



Anthony Brink <anthonybrink.sa@gmail.com>

R7

Re: Brink's second request for records under PAIA: Three issues.

4 messages

Anthony Brink <anthonybrink.sa@gmail.com>

12 January 2021 at 13:17

To: Kate Peniston - Society of Advocates of KZN <kznbar@law.co.za>

Dear Ms Penniston

Thanks for your response yesterday to my second PAIA request in November last year.

Three issues arise:

1.
The excerpt of the record you provided me headed 'Report of the Complaints Committee', addressed to Van Niekerk SC by Callum SC, marked '5.7' in manuscript in the top right corner, and presented at the meeting of the bar council in February 2017, is undated, inasmuch as the last signature and date page of the report was omitted. Please supply me the last page of the report showing its date.

2.
In the penultimate paragraph of Callum SC's said report on me, he states:

'the Committee addressed a letter to Brink, a copy of which is annexed for your ease of reference, calling on him to make representations, if any before the Society considers whether it would be an appropriate case for it to initiate strike-off proceedings. Brink has failed to respond ...'

Kindly furnish me with a copy of that 'letter to Brink, a copy of which is annexed' to the report.

(I didn't receive this letter, which is why I was amazed to learn by chance in April 2017 that the Council had resolved in February 2017 that I be struck off, before I'd been afforded an opportunity to answer LASA's complaint against me.)

3.
Your response to item 13 on my list of requested records, namely for:

'Any and all correspondence between the Society and the Judicial Service Commission regarding progress in the JCC's determination of Brink's gross misconduct complaints against Mlambo JP and Waglay JP'

was:

'please find attached ... Correspondence between the JSC and Society dated 18 August 2018, there is no other correspondence for this item.'

This correspondence supplied me comprises Society chairperson Van Niekerk SC's email on 8 August 2018 (not the 18th) to the late Lynette Bios, then secretary of the Judicial Service Commission ('JSC'), in response to her 'enquiry of today's date' (per the email).

The quoted phrase shows that Ms Bios enquired earlier in the day on 8 August 2018 regarding the Society's contemplated strike-off application against me, which Van Niekerk SC informed her would be finally decided upon once the JSC (actually the JSC's Judicial Conduct Committee) had decided my complaints against Mlambo JP.

(It's almost certain Ms Bios was the source of the information provided to the Society and repeated in the Litigation Sub-Committee reports of July and August 2018 that my complaints had been 'referred to the Judicial Misconduct Sub-Committee of the JSC.')

If written, Ms Bios's enquiry is responsive to my record specification under item 13 of my request, and I require a copy please. If telephonic, please advise me who took her call, recorded her enquiry, and referred it to Van Niekerk SC to answer.

And after this, I don't expect I'll be troubling you again.

Yours sincerely
Anthony Brink

On Mon, 11 Jan 2021, 12:05 Kate Peniston, <kznbar@law.co.za> wrote:

Dear Mr Brink

R7

Please find attached herewith a letter for your attention.

Kind regards

Kate Peniston

Administrative Secretary

SOCIETY OF ADVOCATES OF KWAZULU-NATAL

3rd Floor

6 Durban Club Place

Durban

4001

Tel : 031 301 3099

Fax : 031 304 4415

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

Sent: Wednesday, 18 November 2020 22:00

To: Kate Peniston - Society of Advocates of KZN <kznbar@law.co.za>

Subject: Brink's second request for records under PAIA

Dear Kate

I attach my second request for access to records under the Promotion of Access to Information Act 2 of 2000 for the attention of your chairperson.

Please see the 'Note' at the very end of it.

Sincerely

Anthony Brink

Anthony Brink <anthonybrink.sa@gmail.com>

28 January 2021 at 16:42

To: Kate Peniston - Society of Advocates of KZN <kznbar@law.co.za>

Dear Ms Peniston

More than a fortnight on, I write to request a reply to my email to you of the 12th.

Really important.

Yours sincerely

Anthony Brink

[Quoted text hidden]

Kate Peniston <kznbar@law.co.za>

17 February 2021 at 08:15

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

Dear Mr Brink

My apologies for the late reply.


R7

Item 1. The last page of the complaints committee report is attached.

Item 2. The letter is not annexed to the report that I have on file. I have enquired with the LPC and await their reply.

Item 3. Advocate van Niekerk SC has confirmed that he spoke with Ms Bois by telephone call and responded to her query with the email sent to her on 8 August 2018.

[Quoted text hidden]

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38K

Anthony Brink <anthonybrink.sa@gmail.com>
To: Kate Peniston - Society of Advocates of KZN <kznbar@law.co.za>

17 February 2021 at 08:30

Thanks very much, Kate.

Best

Anthony

[Quoted text hidden]