



Our Ref: T. Mtati
Your Ref:
Date: 15 April 2016

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Advocate Anthony Brink
1 Boast Road;
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Dear, Sir

RE: IMPLEMENTATION OF SETTLEMENT AGREEMENT: A BRINK / LEGAL AID SA

The above matter refers.

In terms of clause 4 of the settlement agreement, I was required to provide you with all documents requested by you on the 15th April 2016. I have provided all the documents I could find and in the event that any of the documents requested do not exist or cannot be found, I have accordingly attached an affidavit in terms section 23 of the Promotion of Access to Information Act 2 of 2000 ("Act") certifying that such documents do not exist or otherwise could not be found.

Request Number	Request	Reply
A1	Minutes of all Eastern Cape Regional Management Committee meetings held in 2010	Four sets of minutes are attached, as appendix A1 namely 18 January 2010, 15 & 16 April 2010, 11 June 2010, 8 October 2010 and 12 November 2010.

A2	Apropos of the aborted Mthatha Senior Litigator recruitment, the selection panel's recommendation of Adv Nzame Skibi for appointment on 24 May 2010 signed by all members of the panel.	The unsigned selection process panel's recommendation is attached as appendix A2 , and the names of candidates have been blackened. No signed recommendation exists.
A3	Regret letters/emails sent to unsuccessful candidates	Section 23 of the PAIA deposited.
A4	If the recommendation of Adv Skibi was scanned and emailed as attachment to the Legal Aid SA national office for approval, the covering email; if sent to the national office for approval via postal service, the covering letter and proof of registered post.	Section 23 of the PAIA deposited.
A5	All other communications between National Office and Eastern Cape Regional Office and/or Mthatha Justice Centre concerning recommendation of Adv Skibi for transfer and appointment to the post	Section 23 of the PAIA deposited.
A6	All communications between National Office and the Eastern Cape Regional Office and/or Mthatha JC concerning: -approval of Adv Skibi's appointment and transfer to the post; The cancellation of Adv Skibi's appointment and transfer to the post and - the reason for the cancellation of the recruitment to the post	Section 23 of the PAIA deposited.

A7	All communications between Eastern Cape Regional Office and/or Mthatha Justice Centre and the Free State and North-West regional office, and/or the Mafikeng Justice Centre, and or Mafikeng Senior Litigator Adv Nzame Skibi concerning the Senior Litigator post.	Section 23 of the PAIA deposited.
B1	All and any records vouching the sworn allegation made on affidavit to the Durban Labour Court ('court') on Legal Aid South Africa National Operations Officer Brian Nair's instructions ² in the matter of Anthony Robin Brink ('Brink') v Legal Aid South Africa ('LASA'), Case No. LC D529/11, that 'many of the senior litigators have failed to live up to the required expectations as they, despite many years in practice, lacked the required Court experience.	Section 23 of the PAIA deposited.
B2	All and any records vouching the allegation made to court in the pleadings on Nair's instructions that 'most of the senior practitioners who were recruited without having undergone a second interview were lacking experience in vital areas like High Court litigation skills	Section 23 of the PAIA deposited.
B3	All and any records vouching the allegation made to court on affidavit on Nair's instructions, and supported by Nair on affidavit, ⁹ that LASA had 'conducted a quality assurance in respect of the existing senior litigators and it was out of concern from the results of such exercise that the concerns around these officials were noted.' ¹⁰ More particularly, the documents required are the record of the decision allegedly taken to 'conduct a quality assurance' audit of LASA's Senior Litigators' professional Performance; the record of the	Section 23 of the PAIA deposited.

	audit; and the record where 'concerns around' their performance were 'noted'.	
B4	All and any records identifying which of the 'many of the senior litigators', ¹¹ namely Pieter Nel at Bloemfontein; Herman Alberts at Pretoria; Mornay Calitz at Cape Town; William Karam at Johannesburg; Nzame Skibi at Mahikeng; and Elizabeth Crouse at Port Elizabeth ¹² (described by Nair to the Board as 'some of our most senior and experienced lawyers'), ¹³ 'have failed to live up to the required expectations as they, despite many years in practice, lacked the required Court experience' ¹⁴ and are 'lacking experience in vital areas like High Court litigation skills'. ¹⁵	Section 23 of the PAIA deposited.
B5	All and any communications between LASA executive management and the said allegedly inexperienced and unskilled Senior Litigators concerning their alleged inadequate professional ability to do their jobs properly, as alleged by Nair in the pleadings and interlocutory affidavits before trial for the true information of court.	Section 23 of the PAIA deposited.
B6	All and any records vouching Nair's allegation to the Board in his 'Report to Board' of 26 November 2011 ¹⁶ under the heading 'Quality reviews of senior litigators' that 'It has therefore been agreed that a national quality review panel will be established that will include a few senior legal executives, as well as someone external to the organization, possibly a retired Judge, who would conduct these reviews. The terms of reference for these review panels will include: • an examination of the type of cases handled to	Section 23 of the PAIA deposited.

