) of PAIA) | I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed. | | | |

| | | |
|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Refusal of a request for access (Section 77A(2)(c)(i) or 77A(2)(d)(i) or 77A(3)(b) of PAIA) | <i>I requested access to information held by a body and that request was refused or partially refused.</i> | <input checked="" type="checkbox"/> |
| The body requires me to pay a fee and I feel it is excessive (Sections 22 or 54 of PAIA) | <i>Tender or payment of the prescribed fee.</i> | <input type="checkbox"/> |
| | <i>The tender or payment of a deposit.</i> | <input type="checkbox"/> |
| Repayment of the deposit (Section 22(4) of PAIA) | <i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i> | <input type="checkbox"/> |
| Disagree with time extension (Sections 26 or 57 of PAIA) | <i>The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension or a time extension taken to respond to my access request.</i> | <input type="checkbox"/> |
| Form of access denied (Section 29(3) or 60(a) of PAIA) | <i>I requested access in a particular and reasonable form and such form of access was refused.</i> | <input type="checkbox"/> |
| Deemed refusal (Section 27 or 58 of PAIA) | <i>It is more than 30 days since I made my request and I have not received a decision.</i> | <input type="checkbox"/> |
| | <i>Extension period has expired and no response was received.</i> | <input type="checkbox"/> |
| Inappropriate disclosure of a record (Mandatory grounds for refusal of access to record) | <i>Records (that are subject to the grounds for refusal of access) have inappropriately/unreasonable been disclosed.</i> | <input type="checkbox"/> |
| No adequate reasons for the refusal of access (Section 56(3)(a) of PAIA) | <i>My request for access is refused, and no valid or adequate reasons for the refusal, were given, including the provisions of this Act which were relied upon for the refusal.</i> | <input checked="" type="checkbox"/> |
| Partial access to record (Section 28(2) or 59(2) of PAIA) | <i>Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.</i> | <input type="checkbox"/> |
| Fee waiver (Section 22(8) or 54(8) of PAIA) | <i>I am exempt from paying any fee and my request to waive the fees was refused.</i> | <input type="checkbox"/> |
| Records that cannot be found or do not exist (Section 23 or 55 of PAIA) | <i>The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.</i> | <input type="checkbox"/> |
| Failure to disclose records | <i>The Body decided to grant me access to the requested records, but I have not received them.</i> | <input type="checkbox"/> |
| No jurisdiction (exercise or protection of any rights) (Section 50(1)(a) of PAIA) | <i>The Body indicated that the requested records are excluded from PAIA and I disagree.</i> | <input type="checkbox"/> |
| Frivolous or vexatious request (Section 45 of PAIA) | <i>The Body indicated that my request is manifestly frivolous or vexatious and I disagree.</i> | <input type="checkbox"/> |
| Other (Please explain) | | |
| PART G EXPECTED OUTCOME | | |
| How do you think the Information Regulator can assist you? Describe the result or outcome that you seek. | | |
| See annexure | | |
| PART H AGREEMENTS | | |

NB: The JSC is a public body. Section 56 relates to private bodies. Your complaint form is a mess.

The legal basis for the following agreements is explained in the Privacy Notice on how to file your complaint document. In order for the Information Regulator to process your complaint, you need to check each one of the checkboxes below to show your agreement:



I agree that the Information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.



The information in this Complaint Form is true to the best of my knowledge and belief.



I authorize the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.



I authorise anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.



If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.

Signed at Eshowe this 8 day of September 2025



Complainant/Representative/Authorised person of Third party

ANNEXURE

‘Against stupidity the Gods themselves contend in vain.’

– Friedrich Schiller, German playwright, poet, philosopher and historian,

10 November 1759 – 9 May 1805

‘The amount of energy needed to refute bullshit is an order of magnitude bigger than that needed to produce it.’

– Alberto Brandolini: ‘The Bullshit Asymmetry Principle’, 2013

1. On 31 July 2025, I delivered to Judicial Service Commission (‘JSC’) a request for access to one of its records concerning certain disciplinary proceedings pending before its Judicial Conduct Committee (‘JCC’):

Any record identifying the members of the JCC Appeal Committee who on 10 July 2025 considered my appeal against the JCC’s dismissal of my complaint against Basheer Waglay JP (now ret.)

(Instead of such a record, a simple statement of this information by the JSC secretary in an email to me will satisfy this request.)

I mentioned:

Your case reference number is JSC/533/2017.

2. My request complied with all the formalities prescribed by section 18 of the Promotion of Access to Information Act (‘PAIA’); was made on the

prescribed form; and was delivered by email as that section permits.

(All statutory sections mentioned herein are in PAIA, unless indicated otherwise.)

