

THE LABOUR COURT OF SOUTH AFRICA, HELD AT DURBAN

Case No: D529/11

The matter between:

ANTHONY BRINK

Applicant

LEGAL AID SOUTH AFRICA

Respondent


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STATEMENT OF DEFENCE

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PRELIMINARY ISSUE

1. The Respondent will abide the decision of this Court on the question whether the referral of this matter was timeous. Should the Court decide that the referral was not timeous, the Respondent asks the Court to dismiss the matter with costs on the attorney and client scale. Costs should be on the punitive scale because the Applicant has gratuitously accused the Respondent, in

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48.9. The foregoing exercise ensures that (i) the critical position of High Court litigator is not abandoned and (ii) yet the costs involved in that process are dramatically saved.

48.10. The Respondent avers that even after the OSD funding was resolved, it was still not feasible to fill the Senior Litigator posts. The Respondent had to relook at its critical vacant positions and fill them in the best possible and feasible manner. Furthermore, the Respondent is budgeting for the abovementioned 2012/2013's R34 million cut.

48.11. Accordingly, the Respondent denies that it and/or its officials lied to the Minister and the Portfolio Committee on any of these issues.

48.12. The Respondent denies the suggestions and speculative conclusions arrived at by the Applicant in the balance of these paragraphs.

**49. PARAGRAPHS 165. – 179.**

49.1. The Respondent denies these accusations.

49.2. The Respondent has demonstrated that by July 2010, the OSD shortfall was still being discussed and cost cutting measures being implemented. *Not discussed.*

49.3. The Respondent repeats the example made hereinabove on how it, *inter alia*, strategically aimed at realising the objectives mentioned in its Strategic Plan 2009 – 2012. In other words, the hiring of two more