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**Western Cape
Government**

Transport and Public Works

Thiagaraj Pillay
Chief Director: Public Private Partnership
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**THE DEPUTY-DIRECTOR
NDIFUNA UKWAZI
OFFICE 302
47 ON STRAND STREET**

PER EMAIL : Mandisa@nu.org.za

Dear Ms Shandu

DISPOSAL OF LAND ON WHICH TAFELBERG REMEDIAL SCHOOL WAS PREVIOUSLY SITUATED

With reference to your letter of 19 February 2016 addressed to Premier Zille and Minister Grant, our response is set out below.

1. Your letter provides no legal basis nor facts upon which your client purports to rely for the basis of either an interdict or review of our decisions pertaining to the disposal of the aforesaid immovable property.
2. In addition your offices have been aware, since March 2014 of our proposal to dispose of this property, if due process favoured that outcome. All lawful processes required prior to a sale of this land were complied with and on 11 December 2015, a firm intention to dispose of this property was duly advertised by us in the press and comments or objections in relation thereto were called for. Both your offices and your client declined or failed to provide us with any comment regarding this disposal and a deed of sale has accordingly now been signed which has created binding contractual obligations for both parties thereto.
3. In your letter to us of 19 February 2016 you requested access to our records relating to the disposal process which has been followed to date, including feasibility assessments etc., and were referred to the provisions of PAIA in this respect. Given the content of your prior letter it seems clear that neither your client nor your offices are currently in possession of the reports, decisions, recommendations nor general record that makes up the decisions leading to the conclusion of the deed of sale in this matter, and accordingly without a consideration of that record it is unclear to us as to the basis upon which your client can approach a court either to interdict the transfer or indeed

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review the decisions in question. I point out that to the best of our knowledge no PAIA application has to date been received from either your offices or your client in respect of the record of decisions leading to the conclusion of a deed of sale in this matter.

4. In the circumstances we deny that your client has any legal basis to make the demands which are now contained in your letter under reply. From your letter we can find no prima facie right of your client which has been infringed by our actions to date, nor any reasonable basis to assume that your client will suffer any irreparable harm by the lawful transfer of the ownership of this property by the Provincial Government to a third party.
5. In the circumstances we decline to agree to the demands made of us in paragraph 4.1 of your letter under reply. A delay in the transfer of the property will not only cause us to breach the terms of the deed of sale and put the entire transaction at risk, but in addition this may well cause the purchaser severe financial loss too.
6. As regards your request for access to information pertaining to the details of the purchaser, you will be aware of the fact that all requests for access to information and or records retained by us must be made in accordance with the provisions of the Promotion of Access to Information Act 2000 (PAIA).
7. For your convenience, I repeat that the formal requirements are as follows:

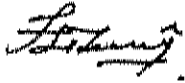
A requester must use Form A as prescribed in the regulations published in terms of PAIA (Government Notice R223 of 9 March 2001). We attach a copy of the said form for ease of reference;

The contact details of the Deputy Information Officer, to whom the application must be addressed, are as follows:
Mr Reginald Parker
9 Dorp Street / Private Bag x9185, Cape Town 8000
Telephone: 021-483-4117
Email: Reginald.Parker@westerncape.gov.za
 - A request fee in the amount of R35.00 is payable before the request will be processed (section 22);
 - The process is described in more detail in the 'section 14 PAIA manual', which we will gladly make available on request.
8. In these circumstances we decline to provide you with the information requested in paragraph 4.2 of your letter under reply.
9. Should your client intend to proceed with any court action in this matter, notwithstanding the above, please ensure that we are provided with a reasonable

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and adequate time to consider the content of your client's papers in this regard and to respond thereto; and in this way ensure a full ventilation of the matter?

Yours faithfully



Thiagaraj Pillay
Chief Director; Public Private Partnership

Date: 23rd February 2016

