

IN THE MAGISTRATES COURT FOR THE DISCTRICT OF ESHOWE

HELD AT ESHOWE

Case No. 1005/15

In the matter between:-

ANTHONY ROBIN BRINK

Applicant

and

BRIAN NAIR N.O.

DEPUTY INFORMATION OFFICER,

LEGAL AID SOUTH AFRICA

Respondent

RESPONDENT'S ANSWERING AFFIDAVIT

42. Due to the length of the said letter which, I submit, was not necessary and meant only to insult and demean me, I then instructed our attorney of record to request an extension in terms of section 26 of the Promotion of Access to Information Act 2 of 2000 as amended, which was granted by the Applicant. See annexures F and G of the Applicant's founding affidavit.

43. I then prepared the answer which I gave to the Applicant on 13 February 2015 and annexed to his application as annexure H.

44. The substance of the answer that I gave to the Applicant was that I declined to grant him access to the information he sought therein fundamentally on two basis namely:

44.1. I am aware that the Applicant instituted an unfair discrimination action out of the Labour Court, Durban seeking all sorts of relief including that the Court order that Legal Aid SA employ him to a position of a Senior Litigator to which he had applied but which post was aborted for operational reasons.

44.2. At the time the Applicant sent his above request for access to information, the above matter was pending before the Court. Although closing argument had been made, judgment was outstanding.

44.3. As it is apparent from the request he made to Legal Aid SA, it all related to information that was dealt with in the evidence before Court. Applicant



147. I submit one or more of my preliminary objections holds true and this application falls to be dismissed on any of those objections.

148. I submit that the conduct by the Applicant as set out more specifically in my preliminary objections deserves punitive cost orders.

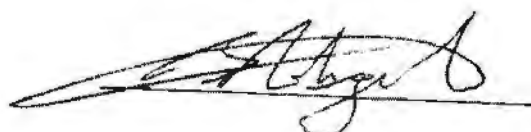
149. I cannot be dragged into litigation that has no merit, that is scandalous, vexatious and in flagrant disregard of the law and processes of Court.

HEREFORE it may please the court to dismiss the application with punitive costs.



DEPONENT

I certify that the deponent has acknowledged that he knows and understands the contents of this affidavit which was signed and sworn to, before me, at Johannesburg on this the 2nd October 2015. The regulations contained in the Government Notice No. 1258 dated 21st July 1972 (as amended) and Government Notice No. 1648 dated 19th August 1977 (as amended) having been complied with.



COMMISSIONER OF OATHS
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