3. A copy of my request and its delivery voucher are annexed marked 'A' and 'B' respectively.
4. The JSC didn't acknowledge my request. I wrote to the JSC secretary a fortnight later by email trying to get my easy request answered promptly as section 25 required. And I did so again after the maximum 30 days allowed for this had expired, now putting the JSC on terms to respond in two days or be reported. The email correspondence is annexure 'C'.
5. Eventually a person called Nelson Phakola, who bills himself as 'Deputy Information Officer' of the Office of the Chief Justice ('OCJ'), refused my request. The person's refusal notice is annexed marked 'D'. The covering mail is annexure 'E'.
6. Although dated 28 August 2025, I only received it on 5 September for the reason mentioned in annexure 'F'. In short, my email address had been incorrectly spelled by the OCJ causing its attempts to email the notice to me to fail.
7. Whether the person holds a written delegation under section 17, and really is a legally appointed deputy information officer of the OCJ, remains to be seen. I'll find out with a PAIA request for his delegation

to be drawn and lodged shortly. My uncertainty about this arises from the fact that the JSC doesn't have a duly delegated information officer, as I established to my amazement with an earlier PAIA request for his or her written delegation.

8. The person didn't indicate 'Approved' or 'Denied' by crossing either of the available boxes in his notice, but he unambiguously denied my request in his final sentence:

Your request which was received by the Office of the Chief Justice refers.

The Judicial Conduct Committee (Committee) postponed the appeal hearing to its next meeting scheduled for 30 October 2025. The Committee considered it necessary that certain facts be investigated before the matter could be finalised. The names of the members who decided the appeal will be reflected in the ruling once it has been issued.

9. Although this news given to me by the person in his response was interesting, it's not what I asked for. In other words, this part of the person's response was legally irrelevant. What I'd actually requested was the documentary record I'd specified – or, in lieu of that document, just the pertinent information the record contained: the names of the appeal judges in question.

10. The person's response was illegally non-compliant with PAIA on multiple counts enumerated below, and it violated my fundamental civil right of access to the information that I'd duly requested, guaranteed by section 32(1)(a) of the Bill of Rights in Chapter 2 of the Constitution.
11. It's obviously an exceedingly serious matter that none other than the OCJ, which serves principally to support Chief Justice Mandisa Maya as head of the Constitutional Court and of the judiciary generally, should be trampling on the fundamental rights enshrined in our Constitution, the very bedrock of our entire legal system.
12. Since it concerns a disciplinary matter pending before the JSC's JCC, the record I requested is unquestionably 'in the possession or under the control of that public ... body' – i.e. the JSC – as contemplated by the definition of 'record' in section 1.
13. The record is not 'in the possession or under the control of' the OCJ, which is a completely different public body, and not in any way involved in or directly concerned by the pending disciplinary matter in question, a matter under the exclusive purview and jurisdiction of the JSC.
14. Whereas the JSC is an organ of state established by section 178(1) of the Constitution of the Republic of South Africa 1996, the OCJ is a National Department proclaimed by the President on 23 August 2010 in Gazette No. 335500; and these two public bodies have quite distinct functions.

15. The JSC variously recommends and disciplines judges, per section 174 of the Constitution and the Preamble of the Judicial Service Commission Act respectively.
16. The OCJ, on the other hand, was created (per the Minister for Public Service and Administration; see <https://www.judiciary.org.za/index.php/ocj/the-establishment-of-the-ocj>): ‘To ensure that the Chief Justice can properly execute his mandate as both the head of the Constitutional Court and the head of the Judiciary; To enhance the institutional, administrative and financial independence of the OCJ; and To improve organisational governance and accountability, and the effective and efficient use of resources.’
17. Clearly the functions of the JSC and the OCJ have nothing to do with each other.
18. The person claimed: ‘Your request ... was received by the Office of the Chief Justice’. The only grounds on which a records request may be transferred from one public body to another are those set out in section 20(1):

Transfer of requests

- (1) If a request for access is made to the information officer of a public body in respect of which—
 - (a) the record is not in the possession or under the control of that body but is in the possession of another public body;

(b) the record's subject matter is more closely connected with the functions of another public body than those of the public body of the information officer to whom the request is made; or

(c) the record contains commercial information contemplated in section 42 in which any other public body has a greater commercial interest

19. None of this has any application to my request.

20. But even if it did, section 20(5) provides:

(5) Upon the transfer of a request for access, the information officer making the transfer must immediately notify the requester of—

(a) the transfer,

(b) the reasons for the transfer; and

(c) the period within which the request must be dealt with.

21. The JSC failed to comply with section 20(5), and I received no such notification – not surprisingly, because no good reason under section 20(1) existed for the JSC to have transferred my request to the OCJ.