	<p>determine if it complies with our requirements • an examination of the level of preparedness for their cases • a review of the appropriateness of the legal strategy adopted in their cases • a determination of whether the most appropriate outcome of the case was achieved. The review panel will be established during the third quarter of this financial year [i.e. by the end of December 2011]. All senior litigators will be reviewed by this panel before the end of this financial year¹⁷ [i.e. before 31 March 2012]. More particularly, the record required is of the decision, which Nair alleged to the Board had been 'agreed', that 'a national quality review panel will be established' to audit the performance of LASA's allegedly underperforming Senior Litigators.</p>	
<p>B7</p>	<p>All and any records vouching that LASA is concerned about the type of work Senior Litigators are performing, as differently alleged by Nair under oath in the witness stand at trial.</p>	<p>Section 23 of the PAIA deposited.</p>
<p>B8</p>	<p>All and any records vouching that as at 11 March 2013,²⁶ 'The ['national quality review'] panel [for Senior Litigators] has not been constituted and terms of reference are still under consideration.'²⁷ More particularly, records are required vouching that the 'terms of reference are still under consideration'.</p>	<p>Section 23 of the PAIA deposited.</p>
<p>B9</p>	<p>The record of the decision, which Nair alleged in his November 2011 'Report to Board' had been taken, that 'We have since decided not to fill the remaining positions until we are reassured that our objectives determined for this position is [sic] being achieved by the current incumbents'.²⁹</p>	<p>Section 23 of the PAIA deposited.</p>

<p>B10</p>	<p>All and any records identifying the 'recruitment challenges'³⁰ alleged by Nair in his November 2011 'Report to Board' to have prevented the promotion of Durban High Court Unit Manager Bongani Mngadi to the Durban Senior Litigator post for which he was recommended on 23 November 2009.³¹</p>	<p>Section 23 of the PAIA deposited.</p>
<p>B16</p>	<p>All and any communications, memoranda, minutes, reports, recommendations and the like- including to the Board-following Legal Aid SA's receipt of the SAHRC's PAIA training workshop report noting Legal Aid SA's challenges in complying with PAIA, its lack of application based knowledge, the fact they had previously been misapplying the provisions of PAIA.</p>	<p>The records relating to the communications with SAHRC is attached as appendix B16 <i>irrelevant</i></p>
<p>B17</p>	<p>All and any records vouching that Legal Aid SA proceeded to review decisions which may not have had justification in terms of PAIA as undertaken to the SAHRC</p>	<p>The records are attached as appendix B16 <i>irrelevant</i></p>
<p>B18</p>	<p>All and any records vouching that Legal Aid SA proceeded to create guidelines within the organisation to ensure that misapplication does not recur as undertaken to SAHRC</p>	<p>The records are attached as appendix B16 <i>irrelevant</i></p>
<p>B19</p>	<p>All and any records vouching that a clear budget dedicated to PAIA compliance and implementation the need for which Legal Aid SA identified to the SAHRC was discussed by any competent committee at Legal Aid SA after the PAIA training workshop and proposed to the Board for approval.</p>	<p>Section 23 of the PAIA deposited.</p>
<p>B20</p>	<p>All and any e-mail communications between Nair and the CSE and/or CLM over the period 20-24 August</p>	<p>Section 23 of the PAIA deposited.</p>

	2012 in respect of Amendment of Legal Aid SA Section 32 report.	
B28	Records identifying what posts were frozen as at 30 November 2009; ⁸⁴ as at 31 March 2010; ⁸⁵ and as at 30 June 2010. ⁸⁶	Section 23 of the PAIA deposited.
B29	The instruction to alter the recruitment/vacancy/budget statistics as at 30 June 2010 before furnishing them to Brink on 5 July 2013.	Section 23 of the PAIA deposited.
B30	Instruction to alter the recruitment/vacancy/budget statistics after 30 June 2010 to reflect that the Eastern Cape only had one budgeted, filled Senior Litigator post.	Section 23 of the PAIA deposited.
B31	The record of COO's delegation as national deputy information officer	The delegation of the COO is attached as appendix B31 .
B33	The record of counsel's advice allegedly given to CEO supporting her refusal on 18 October 2010 to surrender records duly requested by Brink in August and December 2010 with which refusals she persisted on 28 January 2011 even rejecting Brink's compulsory request fee	Section 23 of the PAIA deposited.
B34	The record of Vedalankar's approval of the LSTC's resolution to abolish the Kimberley Senior Litigator post, create a new Senior Litigator post at Mthatha, and transfer the budget, before the Mthatha Senior Litigator post was advertised in April 2010 ¹¹⁶ and Adv Nzame Skibi was recommended for appointment to it on 24 May. ¹¹⁷	Section 23 of the PAIA deposited.
B35	The record for the CEO's refusal to approve the abolition of the redundant Kimberley Senior Litigator	Section 23 of the PAIA deposited.

