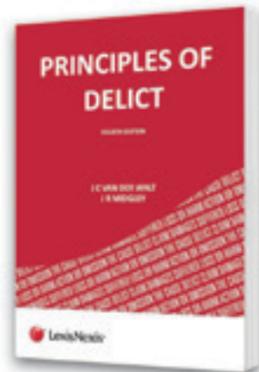
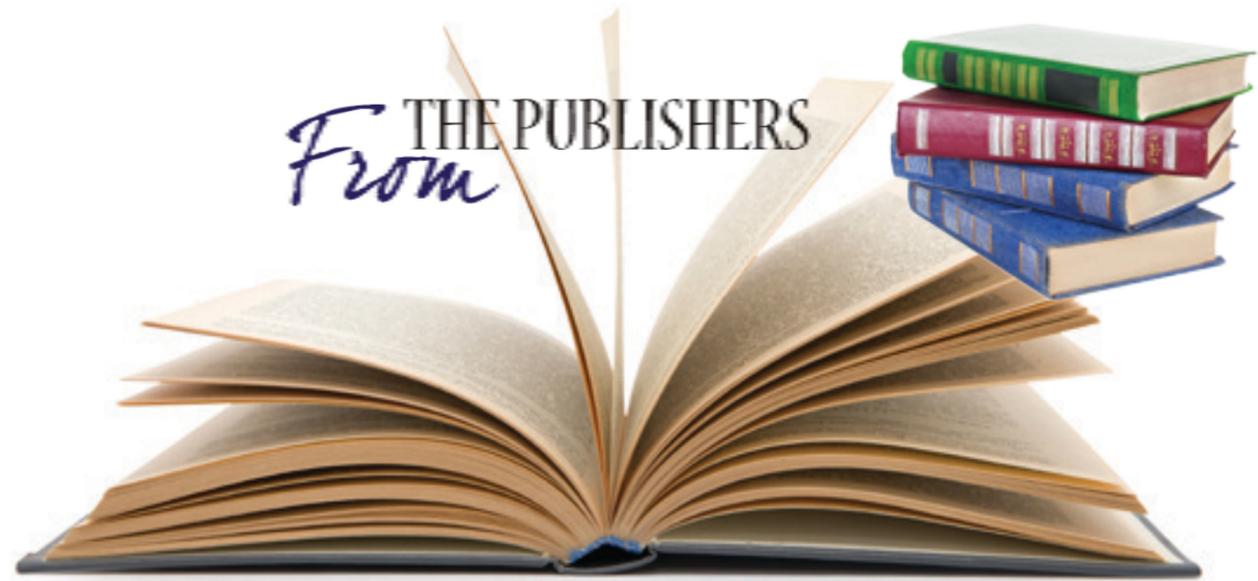


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Access to Information
Ronée Michelle Robinson
LexisNexis (2016), 311p

The focus of this book is the Promotion of Access to Information Act (PAIA). The bulk of its content entails a commentary on the concepts, rules and exceptions employed in PAIA, and the treatment accorded to these by the courts, mainly in South Africa, but with occasional recourse also to comparative precedent (especially Canadian). It is useful for the methodology of the work that PAIA is structured around triggers, grounds of refusal, exceptions, and procedures, so that these can naturally inform the structure of the main commentary. It is equally fortunate that, over the last 15 years, a substantial body of precedent has developed around most of the concepts in PAIA, and this presents a collection of such precedent in an accessible and efficient format. There is a separate Cook's tour of foreign legislation in chapter 7, which does not pretend to be a detailed study, but rather offers a handy starting point to the comparative perspective enjoined by section 39(1)(c) of the Constitution.

The device of box highlights (sometimes a case extract, sometimes a theme)

and that of spreadsheet tables (when dealing with procedural mechanics) appear to have an eye on the lecture hall. Evident care has been taken in researching the case-law and identifying the important debates canvassed in the decisions – for example the theme of subsidiarity and its treatment in *My Vote Counts*, and the way in which the *Khampepe Report* case and *National Key Points* dealt with the argument on 'hamstringing' (the government cannot make out a proper case for its refusal to reveal information without revealing the information).

The book is enveloped by a concern for information as a power struggle between the state, thirsting to expand the reaches of its tentacles of knowledge whilst aspiring to an ideal of secrecy, and the citizenry, armed with legislation like PAIA, struggling to assert and to extract accountability and open government. The United States is employed as an archetype, given the book's endorsement of the view of Hans Enzensberger, that its veneer of open democracy renders the US ruling class the most dangerous body of men on

earth. Two case studies presented in an appendix set out the chronology of official resistance in the *Khampepe Report* and Nkandla sagas, to illustrate a 'worrying trend' of 'foot dragging and resistance' experienced in South Africa and abroad, using as an example the United Kingdom, with its extraordinary 'Black Spider Notes' story and its Orwellian secret courts on state security matters. The author also presents certain suggested reforms to PAIA, all aimed at making resistance on the part of the state more difficult. One may remark that the 'worrying trend' is perhaps more easily identified in those jurisdictions, of which ours fortunately forms part, that at least gesture in the direction of giving the citizenry some rope in the tug of war around power and information. It is, however, precisely the need for vigilance in the face of the garb of openness that the author wishes to emphasise.

Frank Snyckers SC,
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