

IN THE MAGISTRATES COURT FOR THE DISTRICT OF
ESHOWE HELD AT ESHOWE

CASE NO: **B10**
257/14
258/14
259/14
1005/15
1432/15

In the matter between:

ANTHONY ROBIN BRINK

Applicant

And

HOPE BAMBISO NO. AND 3 OTHERS

Respondents

**AFFIDAVIT IN TERMS OF SECTION 23 OF PAIA
[SUPPLEMENTARY AFFIDAVIT]**

I, the undersigned

THEMBILE VUYO MTATI

do hereby make oath and states as follows:-

1.

1.1 I am adult male admitted attorney employed as a Corporate Service Executive by Legal Aid SA at its offices situated at 29 De Beer Street, Legal Aid House, Braamfontein, Johannesburg, 2017.

1.2 I confirm that I am the designated Deputy Information Officer of Legal Aid SA and I am duly authorised to depose to this affidavit.



1.3 The facts contained are within my personal knowledge and are both true and correct.

2.

2.1. I confirm that I have taken all reasonable steps to locate all of the records requested by the Applicant and/or to determine if such records do exist or not.

2.2. I confirm further that Legal Aid SA do not have some of the records requested by the Applicant, as specified on the table below, and as such, it is therefore not possible to make available to the Applicant access to the requested records.

2.3 I confirm further that I did enquire telephonically and held meetings with some official employed by Legal Aid SA, who would ordinarily be expected to bear knowledge of the requested records or other related records, but has established that the records do not exist.

2.4 The below indicates the records which cannot be provided, i.e:

No.	Record requested	Steps taken to locate the document or to determine whether the record exists or not
1	A2	No signed recommendation exists. This was confirmed by the Regional Human Resources Manager.
2.	A6	No such record could be found. The record requested was checked with the specified offices but same could not be located.
3.	B7	No such record exists. The record requested was checked with the specified official who confirmed its non-existence.
4.	B8	No such record exists. The existence of the requested record was checked with the official who would be ordinarily expected to know of its existence but same does not exist.
5.	B10	This record cannot be located. The record requested was checked with the specified official who confirmed it cannot be located.

6.	B36	This record cannot be located. The record requested was checked with the specified officials who confirmed it cannot be located.
7.	B37	This record cannot be located. The record requested was checked with the specified officials who confirmed it cannot be located.
8.	D2	No such record could be found. The record requested was checked with the specified offices but same could not be located.
9..	D3	No such record could be found. The record requested was checked with the specified offices but same could not be located
10.	D4	No such record could be found. The record requested was checked with the specified official and offices but same could not be located
11.	E20	This record could not be located. The record requested was checked with the specified offices but same could not be located.
12.	E23	The record did exist but could not be found after search. The record requested was checked with the specified official.
13.	G1	No such record could be found after search. The record requested was checked with the specified official.
14.	G3	No such records could be found. The record requested was checked with the specified officials but same could not be located.
15.	G4	No such records could be found. The record requested was checked with the specified officials but same could not be located.
16.	G5	No such records could be found. The record requested was checked with the specified officials but same could not be located.
17.	G9	No such records could be found. The record requested was checked with the specified officials but same could not be located.
18.	G10	No such records could be found. The record requested was checked with the specified officials but same could not be located.
19.	G11	No such records could be found. The record requested was checked with the specified officials but same could not be located.
20.	G12	No such records could be found. The record requested was checked with the specified officials but same could not be located.
21.	G13	No such records could be found. The record requested was checked with the specified officials but same could not be located.
22.	G14	No such records could be found. The record requested was checked with the specified officials but same could not be located.

23.	H1	No such record exists. The existence of the requested record was checked with the legal representatives in the case and confirmed the non-existence of such record.
24.	H3	No such records could be found. The record requested was checked with the specified official but same could not be located.
25.	H5	No such records could be found. The record requested was checked with the specified official but same could not be located.
26.	H14	No such record could be found. The existence of the requested record was checked with the official who would be ordinarily expected to know of its existence but same could not be located.
27.	H15	No such record could be found. The existence of the requested record was checked with the official who would be ordinarily expected to know of its existence but same could not be located.
28.	H18	No such record could be found. The existence of the requested record was checked with the official who would be ordinarily expected to know of its existence but same could not be located.
29.	H20	No such records could be found. The record requested was checked with the specified official but same could not be located.
30.	H21	No such records could be found. The record requested was checked with the specified official but same could not be located.
31.	H22	No such records could be found. The record requested was checked with the specified official but same could not be located.
32.	H23	No such record exists. The existence of the requested record was checked with the official who would be ordinarily expected to know of its existence but same could not be located.
33.	H24	No such records could be found. The record requested was checked with the specified official but same could not be located.
34.	H25	No such record exists. The existence of the requested record was checked with the official who would be ordinarily expected to know of its existence but same could not be located.
35.	H26	No such record exists. The existence of the requested record was checked with the official who would be ordinarily expected to know of its existence but same could not be located.

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36.	H27	No such record exists. The existence of the requested record was checked with the official who would be ordinarily expected to know of its existence but same could not be located.
37.	H28	No such records could be found. The record requested was checked with the specified officials but same could not be located.
38.	H29	No such records could be found. The record requested was checked with the specified official but same could not be located.
39.	H30	No such records could be found. The record requested was checked with the specified official but same could not be located.
40.	H33	This record cannot be granted as it is privileged and protected in terms of common law as well as section 40 of the Act. Accordingly it is refused.
41.	H39	No such record exists. The existence of the requested record was checked with the official who would be ordinarily expected to know of its existence but same could not be located.
42.	H40	No such records could be found. The record requested was checked but same could not be located.
43.	H41	No such records could be found. The record requested was checked with the specified official.
44.	H42	No such records could be found. The record requested was checked with the specified official but same could not be located.
45.	H43	No such record exists. The existence of the requested record was checked with the official who would be ordinarily expected to know of its existence but same could not be located.
46.	H47	No such record could be located. The former employee is deceased.
47	J1	No such records could be found. The record requested was checked with the specified official but same could not be located.

Handwritten signatures and initials, including a large stylized signature and a smaller set of initials.


DEPONENT

B10

THUS SWORN AND SIGNED BEFORE ME AT JOHANNESBURG ON THIS THE 12th
DAY OF MAY 2016. THE DEPONENT HAVING ACKNOWLEDGED TO ME THAT HE
KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, HE HAS NO
OBJECTION TO THE TAKING OF THE PRESCRIBED OATH AND HE CONSIDERS
THE AFFIDAVIT BINDING ON HIS CONSCIENCE.




COMMISSIONER OF OATHS

FULL NAMES:

DESIGNATION:

ADDRESS:

COMMISSIONER OF OATHS

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AGATHA MAMOGALE LEKABE SENIOR LEGAL ADVISOR CITY OF JOHANNESBURG METRO CENTRE, 158 CIVIC BOULEVARD, BRAAMFONTEIN 2017