22. In short, the transfer was a legal nullity.

23. The language used by the person in illegally refusing my request and violating my constitutional right to information obviously can't be interpreted as a deferral of access under section 24, because the record I requested unquestionably exists already and is immediately available, whereas the relevant subsections concern records still to be published.
24. I didn't request the JCC Appeal Committee's decision which has still to be made and delivered (i.e. 'published') – which quite different record to be generated sometime in the future could notionally be hit by section 24. What I asked for was any record identifying the judges dealing with my appeal, and the JSC definitely has such a record to give me, seeing as these judges convened to discuss my appeal back on 10 July 2025.
25. The refusal of my request was illegal for the further reason that it did not comply with section 25(3), which prescribes:

If the request for access is refused, the notice in terms of subsection (1)(b) must—

(a) state adequate reasons for the refusal, including the provisions of the Act relied upon

26. The only grounds on which a request for access to a public body record 'must' or 'may' be refused, per section 33(1)(a) or (b), are those listed in sections 34 to 45 in Chapter 4 of Part 2, headed 'Grounds for Refusal of Access to Records'.

27. No other lawful grounds for refusing such a request exist, and any other grounds asserted by an information officer or delegated deputy, besides those allowed by sections 34 to 45, are irrelevant, incompetent, and illegal.
28. In breach of section 25(3)(a), the person unlawfully failed to state what provisions of the Act he was relying on in refusing me access to the record I'd duly requested – and naturally, because clearly my request wasn't hit by any of sections 34 to 45.
29. In other words, there was no lawful ground for refusing my request, and the person's refusal was consequently illegal.
30. The person's airy statement that I will find out one day who the JCC Appeal Committee members are when my appeal eventually gets decided sometime in the future is not a legally valid reason for denying me access to the information I duly requested. (The person's words were, 'The names of the members who decided the appeal will be reflected in the ruling once it has been issued.')
31. It was not legally competent for the person to block my request and tell me, in as many words, that I must just sit around waiting in the dark until the Appeal Committee makes up its mind one day and delivers its decision bearing its members' names.
32. In paragraph 6 of his notice of refusal, the person told me that if I didn't like his decision, I can appeal to the Minister.

33. Since my request was not lawfully transferred by the JSC to the OCJ under section 20, meaning the transfer was illegal and of no force and effect, the person employed by the OCJ who purported to decide it had no more legal authority to do so than his office tea-lady.
34. Since my request was not legally before the OCJ; was not legally decidable by the OCJ's deputy information officer; and the person's illegal refusal of my request is consequently not appealable to the OCJ's 'Internal Authority'.
35. In fact, PAIA does not provide for any 'Internal Authority', as claimed by the person. Rather, section 1 defines a 'relevant authority' authorised to decide appeals against refusals by certain kinds of public bodies, such as a 'department of state' contemplated by section (a) of the definition of 'public body'.
36. The OCJ is indeed such a 'department of state', and the responsible Minister is indeed its 'relevant authority' empowered to decide appeals against refusals of record requests made to or duly transferred to the OCJ.
37. But an illegal refusal of access to a duly requested record that is not 'in the possession or under the control of' the public body of which he's the 'relevant authority' for appeals is obviously none of the Minister's business.

38. Even if the Minister wanted to, he wouldn't be able to effectively uphold my appeal and order the OCJ to hand over a document that's not 'in its possession or under its control'.

39. Unlike the OCJ, the JSC is not such a type-(a) 'public body' as defined by section 1. Instead, the JSC is a type-(b) 'public body', *viz*:

any other functionary or institution when—

(i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or

(ii) exercising a public power or performing a public function in terms of any legislation;

40. And a type-(b) public body like the JSC does not have a 'relevant authority' to appeal to.

41. And not having a 'relevant authority', the JSC has no internal appeal procedure available to record requesters like me, aggrieved by the illegal and unconstitutional refusals of their duly made record requests.

42. So my remedy is not to appeal, because legally I can't, but rather to comply with 77A(2)(c)(i), and this section prescribes that I must file a complaint about the illegal and unconstitutional refusal of my request with the Information Regulator before going to court and suing for the document I requested.

