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IN THE NORTH GAUTENG HIGH COURT PRETORIA
(REPUBLIC OF SOUTH AFRICA)

Reportable Yes
Of interest to other judges Yes
Reviewed on **25/07/2014**
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JUDGE

CASE NO: 5303/13

In the matter between:

RIO GRANDE BEVERAGE INDUSTRIES (PTY) LTD	First Applicant
BERKSHAW PROPERTIES (PTY) LTD	Second Applicant
EBOTSE TRADING 46 CC	Third Applicant
SEGAETSHO TAVERN WAREHOUSE CC	Fourth Applicant
and	
THE MINISTER OF TRADE AND INDUSTRY N.O.	First Respondent
THE NATIONAL LIQUOR AUTHORITY	Second Respondent

CORAM EBERSOHN AJ
HEARD ON 5 AUGUST 2013
JUDGMENT HANDED DOWN 29TH JULY 2014

JUDGMENT

EBERSOHN AJ.

[1] The four applicants each applied to the respondents to be registered as distributors in the alcohol trade and their applications being unduly delayed, applied to this court, firstly, for a *mandamus* to compel the respondents to consider and decide the applicants' applications to be registered as distributors and, secondly, an interim order authorising the applicants to trade in liquor as if their applications to be registered as distributors have been finalised and registered, until such time as the respondents have complied with the *mandamus orders*. The applicants also prayed that the respondents be ordered, *in solidum* with each other, to pay the costs of this application. The respondents were the Minister of Trade and Industry who was cited *nomine officio* and the National Liquor Authority.

[2] The court application was set down to be heard in the urgent court on 12 February 2013 but the matter was, however, removed from the roll due to non-compliance with the practice directives of this Court and no order as to costs was made. The matter was subsequently enrolled again on the urgent roll on 21 February 2013, after compliance with the said practice directives, but was, after argument, struck off the roll due to an alleged lack of urgency, with costs. In this regard it is to be noted that similar applications in the past were regularly dealt with on an urgent basis, due to the delaying and unbecoming conduct of the

respondents which caused an enormous financial loss for each of the various applicants. **A**

[3]. The matter was then enrolled on the ordinary opposed motion roll in the normal course of proceedings and at the hearing on the 5th August 2013, nearly six months later, the court was advised that the indications were there that the respondents were about to at long last grant the permits to some of the applicants but that the position with regard to one applicant was still unclear and the matter was accordingly fully argued. Numerous similar applications came, most disturbingly, before this court in the past, and on one occasion 32 cases, all based on the undue delay on the part of the respondents to fail to attend properly and timeously to similar applications, were dealt with by this court on one day. On another occasion counsel for the respondents remarked in exasperation to the court that the applications were finalised and the permits were typed by the staff of the respondents but that the chairperson of the Liquor Board simply did not pitch up to sign the permits because, so he stated, she claimed that she had too busy a life as she was appointed by the Government to too many Government Boards and Government Bodies and had other obligations as a practitioner to attend to. I believe that she has, in the interim, been replaced by somebody else. This, however, does not explain the fact that recently there was a moratorium placed by the

Government on such liquor applications. This clearly did not advance the economy and interests of the country and the liquor industry.

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[4] This application was brought in terms of Section 6(2)(g) read with Section 3(a) as well as Section 8(2)(a) of the Promotion of Administrative Justice Act 3 of 2000 (hereinafter referred to as "PAJA"). The defence relied upon by the respondents were regularly dismissed by this court in the past but instead of conceding the merits of the applications counsel were regularly tasked to come to court to oppose the applications, at the expense of the taxpayers who were to pay respondents' counsel and the costs of the various applicants. Counsel quite often had no case to advance on behalf of the respondents. This situation must be resolved by the Minister as valuable time of this court is taken up by these applications and the liquor industry and economy of the country is harmed.

[5] The relevant sections of PAJA the applicants relied upon are:

"6 Judicial review of administrative action

(2) A court or tribunal has the power to judicially review an administrative action if –

……..

(g) The action concerned consists of a failure to take a decision;

(3) If any person relies on the ground of review referred to in sub-section (2)(g), he or she may in respect of the failure to take a decision, where –

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(a)(i) An administrator has a duty to take a decision;

(ii) There is no law that prescribes a period within which the administrator is required to take that decision; and

(iii) The administrator has failed to take that decision, institute proceedings in a court or tribunal for judicial review of the failure to take the decision on the ground that there has been unreasonable delay in taking the decision;

8(2) The court or tribunal, in proceedings for judicial review in terms of section 6(3) may grant any order that is just and equitable, including orders –

(a) Directing the taking of the decision;

(b) …

(c) …

(d) As to costs."

