

**IN THE NORTH GAUTENG HIGH COURT, PRETORIA
[REPUBLIC OF SOUTH AFRICA]**

CASE NO: 67574/12

In the matter between:

**M AND G CENTRE FOR INVESTIGATIVE
JOURNALISM NPC**

1ST APPLICANT

VINAYAK BHARDWAJ

2ND APPLICANT

And

THE MINISTER OF PUBLIC WORKS

1ST RESPONDENT

**THE INFORMATION OFFICER:
DEPARTMENT OF PUBLIC WORKS**

2ND RESPONDENT

<p>FILING SHEET</p>

DOCUMENTS:

RESPONDENT'S FURTHER ANSWERING AFFIDAVIT

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TO:

THE REGISTRAR OF THE
ABOVE HONOURABLE COURT
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**AND
TO:**

**APPLICANT'S ATTORNEYS
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Received copy hereof on the
_____ Day of **SEPTEMBER 2013**.

**IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)**

CASE NO: 67574/12

In the matter between:

M AND G CENTRE FOR INVESTIGATIVE JOURNALISM NPC First Applicant

VINAYAK BHARDWAJ Second Applicant

and

THE MINISTER OF PUBLIC WORKS First Respondent

**THE INFORMATION OFFICER: DEPARTMENT OF
PUBLIC WORKS** Second Respondent

RESPONDENTS' FURTHER ANSWERING AFFIDAVIT

I, the undersigned,

PHILLIP SOBI MASILO

do hereby make oath and say that:

- 1 I am the Special Advisor for the Minister of Public Works ("the Minister"), the first respondent in this application. I deposed to the further affidavit on behalf of the respondents on 14 June 2013.



- 2 The facts contained in this affidavit are within my personal knowledge unless stated otherwise or apparent from the context. To the best of my knowledge and belief they are both true and correct. Where I make submissions of a legal nature I do so on the advice of the applicants' legal representatives, which I believe to be correct.
- 3 I have read the supplementary affidavit deposed to by Vinayak Bhardwaj on 4 September 2013, on behalf of the applicants. My response follows. I do not intend to deal expressly with every allegation in the supplementary affidavit of Mr Bhardwaj. They are however denied to the extent that they are inconsistent with the contents of my affidavit of 14 June 2013 or this affidavit.

The issues in dispute

Ad paragraph 52

- 4 The initial application brought by the applicants in this matter sought to compel the respondents to disclose records held by the Department of Public Works ("the Department") related to the *"procurement by the State of goods or services to improve, upgrade, alter, add to or secure the Nkandla Estate of the President"*, referred to by the Department as "the Nkandla security upgrade". In addition, the applicants sought the disclosure of documents relating *"in whole or in part to the financial implications of the above ..."* In their founding affidavit, the applicants emphasise that the records sought relate to *"expenditure by the Department on the improvement of the Nkandla Estate of the President of the Republic of South Africa"*. They state further: *"The request for information was*

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clear that no security-sensitive information was required but that the applicants' request related only to financial and procurement considerations."

- 5 Since then the Department has tendered and delivered to the applicants documents in excess of 12 000 pages. It has given the applicants copies of invoices submitted by, and records of payments made to, all the contractors who worked on the project, as well as bid adjudication committee documents and tender evaluation reports. It has also made available contracts between the Department and all the service providers contracted to perform work related to the Nkandla security upgrade.
- 6 The Department has also tendered and delivered to the applicants agendas and minutes of consultants' planning meetings, and internal memoranda from the project manager in the KZN Regional office of DPW to the Regional Bid Adjudication Committee. These documents are described more fully in the schedule attached to my affidavit of 14 June 2013 and in the schedule attached to the state attorney's letter of 30 August 2013 (Annexure SA11 to the affidavit of Mr Bhardwaj).
- 7 The applicants reported on the contents of these documents in editions of the *Mail & Guardian* newspaper of 5 and 12 July 2013. I don't intend commenting on the substance of the reports. The applicants are entitled to interpret the documents and report on them in whatever manner they deem fit. The extent and nature of the reports, however, underscores the fact that the respondents, in their attempt to comply with the applicants' request for information, have

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done everything reasonably possible to ensure that they comply as fully as is possible.

- 8 Despite this, the applicants persist with their claim that the respondents have not complied with their request for access to documents. They now claim, in this paragraph, that the respondents have *"failed to account appropriately for the requested records (specifically the class of documents comprising records of meetings, communications, deliberations and decisions at the level of "top management") ..."*. Also, in paragraph 26 of the affidavit of Mr Bhardwaj, the applicants claim that *"the respondents have not appropriately accounted for the lost documents and the undetected documents - nor for the wider class of documents to which they belong - and thus [the applicants] are compelled to proceed with this application ..."*.
- 9 I submit, for the reasons set out further in this affidavit, that the applicants have now crossed the line between a legitimate request for access to information in terms of the Promotion of Access to Information Act 2 of 2000 ("the Act") and an abuse of the Act.
- 10 The applicants have not taken issue with any of the documents that have been withheld from them for security-related reasons. Nor do they contest the limited redactions in some of the documents that have been disclosed.
- 11 Their attack is confined to a limited number of documents that the Department cannot locate. The applicants now claim that the respondents have failed to



justify the non-disclosure of these records and that they have failed to account appropriately for the steps taken to locate the records.

- 12 In this affidavit, I set out the attempts by the Department to comply with the applicants' original PAIA request and to locate the "missing" documents. It is now clear to me that many of these documents may never have existed.

The Nkandla security upgrade

Ad paragraphs 8 to 15, 48 and 51

- 13 The Nkandla security upgrade was a project managed by the KZN Regional Office of the Department. The project manager was Mr Jean Rindel. He is based in the KZN Regional Office.
- 14 Mr Rindel kept working files for each contract/component of the project in his office. As soon as a specific component and/or contract of the project was completed, he sent the related documents to the central registry of the KZN Office to be archived. No documents were kept at the Head Office of the Department or the Ministry.
- 15 The principal agent appointed by the Department (Minenhle Makhanya Architects), the consultant engineers (Ramcom) and the quantity surveyors (R&G) also kept records/documents related to aspects of the project in which they were involved.

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- 16 During October 2012, allegations of corruption and maladministration relating to the Nkandla security upgrade surfaced in the media. In response, the Minister of Public Works (the first respondent) appointed a task team to investigate the matter ("the task team"). I was appointed to the task team, with representatives of other government departments.
- 17 On 5 November 2012 the Public Protector informed the Minister that she was also investigating the Nkandla security upgrade. She asked the Minister to make available to her documents to assist her investigation.
- 18 On 12 November 2012 the task team travelled to KZN. It met with the project manager, Mr Rindel. One of the reasons for meeting with him was to collect all the documents related to the Nkandla security upgrade.
- 19 To do this, Mr Rindel retrieved the documents that were filed in the KZN central registry. He also asked the principal agent, the quantity surveyors and the consulting engineers to give him copies of all project documents in their possession. The documents they gave him included minutes of site meetings and contractors' meetings. The KZN Regional Office did not keep records of site meetings or contractors' meetings.
- 20 I collected all the documents in Mr Rindel's possession and took them back with me to Pretoria. In total, there were 42 files and over 12 000 pages. I made two copies of the documents, one for the Public Protector and one for the task team. The documents I took from Mr Rindel were filed in my office in the Ministry.

