

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA

CASE NUMBER: 11311/2018

In the matter between:

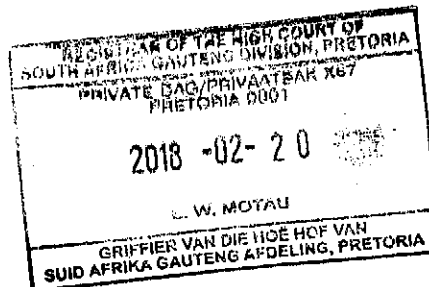
DEMOCRATIC ALLIANCE

Applicant

and

THE PUBLIC PROTECTOR

Respondent



NOTICE OF MOTION

TAKE NOTICE that the applicant intends to make application to this court on a date to be determined by the Registrar for an order in the following terms:

1. It is declared that the Public Protector has acted unlawfully and acted in violation of her constitutional mandate and duties in section 182(1) of the Constitution, by:
 - 1.1. Failing to investigate the complaints of Dr Roy Jankielsohn of 12 September 2013, 28 March 2014 and 10 May 2016 in respect of the Vrede Dairy Project;
 - 1.2. Failing to report on the alleged or suspected improper conduct committed in the Vrede Dairy Project; and
 - 1.3. Failing to take appropriate remedial action.

2. The Public Protector's Report No. 31 of 2017/18 entitled "*Report on an investigation into complaints of maladministration against the Free State Department of Agriculture in respect of non-adherence to Treasury prescripts and lack of financial control in the administration of the Vrede Integrated Dairy Project*", issued on 8 February 2018, is reviewed and set aside.
3. The costs of this application are to be paid on an attorney-client scale by the respondent in her personal capacity, alternatively in her official capacity.
4. Further and/or alternative relief.

TAKE NOTICE that the accompanying affidavit of **JAMES SELFE** and the annexures thereto will be used in support hereof.

TAKE NOTICE FURTHER that under Rule 53(1)(a) of the Uniform Rules of Court, the respondent is called upon to show cause why the aforementioned investigation and report should not be reviewed and/or corrected and/or set aside.

TAKE NOTICE FURTHER that under Rule 53(1)(b) of the Uniform Rules of Court, the respondent is required within **FIFTEEN (15)** days after receipt hereof, to dispatch to the Registrar of this Honourable Court, the record of the proceedings sought to be reviewed and set aside (including all plans, correspondence, reports, memoranda, documents, evidence and other information which were before the respondent at the time when the decision in question were made) together with such reasons as the respondent is by law required or desirous to make and to notify the applicant that this has been done.

TAKE NOTICE FURTHER that within **10 (TEN)** days of receipt of the record from the Registrar, the applicant may, by delivery of a notice and accompanying affidavit, amend, add to or vary the terms of its Notice of Motion and supplement its founding affidavit in terms of Rule 53(4) of the Uniform Rules of Court.

TAKE NOTICE FURTHER that the applicant has appointed **MINDE SCHAPIRO & SMITH INC.** as its attorney of record and the address at which they will accept service of notices and other processes in these proceedings is **KLAGSBRUN EDELSTEIN BOSMAN DE VRIES INC., 220 Lange Street, Nieuw Muckleneuk, PRETORIA.**

TAKE NOTICE FURTHER that if the respondent intends to oppose the application, it is required, under Rule 53(5)(a) –

- within **15 (FIFTEEN)** days after the receipt of this Notice of Motion or any amendments thereof, to deliver notice to the applicant that it intends to oppose and in such notice to uphold an address within 15 Km of the office of the Registrar at which it will accept notice and service of all process in these proceedings; and
- within **30 (THIRTY)** after the expiry of the time referred to in Rule 53(4), to deliver any other affidavit it may desire in answer to the allegations made by the applicant.

TAKE NOTICE FURTHER that if no such Notice of Intention to Oppose is given, application will be made to this Honourable Court for an order in terms of the Notice of Motion on 29TH MAY 2018 at 10H00.

DATED at PRETORIA on this 20th day of **FEBRUARY 2018.**

Handwritten signature

MINDE, SCHAPIRO & SMITH

Per: Elzanne Jonker

Attorneys for Applicant

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Tyger Valley Office Park

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BELLVILLE

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C/O KLAGSBRUN EDELSTEIN BOSMAN DE VRIES INC.

220 Lange Street

Nieuw Muckleneuk

PRETORIA

Tel: 012 452 8900

Fax: 012 452 9801

Email: elzanne@mindes.co.za;

venashan@kebd.co.za

TO: The Registrar of the above Honourable Court
PRETORIA

AND TO: **THE PUBLIC PROTECTOR**
Respondent
175 Lunnon Street,
Hillcrest Office Park
PRETORIA

Handwritten signature 20/02/18

PUBLIC PROTECTOR
RECEIVED
2018 -02- 2 0
PRETORIA
OPENBARE BESKERMER

157115

Received copy hereof this 20 day of FEBRUARY 2018