43. In short, my request was not lawfully transferred to the OCJ; the person who refused it had no legal authority to deal with it; and he acted *ultra vires* in doing so.
44. The person's refusal of my request is consequently *pro non scripto*, just as if my record request made to the JSC had been illegally transferred to and decided by the deputy information officer of the Department of Tourism.
45. Since the JSC is a public body, and I'd duly complied with all the formalities prescribed by section 18, section 11 peremptorily required its information officer or duly delegated deputy information officer to provide me access to the record I'd requested, unless it was hit by a ground for refusal envisaged by any of sections 34 to 45. As said above, no such ground was raised against me by the person who illegally refused my request.
46. Since the JSC failed to respond to my record request within the maximum 30 days allowed by section 27, it must be deemed to have been refused. It doesn't matter that the refusal notice by a legally incompetent person was delivered late because he couldn't spell my email address correctly and the thing bounced back undelivered. (See annexure 'F'.)
47. I want the Information Regulator to act under its powers bestowed by section 77C *et seq.* and (i) to report this shambles to JSC chairperson

Maya CJ personally for her remedial and corrective intervention; (ii) to direct the JSC to belatedly comply with my request.

48. And I remind the Information Regulator of its obligation to report the JSC's and the OCJ's constitutional delinquency in the matter to the National Assembly under section 84.

49. Under section 11(3), my reason for requesting the record is legally irrelevant to my entitlement to it, but I record nonetheless that this matter concerns *documented* judicial corruption in South Africa by a Judge President, and its attempted cover-up by Deputy Judge President, which I intend exposing internationally. The matter is extraordinarily serious. All case documents are accessible online at corrupt-judges.co.za/JSC/Waglay_JP.

ANTHONY BRINK

COMPLAINANT

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer
 Judicial Service
 Commission
 188 14th Rd,
 Noordhoek, Midrand
 (Address)

E-mail address: msongca@judiciary.org.za

Fax number: _____

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

| PERSONAL INFORMATION | | | |
|------------------------------------------------------------------------------|---------------------------------|------------|------------|
| Full Names | Adv Anthony Brink | | |
| Identity Number | 5902255116081 | | |
| Capacity in which request is made (when made on behalf of another person) | | | |
| Postal Address | 36 Pearson St, Eshowe 3815, KZN | | |
| Street Address | Same as above | | |
| E-mail Address | anthonybrink.sa@gmail.com | | |
| Contact Numbers | Tel. (B): | | Facsimile: |
| | Cellular: | 0837794174 | |
| Full names of person on whose behalf request is made (if applicable): | | | |
| Identity Number | | | |
| Postal Address | | | |

| | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|--|-----------|
| Street Address | | | |
| E-mail Address | | | |
| Contact Numbers | Tel. (B) | | Facsimile |
| | Cellular | | |
| PARTICULARS OF RECORD REQUESTED | | | |
| <p><i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p> | | | |
| Description of record or relevant part of the record: | Any record identifying the members of the JCC Appeal Committee | | |
| | who on 10 July 2025 considered my appeal against the JCC's | | |
| | dismissal of my complaint against Basheer Waglay JP (now ret.). | | |
| | (Instead of such record, a simple statement of this information by | | |
| | the JSC secretary in an email to me will satisfy this request.) | | |
| Reference number, if available | JSC/533/2017 | | |
| Any further particulars of record | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| TYPE OF RECORD <i>(Mark the applicable box with an "X")</i> | | | |
| Record is in written or printed form | | | |
| Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i> | | | |
| Record consists of recorded words or information which can be reproduced in sound | | | |
| Record is held on a computer or in an electronic, or machine-readable form | | | X |

| FORM OF ACCESS <i>(Mark the applicable box with an "X")</i> | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i> | |
| Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i> | |
| Transcription of soundtrack <i>(written or printed document)</i> | |
| Copy of record on flash drive <i>(including virtual images and soundtracks)</i> | |
| Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i> | |
| Copy of record saved on cloud storage server | X |

| MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i> | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i> | |
| Postal services to postal address | |
| Postal services to street address | |
| Courier service to street address | |
| Facsimile of information in written or printed format <i>(including transcriptions)</i> | |
| E-mail of information <i>(including soundtracks if possible)</i> | X |
| Cloud share/file transfer | |
| Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i> | E |

| PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i> | |
| Indicate which right is to be exercised or protected | N/A |
| | (This requirement is relevant only to requests for access to information held by PRIVATE bodies, not by State entities.) |
| | |

| | |
|----------------------------------------------------------------------------------------------------------|----------------|
| Explain why the record requested is required for the exercise or protection of the aforementioned right: | N/A |
| | (Same reason.) |
| | |

| FEES | |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a) | A request fee must be paid before the request will be considered. |
| b) | You will be notified of the amount of the access fee to be paid. |
| c) | The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record. |
| d) | If you qualify for exemption of the payment of any fee, please state the reason for exemption |
| Reason | |
| | |
| | |

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

| Postal address | Facsimile | Electronic communication (Please specify) |
|----------------|-----------|----------------------------------------------|
| | | By email to above-stated email address |

Signed at Eshowe this 31st day of July 2025



Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

| | |
|-------------------------------------------------------------------------------|--|
| Reference number: | |
| Request received by: (State Rank, Name And Surname of Information Officer) | |
| Date received: | |
| Access fees: | |
| Deposit (if any): | |

Signature of Information Officer



REPUBLIC OF SOUTH AFRICA
NATIONAL IDENTITY CARD

Surname:

BRINK

Names:

ANTHONY ROBIN

Sex:

M

Nationality:

RSA

Identity Number:

5902255116081

Date of Birth:

25 FEB 1959

Country of Birth:

RSA

Status:

CITIZEN



Signature:

A handwritten signature in dark ink, appearing to be 'A. Brink'.