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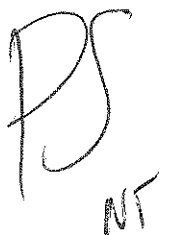
- 21 I worked through these documents on instruction of the DG of the Department. I have already explained this process in my further affidavit of 14 June 2013. It is not necessary to repeat what I have already said except to emphasise that the DG instructed me to review the documents and advise him whether it was possible for the Department to disclose any of the documents.
- 22 The outcome of this process was that documents consisting of approximately 12 000 pages were tendered and delivered to the applicants.
- 23 It is correct that the task team produced a report that is now the subject of an application under case number 52268/13 in this Court. I submit that it is not necessary for me to deal with the applicants' allegations in that regard, save to state that the documents considered by the task team are the same as those that were tendered to the applicants in my affidavit of 14 June 2013. The task team also had before it the security sensitive documents in the possession of the Department (to which the applicants have been denied access), as well as security sensitive documents generated by the SAPS and the SANDF.
- 24 Save for the above, the remaining allegations in these paragraphs are denied.

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Attempts to locate the missing documents

Ad paragraphs 16 to 26

- 25 On 29 July 2013, the applicant's attorney, Mr Dario Milo, informed the state attorney that a number of documents, listed in the schedule to my affidavit, were tendered but not delivered (annexure SA4 to the affidavit of Mr Bhardwaj).
- 26 In response I re-examined all the files in my possession related to the Nkandla security upgrade.
- 27 I also asked Mr Rindel to go through the schedule attached to Mr Milo's letter and to check whether he could locate any of the documents in the KZN office. I did so because I wanted to ensure that none of the documents had mistakenly been left behind in the process of collecting and transporting files to Pretoria.
- 28 In an attempt to locate some of the missing documents, Mr Rindel contacted a number of the service providers to check whether or not they could locate any of these documents in their files.
- 29 The state attorney informed Mr Milo of the renewed efforts to locate the missing documents (annexure SA5). I confirm the contents of annexure SA5 insofar as they relate to me. Unsurprisingly, in a department the size of Public Works, the process took longer than expected. I wanted to ensure that the Department did everything reasonably possible to locate any missing documents, even if it

A handwritten signature consisting of the letters 'PS' in a large, stylized script, with 'NT' written in a smaller, simpler font directly beneath it.

meant a further delay. I also confirm the contents of annexure SA9 insofar as they relate to me.

30 On 30 August 2013, the state attorney responded comprehensively (annexure SA11) to the applicants' letter of 29 July 2013. Attached to the state attorney's letter is a schedule that I prepared. I confirm the contents of annexure SA9 insofar as they relate to me. I also confirm the accuracy of the schedule, from which it is evident that the documents requested fall into four categories:

30.1 Documents that were originally tendered but not delivered, as well as additional documents located by the KZN Regional Office;

30.2 Documents that appear to have existed but which cannot be located;

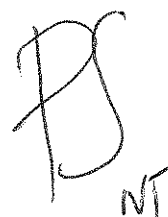
30.3 Documents that cannot be disclosed because they contain sensitive security related information; and

30.4 Documents whose existence I was unable to confirm.

31 The documents in the first category were delivered to the applicants. There is no longer any dispute between the parties relating to the documents in the third category.

32 The documents in the second and fourth categories cannot, despite the best efforts of the respondents, be located.

33 Save for the above, the remaining allegations in these paragraphs are denied.

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Documents not disclosedAd paragraphs 27 to 51

34 The applicants persist with this application because the respondents have not disclosed the following categories of documents:

34.1 Records of the site handover on 17 June 2010;

34.2 Records of various site meetings held between July and December 2010;

34.3 Records of meetings attended by the Minister and/or the Deputy Minister and/or the Deputy DG;


34.4 Records of meetings held prior to 3 March 2011 between the Project Manager and the Minister and/or the Deputy Minister and/or the DG;

34.5 Internal memoranda from the Regional Manager to the Minister on 28 March 2011; and

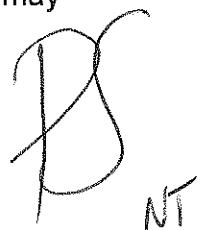
34.6 Instructions from the Minister to Mr Phillip Crafford on 19 July 2011.

35 In response, the respondents contend:

35.1 All records dealing with site meetings in the possession of the Department, as well as those provided to Mr Rindel by contractors, have been disclosed. Despite extensive searches by Mr Rindel and me, the Department has not been able to locate any additional records.

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- 35.2 The instances where the Department has been unable to locate the documents are limited. The Department has provided the applicants with one lever arch file full of site meetings.
- 35.3 Mr Rindel has recently obtained the minutes of the site meetings held on 7 June 2011 and 12 January 2012. Copies of these documents are annexed hereto marked "**FAA1** and **FAA2**".
- 35.4 The Department has been unable to locate the remaining documents, referred to above. As pointed out in the respondents' letter of 30 August 2013 (annexure SA11), I have been unable to confirm whether some of the documents ever existed.
- 35.5 Similarly, the KZN Project team was not part of any meetings between the Minister, Deputy Minister and/or the DG or Deputy DG. I was also not able to find any records of these meetings.
- 36 The respondents have done everything reasonably possible to locate all the documents related to the Nkandla security upgrade and to make these available to the applicants. The process undertaken by Mr Rindel and me has been exhaustive and time consuming.
- 37 I have no reason to believe that any employee in the Department is deliberately withholding documents from me. Mr Rindel has co-operated fully with me and has done everything in his power to locate missing documents.
- 38 The respondents concede that it is possible that some of the documents may

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have been misfiled. In a government department the size of the Department of Public Works, this is entirely possible.

39 The applicants are aware that the Department manages approximately 2300 leases on behalf of government departments. It also manages approximately 2000 infrastructure developments, as well as numerous prestige projects such as the Nkandla security upgrade. I submit that it would be unreasonable to expect the respondents to examine thousands of files because the possibility exists that some of the missing documents may be in one or other of these files.

40 It is also possible that some of the documents have been deliberately removed from the Department's files. As pointed out in my affidavit of 14 June 2013, it is apparent that the applicants are in possession of classified documents related to the Nkandla security upgrade. In all likelihood, these documents were unlawfully removed from the Department's files and given to the applicants. The respondents do not suggest that this was done at the instance, or with the knowledge, of the applicants.

41 Significantly, none of the documents referred to above relates to financial information about the Nkandla security upgrade. All the financial records relating to the Nkandla security upgrade have been disclosed to the applicants. The applicants do not dispute this. Instead, they now attempt to alter the parameters of their initial request to include documents not originally sought.

42 The fact that minutes of site meetings were given to the applicants should be

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seen as a gesture of good faith on the part of the respondents. It is indicative of the respondents' willingness to comply with the applicants' request.

43 As stated in my further affidavit of 14 June 2013, the current DG instructed me to review the documents and advise him whether or not any of the documents could be disclosed. On the strength of my advice, the DG instructed me to tender and deliver the said documents to the applicants. He confirmed this in a confirmatory affidavit.

44 While the DG is designated as the information officer under PAIA, the applicants cannot expect him to personally search for the missing documents. He delegated to me the task of reviewing the documents and searching for any missing documents. I have kept him informed throughout the process.

45 Save for the above, the remaining allegations in these paragraphs are denied.

Condonation

Ad paragraphs 4 to 7

46 On 22 August 2013, the Deputy Judge President directed that the respondents should file their supplementary affidavits by 11 September 2013.

