

AFFIDAVIT

I, the undersigned

Dr Tsakani Ngomane

Do hereby make oath and say that:-

- 1.1 I am an adult female, employed as the Deputy Director-General: Climate Change, Air Quality and Sustainable Development. I am designated as the Deputy Information Officer in terms of section 17 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"), and duly delegated. I am authorised to depose to this affidavit in terms of section 23(1)(b)(ii) and (2) of PAIA.
- 1.2 The facts and allegations herein contained are both true and correct and are within my personal knowledge, unless otherwise indicated.
- 1.3 Where I make submissions which are legal in nature, I do so with the advice of the Department's legal advisors, which advice I verily accept to be correct.

2.

On 11 February 2019, the Department received a request in terms of PAIA from the Centre for Environmental Rights (CER) (the Requester) for access to information relating to Pollution Prevention Plans and Greenhouse Gas reporting records. The Requester specifically requested:

- (1) *The database or list of data providers registered in terms of Regulation 5 of the National Greenhouse Gas Emission Reporting Regulations, GN 275 of 2017 ("the GHG Reporting Regulations");*
- (2) *The latest reports submitted in terms of Regulation 7(1) of the Greenhouse Gas Reporting Regulations by the following entities:*

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- *Eskom Holdings SOC Ltd;*
- *Sasol Ltd;*
- *ArcelorMittal South Africa Ltd;*
- *Exxaro Resources Ltd;*
- *Glencore Plc;*
- *African Rainbow Minerals Ltd;*
- *Anglo American Plc;*
- *Anglo Operations Ltd;*
- *South 32 Ltd;*
- *Seriti Resources Holdings Pty Ltd;*
- *Petmin Ltd;*
- *Mbuyelo Coal Pty Ltd;*
- *Kuyasa Mining Pty Ltd;*
- *Sappi Ltd;*
- *PPC Ltd;*
- *Gold Fields Ltd;*

(3) *The database of or list of persons that have submitted pollution prevention plans under regulation 4(1) of the National Pollution Prevention Plan Regulations, GN 712 of 2017 ("PPP Regulations");*

(4) *The pollution prevention plans submitted for the period up to 31 December 2020 in terms of regulations 3(2) of the PPP Regulations, the following companies:*

- *Eskom Holdings SOC Ltd*
- *Sasol Ltd*
- *ArcelorMittal South Africa Ltd*
- *Exxaro Resources Ltd*
- *Glencore*
- *African Rainbow Minerals Ltd*
- *Anglo American Plc*
- *Anglo Operations Ltd*
- *South 32 Ltd*
- *Seriti Resources Holdings Pty Ltd*

- *Petmin Ltd*
- *Mbuyelo Coal Pty Ltd*
- *Kuyasa Mining Pty Ltd*
- *Sappi Ltd*
- *PPC Ltd*
- *Gold Fields Ltd;*

(5) *The latest annual progress reports submitted by the entities listed in paragraph 3 in terms of regulation 5(1) of the PPP Regulations."*

3.

I previously indicated that the Chief Directorate: Climate Change Monitoring and Evaluation did not receive reports in terms of Regulation 7(1) from Petmin Ltd, Mbuyelo Pty Ltd and Kuyasa Pty Ltd, however the Chief Directorate: Climate Change Monitoring and Evaluation in providing this information relied the list of companies / entities which registered to submit reports in terms of Regulation 7(1) and omitted to cross reference this information with the list of companies / entities which did indeed provide the Department with reports in terms of Regulation 7 (1) of the National Greenhouse Gas Emission Reporting Regulations. On further examination it appears that the Chief Directorate: Climate Change Monitoring and Evaluation in fact, failed to receive reports in terms of Regulation 7(1) from the following companies / entities:

- 3.1 Petmin Ltd;
- 3.2 Mbuyelo Pty Ltd;
- 3.3 Kuyasa Pty Ltd;
- 3.4 Exxaro Resources Ltd; and
- 3.5 Gold Fields Ltd.

4.

The records as set out in paragraph 3 *supra* cannot be provided to you, as the Department is not in possession of such records.

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DEPONENT

**THUS SIGNED AND SWORN TO AT PRETORIA ON THIS THE 07TH DAY OF MAY 2019. THE
DEPONENT HAVING ACKNOWLEDGED THAT SHE KNOWS AND UNDERSTANDS THE
CONTENTS OF THIS AFFIDAVIT, HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH
AND CONSIDERS THE OATH AS BINDING ON HER CONSCIENCE.**



COMMISSIONER OF OATHS

**OFHANI NEMUKOVHANI
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