Conditions:

Date of Issue:

This card has been issued by the
Department of Home Affairs in terms of the
Identification Act, Act 68 of 1997

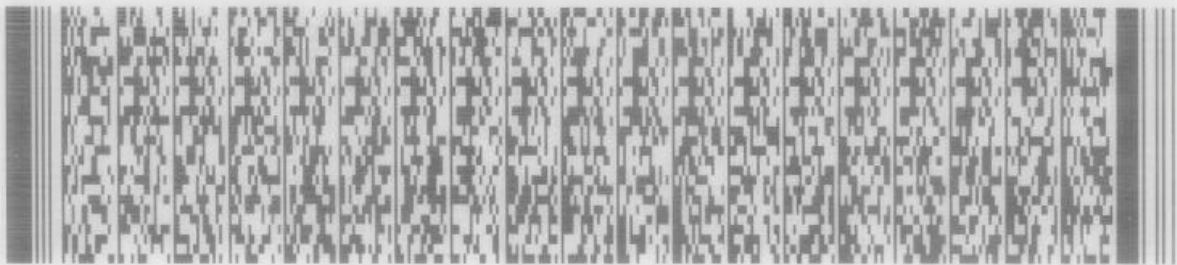
15 NOV 2017

If found please return to the Department of Home Affairs
For enquiry or verification purposes contact 0800 60 11 90

17347



105284508





Anthony Brink <anthonybrink.sa@gmail.com>

B

PAIA request re Waglay JP JCC appeal case: JSC/533/2017

1 message

Anthony Brink <anthonybrink.sa@gmail.com>
To: Mbali Songca <MSongca@judiciary.org.za>

31 July 2025 at 20:42

Dear Mrs Songca
I attach a PAIA request for (I quote):


'Any record identifying the members of the JCC Appeal Committee who on 10 July 2025 considered my appeal against the JCC's dismissal of my complaint against Basheer Waglay JP (now ret.) (Instead of such a record, a simple statement of this information by the JSC secretary in an email to me will satisfy this request.)'

Your case reference number is JSC/533/2017.

I look forward to hearing from you asap please.

Sincerely

Anthony Brink

 **PAIA_request_JSC_31_July_2025.pdf**
329K



Anthony Brink <anthonybrink.sa@gmail.com>

**OVERDUE RESPONSE AND TWO-DAY ULTIMATUM - Re: PAIA request re Waglay JP JCC appeal case: JSC/533/2017**

1 message

Anthony Brink <anthonybrink.sa@gmail.com>
To: Mbali Songca <MSongca@judiciary.org.za>

3 September 2025 at 21:52

Dear Mrs Songca

The JSC's response to my PAIA request of 31 July is now overdue under section 25, and is deemed to have been refused under section 27 -- illegally, since the requested information is not hit by any of the grounds for refusal set out in sections 33-45.

In other words, the JSC has violated my fundamental right to information guaranteed by section 32(1)(a) of the Constitution.

JSC chairperson Maya CJ would surely be horrified if she knew about her JSC's illegal failure to comply with its constitutional information transparency obligations here.

If I don't have the names of the three judges on the JCC Appeal Committee dealing with my appeal in the Waglay JP matter by Friday 5 September I shall report the JSC's constitutional delinquency to the Information Regulator for reporting to Parliament as required by the Act, and i'll request its intervention under the Act to assist me access this simple information that the JSC is strangely hiding from me in this unimaginably serious judicial corruption matter.

So I look forward to receiving those three names by Friday please.

Sincerely

Anthony Brink

On Thu, 14 Aug 2025 at 19:43, Anthony Brink <anthonybrink.sa@gmail.com> wrote:

Thanks.
AB

On Thu, 14 Aug 2025, 16:35 Mbali Songca, <MSongca@judiciary.org.za> wrote:

Dear Mr Brink

Kindly be advised that we are working on your request and you will receive a response as soon as it becomes available

Kind regards

Mbali

From: Anthony Brink <anthonybrink.sa@gmail.com>**Sent:** Thursday, 14 August 2025 10:25**To:** Mbali Songca <MSongca@judiciary.org.za>**Subject:** Re: PAIA request re Waglay JP JCC appeal case: JSC/533/2017

Dear Mrs Songca

Two weeks ago on 31 July, I made a simple, single-item PAIA request in which I sought the names of the three JCC Appeal Committee members seized with my appeal in the Waglay JP case, JSC case ref: JSC 533/17.