	post, the creation of the pressingly needed Mthatha Senior Litigator post, and the transfer of budget.	
B36	All Communication between Mlambo JP and CEO and NOE regarding Brink's first petition to the Board on 30 November 2010 protesting CEO's illegal blanket refusal of his August 2010 request for 51 specified records under section 11(1) of PAIA or sworn certification under section 23 that they do not exist and the manifestly irregular abortion of his recruitment in light of the surge in recruitment and the new post creation in the first quarter April to June 2010, and the advertisement in April for Senior litigator for Mthatha, while his recruitment remain silently unfinalised- the dismissive response to which was written on CEO own computer with Mlambo J signature image pasted in with his knowledge and consent according to Mtati instructed by Nair.	Section 23 of the PAIA deposited.
B37	Email from CEO to Mlambo JP in December 2010 covering the letter She drew on her computer for him with his image signature pasted, to send to Brink dismissing his fundamental rights violation complaints, which letter Mlambo JP emailed to Brink 30 December 2010.	Section 23 of the PAIA deposited.
B38	The Minister's demand for an explanation following Brink's third petition to the Board on 25 February 2011 copied to the Minister and to Parliament, about CEO's persistence repeated illegal refusal to surrender records duly requested under PAIA and the plainly irregular abortion of his recruitment to PMB senior litigator post on the evidence then known to him	Section 23 of the PAIA deposited.

B39	Mlambo JP's letter or email to the Minister covering the Confidential report Re: Adv Anthony Brink on 9 March 2011 that Nair wrote	Section 23 of the PAIA deposited.
B40	Nair's covering email to CEO to which he attached the letter he drew for her to send to Brink on 18 October 2010 refusing his entire 51 item PAIA request of August 2010 on the basis of a false statement of legal principles claimed applicable and a fake quotation from a reported judgment claimed to support them and alleging that the Durban, Pietermaritzburg and Mthatha Senior Litigator's Post has been frozen in July 2010 on account of budgetary insufficiency	Section 23 of the PAIA deposited.
B41	Nair's covering email to CEO to which he attached the letter he drew for her to send to Brink on 28 January 2011 refusing his second PAIA request on 15 December 2010, refusing his August 2010 request again and reiterating the budgetary justification advanced in October 2010 for the abortion of the Applicant's recruitment	Section 23 of the PAIA deposited.
C	Spreadsheet attached to Nair's email to COO on 15 July 2010 with heading "Budget cuts-Reduction in Criminal Court Coverage." July 2010	Section 23 of the PAIA deposited.
D1	Minutes of all Free State and North West Regional Management Committee meetings held between April and September 2010	The records are attached as appendix D1
D2	All and any Communication between the Free State and North-West Regional office and/or the Mahikeng Justice Centre, and/or Mahikeng Senior Litigator Adv	Section 23 of the PAIA deposited.

	<p>Skibi and National Office and/or the EC Regional office and/or the Mthatha JC concerning Adv Skibi's:</p> <ul style="list-style-type: none">-application-short-listing-interview-selection-approval <p>For the Mthatha Senior Litigator Post: the subsequent cancellation of the recruitment and, of Adv Nzame Skibi's transfer and appointment to the said post and the reasons given therefore</p>	
D3	<p>All and any Communications between the Free State and North West regional office and/or Mafikeng Justice Centre and National Office concerning the replacement of Adv Skibi at Mafikeng and/or the intended advertisement of the post being vacated by Adv Skibi, and/or any decision not to seek a replacement to fill the Mafikeng Senior litigator post that Adv Skibi was to vacate on being transferred to the equivalent post at Mthatha before the cancellation of the recruitment</p>	<p>Section 23 of the PAIA deposited.</p>
D4	<p>All and any Communications between Adv. Skibi and the Free State and North West regional office, and/or the Mafikeng Justice Centre, and/or Legal Aid SA's national office concerning the relocation to Mthatha</p>	<p>Section 23 of the PAIA deposited.</p>

