

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

CASE NO: 10530/16

In the matter between:

THE SOUTH AFRICAN HISTORY ARCHIVE TRUST

Applicant

and

THE AUDITOR GENERAL

First Respondent

THE DEPUTY INFORMATION OFFICER

OFFICE OF THE AUDITOR GENERAL

Second Respondent



NOTICE OF MOTION
IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT

TAKE NOTICE THAT the Applicant intends applying to this Court on a date and time to be determined with the Registrar, for an order in the following terms:

1. Declaring that the First and Second Respondent's decisions to refuse access to the information requested by the Applicant in terms of the Promotion of Access to Information Act 2 of 2000 ("PAIA") and described in the Founding Affidavit ("the records"), are unlawful and in conflict with the provisions of PAIA and the Constitution.

2. Reviewing and setting aside the refusals by the First and Second Respondents of the Applicant's requests; and
3. Ordering the Respondents to provide the requested records to the Applicant within 15 (fifteen) days of the granting of this order.
4. To the extent necessary, condoning the Applicant's non-compliance with the 180-day period within which to bring an application of this nature.
5. If it is found that certain of the records requested fall within section 20(1) of PAIA, then in respect only of those records: Directing the First and Second Respondents to comply with their obligations under section 20(1) and (5) of PAIA, including the time limits set out therein,
6. If it is found that the First and Second Respondents are required to undertake the Third-party notification process in Chapter 5 of PAIA in respect of certain of the records requested, then in respect only of those records: Ordering the First and Second Respondents to undertake the Third-party notification process in Chapter 5 of PAIA, in accordance with the time limits set out therein, and to report to the Court and to the Applicant on the outcome of that process.
7. The Applicant is authorised to approach this Court, on the papers duly supplemented as appropriate, in the event that the Respondents fail to comply with any part of this order.
8. The Respondents are authorised to pay the costs of this application, including the costs of two counsel.
9. Further and/or alternative relief.

TAKE NOTICE FURTHER that the accompanying Affidavit of **CATHERINE MOIRA KENNEDY** and the annexures thereto, will be used in support of this application.

BE PLEASED TO TAKE FURTHER NOTICE that the Applicant has appointed, **LAWYERS FOR HUMAN RIGHTS** of the address below as the address at which it will accept notice and service of all further process in these proceedings.

BE PLEASED TO TAKE FURTHER NOTICE that:

- (a) Notice of intention to oppose this application must be given within 15 (fifteen) days after receipt hereof and must contain an address within 8 (eight) kilometres of the Court to which this application is brought, where notice and service of documents will be accepted.
- (b) Answering affidavits, if any, must be filed within 15 (fifteen) days after service of the notice of intention to oppose this application.
- (c) In default of your complying with rule 3(5) of the Promotion of Access to information Rules, the Applicant may request the registrar to place this application before the Court for an order in terms of section 82(b) of PAIA.
- (d) In default of your delivering a notice of intention to oppose, the matter will without further notice, be placed on the roll for hearing after the expiry of the period mentioned in paragraph (a) above, on a date fixed by the registrar.

DATED at Blaarfontein on this the 29th day of MARCH 2016



LAWYERS FOR HUMAN RIGHTS

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Ref: P Hansraj

TO:
THE REGISTRAR OF THE HIGH COURT
GAUTENG LOCAL DIVISION, JOHANNESBURG

BY HAND

AND TO:
THE AUDITOR GENERAL
300 Middel Street
Brooklyn
PRETORIA
0181

BY SHERIFF

AND TO:
THE INFORMATION OFFICER
OF THE OFFICE OF THE AUDITOR GENERAL
300 Middel Street
Brooklyn
PRETORIA
0181

BY SHERIFF