Section 25 of PAIA requires that 'the information officer to whom the request is made ... must, as soon as reasonably possible, but in any event within 30 days, after the request is received' decide it and notify me of the decision.

C

Obviously to anyone familiar with the Act there's no question that I'm legally and constitutionally entitled to the information I've duly requested under it.

It cannot take more than fifteen minutes to draw the case file, look inside it for those names, and convey them to me by email. (As stated in my request, I'll dispense with the record I've requested if just told who the judges are.)

So I'm wondering why the unreasonable delay in responding to my easy request.

The legal and constitutional obligation imposed on the information officer by the said section is to respond 'as soon as reasonably possible'.

This doesn't allow sitting on one's hands and waiting out the absolute maximum month allowed to respond.

What this means is that in failing to respond to my very simple and easy request, and wasting all this unnecessary time, the information officer is already in default and the response is overdue.

Please follow up for me.*

Sincerely

Anthony Brink

*My purpose in making my request for such public body information is irrelevant under section 11(3) of the Act, but anyway, I need those three names for incidental mention in a criminal complaint I'm currently busy drawing for the NPA, to be copied internationally.

Then-JSC chairman Ray Zondi CJ was very correct in advising his fellow commissioners that the history of my unshakably determined pursuit of my criminal and other impeachable complaints against Mlambo JP (as he then was) predicted that I wouldn't just sit by and do nothing if my complaints were illegally disposed of in the irregular manner he was warning them against. But sadly this wise counsel by our country's then-top jurist was disregarded, and he got outvoted. And now the terribly expensive bill must be paid.

On Thu, 31 Jul 2025 at 20:42, Anthony Brink <anthonybrink.sa@gmail.com> wrote:

Dear Mrs Songca

I attach a PAIA request for (I quote):

'Any record identifying the members of the JCC Appeal Committee who on 10 July 2025 considered my appeal against the JCC's dismissal of my complaint against Basheer Waglay JP (now ret.)

(Instead of such a record, a simple statement of this information by the JSC secretary in an email to me will satisfy this request.)'

Your case reference number is JSC/533/2017.

I look forward to hearing from you asap please.

Sincerely

Anthony Brink

C

Disclaimer:

The information contained in this communication from msongca@judiciary.org.za sent at 2025-08-14 16:35:42 is confidential and may be legally privileged. It is intended solely for use by anthonybrink.sa@gmail.com and others authorized to receive it. If you are not anthonybrink.sa@gmail.com you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents. **Powered by Office Of The Chief Justice**



188, 14th Road, Noordwyk, Midrand, 1685
 Private Bag X10, Marshalltown, 2107
 Tel: +27 10 493 2500 (Switchboard)
 E-mail: info@judiciary.org.za
 www.judiciary.org.za

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
 [Regulation 8]

Note:

1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: PAIA26/21/8/25-OCJ

TO: Adv Anthony Brink
 36 Pearson Avenue
 Eshowe
 Kwazulu-Natal
 3815

Email: anthonybrink.sa@gmail.com

Your request which was received by the Office of the Chief Justice on the 31st July 2025 refers.

1. You requested:

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Personal inspection of information at registered address of public/private body (<i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i>) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B. | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

OR

2. You requested:

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Printed copies of the information (<i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i>) Request for record identifying members of the JCC Appeal Committee who considered the requestor's appeal against the JCC's dismissal of the complaint against Basheer Waglay JP. | X |
| Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>) | |
| Transcription of soundtrack (<i>written or printed document</i>) | |
| Copy of information on flash drive (<i>including virtual images and soundtracks</i>) | |



| | |
|---------------------------------------------------------------------------------------------|--|
| Copy of information on compact disc drive <i>(including virtual images and soundtracks)</i> | |
| Copy of record saved on cloud storage server | |

3. To be submitted:

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Postal services to postal address | X |
| Postal services to street address | |
| Courier service to street address | |
| Facsimile of information in written or printed format <i>(including transcriptions)</i> | |
| E-mail of information <i>(including soundtracks if possible)</i> | |
| Cloud share/file transfer | |
| Preferred language: English <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i> | X |

Kindly note that your request has been:

Approved

Denied X

Your request which was received by the Office of the Chief Justice refers.