47 For the reasons set out below, the respondents' legal representatives and I assumed that the reference by the DJP to "*the respondents*" was intended to be a reference to the applicants. If this was an error, we apologise sincerely and

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seek condonation for the late filing of this affidavit and the other affidavits that will be filed simultaneously.

- 48 On 3 May 2013 the state attorney advised the applicants that the respondents intended filing a further affidavit. A copy of the state attorney's letter in this regard is annexed hereto marked "FAA3". On 14 June 2013 the said further affidavit (to which I deposed) was filed, together with confirmatory affidavits by the first and second respondents. In his letter, the state attorney noted that the respondents anticipated that the applicants might want to file a supplementary affidavit in response.
- 49 At the time, the respondents hoped that the tender and delivery of documents referred to in the schedule to my affidavit of 14 June 2013 would avert the need for the applicants to proceed with the present application. At the very least, the respondents anticipated that the applicants might refine their application in response to the tender.
- 50 Despite the wording of the DJP's letter, the applicants filed their supplementary affidavit on 4 September 2013, as the respondents had anticipated. It was then that this further affidavit became necessary. The applicants stated that the respondents had until 11 September 2013 to file their response.
- 51 On 10 September 2013 the state attorney advised Mr Milo that the respondents would not be in a position to file an answering affidavit by 11 September 2013 and sought an indulgence for the late filing thereof. A copy of the letter is annexed hereto marked "FAA4". The applicants' attorneys replied, in annexure

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"FAA5" hereto, that the time periods had been set by the DJP. Accordingly, they were not in a position to agree to any extension. We then realised that we could have misunderstood the directions of the DJP.

52 Unfortunately, I was not able to complete this affidavit by 11 September 2013. My other work commitments, coupled with the fact that I needed to consult with Mr Rindel again, conspired against me.

53 To the extent that it is necessary, the respondents ask that the late filing of this affidavit be condoned.

Conclusion

54 For the reasons set out above, the respondents ask this Court to dismiss the application with costs, on the scale as between attorney and client, including the costs of two counsel.



PHILLIP SOBI MASILO

This affidavit was signed and sworn to before me at Johannesburg on this the 19th day of SEPTEMBER 2013, the deponent having acknowledged that he knows and understands the contents of this affidavit and that they are true and correct. I certify that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended, have been complied with.

COMMISSIONER OF OATHS

Nkopane Thaanyane
Practising Attorney
9th Floor, Anglo Vaal Building
56 Main Street, JOHANNESBURG, 2001
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COMMISSIONER OF OATHS

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PROJECT MANAGERS | CONSULTANTS

Prestige Project A Durban Consultants Planning and Co ordination meeting

Date: ⁷~~24~~ June 2011

Time: 14h00 – 16h00

Venue: NDPW Regional Office, Durban

AGENDA

Welcome and Apologies

Security Declaration

1. Feedback from J. Rindel
2. Landscaping
3. Fire Pool
4. Security Contract
5. Air Conditioning
6. Lift Contract
7. Bonelena
8. General
9. Closure

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1. Feedback from J. Rindel

- a. K. Khanyile stated that the purpose of the DDG meetings is to discuss high level issues that are of a sensitive nature; however there are too many people present at these meetings. The people required to attend has been reduced to the following:-

NDPW: N. Ntwana, J. Rindel, R. Samuel, and K. Khanyile

SAPS: Brig. Zeele, Con. Letempha

Defence: General Ramlukan, Major Pillay

Consultants: Project Managers, Principal Agent, QS, Security Engineer

- b. H. Oberholzer suggested that the consultants not be present at the meetings but rather allow the opportunity for the contractors to report back on progress. The contractors should be invited in to give feedback and thereafter leave allowing the meeting to resume.

2. Landscaping

- a. All issues regarding landscaping were addressed in a meeting with N.Ntwana. K. Khanyile, J. Rindel. According to the client, N. Ntwana suggested that the pricing for the landscaping at marquee area is to be revised and the differentiation between items of public and private nature, need to be finalised.
- b. J. Rindel further added that NDPW will decide on the landscaping based on the NDPW scope.
- c. R. Samuel stated that there are to be no new people on site. Any new works should be shared amongst those that are already on site. Landscaping will not be tendered for instead a Variation Order will be processed in favour of the main contractors.
- d. B. Rumble to work alongside H. Oberholzer with regards to Amphitheatre and Kraal as the natural ground differs from the survey.
- e. J. Rindel stated that by Tuesday 14 June the sign off will be done by the DDG therefore the VO will be ready by the 23 June and at the Bid Committee by 30 June. The final instruction will be issued by the end of the month.

3. Fire Pool

- a. The decision regarding the Fire Pool has been made; it will be built as per NDPW. The QS has issued drawings to Moneymine to price for fire pool. H. Oberholzer stated that the pool should be constructed alongside a structural engineer because of the functionality aspects of the fire pool.

4. Security Contract

E. Schutte's documents have been completed and approved, if all is successful-works can begin by 30 June.



- a. The construction drawing for the cable reticulation will be available. H. Oberholzer has put up all sleeves. Security Contractor to do all trenching and sleeving for reticulation of security cable.

5. Air conditioning

- a. House 1 has been completed.
- b. House 2 completed.
- c. House 3 has been commissioned.
- d. Air conditioning in Tuck shop has not been completed.
- e. All Variation Orders for phase 2 to be processed by 14 June 2011.

6. Lift Contract

- a. Otis has been awarded the Lift Contract.
- b. M. Makhanya and D. Dellar to resolve all issues regarding lift.
- c. Currently awaiting contractor to confirm that works will be completed within the specified dead line.

7. Bonelena

- a. Principal Agent stated that Bonelena is disregarding the necessary security measures that should be taken and are therefore bridging security.
- b. The Principal Agent further stated that Bonelena's plants and other equipment block public roads that are being worked on and damage surrounding areas.

8. General

- a. Refuse Area requires a Variation Order
- b. Y. Ramsudh stated that decision regarding patrol road needs to be made, J. Rindel considered Moneymine to continue with works.
- c. J. Rindel stated that a method of which to measure progress on a daily/weekly basis needs to be found.
- d. J. Rindel requested that the percentage complete for all items be completed by Friday 17 June.

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ATTENDANCE REGISTER AND OATH OF SECRECY

1. I, the undersigned, herewith declare that I am aware that I have privileged access to classified documents and information which are protected under the provisions of the Protection of Information (Act 84 of 1982) as amended, that it is my duty to ensure my acquaintance with all the provisions of the said act.
2. I understand that the above places a duty of responsibilities in respect of secrecy upon me, and that I shall be guilty of an offence if I reveal any information beyond that which is authorized in my official line of duty, which contravenes the abovementioned Act.
3. I understand that the said provisions and instructions shall apply not only during my tenure on the Committee but also after the completion of my special project and/or on termination of my service with the DPW or other stakeholders, provided that this restraint does not limit, my right to apply my trade in terms of the Constitution.

PRESTIGE DURBAN PROJECT A: CONSULTANTS CO-ORDINATION MEETING

DATE: 7 JUNE 2011

TIME: 14h00

NDPW - consultants co ordination & planning meeting.