[6] The deponent to the answering affidavit stated:

"The reliance placed on section 6(2)(g) is misplaced (paragraph 19, page 222 of the paginated papers) and also "section 6(2)(g) deals with judicial review of administrative body. This application is not a review (paragraph 29, page 226 of the paginated papers)."

[7] The argument of the deponent to the answering affidavit as quoted *supra*, is to say the least, circuitous, fallacious and boils down to an absurdity. The respondents are indeed administrative bodies as defined in PAJA, they failed to take a decision pertaining to the applicants' applications within a reasonable time period after the lodging of their applications and there has indeed been an unreasonable delay in taking the decisions as will be detailed *infra*. There is no merit in the argument of the respondents and these applications fell squarely within the ambit of **A** the provisions of Sections 6(2)(g) read with Section 6(3)(a) and 8(2)(a) of PAJA. It is trite law that where no specific provision is made within which an administrative function should be executed, then the principle of "*a reasonable period"* applies.

[8] In the matter of ***Vumazonke v MEC for Social Development, Eastern Cape, and 3 similar cases 2005 (6) SA 229 (SE)*** the learned judge stated the following:

> *"In all the cases the applicants had applied for social assistance and had either received no response to their applications or only received responses shortly before the cases had to be heard in court… The administrative failings of the Department infringed the* **A** *human rights of large numbers of people to have access to social assistance, to just administrative action and to human dignity… Could consider whether to institute an investigation into the conduct of the Respondent's Department with the view to proposing concrete steps to ensure that it began to comply with its*

constitutional and legal obligations and ceased infringing fundamental rights on the present grand scale.

Held, further, in respect of the cases where no decisions had been taken on the applications, the public powers and functions, such as the power to decide on an entitlement to social assistance, were given to administrative officials for a purpose, namely to be exercised in the furtherance of the public interest. As a result, when officials failed to exercise their powers or perform their functions, affected parties could require defaulting officials to perform their duties. If the power or function was discretionary in nature, an order can be issued to compel the administrative official to take a decision, although it would not usually be competent to compel the official to decide in a particular way.

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Held, further, that on the Department's own terms, three months was the period within which it had undertaken to take the decisions, any delay beyond three months was unreasonable in the absence of special circumstances. The Applicants had accordingly established the ground of review envisaged by section 6(2)(g) of the Promotion of Administrative Justice Act 3 of 2000 (namely, failure to take a decision), and the Applicants were consequently entitled to appropriate relief for the infringement of their fundamental right to lawful administrative action."

[9] From the quotation, *supra,* it is clear that also *in casu* the applicants *"had accordingly established the ground of review envisaged by section 6(2)(g) of PAJA (namely, failure to take a decision)"*. As in the matter quoted *supra*, the respondent is on record in its answering affidavit and stated that an applicant may enquire about the status of its application

after 90 (ninety) days which is indeed 3 months. As will be illustrated hereinlater, all the applications lodged with the respondents are overdue for a period of much longer than 3 months.

[10] All the applicants applied in terms of Section 11 of the Liquor Act 59 of 2003 to be registered as distributors. Attached to the papers of the applicants is an affidavit marked Annexure **"C"** deposed to by the attorney of record, Mr Blom, who specialises in the field of Liquor Licencing and Registration and wherein the process of applying for registration is being set out and explained in full by him. This exposition cannot be faulted and was not disputed. The court now deals with the case of each of the applicants: **A**

1.1 First Applicant:

1.1.1 It is common cause that the first applicant lodged its application to be registered as a distributor in terms of the Act on **13 June 2012**. It is furthermore stated in the founding affidavit that the status of the application was followed up by way of correspondence on four separate occasions whereto absolutely no reply or feedback from the respondents was received.

1.1.2 In the answering affidavit it is stated that a query was lodged by the respondent pertaining to the Police

clearance which indicates that the applicant has a criminal conviction. This query is annexed to the answering affidavit as Annexure **"ASN1"** and is dated 16 August 2012.

