



EASTERN CAPE PROVINCIAL LEGISLATURE

**OFFICE OF THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON
ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM**

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24 March 2014

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NEGOTIATING MANDATE

To: The Chairperson:
Select Committee on Economic Development

Name of Bill: Mineral and Petroleum Resources Development Amendment
Bill

Number of Bill: [B15B-2013]

Date of Deliberation 24 March 2014

1. Vote of the Legislature

The province votes in favour of the Bill and mandates the Eastern Cape delegate to the NCOP to negotiate in favour of the Bill within the following parameters:

1. Clause 18 of the Bill

- (a) It is submitted that the amendment to section 23 (2A) of the Principal Act removes the possibility that communities can participate in mining.
- (b) It is submitted that the amendment to section 23(2)(b) of the Principal Act removes the clause which would have allowed the Minister to require a mining company to address social and economic needs and challenges facing a community. It is therefore proposed that the original clause as introduced in

Parliament be brought back.

2. Clause 65 of the Bill

- (a) It is proposed that the right of the State to a 20 per cent free carried interest in all new exploration rights be "effective and executed after the commencement of this section".

3. General Comment

- (a) The Bill inserts the words "where necessary" in 16 places in the Bill. This gives an applicant mining company and the regional manager of the Department of Mineral Resources the discretion to decide whether there must be a simultaneous application for a water use licence under the National Water Act. The authority of the Department of Water Affairs is undermined. It is proposed that the offending words [where necessary] be removed from the Bill.



HON X PAKATI (MPL)
CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON ECONOMIC
DEVELOPMENT, ENVIRONMENTAL AFFAIRS & TOURISM

24/02/2014
DATE

**Committee Services****Negotiating Mandate**

Our reference:

Ons verwysing: TO:

Tshupo ya rona:

Chairperson of the Select Committee on Economic Development

NAME OF BILL: MINERAL AND PETROLEUM RESOURCES
DEVELOPMENT AMENDMENT BILL

NUMBER OF BILL: [B15B - 2013]

DATE OF DELIBERATION: 20 March 2014

VOTE OF THE LEGISLATURE

The Portfolio Committee on Public Works, Economic Development, Environmental Affairs and Tourism, as designated by the Free State Legislature:

Vote in favour of the Bill with the following amendments:-

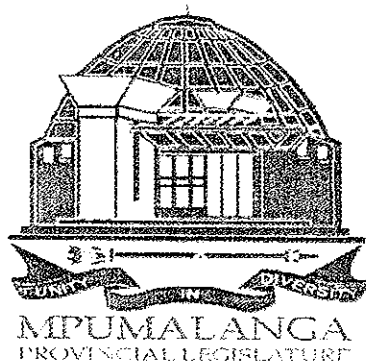
1. Section 23 (1) (c) that the applicant has **[provided for]** complied with the requirements of the prescribed social and labour plan which shall be reviewed every [five years term] 18 months for the duration of the mining right.
2. Section 23 (2A) by the substitution for subsection: (2A) If the application relates to the land occupied by a community, the Minister **[may]** must impose [such] conditions [as are necessary] to promote the rights and interests of the community including conditions requiring the participation of the community.
3. The Joint Tagging Mechanism of Parliament **[classified]** reclassified the Bill to be dealt with in terms of section 76 of the Constitution.
4. The public support the Bill.

ME Thobala

Chairperson of Portfolio Committee on Public Works, Economic Development,
Environmental Affairs and Tourism

FREE STATE LEGISLATURE

20 March 2014



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Beecham

Office of the Chairperson

Portfolio Committee on Agriculture, Rural Development and Land
Administration; Economic Development, Environment and Tourism

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NEGOTIATING MANDATE

To : The Chairperson: Select Committee on Economic
Development

Name of the Bill : Mineral and Petroleum Resources Development
Amendment Bill

Number of the Bill : [B 15B - 2013]

Date of Deliberation : 20 March 2014

Vote of the Legislature :

The Portfolio Committee on Agriculture, Rural Development and Land Administration; Economic Development, Environment and Tourism (the Committee) supports the Mineral and Petroleum Resources Development Amendment Bill [B15B - 2013] (the Bill), and confers on the permanent delegate representing the Province of Mpumalanga in the National Council of Provinces, the mandate to vote in favour of the Bill, taking into account the amendments proposed below.

