



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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**Ref:02/1/5/2**

**MINISTER**

**QUESTION NO. 122 FOR WRITTEN REPLY: NATIONAL COUNCIL OF PROVINCES**

A draft reply to **Ms C Labuschagne (Western Cape: DA)** to the above-mentioned question is enclosed for your consideration.

**MS NOSIPHO NGCABA  
DIRECTOR-GENERAL**

**DATE:**

**DRAFT REPLY APPROVED/AMENDED**

**DR B E E MOLEWA, MP  
MINISTER OF ENVIRONMENTAL AFFAIRS**

**DATE:**

**NATIONAL COUNCIL OF PROVINCES**

**(For written reply)**

**QUESTION NO. 122 {CW166E}**

**INTERNAL QUESTION PAPER NO. 11 of 2018**

**DATE OF PUBLICATION: 29 March 2018**

**Ms C Labuschagne (Western Cape: DA) to ask the Minister of Environmental Affairs:**

- (1) How many applications for appeals for (a) permits and (b) licences for (i) exploration and (ii) mining her Department processed (aa) in the (aaa) 2013/14, (bbb) 2014/15, (ccc) 2015/16 and (ddd) 2016/17 financial years and (bb) from 1 April 2017 up to the latest specified date for which information is available;
- (2) (a) how many appeals were upheld, (b) for what reasons, (c) how many appeals were transferred to court cases, (d) what was the outcome of each of such court cases and (e) what were the costs involved in the said financial years?

**122. THE MINISTER OF ENVIRONMENTAL AFFAIRS REPLIES:**

- (1) (a) and (b)  
None. The total number of appeals against Environmental Authorisations (EAs) issued by the Department of Mineral Resources which were taken on appeal are as follows:  
2013/14 – None  
2014/15 – None  
2015/16 – 2  
2016/17 – 33  
2017/18 – 57

Unfortunately the Department's record does not differentiate between appeals against environmental authorisations issued for mining or exploration.

- (2) (a) Of the 92 appeals mentioned above, 9 were upheld, 14 withdrawn and 4 EAs were varied.  
(b) The reasons for upholding appeals and variation of EAs differ from case to case and are dependent on the grounds of appeal, the facts of each case, the reports and other information considered by the Minister. The reasons for withdrawals of appeals were

often as a consequence of mediation and negotiation between the parties during the appeal process.

- (c) Of the 92 appeals mentioned, 1 has been taken on judicial review.
- (d) The matter is still pending and the outcome of the case is therefore not known.
- (e) Due to the fact that the matter is still pending, the costs have not yet been determined.

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