

IN THE SUPREME COURT OF APPEAL
(REPUBLIC OF SOUTH AFRICA)

SCA Case No:

SGHC Case No: 39646/12

In the matter between:

COMPANY SECRETARY OF ARCELORMITTAL
SOUTH AFRICA

First Appellant

ARCELORMITTAL SOUTH AFRICA LIMITED

Second Appellant

and

VAAL ENVIRONMENTAL JUSTICE ALLIANCE

Respondent

NOTICE OF APPEAL

TAKE NOTICE that the first and second appellants (the respondents in the court *quo*) hereby note an appeal against the whole of the judgment and order of his Lordship Mr Acting Justice Carstensen, handed down on 10 September 2013 in the South Gauteng High Court, in which the learned Acting Judge ordered that:

1. *"The first Respondent's decision to refuse to grant the Applicant's requests for access to information dated 15th (sic) 2011 and 13th February 2012, is invalid and set aside";*

2. *"The First Respondent is directed to supply the Applicant with copies of all the records requested in the Applicant's requests for access to information dated 15th December 2011 and 13th February 2012 within 14 (FOURTEEN) days from date of this order";*
3. *"The Second Respondent is to pay the costs of this application, including the costs of two counsel."*

TAKE NOTICE FURTHER that leave to appeal to this Honourable Court was granted by his Lordship Mr Acting Justice Carstensen on 9 December 2013. A certified copy of the order granting leave to appeal is annexed hereto marked "A".


TAKE NOTICE FURTHER that the first and second appellants seek an order on appeal in the following terms:

1. The appeal is upheld.
2. The order of the court a quo is substituted with the following order:

"The application is dismissed with costs including the costs of two counsel."

3. The respondent is to pay the costs of the appeal, such costs to include the costs of the application for leave to appeal in the court a quo and to include the costs of two counsel.

SIGNED AT SANDTON ON THIS THE 4th DAY OF FEBRUARY 2014



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Bloemfontein

AND TO: THE REGISTRAR
South Gauteng High Court
Johannesburg

AND TO: CENTRE FOR ENVIRONMENTAL RIGHTS

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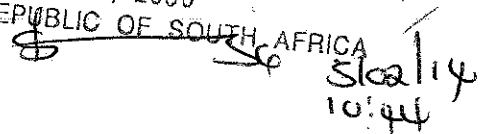
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CENTRE FOR APPLIED LEGAL STUDIES
UNIVERSITY OF THE WITWATERSRAND
PRIVATE BAG 3
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REPUBLIC OF SOUTH AFRICA



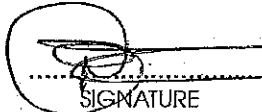
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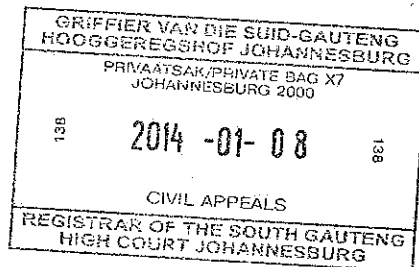
REPUBLIC OF SOUTH AFRICA



SOUTH GAUTENG HIGH COURT
JOHANNESBURG

CASE NO: 39646/12

(1)	REPORTABLE: YES /NO
(2)	OF INTEREST TO OTHER JUDGES: YES/NO
(3)	REVISED.
	9/12/2013 DATE
	 SIGNATURE



In the matter between:

VAAL ENVIRONMENTAL JUSTICE ALLIANCE

Applicant

and

COMPANY SECRETARY OF ARCELORMITTAL
SOUTH AFRICA LIMITED

First Respondent

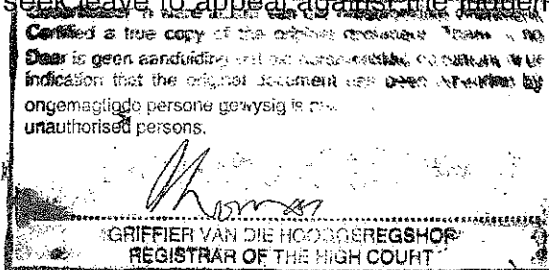
ARCELORMITTAL SOUTH AFRICA LIMITED

Second Respondent

JUDGEMENT

CARSTENSEN AJ:

1. The Respondents seek leave to appeal against the judgement which



I handed down on the 10th of September 2013.

2. Unfortunately, I had not received the notice of application for leave to appeal prior to the hearing, which led to both a delay in the proceedings as well as the judgement being reserved.
3. Whilst I remain of the view that Section 24 envisages public participation and am particularly convinced that the master plan sought by the Applicant in the application is relevant, it is also true that there has been, and in my view must continue to be, a change in ideology and a development of the jurisprudence under the new Constitution.
4. However, this results in aspects of this application being novel and in the result, I believe it is appropriate that this matter receive the attention of the Supreme Court of Appeal.
5. Consequently, I make the following order:
 - 5.1. leave to appeal is granted;
 - 5.2. the costs of the application for leave to appeal are costs in the appeal.



**P L CARSTENSEN
ACTING JUDGE OF THE
HIGH COURT**

GRIFFIER VAN DIE SUID-GAUTENG HOOGGEREGSHOF JOHANNESBURG		
PRIVAATSAK, PRIVATE BAG X7 JOHANNESBURG 2000		
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CIVIL APPEALS		
REGISTRAR OF THE SOUTH GAUTENG HIGH COURT JOHANNESBURG		

HEARD: 2 DECEMBER 2013
DELIVERED: 9 DECEMBER 2013

COUNSEL FOR APPLICANT:
INSTRUCTED BY:

S BUDLENDER AND J BLEAZARD
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RIGHTS

COUNSEL FOR RESPONDENTS:
INSTRUCTED BY:

CDA LOXTON SC AND P LAZARUS
EDWARD NATHAN SONNENBERGS

(jmt.9.12.13)

