

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: 50779/17

In the matter between:

<b>MINING AND ENVIRONMENTAL JUSTICE COMMUNITY NETWORK OF SOUTH AFRICA</b>	First Applicant
<b>GROUNDWORK</b>	Second Applicant
<b>EARTHLIFE AFRICA, JOHANNESBURG</b>	Third Applicant
<b>BIRDLIFE SOUTH AFRICA</b>	Fourth Applicant
<b>ENDANGERED WILDLIFE TRUST</b>	Fifth Applicant
<b>FEDERATION FOR A SUSTAINABLE ENVIRONMENT</b>	Sixth Applicant
<b>ASSOCIATION FOR WATER AND RURAL DEVELOPMENT</b>	Seventh Applicant
<b>BENCH MARKS FOUNDATION</b>	Eighth Applicant
and	
<b>MINISTER OF ENVIRONMENTAL AFFAIRS</b>	First Respondent
<b>MINISTER OF MINERAL RESOURCES</b>	Second Respondent
<b>ATHA-AFRICA VENTURES (PTY) LTD</b>	Third Respondent
<b>THE MABOLA PROTECTED ENVIRONMENT LANDOWNERS ASSOCIATION</b>	Fourth Respondent
<b>MEC FOR AGRICULTURE, RURAL DEVELOPMENT, LAND AND ENVIRONMENTAL AFFAIRS, MPUMALANGA</b>	Fifth Respondent

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AFFIDAVIT

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I,

**KATE LANGLANDS CAIN**

state under oath that:

- 1 I am employed as a Water Use Authorisation Unit Manager with GCS (Pty) Ltd (GCS), an environmental, water and consulting company based in South Africa.
- 2 I have a Bachelor of Science in Geography and Environmental Management, and a Bachelor of Science (with Honours) in Geography, both obtained at the University of Johannesburg. I have 8 years' experience in the environmental management field. I am a Professional Natural Scientist (Reg. No. 400172/14) registered with the South African Council for Natural Scientific Professions (SACNASP).
- 3 In addition, I am a member of the International Association of Impact Assessments (IAIA).
- 4 My key areas of expertise include the National Water Act, 1998 (Act No. 36 of 1998) and the associated regulations. My key functions in the GCS Water Use Authorisation Unit include water use licence applications, Integrated Water and Waste Management Plans and water use licence auditing. I have also been involved in numerous projects and authorisation processes in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) and the National Environmental Management Act, 1998 (Act No. 107 of 1998).



- 5 The facts set out in this affidavit fall within my personal knowledge and belief, except where the context indicates otherwise, and are true and correct.
- 6 I have read the founding affidavit deposed to by Thelma Thandekile Nkosi and the supplementary founding affidavit deposed to by Sven Eaton Patrick Peek and confirm that both of their contents are true and correct insofar as they pertain to me.
- 7 In particular, I confirm that I co-authored the report by GCS entitled "*IWULA [integrated water-use licence application], IWUL [integrated WUL] and Specialist Investigation/Studies Review of the (proposed) Yzermyn Colliery Mpumalanga*", dated 18 November 2016, revised on 1 December 2017, referred to as "the GCS review" in the founding affidavit and as "the original GCS review" and "the revised GCS review" in the supplementary founding affidavit, and that I undertook part of the work described in the reports.
- 8 I confirm that the statements in the founding affidavit and supplementary founding affidavit regarding the aforesaid GCS reports and their findings are accurate.

AT e

*Cain*

**KATE LANGLANDS CAIN**

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct. This affidavit was signed and sworn to before me at Rivonia on this the 14th day of DECEMBER 2017, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended by R1648 of 19 August 1977, and as further amended by R1428 of 11 July 1989, having been complied with.

I certify that the DEPONENT has acknowledged that he/she knows and understands the contents of this affidavit, that he/she does not have any objection to taking the oath, and that he/she considers it to be binding on his/her conscience, and which was sworn to and signed before me

at Rivonia on this the 14 day of 12 2017, and that the administering oath complied with the regulations contained in Government Gazette No. R1258 of 21 July 1972, as amended.

*Wendy Sherriff*

**COMMISSIONER OF OATHS**

Full names: Wendy Sherriff  
Address: 63 Wessel Road, Rivonia  
Capacity: CA(SA)

*Wendy Sherriff*

**COMMISSIONER OF OATHS (RSA)**  
Wendy Sherriff CA(SA)  
63 Wessel Road, Woodmead  
Johannesburg