1.1.3 In the replying affidavit it is submitted that Annexure **"ASN1"** was not received by the liquor consultant otherwise his office would have replied to the query. It is furthermore explained pertaining to the conviction, that the first computer print-out dated 14 July 2011 stated that the applicant indeed does not have a previous conviction but in a second computer print-out dated 28 September 2012 it was indicated that the applicant was found guilty of a traffic offence dated 18 February 2003 in that he exceeded the speed limit and he was issued with a R5 000.00 fine. This offence was committed more than ten years prior and certainly did not disqualify the applicant to be registered as a distributor in terms of the Act as it is unrelated to any business pertaining to the selling, distributing or manufacturing of liquor a fact which even the most junior officer in the Department would have noted and understood. It is evident from Annexure **"ASN1"** that the respondents were in possession of the Police clearance wherein it was indicated that he was convicted of this offence and the officious inquiry was

unnecessary as the details of the conviction clearly appeared from the second Police clearance which, as already stated, was in the possession of the respondents and need not have had to delay the application.

1.1.4 The upshot of the argument remains that since this query in August 2012, another 9 (nine) months had elapsed and the respondent at the time of the hearing in this court still had not considered the first applicant's application. A

1.2 Second Applicant:

1.2.1 It is common cause that the second applicant lodged its application with the second respondent on **2 October 2012**.

1.2.2 It is stated in the answering affidavit that the second respondent lodged a query with the second applicant's liquor consultant, a Mr Viljoen, on 19 October 2012 indicating that the application was not correctly completed. On his own version, however, the deponent to the answering affidavit stated that on 22 October 2012 the second applicant indeed replied to the query and sent a new NLA1/1 form duly completed and rectified.

1.2.3 It is evident and quite clear that since 22 October 2012, until the date of the hearing being 5 August 2013, then about 10 months later, the application was not finalised and no communication was received by the applicant from the respondents.

1.3 Third Applicant:

1.3.1 The deponent to the answering affidavit in an attempt **A** to mislead the court, falsely stated that the third applicant was not properly before court, since the notice of motion was allegedly not accompanied by an affidavit in that the affidavit relied upon was not deposed to and was not under oath.

1.3.2 The deponent on behalf of the respondents in fact failed deliberately to inform the court of the correct facts, as were properly explained in the affidavit deposed to by the liquor consultant, Mr Viljoen, as well as the attorney of record, Mr Blom. It was stated by them that at the time when the application was issued, the affidavit of the third applicant was not yet attested to by a commissioner of oaths but because it was an urgent application, the unsigned copy was attached. The same day however, being the day on which the application was issued, the

affidavit was attested to under oath and signed and the original copy was filed on the Court file. On the next day (30 January 2013) a copy of the signed and attested affidavit was sent to the State Attorney, being the attorneys of record of the respondents. This the court was not informed of by either the respondents or the State Attorney. Why they failed to inform this court of the correct facts they did not explain. **A**

1.3.3 It is common cause that the third applicant lodged its application with the second respondent on **28 August 2012**. It is furthermore stated in the founding affidavit that follow up correspondence was addressed to the respondents on 3 separate occasions whereto no reply or feedback was received at all.

1.3.4 In the answering affidavit it is stated that the second respondent raised a query with the consultant acting on behalf of the third applicant on 22 November 2012 and that the third applicant was advised to file an amended application. It is however stated, on their own version, that the third applicant then subsequently indeed submitted an amended application on 14 January 2013.

1.3.5 It took the respondents three months to raise a simple query which in itself was an unnecessary delay as the query should actually have been raised when the letter of acknowledgement of receipt was sent out in September 2012. The upshot of the matter remains that this query has been dealt with, on the respondents own papers, as far back as January 2013 and seven months later, when the matter was heard in court, the application of the third applicant has still not been considered. **A**

1.4 Fourth Applicant:

1.4.1 It is common cause that the fourth applicant submitted its application with the second respondent on **19 January 2012**. In June 2012, five months later, the application was approved and a so-called NLA6 form was issued with conditions.

1.4.2 It is stated in the founding affidavit that the prescribed payment was made in August 2012 and a NLA7 was filed objecting against the one condition proposed in the NLA6.

1.4.3 In the answering affidavit it is stated on behalf of the respondents that the liquor consultant on behalf of the

fourth applicant was advised on 19 October 2012 that the respondent will consider the objection and review the application and would then revert to the fourth applicant's attorney of record.