	before the cancellation of his recruitment to the Mthatha Senior Litigator post	
E1	<p>Concerning the Children's court Practitioner post at Legal Aid SA's Durban Justice Centre currently occupied by Mgcamu:</p> <p>The minute of the regional management meeting at which it was decided that the Durban JC required a Children's Court practitioner and to apply for the creation of such post</p>	Section 23 of the PAIA deposited.
E2	Mdaka's motivation under section 8.1.2 (b) of the Approval Framework to the Legal Services Committee to recommend (he originates) the creation of the post at Durban JC	Section 23 of the PAIA deposited.
E3	The record showing that the HRE was consulted before the post was created as required by section 8.1.2 (b) of the Approval Framework	Section 23 of the PAIA deposited.
E4	The LSTC's resolution to recommend the creation of the post	Section 23 of the PAIA deposited.
E5	The NOE and CEO's approval of the LSTC's resolution to recommend the creation of the post in their capacities as executing authorities delegated by 8.1.2 (b) of the Approval Framework to co-approve the creation of the new posts at levels 11 – 13 and OSD LP 9 & 10	Section 23 of the PAIA deposited.
E6	Record of the HRE's confirmation under Note 17 of the Approval Framework that the vacancy and budget for the post existed before it was advertised	Section 23 of the PAIA deposited.

E7	Record showing that the vacancy existed prior to the advertisement	Section 23 of the PAIA deposited.
E8	Record showing that the post was budgeted for prior to the advertisement	Section 23 of the PAIA deposited.
E9	The advertisement for the post	Section 23 of the PAIA deposited.
E10	The shortlist of applicant's for the post	Section 23 of the PAIA deposited.
E11	The portion of the interview minute showing that Ngcamu disclosed his two convictions for professional misconduct by the Law Society and his rebuke by the JSC for not disclosing those upon application for a Labour Court judgeship in 2007.	Section 23 of the PAIA deposited.
E12	The selection panel's recommendation of Ngcamu, showing the names of the panel members, the names of the interviewed candidates, and whether or not they met the advertised qualifying criteria. Confidential information to be blacked out.	Section 23 of the PAIA deposited.
E13	The covering letter or email transmitting the recommendation to NOE for his approval under section 8.1.2 (b) of the Approval Framework	Section 23 of the PAIA deposited.
E14	The record of the NOE's approval of the recommendation and if applicable to the level of the post the CEO's agreement as per the said section.	Section 23 of the PAIA deposited.
E15	Ngcamu's contract of employment as Children's Practitioner	Section 23 of the PAIA deposited.

E16	The letters to the other shortlisted interviewed candidates informing them that that they had been unsuccessful as required by section 1.5 of the Policies and Procedures on Recruitment	Section 23 of the PAIA deposited.
E17	A record indicating the grade of Ngcamu's post if it does not appear on the advertisement	Section 23 of the PAIA deposited.
E18	All and any contracts of employment between Ngcamu and Legal Aid SA at any Justice Centre entered into prior to his appointment as Children's Practitioner at Durban JC	Section 23 of the PAIA deposited.
E19	All email or letter Communications between Ngcamu and Legal Aid SA prior to employment as Children's Practitioner at Durban JC or any other employment by Legal Aid SA	Section 23 of the PAIA deposited.
E20	The selection panel's recommendation of Brink and Mngadi for the Pietermaritzburg and Durban Senior Litigator posts showing Ngcamu's fulfilment or otherwise of the advertised qualifying criteria and the reason why he was not recommended	Section 23 of the PAIA deposited.
E21	Letter to Ngcamu informing him that he was unsuccessful as a shortlisted candidate in his application for the Senior Litigator post as required by section 1.5 of the Policies and Procedures on Recruitment	Section 23 of the PAIA deposited.
E22	Letter sent to Ngcamu informing him that Legal Aid SA has decided not to fill the KwaZulu-Natal Senior Litigator post.	Section 23 of the PAIA deposited.

