



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Ref:02/1/5/2

MINISTER

QUESTION NO. 2977 FOR WRITTEN REPLY: NATIONAL ASSEMBLY

A draft reply to **Mr T Z Hadebe (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 ASSEMBLY

(For written reply)

QUESTION NO. 2977 {NW3296E}

INTERNAL QUESTION PAPER NO.34 of 2017

DATE OF PUBLICATION: 06 October 2017

Mr T Z Hadebe (DA) to ask the Minister of Environmental Affairs:

(1) With regard to the court's dismissal of the application of a certain family (name furnished) to compel a certain bank (name furnished) not to close its accounts by the end of September, what steps does she intend to put in place to ensure that the rehabilitation funds of mines owned by and/or linked to the specified family do not leave the country;

(2) whether she intends to approach the courts to ensure that the rehabilitation funds are frozen to deal with environmental degradation caused by mines owned by and/or linked to the specified family; if not, why not; if so, what are the relevant details?

NW3296E

2977. THE MINISTER OF ENVIRONMENTAL AFFAIRS REPLIES:

(1) With regard to the question 1 which asks what steps the Minister will take to ensure that funds identified for the rehabilitation of mines do not leave the country, the Minister draws attention to the following legislative requirements:

The National Environmental Management Act, 1998 (Act No. 107 of 1998) requires the following in respect of financial provision:

Section 24P“(5)

- (a) The requirement to maintain and retain the financial provision contemplated in this section remains in force notwithstanding the issuing of a closure certificate by the Minister responsible for mineral resources in terms of the Mineral and Petroleum Resources Development Act, 2002 to the holder or owner concerned. “

Further, the competency for these matters has been identified as the Minister of Mineral Resources in the following circumstances:

Section 24C(2A):

“The Minister responsible for mineral resources must be identified as the competent authority in terms of subsection (1) where the listed or specified activity is directly related to-

- (a) prospecting or exploration of a mineral or petroleum resource; or
(b) extraction and primary processing of a mineral or petroleum resource.”

Therefore, noting the provisions of the Act, it is the responsibility of the Minister of Mineral Resources to ensure that the legal requirements are implemented.

(2) With respect to question 2 regarding the intention of the Minister to approach the courts to ensure rehabilitation funds remain to deal with remediating degradation caused by mining, please note that section 24C(2A) of the Act, identifies the Minister of Mineral Resources has having the competency with respect to mining, including the provisions surrounding financial provision for rehabilitation of impacts associated with prospecting, exploration, mining and production.

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