NAME	ORGANISATION	TELEPHONE NUMBER	FAX NUMBER	SIGNATURE
B. DUMBLE	UWLA	032 947 2401	032 947 2402	
H. Oberholzer	BifoxGo	031 324 2200	031 324 2222	
J. Ramsudh	Ramcon	031 266 3436	031 266 1028	
S. Ngongo	Mimmar	031 708 1920	031 708 1919	
P. Theran	R+G	031 561 7361	031 561 7462	
D. R. WOOD	NDPW PM	031 314 7116	031 337 9020	
M. MAHARAJ	MIMMAR	031-708 4223	031-708 4224	
B. Schutte	CA du Toit	031-266 9608	031-266 9624	
D. Diller	M+C	082 375 1150		
G. T. Patel	Ramcon	082 895 8411	031 266 1028	

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PROJECT MANAGERS | CONSULTANTS

Prestige Project A Durban
Contractors & Consultants planning and Co-ordination meeting

Date: 12 January 2012

Time: 14h00

Venue: NDPW Regional Office, Durban

Agenda:

1. Snags
2. Progress
3. Completion Dates
4. Contractual Implications to both Moneymine and Bonelena
5. Phase 3
6. Park Homes
7. General

1.

- 1.1 S.Ngongo stated that most items have been snagged.
- 1.2 Y. Ramsudh suggested that all outstanding issues may be discussed and schedule can be created to ensure that all the issues are addressed.
- 1.3 All that is complete will be snagged ASAP and final completion will be achieved.

2. Bonelena

- 2.1 S.Ngongo confirmed that there are no outstanding issues with the staff houses and snagging will take place on the 18 January 2012.
- 2.2 Y. Ramsudh suggested that the contractor inform the Principal Agent via report/letter that completion has been achieved. Thereafter a meeting can be arranged. The inspection is to happen prior to the 24th of January, thereby allowing the practical completion to happen on the 24th January.
- 2.3 E. Schutte is to ask Betafence to reissue drawings for the fence at the Helipad. E. Magubane is to complete this fence.

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- 2.4 J. Rindel requested that E. Schutte obtain all quotes from Betafence and send through to P.Thevan by Monday 16 January 2012.
- 2.5 P. Thevan to have the V.O. completed by Tuesday and send to J.Rindel who will then send it to the bid committee.
- 2.6 Y. Ramsudh stated that the Clinic cannot be handed over until the gate is put in place; therefore E. Schutte is to address the above mentioned item ASAP.
- 2.7 O. Nxumalo awaits site instruction from M.Molefe detailing from the Principal Agent and the Engineer as how to install the lighting at the Helipad – O. Nxumalo is to follow up with M. Molefe.
- 2.8 H. Oberholzer to address drainage issue at the Reservoir, as well as how storm water drainage will be managed.

Money mine

- 2.9.1 E.Schutte to address the V.O. for E. Magubane's contract for the Control Room- this is to be done by Tuesday 17 Jan. 2012.
- 2.11 Drainage at the pool pump is to be addressed. The Pool pump hole is below the water level and could easily flood- B. Rumble and M. Makhanya to address.
- 2.11 Pool net is to be brought to site- Bongani Mfeka to address
- 2.11 The drager unit at the tunnel has not been commissioned. BRG door at the Tunnel is to be fitted- 20 January 2012.
- 2.11 Guard Houses have been snagged; however is still to be actioned.
- 2.11 B. Mfeka is to confirm if hand rails and balustrades are mounted in the tunnel.
- 2.11 H. Oberholzer is to inspect Road 1 and Road 3 to ensure that broken bricks have been replaced.
- 2.11 H. Oberholzer suggested to S.Ngcongo that a gutter grid be fitted along the opening of the VIP garage to ensure that water drains out of the garage when heavy rains occur.
- 2.11 B.Mfeka and M.Makhanya to address all window issues in House 1.
- 2.11 H.Oberholzer and B. Rumble to address the grassing issue outside the Reservoir.

Direct Contracts

- 2.19 Intercom at the lift is to be fitted; D.Dellar is to contact Otis by Monday 16 January.
- 4.
- 4.1 D. Gqwaru expressed concern with regards to practical completion not being addressed; he further stated that penalties have been imposed.
- 4.2 J. Rindel stated that this will have to be revised and penalties will only be imposed with discretion.

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- 4.3 Y. Ramsudh stated that Bonelena is to find out if their "Extension of Time" claim has been approved. Owen is to follow up with Mino.
- 4.4 Y. Ramsudh stated that contractors are to take responsibility of the deadlines that were missed.
- 4.5 D.Gqwaru stated that there is a particular exercise that can be put in place.

5.

- 5.1 J. Rindel stated that the scope for phase 3 hasn't changed considerably and will be treated as a new project.
- 5.2 The Architect is to provide the scope of works.
- 5.3. J. Rindel further added that nomination will not be used in the procurement process.

6.

- 6.1 J. Rindel stated that the park homes can be disconnected and removed off site.
- 6.2 Decommissioning of the park homes will be a separate contract.

7. General

- 7.1 List of furniture that is required for the clinic- Siyathemba is to follow up on and provide feedback.
- 7.2. Next Meeting: Technical meeting will be on the 18 January 2012, and the steering committee meeting will be held on the 24 January (TBA).

3
B
NT

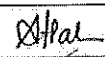
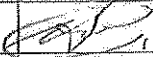

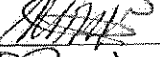
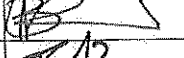

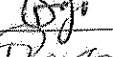
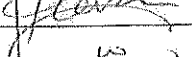



ATTENDANCE REGISTER AND OATH OF SECRECY


1. I, the undersigned, herewith declare that I am aware that I have privileged access to classified documents and information which are protected under the provisions of the Protection of Information (Act 84 of 1982) as amended, that it is my duty to ensure my acquaintance with all the provisions of the said act.
2. I understand that the above places a duty of responsibilities in respect of secrecy upon me, and that I shall be guilty of an offence if I reveal any information beyond that which is authorized in my official line of duty, which contravenes the abovementioned Act.
3. I understand that the said provisions and instructions shall apply not only during my tenure on the Committee but also after the completion of my special project and/or on termination of my service with the DPW or other stakeholders, provided that this restraint does not limit, my right to apply my trade in terms of the Constitution.

CONTRACTORS +

PRESTIGE DURBAN PROJECT A: CONSULTANTS CO-ORDINATION MEETING

DATE: 12 January 2012 Time: 14.00pm

NAME	ORGANISATION	TELEPHONE NUMBER	FAX NUMBER	SIGNATURE
Sharona Patel	Ramcon	031 266 3436	031 266 1028	
H. OBERHOLZER	IBHONCO	031 324 2200	031 324 2222	
D. Nxumalo	BASELENA	033-38 62080	033-386 2085	
M.J. MFEKA	MONKEYMINE	0832 773745	031 705671	
B. Dumble	UWLA	083 284 0959	032 9472401	
Y. Ramsudh	Ramcon	031-266 3436	031 266 1028	
S. Ngcongco	Mimmar	031 708 4223	031 708 4224	
P. Thevan	R & G Consultants	031 761 7361	031 561 7462	
D. GQWARU	R & G	031 561 7363	031 561 7462	
SCHURIG	CADUTOIT	031 2669608	031 2669624	
D. RILLES	MITC	0823251156	—	


 NT



public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA

NON - DISCLOSURE AGREEMENT: NCOP

I, DJ RINDOL
.....
(ID and Full names)

Solemnly declare that:

1. I have taken note of the provisions of the Protection of Information Act (Act 84 of 1982) and in particular the provisions of section 4 of the Act;
2. I understand that I shall be guilty of an offence if I reveal/ disclose any information which I have in my disposal by virtue of being a member of the National Committee on Prestige (NCOP) and concerning which I know or should reasonably know that the security or other interests of the DPW and the Republic require that it be kept secret from any person(s) or body other than a person(s) or body :-
 - (i) to whom I may lawfully reveal it, or
 - (ii) to whom it is my duty to reveal it in the interests of the DPW and/or the Republic, or
 - (iii) to whom I am authorized by the Head of the Department or by the Chairperson of the NCOP or an officer authorized by him to reveal it
3. I understand that the said provisions and instructions shall apply not only during my tenure as a member of the NCOP but also after the completion of representation in this committee/or on termination of my service with the DPW, provided that this restraint does not limit my right to apply my trade in terms of the Constitution;
4. It has also been explained to me, by MR RINDOL
the policy regulating the disclosure and /or revealing of Confidential Information, which I have at my disposal or have acquired by virtue of my contract with DPW;
5. I am fully aware of the serious consequences that may follow any breach or contravention of the said provision or instruction;

(Signature).....