CLAUSE 18 (Amendment of section 23 of Act 28 of 2002), as amended by section 19 of Act 49 of 2008

On page 15, clause 18 (2A), retain the deleted words as contained in the Bill as follows:

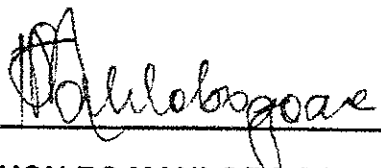
‘(2A) If the application relates to the land occupied by a community, the Minister may impose such conditions as are necessary to promote the rights and interests of the community, including conditions requiring the participation of the community.’

On page 13, clause 18 (2), retain clause 18(2)(a)-(b) as it was in Bill 15-2013, namely:

The Minister [may] must [,]—

(a) [having regard to the nature of the mineral in question,] take into consideration the provisions of section 26; and

(b) after taking into consideration the socio-economic challenges or needs of a particular area or community, direct the holder of a mining right to address those challenges or needs.’

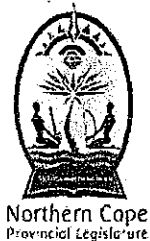


HON RC MAHLOBOGOANE (MPL)

20/03/2014

DATE

**CHAIRPERSON: PORTFOLIO COMMITTEE ON
AGRICULTURE, RURAL DEVELOPMENT
AND LAND ADMINISTRATION; ECONOMIC DEVELOPMENT,
ENVIRONMENT AND TOURISM**



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Hon F Adams (Mr)

Chairperson: Select Committee on Economic Development, Energy and Mining

NEGOTIATING MANDATE

Name of the Bill: **Mineral and Petroleum Resources Development Amendment Bill**

Number of the Bill: **B15-2013**

Date of deliberation: **Thursday, 20 March 2014**

Vote of the Legislature: **The legislature votes in favour of the Bill**


Signature:
Chairperson

2014 -03- 20
Date:

Negotiating Mandate

NEGOTIATING MANDATE: MINERAL AND PETROLEUM RESOURCES DEVELOPMENT AMENDMENT BILL [B15-2013]

(Section 76 Bill)

1. INTRODUCTION

The Chairperson of the Portfolio Committee on Finance, Economic Development & Tourism, Hon G Parker, tables the Committee's negotiating mandate on the **Mineral and Petroleum Resources Development Amendment Bill [B15-2013]** as adopted by the Portfolio Committee on **20 March 2014**.

2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the **Mineral and Petroleum Resources Development Amendment Bill [B15-2013]** to the Portfolio Committee on Finance, Economic Development & Tourism on **14 March 2014**.
- 2.2 On **18 March 2014**, the Portfolio Committee on Finance, Economic Development & Tourism received a briefing on the Bill from NCOP Permanent Delegate, Hon Sinclair and Department of Mineral and Energy.
- 2.3 The Portfolio Committee resolved at the meeting of **18 March 2014** to hold public hearing on the referred Bill, in Frances Baard Region (Kimberley), to solicit the views of communities and stakeholders with regard to the **Mineral and Petroleum Resources Development Amendment Bill [B15-2013]**
- 2.4 The public hearing was held on **19 March 2014** as per Committee resolution and both written and oral submissions were called for. The stakeholders engaged with the Members of the Provincial Legislature in respect of the Bill.

On **20 March 2014**, the Portfolio Committee on Finance, Economic Development & Tourism deliberated and considered the negotiating mandate of **Mineral and Petroleum Resources Development Amendment Bill [B15-2013]**

3. STAKEHOLDERS' INPUTS ON THE BILL

A written submission was received from National Union of Mineworkers (see attached document)

4. STAKEHOLDERS' POSITION ON THE BILL

The stakeholders voted in favour of the Bill.

5. **COMMITTEE INPUTS ON THE BILL**

The Committee would like to refer you to point 5 of the written submission of Union of Mineworkers (Proposed inclusion of the Bill).

6. **PORTFOLIO COMMITTEE POSITION ON THE BILL**

After due deliberation, the Portfolio Committee on Finance, Economic Development & Tourism, support the Bill.

7. **COMMITTEE ADOPTION OF THE BILL**

The Committee adopted this negotiating mandate duly signed by the Chairperson of the Committee.

The Committee recommends to the House to mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to **support** the Bill taking note of the comments and recommendations raised by the Committee.


HON G PARKER
Chairperson

Date: _____