1.4.4 The respondents failed to finalise the matter during the ten months which elapsed until the date of the hearing in court despite the fact that the applicant already paid the prescribed registration fee a year before namely in **A** August 2013.. If one reads section 13 of Act 59 of 2003, especially sub-section 7, it is quite clear that the respondents in any event cannot refuse to register the fourth applicant and that it must register it with such conditions as it deem necessary. With regard to the fourth applicant the court was requested to issue a *mandamus* to direct the respondent to issue the NLA8 and NLA9 in respect of the application for registration which was already approved.

[11] Regarding the so-called defects and outstanding queries referred to in the answering affidavit, all the queries, insofar as it may have been relevant, were answered and adhered to and at the time of the hearing the matter there was absolutely nothing outstanding and the respondents knew it and merely had to finalise the applications. Despite the looming hearing in court the respondents did not finalise the applications. It shows

a lack of understanding the role of the court and of respect. The statements made by the respondents in their opposing affidavit, with respect, pertain to unnecessary "*nit-picking"* by the respondents and do certainly not hinder the respondents in considering and finalising the applications.

[12] The respondents were merely grasping at straws in a desperate attempt or as an excuse to escape the cold and clinical fact namely that more than a reasonable period of time had expired for the consideration of each of the applications and that there has indeed been an unreasonable delay on the part of the respondents in considering the applicants' applications. It is evident from the papers and what was stated *supra*, that all the applicants have shown that there indeed exists an unreasonable delay in all of the applications pertaining to the consideration and finalisation by the respondents thereof. The way the respondents operated and delayed these and numerous other similar applications, many which were heard by me, was a travesty of justice and scandalous. The role of the State Attorney is perplexing. Instead of telling the respondents to hurry up and do their job and finalise the applications, the State Attorney, at the expense of the taxpayers, opposed the applications, and abetted the respondents and briefed expensive counsel to appear in court to argue the matters. The counsel are also to be criticized for arguing unarguable cases and wasting the precious time of the court. The court must in the near future, if such spurious defences are again advanced and argued in court, consider awarding costs *de bonis propriis*

and to refer the matter to the Bar Council and the Law Society of the Northern Provinces.

[13] The most amazing statement was made in the answering affidavit of the respondents namely "***that it has to be remembered that the Respondents "deal with many applications"".*** To this the court would have liked to say "Shame" but it not being judicial language will not say it. The respondents did not divulge any figures or numbers, the court was not informed how many thousands of staff were working or perhaps not working on the applications, how many applications there were and where and when in Parliament the Minister raised this aspect and asked for an increase in the budget of his Department so that he could employ more staff. Without these particulars the court cannot make an assessment of the truth and merits of the excuse. This delay of similar applications has been going on for many years and seem to be getting worse and worse. The respondents in any case cannot raise and use a lack of capacity and/or their own inability or unwillingness to consider applications as an excuse not to have considered the applicants' applications and can most definitely not use it as an excuse or defence to submit to this court that it is the applicants' fault (in other words "shifting the blame") that the applications have not as yet been considered and finalised. It is the duty of the respondents to speedily execute their administrative functions which have been assigned to them in terms of the Act. No allegations were made by the respondents that they were actually

working overtime at all, which judges, on the other hand, have to do regularly.

[14] The respondents seem to have forgotten that the applicants are entitled and have a right to fair, just, transparent and expeditious administrative decision making in terms of Section 33 of the Constitution and which rights are clearly infringed by the conduct and failure of the respondents in considering and deciding the applicants' applications. The failure of his Department rests squarely on the shoulders of the first respondent as the Minister. A

[15] It was clear that the applicants made out a proper case to demonstrate an unreasonable delay on the part of the respondents in considering and finalising their applications and should be assisted with *mandamus* orders as prayed for in terms of the notice of motion and the concept of *interim* relief as prayed for namely to trade in liquor pending the consideration of the applicants' applications by the respondents, and this is not a novel concept in our law. In fact, it is trite in our law and this court has the inherent jurisdiction in terms of the common law as well as the jurisdiction in terms of Section 8(1)(e) of PAJA which reads as follows*:*

> *"(1) The court or tribunal, in proceedings for judicial review in terms of section 6(1), may grant any order that is just and equitable, including orders –*
>
> *granting a temporary interdict or other temporary relief."*