(Place) DURBAN.....

(Date) 2012/1/12.....

Witnesses

1. B. Dumbek (name and signature)
2. M.T. MPEKA (name and signature)

[Handwritten mark]

NT



public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA

NON - DISCLOSURE AGREEMENT: NCOP

I, Shavona Thakur Patel 8905210058089

(ID and Full names)

Solemnly declare that:

1. I have taken note of the provisions of the Protection of Information Act (Act 84 of 1982) and in particular the provisions of section 4 of the Act;
2. I understand that I shall be guilty of an offence if I reveal/ disclose any information which I have in my disposal by virtue of being a member of the National Committee on Prestige (NCOP) and concerning which I know or should reasonably know that the security or other interests of the DPW and the Republic require that it be kept secret from any person(s) or body other than a person(s) or body :-
 - (i) to whom I may lawfully reveal it, or
 - (ii) to whom it is my duty to reveal it in the interests of the DPW and/or the Republic, or
 - (iii) to whom I am authorized by the Head of the Department or by the Chairperson of the NCOP or an officer authorized by him to reveal it
3. I understand that the said provisions and instructions shall apply not only during my tenure as a member of the NCOP but also after the completion of representation in this committee/or on termination of my service with the DPW, provided that this restraint does not limit, my right to apply my trade in terms of the Constitution;
4. It has also been explained to me, by Yash Ramsudh the policy regulating the disclosure and /or revealing of Confidential Information, which I have at my disposal or have acquired by virtue of my contract with DPW;
5. I am fully aware of the serious consequences that may follow any breach or contravention of the said provision or instruction;

(Signature) [Signature]

(Place) DURBAN MDPW

(Date) 12/01/2012

Witnesses

1. [Signature] (name and signature)

2. Siyathemba [Signature] (name and signature)

[Signature]

NT



public works

Department
Public Works
REPUBLIC OF SOUTH AFRICA

NON - DISCLOSURE AGREEMENT: NCOP

1. 4810035243080 H. M. OBERHOLZER
(ID and Full names)

Solemnly declare that:

1. I have taken note of the provisions of the Protection of Information Act (Act 84 of 1982) and in particular the provisions of section 4 of the Act;
2. I understand that I shall be guilty of an offence if I reveal/ disclose any information which I have in my disposal by virtue of being a member of the National Committee on Prestige (NCOP) and concerning which I know or should reasonably know that the security or other interests of the DPW and the Republic require that it be kept secret from any person(s) or body other than a person(s) or body :-
 - (i) to whom I may lawfully reveal it, or
 - (ii) to whom it is my duty to reveal it in the interests of the DPW and/or the Republic, or
 - (iii) to whom I am authorized by the Head of the Department or by the Chairperson of the NCOP or an officer authorized by him to reveal it
3. I understand that the said provisions and instructions shall apply not only during my tenure as a member of the NCOP but also after the completion of representation in this committee/or on termination of my service with the DPW, provided that this restraint does not limit my right to apply my trade in terms of the Constitution;
4. It has also been explained to me, by YASH
the policy regulating the disclosure and /or revealing of Confidential Information, which I have at my disposal or have acquired by virtue of my contract with DPW;
5. I am fully aware of the serious consequences that may follow any breach or contravention of the said provision or instruction;

(Signature) [Signature]

(Place) Durban

(Date) 12/01/2012

Witnesses

1. [Signature] - Owen Nxumalo (name and signature)

2. [Signature] (name and signature)

B
NT



public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA

NON - DISCLOSURE AGREEMENT: NCOP

1. Awel Nxumalo - 7201085484 084

(ID and Full names)

Solemnly declare that:

1. I have taken note of the provisions of the Protection of Information Act (Act 84 of 1982) and in particular the provisions of section 4 of the Act;
2. I understand that I shall be guilty of an offence if I reveal/ disclose any information which I have in my disposal by virtue of being a member of the National Committee on Prestige (NCOP) and concerning which I know or should reasonably know that the security or other interests of the DPW and the Republic require that it be kept secret from any person(s) or body other than a person(s) or body :-
 - (i) to whom I may lawfully reveal it, or
 - (ii) to whom it is my duty to reveal it in the interests of the DPW and/or the Republic, or
 - (iii) to whom I am authorized by the Head of the Department or by the Chairperson of the NCOP or an officer authorized by him to reveal it
3. I understand that the said provisions and instructions shall apply not only during my tenure as a member of the NCOP but also after the completion of representation in this committee/or on termination of my service with the DPW, provided that this restraint does not limit, my right to apply my trade in terms of the Constitution;
4. It has also been explained to me, by Yash the policy regulating the disclosure and /or revealing of Confidential Information, which I have at my disposal or have acquired by virtue of my contract with DPW;
5. I am fully aware of the serious consequences that may follow any breach or contravention of the said provision or instruction;

(Signature) [Signature]

(Place) Jurban

(Date) 12/01/2012

Witnesses

1. [Signature] (name and signature)

2. B. DUMBE [Signature] (name and signature)

B
NT



public works

Department
Public Works
REPUBLIC OF SOUTH AFRICA

NON - DISCLOSURE AGREEMENT: NCOP

1. M. J. MFECA 650502547 089
(ID and Full names)

Solemnly declare that:

1. I have taken note of the provisions of the Protection of Information Act (Act 84 of 1982) and in particular the provisions of section 4 of the Act;
2. I understand that I shall be guilty of an offence if I reveal/ disclose any information which I have in my disposal by virtue of being a member of the National Committee on Prestige (NCOP) and concerning which I know or should reasonably know that the security or other interests of the DPW and the Republic require that it be kept secret from any person(s) or body other than a person(s) or body :-
 - (i) to whom I may lawfully reveal it, or
 - (ii) to whom it is my duty to reveal it in the interests of the DPW and/or the Republic, or
 - (iii) to whom I am authorized by the Head of the Department or by the Chairperson of the NCOP or an officer authorized by him to reveal it
3. I understand that the said provisions and instructions shall apply not only during my tenure as a member of the NCOP but also after the completion of representation in this committee/or on termination of my service with the DPW, provided that this restraint does not limit my right to apply my trade in terms of the Constitution;
4. It has also been explained to me, by JASH
the policy regulating the disclosure and /or revealing of Confidential Information, which I have at my disposal or have acquired by virtue of my contract with DPW;
5. I am fully aware of the serious consequences that may follow any breach or contravention of the said provision or instruction;

(Signature) [Signature]