E23	Deputy Information Officer Patrick Hundermark's written delegation by CEO under section 17(3) of PAIA	Section 23 of the PAIA deposited.
F1	Apropos of NOE's allegation in his Report to Board on Senior Litigators in November 2011 where it was expressed that the current method of evaluation of their performance by the High Court Managers and thereafter by our Legal Quality Assurance may not be inappropriate in respect of Senior Litigators. The minute of the meeting where this alleged view was expressed and or the record of the communication of this view to Nair or other executive.	Section 23 of the PAIA deposited.
F2	The record of the NOE's instruction to Mr Hundermark the Legal Development Executive to draft the terms of reference of a review panel to conduct performance reviews or quality reviews for Senior Litigators	Section 23 of the PAIA deposited.
F3	The minutes of the number of meetings that NOE claimed to have been hosted by Mr Hundermark in upholding the responsibility outlined in F2.	Section 23 of the PAIA deposited.
F4	All and any records vouching that Mr Hundermark has acted to develop the terms of reference set out in Nair's said report to the Board and to identify possible people to contribute to the panel and to consult anyone about it	Section 23 of the PAIA deposited.
G1	The minutes kept by the HRE of the second-round interviews held for some of the ROE posts as alleged by Nair at the trial of trial case LC D529/11	Section 23 of the PAIA deposited.
G2	The recommendations made by the selection panel of candidates for Bloemfontein, Cape Town, Johannesburg, Mafikeng, Port Elizabeth and Pretoria	The records are provided marked appendix G2 .

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	Senior Litigator posts and for the Pietermaritzburg Senior Litigator post when it was first advertised and for the Kimberly Senior Litigator Post if a recommendation was made showing, the names of the shortlisted and interviewed candidates, the recommended candidates and members of the selection panels.	
G3	In respect of Bloemfontein, CapeTown, Johannesburg, Mahikeng, Port Elizabeth and Pretoria Senior Litigator posts the emails sent by ROE to Nair or by RHRMS to Clark, forwarded to Nair covering the selection panel's Recommendations and the CVs of the recommended candidates as well as CV's of other candidates who were shortlisted and interviewed by the selection panel but not recommended by them in compliance with the specific requirements of the second round interview panel to send all CVs and not only those of recommended candidates since it was the practice of the second round interview panelists to consider if there was anyone else they would be interested to interview.	Section 23 of the PAIA deposited.
G4	The email that Kwazulu Natal ROE Vela Mdaka sent to Nair or RHRM Baboo Brijlal sent to Clark, forwarded to Nair covering the selection panel's recommendation of Legal Aid SA attorney Ashok Kaloo for the Pietermaritzburg Senior litigator Post and his CV as well as the CVs of the other candidates who were shortlisted and interviewed by the selection panel for the post but not recommended by it, when it was first advertised.	Section 23 of the PAIA deposited.

G5	The email the Free State and North West ROE sent to Nair or its RHRM sent to Clark, forwarded to Nair covering the selection panel's recommendation of a Candidate for the Kimberly senior litigator post- if a recommendation was made and his/her CV as well as the CV's of the other Candidates who were shortlisted and interviewed by the selection panel for the post but not recommended by it.	Section 23 of the PAIA deposited.
G6	In respect of the Bloemfontein, CapeTown, Johannesburg, Mahikeng, Port Elizabeth and Pretoria Senior Litigator posts, Nair's email to the five members of the second round panel, forwarding the selection panel's Senior Litigator candidate recommendations in each case and the CVs of all candidates who were shortlisted and interviewed by the selection panels including CVs of all those candidates that were not recommended, in which emails Nair asked the five members of the second round panel to advise him as to who they would like to see and interview	Section 23 of the PAIA deposited.
G7	In respect of the Pietermaritzburg senior Litigator Post when it was first advertised, Nair's emails to the five members of the second round panel forwarding the second round panel forwarding the selection panel's recommendation of attorney Kaloo, his Cv and the CVs of those candidates who were not recommended in which emails Nair asked the members of the second round panel to advise him as to who they would like to see and interview.	Section 23 of the PAIA deposited.
G8	In respect of the Kimberly Senior Litigator Post Nair's emails to the five members of the second round panel	Section 23 of the PAIA deposited.

	forwarding the selection panel's recommendation if one was made of the recommended candidates and his CV and the CVs of those candidates who were not recommended in which emails Nair asked the members of the second round panel to advise him as to who they would like to see and interview.	
G9	In respect of the Bloemfontein, Cape Town, Johannesburg, Mahikeng, Port Elizabeth and Pretoria Senior Litigator's posts, the records of the second round panel members to Nair's enquiries as to which Senior litigator Candidates they wished to see and interview, notifying as to who they would like to see and interview including candidates who had been shortlisted and interviewed by selections panel but not recommended by them	Section 23 of the PAIA deposited.
G10	In respect of the Pietermaritzburg Senior Litigator's posts, when it was first advertised, the records of the second round panel members to Nair's enquiries as to which Senior Litigator Candidates they wished to see and interview, notifying as to who they would like to see and interview including candidates who had been shortlisted and interviewed by selection panel but not recommended by it.	Section 23 of the PAIA deposited.
G11	In respect of the Kimberly Senior Litigator's posts, when it was first advertised the records of the second round panel members responses to Nair's enquiries as to which Senior Litigator Candidates they would like to see and interview, notifying as to who they would like to see and interview besides the recommended candidate – if a recommendation was made notifying	Section 23 of the PAIA deposited.

