



INFORMATION NOTICE

Update on the Request of Information from the ART by the Master of the Court

Latest update: 10 September 2014

Background Information

The Master of the High Court has requested the Trustees to provide certain information relating to the operations of the ART. This is pursuant to a complaint by a Kuruman-based community group called the Asbestos Kgatelopele Community (AKC).

The AKC claim that they qualified for but were wrongly denied compensation by the ART. The AKC have also claimed that they have a right to receive compensation because they lent their names to the litigation that led to the creation of the ART, even if they do not qualify to receive compensation as per the Deed of Trust that sets out the claims criteria. They have requested an ex-gratia payment of R30million from the Trust which falls outside of the mandate of the Trustees to pay.

The Premier of the Northern Cape has interceded on behalf of the AKC and requested confidential claimant information from the Master. She has intimated that this information will be provided to the broader community.

The Master has indicated that he intends to provide this information to the Premier, regardless of the fact that it is confidential and that the individuals concerned have not consented to its disclosure to a third party.

The Trustees are in the process of seeking, via the courts of law, to have this decision reviewed and overturned.

Many beneficiaries have indicated to the Trustees that they decline to have information disclosed about themselves such as their medical information and the amount of compensation received from the Trust.

The Trustees have previously notified beneficiaries of this matter and accordingly, provide the latest update herein.

Latest Update

In Part B of our application, we asked the Court to review and set aside the decision of the Master to disclose confidential claimant information. Part B was heard by the North Gauteng High Court on 10 September 2014.

The Master did not oppose the application. The Premier of the Northern Cape chose to oppose the application.

Judgement in the matter has been reserved and will be handed down at a later stage.

Further updates will be provided as they arise.

10 September 2014