(Place) DURBAN

(Date) 12/01/2011

Witnesses

1. B. Dumbie [Signature] (name and signature)

2. [Signature] Dwen (name and signature)

[Signature]

NT



public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA

NON - DISCLOSURE AGREEMENT: NCOP

1. BARNICE PUMBLE 720510 012 083
(ID and Full names)

Solemnly declare that:

1. I have taken note of the provisions of the Protection of Information Act (Act 84 of 1982) and in particular the provisions of section 4 of the Act;
2. I understand that I shall be guilty of an offence if I reveal/ disclose any information which I have in my disposal by virtue of being a member of the National Committee on Prestige (NCOP) and concerning which I know or should reasonably know that the security or other interests of the DPW and the Republic require that it be kept secret from any person(s) or body other than a person(s) or body :-
 - (i) to whom I may lawfully reveal it, or
 - (ii) to whom it is my duty to reveal it in the interests of the DPW and/or the Republic, or
 - (iii) to whom I am authorized by the Head of the Department or by the Chairperson of the NCOP or an officer authorized by him to reveal it
3. I understand that the said provisions and instructions shall apply not only during my tenure as a member of the NCOP but also after the completion of representation in this committee or on termination of my service with the DPW, provided that this restraint does not limit my right to apply my trade in terms of the Constitution;
4. It has also been explained to me, by J. Pindel, the policy regulating the disclosure and /or revealing of Confidential Information, which I have at my disposal or have acquired by virtue of my contract with DPW;
5. I am fully aware of the serious consequences that may follow any breach or contravention of the said provision or instruction;

(Signature) [Signature]

(Place) DBN

(Date) 12.01.2012

Witnesses

1. [Signature] (name and signature)

2. [Signature] - DPW (name and signature)

[Signature]

NT



public works

Department
Public Works
REPUBLIC OF SOUTH AFRICA

NON - DISCLOSURE AGREEMENT: NCOP

I, D. H. Ramsudh (7412075146084)

(ID and Full names)

Solemnly declare that:

1. I have taken note of the provisions of the Protection of Information Act (Act 84 of 1982) and in particular the provisions of section 4 of the Act;
2. I understand that I shall be guilty of an offence if I reveal/ disclose any information which I have in my disposal by virtue of being a member of the National Committee on Prestige (NCOP) and concerning which I know or should reasonably know that the security or other interests of the DPW and the Republic require that it be kept secret from any person(s) or body other than a person(s) or body :-
 - (i) to whom I may lawfully reveal it; or
 - (ii) to whom it is my duty to reveal it in the interests of the DPW and/or the Republic, or
 - (iii) to whom I am authorized by the Head of the Department or by the Chairperson of the NCOP or an officer authorized by him to reveal it
3. I understand that the said provisions and instructions shall apply not only during my tenure as a member of the NCOP but also after the completion of representation in this committee/or on termination of my service with the DPW, provided that this restraint does not limit my right to apply my trade in terms of the Constitution;
4. It has also been explained to me, by Rindal the policy regulating the disclosure and /or revealing of Confidential Information, which I have at my disposal or have acquired by virtue of my contract with DPW;
5. I am fully aware of the serious consequences that may follow any breach or contravention of the said provision or instruction;

(Signature) [Signature]

(Place) Purbar

(Date) 12.01.2012

Witnesses

1. [Signature] (name and signature)

2. Siyathemba [Signature] (name and signature)

[Signature]

NT



public works

Department
Public Works
REPUBLIC OF SOUTH AFRICA

NON - DISCLOSURE AGREEMENT: NCOP

1. 401175333 089 Siyathemba Ngonyi
(ID and Full names)

Solemnly declare that:

1. I have taken note of the provisions of the Protection of Information Act (Act 84 of 1982) and in particular the provisions of section 4 of the Act;
2. I understand that I shall be guilty of an offence if I reveal/ disclose any information which I have in my disposal by virtue of being a member of the National Committee on Prestige (NCOP) and concerning which I know or should reasonably know that the security or other interests of the DPW and the Republic require that it be kept secret from any person(s) or body other than a person(s) or body :-
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 - (ii) to whom it is my duty to reveal it in the interests of the DPW and/or the Republic, or
 - (iii) to whom I am authorized by the Head of the Department or by the Chairperson of the NCOP or an officer authorized by him to reveal it
3. I understand that the said provisions and instructions shall apply not only during my tenure as a member of the NCOP but also after the completion of representation in this committee/or on termination of my service with the DPW, provided that this restraint does not limit my right to apply my trade in terms of the Constitution;
4. It has also been explained to me, by Nash
the policy regulating the disclosure and /or revealing of Confidential Information, which I have at my disposal or have acquired by virtue of my contract with DPW;
5. I am fully aware of the serious consequences that may follow any breach or contravention of the said provision or instruction;

(Signature) [Signature]

(Place) NDPW

(Date) 12/01/2012

Witnesses

1. [Signature] S. Patel (name and signature)

2. [Signature] Y. Ramsadh (name and signature)

[Signature]

NT



public works

Department
Public Works
REPUBLIC OF SOUTH AFRICA

NON - DISCLOSURE AGREEMENT: NCOP

I, PRENOLA THEVAN 8709250135082
(ID and Full names)

Solemnly declare that:

1. I have taken note of the provisions of the Protection of Information Act (Act 84 of 1982) and in particular the provisions of section 4 of the Act;
2. I understand that I shall be guilty of an offence if I reveal/ disclose any information which I have in my disposal by virtue of being a member of the National Committee on Prestige (NCOP) and concerning which I know or should reasonable know that the security or other interests of the DPW and the Republic require that it be kept secret from any person(s) or body other than a person(s) or body :-
 - (i) to whom I may lawfully reveal it, or
 - (ii) to whom it is my duty to reveal it in the interests of the DPW and/or the Republic, or
 - (iii) to whom I am authorized by the Head of the Department or by the Chairperson of the NCOP or an officer authorized by him to reveal it
3. I understand that the said provisions and instructions shall apply not only during my tenure as a member of the NCOP but also after the completion of representation in this committee/or on termination of my service with the DPW, provided that this restraint does not limit, my right to apply my trade in terms of the Constitution;
4. It has also been explained to me, by Rameon
the policy regulating the disclosure and /or revealing of Confidential Information, which I have at my disposal or have acquired by virtue of my contract with DPW;
5. I am fully aware of the serious consequences that may follow any breach or contravention of the said provision or instruction;

(Signature) Prenola

(Place) NDPW

(Date) 12/01/2012

Witnesses

1. Siyathemba Toror (name and signature)

2. [Signature] (name and signature)

[Signature]

NT



public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA

NON - DISCLOSURE AGREEMENT: NCOP

1. DUMISANI WILLIAM GQWAARU 7107255767085
(ID and Full names)

Solemnly declare that:

1. I have taken note of the provisions of the Protection of Information Act (Act 84 of 1982) and in particular the provisions of section 4 of the Act;
2. I understand that I shall be guilty of an offence if I reveal/ disclose any information which I have in my disposal by virtue of being a member of the National Committee on Prestige (NCOP) and concerning which I know or should reasonably know that the security or other interests of the DPW and the Republic require that it be kept secret from any person(s) or body other than a person(s) or body :-
 - (i) to whom I may lawfully reveal it, or
 - (ii) to whom it is my duty to reveal it in the interests of the DPW and/or the Republic, or
 - (iii) to whom I am authorized by the Head of the Department or by the Chairperson of the NCOP or an officer authorized by him to reveal it
3. I understand that the said provisions and instructions shall apply not only during my tenure as a member of the NCOP but also after the completion of representation in this committee/or on termination of my service with the DPW, provided that this restraint does not limit my right to apply my trade in terms of the Constitution;
4. It has also been explained to me, by Mr Rindel J.
the policy regulating the disclosure and /or revealing of Confidential Information, which I have at my disposal or have acquired by virtue of my contract with DPW;
5. I am fully aware of the serious consequences that may follow any breach or contravention of the said provision or instruction;