	<p>him as to whom they would like to see and interview including candidates who had been shortlisted and interviewed by selection panel but not recommended by it.</p>	
G12	<p>In respect of the Bloemfontein, Cape Town, Johannesburg, Mahikeng, Port Elizabeth and Pretoria Senior Litigator's posts, the Kimberly Senior Litigator Post- if a recommendation was made and the Pietermaritzburg Senior Litigator's post, when it was first advertised, records of the invitation to attend second round interviews sent to the senior Litigator candidates recommended by the selection panels and the invitation to attend second round interviews also sent to any candidates who had been shortlisted and interviewed by the selection panels but not recommended by them on the basis that the second round interview panel had indicated to Nair it would like to see and interview them too.</p>	<p>Section 23 of the PAIA deposited.</p>
G13	<p>The minutes of the meetings of second interview panel on three separate occasions on which it has sat to select prospective candidates for appointment as Senior litigators at which (i) the current six incumbent Senior litigators in Bloemfontein, Cape Town, Johannesburg, Mahikeng, Port Elizabeth and Pretoria were chosen,(ii) Legal Aid SA attorney Ashok Kaloo was rejected and (iii) one other person besides Kaloo that was recommended as possible appointable was also rejected because we did not like him/her</p>	<p>Section 23 of the PAIA deposited.</p>
G14	<p>The record of Mlambo JP's communication to executive management of his brain child of a second</p>	<p>Section 23 of the PAIA deposited.</p>

	round of interviews referred to in Legal Aid SA's original response to the original statement of claim in case LC D529/11.	
H1	Judge Cele's suggestion to Legal Aid SA that Brink's request for a directive that Legal Aid SA hand over the copy of the trial record it printed for him under case number LC D529/11 be satisfied by giving him an electronic copy of the record instead	Section 23 of the PAIA deposited.
H2	The transcript of the trial record under case number LC D529/11	The trial bundles marked appendix H2 are provided.
H3	All and any records vouching that a meeting took place between the SAHRC and LASA's 'CEO and some of our senior members' to discuss the SAHRC's allegedly 'incorrect finding' contained in its section 84 report for 2011/12 on public body compliance with PAIA, presented to the National Assembly in October 2012, namely the finding that LASA (Vedalankar) had failed to comply with its (her) reporting obligations under section 32. The record(s) will show the date and place of the meeting, who attended it, and the outcome.	Section 23 of the PAIA deposited.
H4	The record reflecting that as ordered LSTC on 24 March 2010 then manager then Legal Administration, National Operations Bee-Mari Schoeman facilitated the transfer of budget that existed for a Senior Litigator post at Kimberley to Mthatha JC.	Section 23 of the PAIA deposited.
H5	The records of CEO and NOE's respective final approval and agreement of the abolition of the Kimberley Senior litigator post and establishment of the Mthatha Senior Litigator post under section 8.1.2	Section 23 of the PAIA deposited.

	(b) of the Approval Framework before the Mthatha post was advertised	
H6	After the selection panels interviews of shortlisted candidates for the Mthatha Senior Litigator post in May 2010 all and any records showing the form of transit that a file that was to be delivered to National Office in re the position of senior litigator position for Mthatha was lost in the form of a registered post slip, courier waybill, covering email, telefax covering page and transmission report or other such voucher	Section 23 of the PAIA deposited.
H7	Copies of the contents of the file in re the position of senior litigator position for Mthatha retained by the Eastern Cape HR Manager: Thenjiwe Magazi before dispatching the original or copy to the National Office	The records are attached as appendix H7 .
H8	The complete contents of the HRE's file or computer folder on the Mthatha Senior Litigator post	Section 23 of the PAIA deposited.
H9	All Records of communications between National Office and the Eastern Cape Regional Office after the discovery that a file was to be delivered to National Office in re the position of senior litigator for Mthatha was lost in transit including any request for the file, or a copy of it, to be sent again	Section 23 of the PAIA deposited.
H10	The Strategic Plan 2009-12	The record is attached as appendix H10 .
H11	The minute of the September 2008 Board meeting at which the Strategic Plan 2009-12 was approved	Section 23 of the PAIA deposited.

