



MEDIA STATEMENT

Judge Rules that Master of the High Court may not Release Confidential Trust Information

The Asbestos Relief Trust (ART) has welcomed the decision of the North Gauteng High Court to make final an interdict preventing the Master of the High Court from releasing confidential information about trust claimants.

The Master secured the information from the ART in terms of s 16 of the Trust Property Control Act while acting on a request by the Northern Cape Premier following a complaint to her by the Kgatelopele Asbestos Community in Kuruman.

Kgatelopele represents some community members who allegedly claim they were wrongly denied compensation by the ART but have not provided any details to any party in this matter. The group is also demanding an ex gratia payment of R30 million from the trust regardless of whether or not they have an asbestos related disease or qualify to receive compensation in terms of the Trust Deed. In support of its claim, the group alleges that its members were part of the court action that eventually resulted in the formation of the ART and should therefore receive financial reward.

The ART challenged the decision of the Master to release the confidential information to the Premier. The Premier, who had indicated to the Master that she intended to release confidential information to the public, regardless of whether the claimants had consented to their personal information being released, opposed the application.

However, Judge N V Khumalo of the North Gauteng High Court ruled that while the Master had been entitled to request the information from the Trust, he had exceeded his powers in deciding to release the confidential information to the Premier. In addition the judge ruled that the Premier's decision to file the Kgatelopele complaint with the Master was "unreasonable" and her demand that the Trust pay money to people who do not qualify in terms of the Trust Deed was "irrational".

She ruled that the complaint made to the Premier by Kgatelopele was "unsustainable" and "not genuine". The complainants had not been able to provide the names of community members who had allegedly been discriminated against by the Trust. There were no grounds or evidence to support claims of maladministration.

The judge overturned the decision of the Master to release the confidential details of the trust, interdicted the Premier from disclosing the identity of those beneficiaries who had submitted affidavits in support of the ART's application, and awarded costs to the ART.

For more background information on this court application as well as the full judgement go to www.asbestostrust.co.za/media/notices & www.asbestostrust.co.za/media/media_statements