(Signature) [Signature]

(Place) Durban

(Date) 12-12-2011

Witnesses

1. P. Thewan Ghera (name and signature)

2. [Signature] (name and signature)

[Signature]

NT



public works

Department
Public Works
REPUBLIC OF SOUTH AFRICA

NON - DISCLOSURE AGREEMENT: NCOP

I, EMETH KUNT SCHWITZ 7305025054087
(ID and Full names)

Solemnly declare that:

1. I have taken note of the provisions of the Protection of Information Act (Act 84 of 1982) and in particular the provisions of section 4 of the Act;
2. I understand that I shall be guilty of an offence if I reveal/ disclose any information which I have in my disposal by virtue of being a member of the National Committee on Prestige (NCOP) and concerning which I know or should reasonably know that the security or other interests of the DPW and the Republic require that it be kept secret from any person(s) or body other than a person(s) or body :-
 - (i) to whom I may lawfully reveal it; or
 - (ii) to whom it is my duty to reveal it in the interests of the DPW and/or the Republic, or
 - (iii) to whom I am authorized by the Head of the Department or by the Chairperson of the NCOP or an officer authorized by him to reveal it
3. I understand that the said provisions and instructions shall apply not only during my tenure as a member of the NCOP but also after the completion of representation in this committee/or on termination of my service with the DPW, provided that this restraint does not limit my right to apply my trade in terms of the Constitution;
4. It has also been explained to me, by RINDEL
the policy regulating the disclosure and /or revealing of Confidential Information, which I have at my disposal or have acquired by virtue of my contract with DPW;
5. I am fully aware of the serious consequences that may follow any breach or contravention of the said provision or instruction;

(Signature) [Signature]

(Place) 2012/01/12

(Date) DURBAN

Witnesses

1. P. Thevan Ghera (name and signature)
2. S. Patel (name and signature)

[Signature]
NT



public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA

NON - DISCLOSURE AGREEMENT: NCOP

I, 51/12/135022083 D. Peller
(ID and Full names)

Solemnly declare that:

1. I have taken note of the provisions of the Protection of Information Act (Act 84 of 1982) and in particular the provisions of section 4 of the Act;
2. I understand that I shall be guilty of an offence if I reveal/ disclose any information which I have in my disposal by virtue of being a member of the National Committee on Prestige (NCOP) and concerning which I know or should reasonably know that the security or other interests of the DPW and the Republic require that it be kept secret from any person(s) or body other than a person(s) or body :-
 - (i) to whom I may lawfully reveal it, or
 - (ii) to whom it is my duty to reveal it in the interests of the DPW and/or the Republic, or
 - (iii) to whom I am authorized by the Head of the Department or by the Chairperson of the NCOP or an officer authorized by him to reveal it
3. I understand that the said provisions and instructions shall apply not only during my tenure as a member of the NCOP but also after the completion of representation in this committee/or on termination of my service with the DPW, provided that this restraint does not limit, my right to apply my trade in terms of the Constitution;
4. It has also been explained to me, by Y. P. M.
the policy regulating the disclosure and /or revealing of Confidential Information, which I have at my disposal or have acquired by virtue of my contract with DPW;
5. I am fully aware of the serious consequences that may follow any breach or contravention of the said provision or instruction;

(Signature).....D. Peller

(Place).....Durban

(Date).....12/1/12

Witnesses

1. [Signature].....(name and signature)

2. [Signature].....(name and signature)

[Signature]
NT



Office of the State Attorney Pretoria

Private Bag X 91
PRETORIA
0001

SALU BUILDING
255 Francis Baard (Schoeman) Street
Cor Francis Baard (Schoeman) &
Thabo Sehume (Andries) Streets
PRETORIA

Tel: (Switchboard): (012) 309 1500
(Direct Line): (012) 309 1538

Direct fax: 086 644 6417

Docex: 298

3 May 2013

Enquires: B Minnaar
Email: bminnaar@justice.gov.za

My Ref: 7930/2012/Z59
Your Ref: D Milo/ E Sadleir/ 2328295

By Fax: 011 530 6232

Messrs Webber Wentzel

Illovo Boulevard

Johannesburg

Dear Mr Milo

**MANDG CENTRE FOR INVESTIGATIVE JOURNALISM AND ANOTHER / THE
MINISTER OF PUBLIC WORKS AND ANOTHER**

The above matter refers.

Please note that that the Respondents will not be filing heads of argument at this stage. We intend to file a further affidavit during the course of next week which we hope will reduce the issues in dispute between the parties and might pave the way for a settlement of the matter. We also anticipate that the applicants may wish to file a further affidavit in response to this affidavit.

If the applicants elect not to file a further affidavit and / or the matter is not settled we will then file heads of argument.

Yours faithfully

B MINNAAR
FOR: STATE ATTORNEY (PRETORIA)



Office of the State Attorney Pretoria

Private Bag X 91
PRETORIA
0001

316 Francis Baard Street
Salu Building
Entrance Thabo Sehume Street

Tel: (Switchboard): (012) 309 1500
(Direct Line): (012) 309 1562
(Secretary): (012) 309 1530/23

Fax (General) (012) 309 1469/50
(Direct) (086) 507 3326

10 SEPTEMBER 2013

Enquires: K I CHOWE
Email: ichowe@justice.gov.za

My ref: 7930/2012/Z74/js
Your ref: D Milo/B Winks 2328295

PER FAX: (011) 530 5111 /6137

Messrs Webber Wentzel Attorneys
JOHANNESBURG

Dear Sir

**RE: M AND G CENTER FOR INVESTIGATION JOURNALISM NPC &
VINAYAK BHARDWAJ vs. THE MINISTER OF PUBLIC WORKS
AND ANOTHER**

We refer to the above matter and hereby advise that our clients will not be in the position to file their supplementary affidavit by the 11th September 2013.

We are working on the affidavit and we will deliver the affidavit by the 19th September 2013.

We trust you find the above in order.

Yours faithfully

**K I CHOWE
FOR: STATE ATTORNEY (PRETORIA)**

'FAAS'

WEBBER WENZEL

in alliance with > Linklaters

Mr Isaac Chowe
State Attorney, Pretoria
Respondents' Attorneys

By fax: 086 507 2194

By email: ichowe@justice.gov.za

10 Fricker Road, Illovo Boulevard
Johannesburg, 2196

PO Box 61771, Marshalltown
Johannesburg, 2107, South Africa

T +27 11 530 5000

F +27 11 530 5111

www.webberwentzel.com

Your reference

K I Chowe
7930/12/Z59

Our reference

D Milo / D Wild / B Winks
2328295

Date

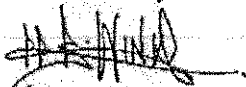
12 September 2013

Dear Sir

**MandG Centre for Investigative Journalism NPC and Another v Minister of Public Works
and Another (North Gauteng High Court Case No 67574/12)**

1. We have received and noted the contents of your letter dated 10 September 2013.
2. In light of the fact that the date of 11 September 2013 for the filing of your clients' affidavit was fixed not by the parties but by the Court, we point out only that the Court may require an application for condonation of the late filing.
3. Our clients' rights, particularly relating to any costs that may be occasioned by the delay, remain reserved.