<p><i>only some missing</i></p> <p>H12</p>	<p>The minutes of all the LSTC meetings held in the period October 2009-February 2011 besides the minute of its March 2010 meeting</p>	<p>The record is attached as appendix H12.</p>
<p>H13</p>	<p>The minutes of all management executive committee meetings held in the period October 2009 to February 2011.</p>	<p>Section 23 of the PAIA deposited.</p>
<p><i>only some</i></p> <p>H14</p>	<p>The minutes of all Board Executive meetings held in the period October 2009-February 2011</p>	<p>Section 23 of the PAIA deposited.</p>
<p><i>only some</i></p> <p>H15</p>	<p>The minutes of all Board meetings held in the period October 2009-February 2011</p>	<p>Section 23 of the PAIA deposited.</p>
<p>H16</p>	<p>Business Plans for 2009/10 and 2010/11. Business Plans for 2012/2013 and 2013/14.</p>	<p>The records attached as appendix H16</p>
<p>H17</p>	<p>Excerpts comprising of the cover or first identifying page, and the pages containing provision for Senior Litigator salaries in the budget for 2013/2014</p>	<p>Section 23 of the PAIA deposited.</p>
<p>H18</p>	<p>The minute of the Board meeting where the budget for 2013/2014 was approved</p>	<p>Section 23 of the PAIA deposited.</p>
<p>H19</p>	<p>The 2013/2014 report to the SAHRC under section 32 of PAIA</p>	<p>The record is attached as appendix H19</p>
<p>H20</p>	<p>The payment voucher of the Department of Justice and Constitutional Development reflecting the date of its transfer of OSD phase 1 funding for 2009/10</p>	<p>Section 23 of the PAIA deposited.</p>
<p>H21</p>	<p>The record of any Strategic Plan Annual Review workshop or Board meeting at which it was resolved not to fill the remaining three vacant Senior Litigator posts.</p>	<p>Section 23 of the PAIA deposited.</p>

H22	The record showing discussion by Legal Aid SA executives that Senior Litigators may not be fulfilling Legal Aid SA's objectives for such posts as alleged by Nair.	Section 23 of the PAIA deposited.
H23	All and any reviews of Senior Litigator performance pertaining to whether or not objectives for such posts were being fulfilled.	Section 23 of the PAIA deposited.
H24	The record of the decision not to fill Senior litigator Post for the said reason referred to in Nair's report to the Board of November 2011	Section 23 of the PAIA deposited.
H25	All and any Records vouching that the NOE was amongst executives who began to deliberate in regard to the budgetary issues that confronted them in March 2010; that the expected OSD phase 1 funding had not been included in the baseline budget for 2010/11 or alternatively that the NOE was involved in pursuing the Department's payment of ISD phase 1 funding in any manner whatsoever	Section 23 of the PAIA deposited.
H26	Excerpts of recruitment statistics showing Senior Litigator post occupancies and vacancies for March, April, and May 2010 and July, August, September, October and November 2010	Section 23 of the PAIA deposited.
H27	The executive instruction to transfer the Senior Litigator budget from Mthatha back to Kimberley	Section 23 of the PAIA deposited.
H28	In response to the COO's memorandum circulated on 30 September 2010 requesting Cost-cutting proposals	Section 23 of the PAIA deposited.

	<p>from them. The following records are requested in relation to Cost-cutting proposals submitted</p> <ul style="list-style-type: none"> -CEO -NOE -KZN ROE -Bertus Appel -Kishore Mehta 	
H29	The Treasury budget allocations letter released at the end of 2009 to which Nair referred in his evidence	Section 23 of the PAIA deposited.
H30	The records of all Nair's decisions taken to freeze posts with or without the CEO's agreement and without the approval of the Board.	Section 23 of the PAIA deposited.
H31	Email/letter to Bongani Mngadi informing that the KZN Senior Litigator posts have been cancelled (April/May 2010)	The record is attached marked appendix H31
H32	All counsel's fee notes for professional services rendered to Legal Aid SA in the handling of Brink's first three records under PAIA in August and December 2010 and March 2011 and his involvement, if any, in the drafting of Mlambo JP's Confidential Report to the Minister in March 2011 and the updated form to the Portfolio Committee in June 2011 to put down Brink complaints	Section 23 of the PAIA deposited.
H33	All counsel's opinions regarding the handling of Brink's PAIA requests	Section 23 of the PAIA deposited.