[16] The respondents' allegation in the answering affidavit namely that such relief is incompetent, is wrong in law and without any merit and was rejected in more than a hundred cases in the recent past by this court. The general principles underlying an application for an interim interdict also apply equally to such relief. What is more in ***Airoad Express (Pty) Ltd v Chairman, Local Transportation Board, Durban & Others 1986 (2) SA 663 (A)*** at p 678F the court had to consider whether the court *a quo* was correct in refusing such relief. After examining various judgments of the provincial divisions and having considered the common law, the **A** then appellate division came to the conclusion that neither principle nor authority stands in the way of such an order. In dealing with what the Court termed the "*crucial legal submissions"* it pronounced that the submission entails that the High Court is endowed with the power to grant public road transportation permits by mandatory order affording interim protection pending an appeal to the National Transport Commission ("NTC") in circumstances where a local board's decision is apparently vitiated by irregularity. Relying on this and other authorities this court has the authority to grant interim relief.

[17] The State Attorney and counsel for the respondents apparently did not realise that the courts for already for more than eighty years had this power, and this resounding authority was confirmed once again by the then Highest Court in the Airoad case in 1986 and was followed by all the lower courts. At 674A the learned Judge stated

"In deciding what I have referred to above as the crucial legal submission, it is convenient first to consider the approach adopted by our courts in resolving problems of this nature where interim relief is sought pending main proceedings in the courts themselves and thereafter to consider whether different considerations apply pending the final decision of the statutory functioning.

The question has in the past frequently arisen in regard to the renewal of liquor licences. For more than half a century interim relief in the form of mandatory order to prevent prejudice or injustice has been decreed in several of the provinces."

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[18] This defence was, however, still repeated, *mirabile*, by the State Attorney in the matter which is now before this court. That is why this court referred to costs *de bonis propriis* against the State Attorney and the counsel who appears and relies on this defence in future in a case of this nature.

[19] Surely the State Attorney and counsel have access to Law Reports and read the judgments handed down by the courts and must not repeat this point in future again as a defence.

[20] The judgment in ***Airoad Express*** has been followed and applied in a variety of judgments[1]. The requisites for an interim interdict are trite. For the benefit of the respondents and their legal representatives they are stated again:

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[1] ***Radio Islam v Chairperson Counsel of the Independent Broadcasting Authority & Another*** 1999 (3) SA 897 (W) at 908F – H; ***Bandel Investments (Pty) Ltd v Registrar of Deeds & Others*** 2001 (2) SA 203 (SE) at 214B – H; ***Van der Westhuizen & Others v Butler & Others*** 2009 (6) SA 174 (C); ***Transnet Bpk Handelend as Coach Express & 'n Ander v Voorsitter Nationale Vervoerkommissie & Andere*** 1995 (3) SA 844 (T); ***National Gambling Board v Premier, Kwa-Zulu Natal & Other*** 2002 (2) SA 715 (WCC) para. 14 [49], para. 730I – 731A

a) A *prima facie* right;

b) A well-grounded apprehension of irreparable harm if the interim relief is not granted and the relief is eventually granted;

c) A balance of convenience in favour of the granting of the interim relief; and

c) The absence of any other satisfactory remedy. **A**

[21] It is clear from the papers and what was already stated and discussed *supra,* that all of these requisites have been satisfied by the applicants and the applicants made out a proper case for the relief to be granted as all of applicants in terms of Section 22 of the Constitution has the right to earn a livelihood[2] and in the Appeal Court judgment of ***Estate Agents Board v LEK 1979 (3) SA 1048 (A)*** the following is stated on page 1064:

> *"It is, of course clear, that ordinarily a person is free to carry on the trade, calling or profession of his choice. That is a right which the law recognises and protects from unlawful interference from others. It stems from his legal capacity or personality as a natural person of full age. It can be regarded as a real right in the sense that it is an absolute right, one available and enforceable against everybody."*

[2] Section 22 provides as follows:
"Every citizen has the right to choose their trade, occupation or profession freely. The practice of a trade, occupation or profession may be regulated by law."

