

High Court rules in favour of *City Press* journalist

The North Gauteng High Court ordered three private companies to allow a *City Press* journalist to view and make copies of the lists of shareholders or members of the companies. The South African National Editors' Forum (Sanef) welcomes the ruling which effectively ensures greater transparency in the country's business affairs.



The order emphasised that company shareholder lists are open to public inspection. It also pointed out that it would be a criminal offence if the companies (in which former ANC Youth League President Julius Malema has interests and which benefited from provincial construction and other tenders in Limpopo Province) refused to allow the journalist to get the information.

For more than a year, the companies - On-Point Engineering, SGL Engineering and Gwama Properties - prevented the journalist, *City Press* assistant editor Adriaan Basson, from gaining access to the companies' shareholder records despite a judge having ordered them to do so.

Increasing transparency

On 7 November 2012, North Gauteng High Court Judge Sulet Potterill made a further order requiring the companies to provide the information. The companies had advanced numerous technical reasons to declare Basson's application for access invalid, but the judge dismissed all of them. She also ordered the companies to pay Basson's and *City Press*'s costs.

Sanef welcomed this decision as important because it confirms legal provisions for providing access to information and increases transparency in the conduct of affairs in the country in terms of the Constitution. The Forum stated that this is particularly welcome at a time when government and others are increasingly trying to prevent the disclosure of information about the identity of people who benefit from state, provincial or municipal tenders and other projects.

Sanef commended *City Press* for pursuing the matter as diligently as it did.

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