The Judicial Conduct Committee (Committee) postponed the appeal hearing to its next meeting scheduled for 30 October 2025. The Committee considered it necessary that certain facts be investigated before the matter could be finalised. The names of the members who decided the appeal will be reflected in the ruling once it has been issued.

Kind regards,

4. Fees payable with regards to your request:

| Item | Cost per A4-size page or part thereof/item | Number of pages/items | Total |
|-------------------------------------------------------------------------------------------------|--------------------------------------------|-----------------------|-------|
| Photocopy | R Nil | N/A | R Nil |
| Printed copy | | | |
| For a copy in a computer-readable form on: | | | |
| (i) Flash drive <ul style="list-style-type: none"> • To be provided by requestor | R40.00 | | |
| (ii) Compact disc <ul style="list-style-type: none"> • If provided by requestor | R40.00 | | |



| | | | |
|-------------------------------------------------------|--------------------------------------------------------------------------------|-------|-------|
| • If provided to the requestor | R60.00 | | |
| For a transcription of visual images per A4-size page | Service to be outsourced. Will depend on the quotation of the service provider | | |
| Copy of visual images | | | |
| Transcription of an audio record, per A4-size | R24.00 | | |
| Copy of an audio record | | | |
| (i) Flash drive | R40.00 | | |
| • To be provided by requestor | | | |
| (ii) Compact disc | R40.00 | | |
| • If provided by requestor | | | |
| • If provided to the requestor | R60.00 | | |
| Postage, e-mail or any other electronic transfer: | Actual costs | R Nil | R Nil |
| TOTAL: | R Nil | | |

5. Deposit payable (if search exceeds six hours): 8

Yes

No

| | | | |
|-----------------|--|-----------------------------------------------------------------------------------|--|
| Hours of search | | Amount of deposit <i>(calculated on one third of total amount per request)</i> | |
|-----------------|--|-----------------------------------------------------------------------------------|--|

The amount must be paid into the following Bank account:

Name of Bank: _____

Name of account holder: _____

Type of account: _____

Account number: _____

Branch Code: _____

Reference Nr: _____

Submit proof of payment to: _____

6. APPEAL REMEDIES.

6.1. Kindly note that you have the right to appeal to the Internal Authority, who is the Minister within 60 days of the decision. If you are still not satisfied with the decision of the Minister, you may either submit a complaint to the Information Regulator or make an application to a Court of Law for relief.



6.2. Section 74(1)(a) "A requester may lodge an internal appeal against a decision of the information officer of a public body referred to in paragraph (a) of the definition of "public body" in section 1(a):

(a) to refuse a request for access; or

(b) taken in terms of section 22, 26(1) or 29(3),

in relation to that requester with the relevant authority".

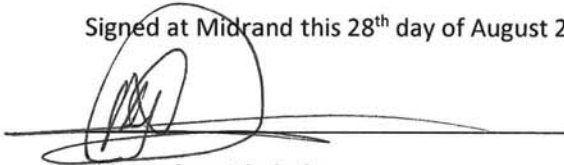
6.3. In terms of Section 77A (1) "A requester or third party referred to in section 74 may only submit a complaint to the Information Regulator in terms of this section after that requester or third party has exhausted the internal appeal procedure against a decision of the information officer of a public body provided for in section 74".

6.4. The internal appeal must be lodged within 60 days after the decision is taken and or if notices are applicable within 30 days after the notice is given to the third Party. The third party notice is not applicable in your case so you have 60 days to appeal by completing form 4 (available on request from us or downloadable from our website or on Information Regulator's website) and send it Nphakola@judiciary.org.za after which the appeal together with reason and other relevant information if any shall be submitted to the Minister of justice to consider the appeal within 30 days after the internal appeal is received by him or within such other period depending on whether notices are given or representations are made, otherwise the appeal shall be regarded as having been dismissed if no decision is made within the prescribed time period.

6.5. The complaint to the Regulator or application to Court may be lodged within 180 days of the decision on internal appeal by completing form 5 (available on request from us or downloadable on Information Regulator's website) and submitting it directly to the Information Regulator.

6.6. The Application to Court is in terms of the rules of Court, Rule 55 for Magistrate's Court and Rule 6 for High court and rules are available on request or downloadable on our website.

Signed at Midrand this 28th day of August 2025



Adv. Nelson Phakola

Deputy Information Officer





Anthony Brink <anthonybrink.sa@gmail.com>

E

PAIA OUTCOME

1 message

Hlulani Chauke <HlChauke@judiciary.org.za>

5 September 2025 at 12:29

To: "anthonybrink.sa@gmail.com" <anthonybrink.sa@gmail.com>

Cc: Nelson Phakola <NPhakola@judiciary.org.za>, Ndivhuwo Tshubwana <NTshubwana@judiciary.org.za>, Boitumelo Mokati <BMokati@judiciary.org.za>, Paia <Paia@judiciary.org.za>

Good Day Adv brink

Kindly find the attached for your attention.