Yours faithfully


WEBBER WENZEL**Dario Milo / Duncan Wild / Ben Winks**

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Senior Partners: DM Lancaster Partners: SM Adcock RB Africa HG Alp RL Appelboom S Aronoff SA Baillie JM Bolew A Bennett HO Bester
DHL Eobysen AR Bowley PG Bradshaw IC Buckland HS Burger-van der Walt RS Coenro KL Collier KM Colman KE Coster K Couzyn Z Daseo
JH Davies PM Daye JHB de Lange BEC Dickinson MA Diemont DA Dingley MF Diamini KZ Dlamini HJ du Preez CP du Toit M Ebrahim SK Edmundson
JC Els AE Esterhuizen MOR Evans GA Fichardt JB Forman CP Goul CJ Gowers JP Gowers PD Gready SN Gumede MJ Gwanzura VW Hamilton
JM Harvey MH Hathorn JS Henning WA Heppner KR Hills NA Hlatshwayo XNC Hlatshwayo S Hockey CM Hoffeld PM Holloway MGH Honiball
SJ Hutton R Ismail AR James KA Jarvis NE Jarvis CH Jonker S Jooste E Jordaan LA Kahn M Kennedy A Keyser JE King J Lamb KGG Leen
DB le Roux L Mareis T Masingi S McCafferty MC McIntosh SI Meltzer SM Medhula CS Meyer AJ Mills JA Miner D Pule NP Mngomezulu VS Moodaley
L Morphet NN Mphahlele VM Movshovich Mui Mshali EP Nkomo Zia Nkomo HB Nkomo CS Meyer AJ Mills JA Miner D Pule NP Mngomezulu VS Moodaley
S Patel GR Penfold SE Phajane HK Potgieter D Ramjattan RJA Robb OC Rudman JCL Russell JW Schelle KE Shepherd GM Sibanda DRJ Simaan
AJ Simpson J Simpson N Singh MF Spalding L Stein PS Stein LJ Seding ER Swenepoel Z Swenepoel A Thakur CK Theodorescu A Tofey D Valsbuh
PZ Vanda JP van der Poel SE van der Meulen ED van der Vyver M van der Walt N van Dyk MM van Schaardenburgh JE Verheij D Venter HM Venter
B Versfeld MG Versfeld TA Versfeld DM Visagie JWL Westgate KL Williams RH Wilson H Yudaken Chief Operating Officers: SA Boyd

Webber Wentzel is associated with ALN



**IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)**

CASE NO: 67574/12

In the matter between:

M AND G CENTRE FOR INVESTIGATIVE JOURNALISM NPC First Applicant

VINAYAK BHARDWAJ Second Applicant

and

THE MINISTER OF PUBLIC WORKS First Respondent

**THE INFORMATION OFFICER: DEPARTMENT OF
PUBLIC WORKS** Second Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

MZIWONKE DLABANTU

state the following under oath:

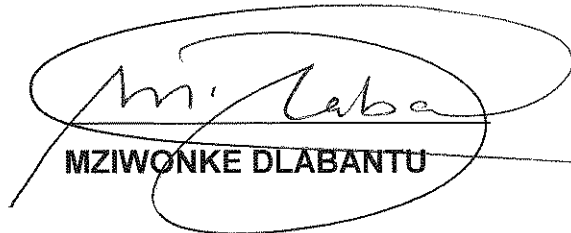
1. I am the Director General of the Department of Public Works ("the Department"). I deposed to the answering affidavit on behalf of the respondents in this application. I also deposed to a confirmatory affidavit in respect of Mr Phillip Masilo's further affidavit of 14 June 2013.


1


2. The facts contained in this affidavit are within my personal knowledge unless stated otherwise or apparent from the context. To the best of my knowledge and belief they are both true and correct.
3. I have read the supplementary affidavit of 4 September 2013 deposed to by Mr Bhardwaj on behalf of the applicants. I have also read the further answering affidavit deposed to by Mr Masilo. I understand that this affidavit will be served and filed together with Mr Masilo's affidavit. I confirm that the contents of Mr Masilo's affidavit are true and correct in so far as they relate to me and to the attempts by the Department to locate the documents sought by the applicants.
4. I confirm that I am the Information Officer for the Department and that I instructed Mr Masilo to attempt to locate the documents listed as missing in the schedule to the applicants' letter of 29 July 2013 (being annexure SA4 to Mr Bhardwaj's affidavit). Mr Masilo has informed me of his progress in this regard.
5. I submit that the Department has taken all reasonable steps to find and deliver to the applicants all documents in its possession related to the Nkandla security upgrade, including the documents in annexure SA4 that are listed as missing. I further submit that those documents that have not been located cannot reasonably be found, and may not even exist. It is therefore not possible to give the applicants access to those documents.



6. Mr Masilo and Mr Rindel, the project manager responsible for the Nkandla security upgrade, have spent many hours searching for the missing documents. The documents that have been found have been tendered to the applicants.
7. Mr Masilo has not been able to confirm the existence of some of the documents. Given the vast number of documents in the possession of the Department, it is neither feasible nor practical to expend any more resources searching for something that may or may not exist.
8. I confirm that the respondents request this Court to dismiss the application with costs, on the scale as between attorney and client, including the costs of two counsel.


MZIWONKE DLABANTU

This affidavit was signed and sworn to before me at PRETORIA on this the 20th day of SEPTEMBER 2013, the deponent having acknowledged that he knows and understands the contents of this affidavit and that they are true and correct. I certify that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended, have been complied with.


COMMISSIONER OF OATHS

NOKO DANIEL MABUELA
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.
4th FLOOR • CHARTER HOUSE
179 BOSMAN STREET
0002 • PRETORIA

**IN THE NORTH GAUTENG HIGH COURT, PRETORIA
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In the matter between:

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**THE INFORMATION OFFICER: DEPARTMENT OF
PUBLIC WORKS** Second Respondent

CONFIRMATORY AFFIDAVIT

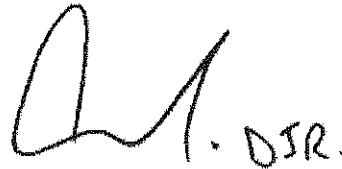
I, the undersigned,

JEAN RINDEL

state the following under oath:

1. I am employed by the Department of Public Works ("the Department") as a project manager in its KZN Regional Office. I am the project manager responsible for the Nkandla security upgrade.

2. The facts contained in this affidavit are within my personal knowledge unless stated otherwise or apparent from the context. To the best of my knowledge and belief they are both true and correct.
3. I have read the further answering affidavit deposed to by Phillip Sobi Masilo. I understand that this affidavit will be served and filed together with Mr Masilo's affidavit. I confirm that the contents of Mr Masilo's affidavit are true and correct in so far as they relate to me and to the KZN Regional Office.



JEAN RINDEL

This affidavit was signed and sworn to before me at _____ on this the ____ day of SEPTEMBER 2013, the deponent having acknowledged that he knows and understands the contents of this affidavit and that they are true and correct. I certify that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended, have been complied with.



COMMISSIONER OF OATHS (B. S. HETHE)

