

IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION, PIETERMARITZBURG

Case No: 11187/16

In the matter between:

ANTHONY BRINK Applicant

and

THE INFORMATION OFFICER Respondent
LEGAL AID SOUTH AFRICA

In re:

ANTHONY BRINK Applicant

and

THEMBILE MTATI N.O. Respondent
DEPUTY INFORMATION OFFICER
LEGAL AID SOUTH AFRICA



NOTICES:-

UNDER RULE 15:

ADDITION OF SECOND RESPONDENT:

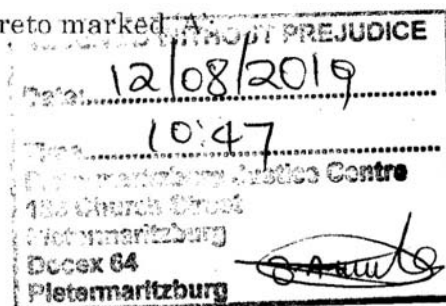
'THE INFORMATION OFFICER, LEGAL AID SOUTH AFRICA';

AND UNDER RULE 28:

INTENTION TO AMEND NOTICE OF MOTION

KINDLY TAKE NOTICE that:

WHEREAS the respondent 'Thembile Mtati is no longer employed by Legal Aid SA' ('LASA'), according to the automatic email reply annexed hereto marked 'A';



AND WHEREAS the respondent's *status* as a deputy information officer at LASA, delegated by LASA Chief Executive Officer and information officer Vidhu Vedalankar ('Vedalankar') under section 17 of the Promotion of Access to Information Act 2 of 2000 ('PAIA'), has *changed* within the contemplation of rule 15(1);

AND WHEREAS the respondent consequently no longer has the power conferred or duty imposed by his erstwhile delegation as deputy information officer to comply with the applicant's record requests that are the subject of this application, and will therefore be unable (a) to comply with the mandamus claimed in paragraph 3 of his notice of motion, and (b) to convey to Vedalankar the orders for publication claimed in paragraph 4 thereof;

AND WHEREAS the respondent's delegated powers and duties as deputy information officer in relation to the applicant's record requests have reverted to information officer Vedalankar;

AND WHEREAS, 'current CEO' Vedalankar's own 'term of employment ends on 31 October 2019', according to LASA's 'Internal and External Advertisement' to recruit her replacement, the first page of which is annexed hereto marked 'B';

AND WHEREAS section 1 of PAIA defines 'information officer' in the case of category-(c) public entities such as LASA as the 'the chief executive officer';

AND WHEREAS Vedalankar's status as LASA information officer will change on 31 October 2019, so that should judgment in the application be reserved and then granted in the applicant's favour after that date, Vedalankar will be unable to comply with the orders prayed in paragraphs 3 and 4 of the notice of motion, as amended in the terms set out below;

AND WHEREAS Vedalankar will be succeeded as information officer *ex officio* by whoever succeeds her as CEO on 1 November 2019;

WHEREFORE:

The applicant hereby adds 'The Information Officer, Legal Aid South Africa' as second respondent under rule 15(2).

TAKE NOTICE FURTHER that under rule 28(1) the applicant intends amending his notice of motion:

(a) by substituting 'the second respondent' for 'the respondent' in paragraph 3; and,

(b) by claiming an order that the second respondent comply with the publication orders set out in paragraph 4.

TAKE NOTICE FURTHER that unless written objection to the proposed amendment is delivered within 10 days of delivery of this notice, the amendment will be effected.

Signed at Eshowe on 12 August 2019.

ANTHONY BRINK

APPLICANT

36 Pearson Road

Eshowe

anthonybrink.sa@gmail.com

083 779 4174

SERVICE ADDRESS:

23 Baker Road

Prestbury, Pietermaritzburg

083 676 0884

TO:

The Registrar

High Court of South Africa

KwaZulu-Natal Division, Pietermaritzburg

301 Church Street

Pietermaritzburg

AND TO:

The Information Officer, Legal Aid South Africa

c/o Pietermaritzburg Justice Centre

Legal Aid SA

183 Church St

Pietermaritzburg

(Mr Kaloo)



Anthony Brink <anthonybrink.sa@gmail.com>



Automatic reply: Brink's PAIA case - Eshowe Magistrate's Court - 25 July

Thembile Mtati <ThembileM@legal-aid.co.za>
To: Anthony Brink <anthonybrink.sa@gmail.com>

5 July 2019 at 13:22

Thembile Mtati is no longer employed at Legal Aid SA

This email is considered a business record and is therefore property of Legal Aid South Africa. This email, and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication represents the originator's personal views and opinions, which do not necessarily reflect those of Legal Aid South Africa. If you are not the original recipient or the person responsible for delivering the email to the intended recipient, be advised that you have this email in error, and that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. If you received this email in error, please immediately notify postmaster@legal-aid.co.za

Thank You.



Select Language ▼

B

[Home](#) > [About us](#) ▼ [Get help](#) ▼ [Career Portal](#) ▼ [Tenders](#) ▼

- > [Career Opportunities](#) > [Future Attorneys Recruitment Programme \(Candidate Attorney\)](#)
- > [Working at Legal Aid South Africa](#)
- > [Disabilities Recruitment Programme](#)

National Office – Chief Executive Officer

REF: NO/CEO/02/05/2019

INTERNAL AND EXTERNAL ADVERTISEMENT

CHIEF EXECUTIVE OFFICER

NATIONAL OFFICE – BRAAMFONTEIN

SALARY PACKAGE: COMPETITIVE NEGOTIABLE REMUNERATION PACKAGE

Legal Aid SA is a national public entity; a key contributor to South Africa's constitutional democracy providing quality legal services to poor and vulnerable persons. The organisation has a national footprint. An accredited Top Employer SA for 10 consecutive years, Legal Aid SA is a credible employer of choice. Its culture is rooted in leadership, driven by the value and advancement of human rights. It offers an exciting Employment Value Proposition with opportunities for development, career growth and an inspiring workplace. The current CEO's term of employment ends on 31 October 2019.

Applications are invited from persons interested to fill the above-mentioned position. The incumbent will be appointed on a fixed term contract and will be expected to sign a performance contract. **The position is based at the National Office in Johannesburg (Braamfontein).**

Screen Reader