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14th February 2011

The State Attorney (KwaZulu-Natal)
308 Sangro House
417 Smith Street
Durban

ATTENTION MR FT GRAY
Email:fgray@justice.gov.za

Dear Sirs

WA HORSFIELD AND OTHER S V THE MEC AGRICULTURE, ENVIRONMENTAL AFFAIRS AND RURAL DEVELOPMENT AND OTHERS

We refer to previous correspondence in this matter and to the Order of Court made on 8th February 2011.

It was with considerable surprise that we read in *The Mercury* and in *The Witness* today that the MEC is advertising for nominations for appointment to the KwaZulu-Natal Nature Conservation Board in four categories prescribed by the KwaZulu-Natal Nature Conservation Management Act. Our clients have persistently complained to the MEC in correspondence and contend in the papers before the Court, that the absence of these categories of persons on the Board has rendered it legally dysfunctional for many years. In short, it has no statutory mandate, has operated unlawfully and all of its operations are *void ab initio*.

The publication of these notices amount to a concession by the MEC that the composition of the Board is fatally flawed as it is now and has been since 2004. It would appear from the appearance of the logo of Ezemvelo KZN Wildlife on the advertisements that the Second and Third Respondents in the litigation have also conceded defeat.

We call upon you to provide reasons for publishing these notices now, given that they are within the compliance period of the Court Order.

By her actions, the MEC has conceded that she has no defence to the claims made in the application before the Court. It is a waste of public funds (yet again), to leave her surrender until the eve of a court hearing. Considerable costs have been incurred in this



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matter already and it is irresponsible to allow the litigation to continue in the circumstances.

Our clients will not abandon the court application or condone non-compliance with the Court Order of the 8th February 2011. Unless the MEC is able to demonstrate through the production of the documents sought, that the appointments of all Board members are valid, our clients will seek their removal from office.

In the meanwhile, Ezemvelo KZN Wildlife (as a Board and as the KwaZulu-Natal Nature Conservation Service) is operating unlawfully. This is of great public concern and requires decisive, transparent and urgent action by the MEC.

It follows that the Procedures and Standard Terms And Conditions For Keeping Animals In Captivity In Kwazulu-Natal, has no legitimacy and must be terminated. As pointed out in our letter of 23rd December 2010, the Premier has no statutory mandate in the matter and it cannot be conducted by his office. The public has a right to be relieved of the burden of commenting on a document that has no legal status.

Please respond urgently. This letter will be brought the attention of the Court as it has an important bearing on the question of costs which are exacerbated every day the legal proceedings endure.

Because it is in the public interests, this letter will be published on our client's website and will be made available to the media.

Yours faithfully



JEREMY RIDL
RIDL & CO