[22] In the judgment of ***Affordable Medicines Trust & Others v Minister of Health & Others 2006 (3) SA 247 (CC)*** paragraphs [59] to [61], the Constitutional Court stated the relevant principles with regard to Section 22 as follows:

> *"[59] What is at stake is more than one's right to earn a living, important though that is. Freedom to choose a vocation is intrinsic to the nature of the society based on human dignity as contemplated by the constitution. One's work is part of one's identity and is constitutive of one's dignity. Every individual has a right to take up any activity which he or she believes himself or herself prepared to undertake as a profession and to make that activity the very basis of his or her life. And there is a relationship between work and the human personality as a whole. It is a relationship that shapes and completes the individual over a lifetime of devoted activity; it is the foundation of a person's existence.*
>
> *[60] Though economic necessity or cultural barriers may unfortunately limit the capacity of individuals to exercise such choice, legal impediments are not to be countenanced unless clearly justified in terms of the broad public interest. Limitations under right to freely choose a profession are not to be likely tolerated…*
>
> *[61] It is against this background that section 22 must be understood and construed."*

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[23] The applicants clearly demonstrated that there are good prospects of success of the applications being approved and issued after consideration

as it was properly demonstrated that all the requirements in the Act have been met, there were at the hearing no outstanding queries and that there existed no reason to believe why any one of the applications will not be granted. Nowhere in the answering affidavit is the submission made that the applications, once considered, will not be successful. The applicants clearly had no other relief but to approach this court for relief and the only issue still to be determined being the conditions whereunder such registration will be made, as is explained thoroughly in the affidavit of the attorney of record, Mr Blom (Annexed as Annexure **"C"** to the **A** founding affidavit). It is clear that the applicants are being prejudiced in that they cannot start distributing liquor until the applications have been processed, the unreasonable delay depriving them of their constitutional right to make a living and also deprive them of implementing their business plans all of which impacts on the applicants' profitability, investment and on its employees.

[24] It is therefore clear that the balance of convenience is in the favour of the applicants.

[25] It is also abundantly clear that the respondents cannot be prejudiced if the relief was granted as such interim relief would not in any way interfere with the exercising of the discretion on the part of the first respondent, as he will still be exercising his discretion in the process of finalising the registration of the applicants.

[26] In granting the interim relief this court will by no means be usurping the powers of the respondents especially in the view of the nature of the process and the powers of the first respondent, as is explained in the affidavit of the attorney of record Mr Blom (Annexure **"C"** to the founding affidavit). It is clear that there is no alternative remedy available to the applicants as that to a certain extent the prejudice being suffered by the applicants is of a financial nature, but unless *mala fides* can be proved, there will not be a claim for damages to offset the financial prejudice being suffered. **A**

[27] After the matter was heard and judgment reserved the court was advised that the permits would be issued shortly and the court was asked not to hand down a judgment on the merits in the meantime. After quite a while the last permit was granted and the court was advised by the applicants' attorney that this court only had to hand down a judgment with regard to the costs. The court enquired whether that was the attitude of the attorney of the respondents too. The attorney of the applicants, a Mr. Blom, directed a letter to the State Attorney in this regard and even filed an explanatory affidavit to the effect that all the permits were now granted and that the court was required to only pronounce on the costs. There was no response forthcoming from the State Attorney to either the letter or the affidavit. This failure on the part of the State Attorney compelled the court to write a comprehensive judgment. This court's displeasure regarding the disrespect on the part of the State Attorney will also be reflected in the punitive costs order the court intends handing

down due to the shocking manner in which the respondents handled the applicants' applications and the way in which and how the applications were opposed. This court is certain that the granting of costs *de bonis propriis* in a few matters would quickly cure the delays in the Department and prevent the State Attorney to further waste the tax payers' money. It is, however, necessary to request the Public Protector to have a look into the clear malfunctioning of the Department when dealing with liquor **A** licences and the role of the State Attorney wasting tax payers' money, and the Registrar of this Court will be requested to forward copies of the order, the judgment and record to her.

[28] The following order is made:

1. The respondents are ordered to pay the costs of the application jointly and severally, payment by the one absolving the other one, on the scale of attorney and client, which costs will include a special fee for the heads drawn by the applicant's counsel and the explanatory affidavit by the applicants' attorney dated the 13th April 2014.

2. The Registrar of this Court is directed to forward a copy of this judgment and the record of the case, including the heads of argument filed by the applicants' counsel to the Public Protector and she is requested to attend to the matter.

P. Z. EBERSOHN
ACTING JUDGE OF THE HIGH COURT

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