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28th February 2011

The Honourable Lydia Johnson MPL
MEC Agriculture, Environmental Affairs and Rural Development
Province of KwaZulu-Natal
Private Bag X9059
Pietermaritzburg
3200

E-mail: thandiwe.nkosi@kzndae.gov.za

Dear Sirs

**NOMINATION OF PERSONS TO BE APPOINTED TO THE KWAZULU-NATAL NATURE
CONSERVATION BOARD**

As you should be aware by now, we act for the Animal Interest Alliance.

We refer to the notices that appeared *The Mercury* and in *The Witness* on 14th February 2011 and the days following, inviting nominations for appointment to the KwaZulu-Natal Nature Conservation Board in four categories prescribed by the KwaZulu-Natal Nature Conservation Management Act 9 of 1997 ("the Act").

It was only on Friday 25th February 2011 that it was drawn to our attention that the notices are fatally defective.

The notices call for nominations by "Friday, 28th February 2011". This is a material error and is prejudicial to all persons reading the notice and wishing to respond. You are invited to withdraw the notices and to re-advertise in due course. However, before you do so, you are invited to consider carefully the provisions of the Act before so doing. In particular, you must, with respect, follow the letter of the law or your actions will be judicially reviewable.

As you are well aware, there is already an application before the High Court which deals *inter alia* with your past indiscretions in not adhering to the strict conditions imposed by the Act. For your assistance, we draw your attention to the matters that follow.

Section 4(4)(a) of the Act requires you to "invite submissions from members of the public of the names of persons who could be taken into consideration when appointing members to the Board". "Inviting submissions" and "calling for nominations" are subtly different and you should follow the wording of the Act as you are bound by it.



Section 4(4)(b) requires you to "prescribe the method which will enable the invitation contemplated in paragraph (a) to reach the greatest number of residents in the province".

Our first complaint on this issue is that you have not disclosed the method you have determined to give effect to the requirement that the invitation reaches the greatest number of resident in the province.

Our second complaint is that if the only method you have prescribed, is to communicate your invitation to the residents of the province by publication in the popular press, this is inadequate and does not comply with the Act. Your invitation will not reach the greater population of the province who reside in rural areas and are those most affected by the functions of the Board.

Finally, we submit that a period of two weeks within which to allow the public to consider suitable persons as members of the Board, to canvass them, and for the candidates to consider whether or not they are prepared to allow their names to be put forward, is hopelessly inadequate.

If you allow your notice to stand and act on it, your decision will be taken on judicial review, either by consolidating the application with the application already before the High Court, or in a separate application for review.

This letter is addressed to directly as we have had no response to any communications addressed the State Attorney on matters of similar importance and urgency.

Should you refuse to agree to withdraw the notices, we will advise our client to place an advertisement with the same prominence in the same newspapers in which your advertisements were placed, advising the public that your notices are defective and should be ignored for the reasons set out in this letter.

Your urgent response is requested.

Yours faithfully



JEREMY RIDL
RIDL & CO