

1 Boast Street
Eshowe 3815
14 July 2016

B18

Thembile Mtati,
Deputy Information Officer and Corporate Services Executive
Legal Aid South Africa
29 De Beer Street
Braamfontein

Cc: Solly Sekgota,
Corporate Legal Manager, Legal Aid South Africa

By email

Dear Mr Mtati

PAIA APPLICATIONS:
FURTHER UNDELIVERED RECORDS AND
NOTICE OF INTENTION TO AMEND AND AMPLIFY DRAFT ORDER

Prompted to do so by my accountant Rawlins after serving and filing my notice of set down for 28 July, I examined the dates of the several minutes of Eastern Cape regional management meetings in 2010 that you supplied me in response to my request for them under item A1 of my consolidated list, and found:

1. The minute for the August 2010 meeting, mentioned in the October 2010 minute is missing.
2. No minute for the July meeting was provided either – if there was such a meeting, which the August minute will confirm or disconfirm.
3. I was only given the first page of the November 2010 minute.

Kindly supply me with these outstanding records in compliance with your undertaking to do so recorded on 11 February to provide me with access to all records specified on my consolidated list. If you don't, I'll hand this letter up on the 28th in support of an amplified amended draft order including this new paragraph 4, the original paragraph 4 et seq. to be renumbered:

4.

Inasmuch as Mtati has partially failed to respond to item A1 of the consolidated list of requested records, i.e. for 'The minutes of all Eastern Cape regional management meetings held in 2010', by providing only the January, April, June and October minutes, and the first page only of the November minute, and not the August minute referred to and approved in the October minute, nor the complete November minute, nor the July minute (if such a meeting was held as will be confirmed or disconfirmed by the August minute), despite the applicant's demand for these minutes on 14 July 2016 –

- 4.1. Legal Aid South Africa deputy information officer Mtati is declared to have unlawfully failed to comply with PAIA by not granting the applicant access to these outstanding records or by furnishing him with an affidavit made under section 23 if they cannot be found or do not exist, and thereby to have violated his fundamental right to information held by organs of state, entrenched by section 32(1) of the Constitution.
- 4.2. Mtati is directed to respond to the said record requests within twenty days, either by furnishing the applicant with copies of these records or by certifying under section 23 of PAIA that they cannot be found or that they do not exist.

To avoid this further order, could you please simply cooperate by complying with your undertaking given at court to provide me with these important documents bearing on the veracity of the several different stories told me, the Board and the courts, including under oath, about why Skibi's appointment to the Mthatha Senior Litigator post was cancelled completely off the record in mid-2010, even as you'd recently implored the Legal Services Technical Committee as Eastern Cape Regional Operations Executive at the time that a Senior Litigator was sorely needed there for the several very convincing and readily accepted reasons you gave it – just as I was coincidentally pressing for my appointment to the Pietermaritzburg Senior Litigator post, eight strangely silent months after I'd been duly selected for it in glowing terms by a unanimous panel of LASA's top lawyers in the region. The outstanding records will be used inter alia for perjury prosecutions.

Yours sincerely



ANTHONY BRINK