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✓	H35	Former Board Secretary Bee-Marie Schoeman's resignation or dismissal letter and or any other record vouching her information to Brink that she left Legal Aid SA because of a long-term disabling concussion and amnesia sustained in a motor vehicle accident or any other reason why she left	Section 23 of the PAIA deposited.
✓	H36	The minutes of the Board meetings in February and May 2012	The minutes are attached as appendix H36 .
✓	H37	The minutes of the Board Executive meetings in February and May 2012	The minutes are attached as appendix H37 <i>Board Secretary to provide</i>
✓	H38	The Charter of the Board Executive Committee	The Charter is attached as appendix H38
X	H39	The agenda and minute of the Board Executive Committee meeting on Friday 23 March 2012 alternatively the agenda and minute of the extraordinary extra fifth Board Executive Committee meeting in 2011/12	Section 23 of the PAIA deposited.
X	H40	The CEO's confirmatory affidavit made in support of the CSE's answering affidavit in the leave to subpoena Mlambo JP.	Section 23 of the PAIA deposited.
X	H41	The records of Mlambo JP's requests to other Board Members on 24 January 2011 that they should ignore Brink's repeated appeals for Board intervention to comply with the first PAIA application	Section 23 of the PAIA deposited.
X	H42	The decision taken to employ two PA's per backlog court at Pietermaritzburg	Section 23 of the PAIA deposited.

H43	The 2010/2011, 2011/12, and 2012/13 budgets provided by the Department for salaries for the two backlog PA's	Section 23 of the PAIA deposited.
H44	The minutes of all KZN regional executive management meetings over the period October 2010-June 2011	Section 23 of the PAIA deposited.
H45	The records of Mdaka's discussions with the NOE about streamlining backlog courts	Section 23 of the PAIA deposited.
H46	All records identifying the nature of the Stanger court incident	Section 23 of the PAIA deposited.
H47	The records sent to Bee-Mari Schoeman over the period October 2010 - June 2011 informing her performance of her function: "Monitoring of Backlog Court Staffing and compilation of costing to distribute budget received for this purpose to various cost centres" including but not limited to any changes to the number of backlog posts at the Pietermaritzburg JC and any changes received for the employment of Pas in the backlog courts at the Pietermaritzburg JC	Section 23 of the PAIA deposited.
H48	The decision to reduce the number of PAs serving the backlog courts at Pietermaritzburg from two to one according to Nair's emailed announcement to the ROEs on 21 February 2011	Records attached as appendix H48
H49	The spreadsheet attached to Nair's email to the ROEs on 21 February 2011 named "Backlog Courts-2011 approved courts"	Records attached as appendix H49
H50	The minute of the meeting in February 2011 to identify the sites that will continue to function and be funded to	Section 23 of the PAIA deposited.

	which Mdaka referred to in his email to Bertus Appel and other JCEs on 7 February 2011	
H51	The responses that the members of the selection panel, Manickum, Holtzhauzen, and Shelembe furnished Appel following his referral to them of Mdaka's objections to Brink's appointment to the annual contract PA post which they had unanimously recommended for him	Section 23 of the PAIA deposited.
H52	Appel's transmission to Mdaka of the selection panel's responses to Mdaka's objection to Brink's appointment	Section 23 of the PAIA deposited.
H53	Appel's leave application covering 14-15 December 2010 alternatively a reflection of his leave	The record is attached marked appendix H53
H54	The record of Mthimkulu's appointment as acting JCE-Pietermaritzburg: 14-15 December 2010	Section 23 of the PAIA deposited.
H55	The selection panel's recommendation of Brink for the Pietermaritzburg temporary backlog PA post showing the names of other candidates interviewed	The record is attached as appendix H55
H56	Any employment contracts subsequently signed with any of the rejected candidates	Section 23 of the PAIA deposited.
J1	The list of 231 critical legal posts or other records identifying what legal posts were included under the category Critical Occupation in the annual report 2012/13 and the subsequent motivation and resolution to exclude all but the JCE posts from the category of critical legal posts in the annual reports to the Minister and Parliament	Section 23 of the PAIA deposited.

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K1	The insurance contract with Camargue	Section 23 of the PAIA deposited.
K2	The claim on Camargue upon Brink's referral of his case to trial	Section 23 of the PAIA deposited.
K3	Enquiries and requests for progress reports about the case by Camargue including about Brink's petition to the JP of the LAC	Section 23 of the PAIA deposited.
K4	All responses and reports by Legal Aid SA to Camargue about the case including Brink's petition to the JP of the LAC	Section 23 of the PAIA deposited.

Yours Faithfully,

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Mr Thembile Mtati
Deputy Information Officer,
Legal Aid South Africa