Regards

Hlulani

**Hlulani Chauke**

Intern: Legal Services

Office of the Chief Justice

188, 14th Road, Noordwyk, Midrand, 1685

Tel: 010 493 8763

E-mail: HlChauke@judiciary.org.za

Website: www.judiciary.org.za

-

Disclaimer:

The information contained in this communication from hlchauke@judiciary.org.za sent at 2025-09-05 12:30:40 is confidential and may be legally privileged. It is intended solely for use by anthonybrink.sa@gmail.com and others authorized to receive it. If you are not anthonybrink.sa@gmail.com you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents. **Powered by Office Of The Chief**

Justice

**PAIA OUTCOME ADV BRINK.pdf**

1503K



Anthony Brink <anthonybrink.sa@gmail.com>

F

OVERDUE RESPONSE AND TWO-DAY ULTIMATUM - Re: PAIA request re Waglay JP JCC appeal case: JSC/533/2017

Nelson Phakola <NPhakola@judiciary.org.za>

5 September 2025 at 09:53

To: "anthonybrink.sa@gmail.com" <anthonybrink.sa@gmail.com>

Cc: Mbali Songca <MSongca@judiciary.org.za>, Hlulani Chauke <HlChauke@judiciary.org.za>, Ndivhuwo Tshubwana <NTshubwana@judiciary.org.za>

Good Morning

Kindly take note of the attached email.

We have been trying to send a response and the server of your email is rejecting it.

Please provide alternative email address.

Regards



Nelson Phakola (Adv)

Principal State Law Advisor: Legal Services

OFFICE OF THE CHIEF JUSTICE**188, 14th Road****Midrand****1687**

Tel: 010 493 2580

(C): 083 232 2717

Email: NPhakola@judiciary.org.za

Website: www.judiciary.org.za

F

From: Mbali Songca <MSongca@judiciary.org.za>

Sent: Thursday, 04 September 2025 10:25

To: Nelson Phakola <NPhakola@judiciary.org.za>

Cc: Dimakatso Ramaisa <DiRamaisa@judiciary.org.za>; Tebogo Phaahlamohlaka <TPhaahlamohlaka@judiciary.org.za>; Sanelisiwe Mthombeni <SMthombeni@judiciary.org.za>; Leago Matenchi <LMatenchi@judiciary.org.za>; Veronica Ndhlovu <VNdhlovu@judiciary.org.za>

Subject: FW: OVERDUE RESPONSE AND TWO-DAY ULTIMATUM - Re: PAIA request re Waglay JP JCC appeal case: JSC/533/2017

Dear Mr N

Please see the email below from Mr Brink, it seems he has not received a response to the PAIA request. May you kindly assist.

Kind regards

Mbali

From: Anthony Brink <anthonybrink.sa@gmail.com>

Sent: Wednesday, 03 September 2025 21:52

[Quoted text hidden]

[Quoted text hidden]

Disclaimer:

The information contained in this communication from nphakola@judiciary.org.za sent at 2025-09-05 09:53:13 is confidential and may be legally privileged. It is intended solely for use by anthonybrink.sa@gmail.com and others authorized to receive it. If you are not anthonybrink.sa@gmail.com you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents.

Powered by Office Of The Chief Justice

----- Forwarded message -----

From: Hlulani Chauke <HlChauke@judiciary.org.za>

To: Nelson Phakola <NPhakola@judiciary.org.za>

Cc: Paia <Paia@judiciary.org.za>

Bcc:

Date: Thu, 4 Sep 2025 11:54:41 +0000

Subject: FW: Your message hasn't been delivered yet

Dear Adv Phakola

Please see the below delivery error.

I sent an email to adv Brink, with no attachment requesting an alternative email address to which we could forward his PAIA outcome.

Subsequently, the server rejected the email.



Regards

Hlulani

From: postmaster <postmaster@judiciary.org.za>

Sent: Thursday, September 4, 2025 1:46 PM

To: Hlulani Chauke <HlChauke@judiciary.org.za>

Subject: Your message hasn't been delivered yet

Your message hasn't been delivered yet

The message you sent to anthonybrink.sa@gmail.com hasn't been delivered yet due to:
Recipient server unavailable or busy.

We'll let you know if we can't deliver it successfully.

Further Information

Connection refused (Connection refused)

Powered by **mimecast**

F

© 2003 - 2025 Mimecast Services Limited and affiliates.

 **FW Your message hasn't been delivered yet**
26K