

# KWAZULU-NATAL PROVINCIAL OFFICE

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## NATIONAL OFFICE

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Advocate Brink  
Per email

Our Ref : AW/paia  
Your Ref : Advocate Brink

15 September 2025

Dear Advocate Brink

## REQUEST FOR ACCESS TO INFORMATION IN TERMS OF PAIA

We refer to your request for access to records of public body dated 14 January 2025 containing Form A annexure as well as the further records requested, submitted on 25 June 2025.

Based on the information provided by the Senior Legal Officer from the Regulatory Department, who was seized with the matter, we respond as follows:

1. **AD PARA 1**

A copy of the Certificate issued to the writer is attached hereto marked **"Para 1 – annexure – POPIA certificate and Delegation of Authority"**.

2. **AD PARA 2**

A copy of the Investigating Committee's report containing its decision is attached hereto marked **"Para 2 – annexure – Investigating Committees Report"**. In terms of Rule 38.4 of the Legal Practice Council Rules the Investigating Committee may consist of one or more legal practitioners. The Investigating Committee comprised on one member being Advocate William AJ Nicholson. His name and signature appear on the report.

3. **AD PARA 3**

There are no minutes/transcript of the Investigating Committee's decision in this matter. Advocate Nicholson considered the complaint in his capacity as

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Executive Committee: Adv Pule Seleka (SC) – Chairperson, Dr Llewelyn Curlewis - Deputy Chairperson, Adv Craig Watt-Pringle (SC), Mr Martus De Wet, Ms Nonduzo Khanyile, Mr Seilo Phajane, Adv. Matshoge Chabedi (SC) Executive Officer: Ms. Charity Nzuza

the Investigating Committee and compiled a written report setting out his findings. This report constitutes the formal outcome of the Committee's consideration and serves as a basis on which the finding was made. Accordingly, the report itself is the only record of the finding.

4. AD PARA 4

The Senior Legal Officer in the Regulatory Department has advised that in terms of Section 37(3) of the Legal Practice Act, the Investigating Committee is empowered to dismiss a complaint or where there is prima facie evidence that the practitioner may be guilty of misconduct, refer the matter for adjudication by a disciplinary committee.

The Senior Legal Officer has advised that the Investigating Committee does not have the authority to recommend that a legal practitioner be struck off.

Accordingly, following the Investigating Committee's findings, the matter was to be referred to a Disciplinary Committee for adjudication.

5. AD PARA 5

There is no communication between the Investigating Committee and the Disciplinary Committee. Although the matter was referred for adjudication by a Disciplinary Committee following the findings of the Investigating Committee, the Disciplinary Committee has not yet been constituted.

The procedure is that the Regulatory Department will receive the report from the Investigating Committee and action same off in terms of the decision contained therein. In this matter, the Regulatory Department had referred the matter to the Disciplinary Department in order for them proceed with the necessary formalities to have the matter adjudicated by a Disciplinary Committee. However, as the matter had not been set down for hearing, the Disciplinary Committee had not yet been constituted.

6. AD PARA 6

The Disciplinary Committee has not been constituted and accordingly there are no records identifying the members as same have not as yet been appointed.

The Senior Legal Officer has advised that the matter was referred for reconsideration to an Investigating Committee following the submission of additional information and that Investigating Committee is currently seized with the matter.

7. AD PARAS 7, 8 AND 9

The Senior Legal Officer of the Regulatory Department has advised that the documents contained in these paragraphs namely:

- (a) The decision of the Constitutional Court Judge E Nkabinde and Supreme Court of Appeal Justice E Makgoba serving on the Judicial Conduct Committee;
- (b) The decision of the Small Judicial Service Commission to reject Justices Nkabinde and Makgoba's findings and recommendation;
- (c) The transcript of the discussions by the Judicial Service Commission of Justices Nkabinde and Makgoba's findings and recommendation;

were received by the LPC after the Investigating Committee had finalised its report. The additional information was not before the Investigating Committee at the time it considered and deliberated on the matter.

The Senior Legal Officer has advised that she had informed you that the Disciplinary hearing will be pended and that the matter would be referred to an Investigating Committee for reconsideration.

8. AD PARA 10

The Investigating Committee was furnished with the documentation provided by the Society of Advocates (being the initial complaint, the deliberations of the Society of Advocates Committee, your letter dated 5 July 2017 to Advocate Mossop SC and the eight complaints against Mlambo JP), as well as second response to the complaint which was received after the handover of the matter from the Society of Advocates. We enclose correspondence from the investigating Committee, Advocate Nicholson, confirming return of the files he had been furnished with by the LPC (**Para 10 – annexure – Letter Advocate Nicholson**). Please note that the soft file contained the initial complaint by TV Mtati and the reports by the Society of Advocates. The bundle of papers were your complaints 1-8 against Mlambo JP. The five lever arch files contained your response after the matter was referred to the LPC, as well as correspondence and documents from the Society of Advocates' file and the LPC's file up to instructing the Investigating Committee.

9. AD PARA 11

Attached is the correspondence to and from the LPC in this matter up to the date the decision was communicate to you (excluding correspondence between the LPC and yourself and any correspondence requested in another paragraph of the PAIA request). (**Para 11 – annexure – various correspondence in the matter**).

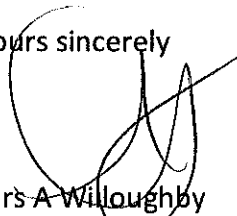
10. AD PARA 12

The letter from LASA to the LPC dated 30 November 2020 is attached (**para 12 – annexure – Letter from LASA 30 November 2020**)

11. AD PARA 13  
The only correspondence to the LASA after receipt of your response in June 2021 was the letter to the LASA dated 8 November 2024 advising of the Investigating Committee's decision.
12. AD PARA 14  
Attached is letter to LASA dated 8 November 2024 advising of Investigating Committee's decision (**para 14 – annexure – letter to LASA 8 November 2024**).
13. AD PARA 15  
PAIA Manual is attached (**para 15 – annexure – PAIA manual**).

We trust this addresses your request for information.

Yours sincerely



Mrs A Willoughby

Deputy Information Officer at KwaZulu Natal Provincial Office