

# Limpopo Legislature

## OFFICE OF THE SPEAKER

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### FINAL MANDATE

To : The Chairperson of the National Council of Provinces (NCOP)

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

Number of Bill : [B15B - 2013]

Date of deliberation : 25 March 2014

Vote of Legislature : NCOP Permanent Delegates to vote in favour of the Bill.

SIGNATURE:  
SPEAKER: LIMPOPO LEGISLATURE

26-03-2014

DATE

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#### 4. FINAL MANDATE

In considering the Bill, the Committee was very much concerned with the fast tracking of the Bill which did not give the Legislature and the Committee ample time to subject the Bill to a comprehensive public participation process. The Inputs and concerns of the Committee were submitted for consideration by the National Council of Provinces (NCOP) during the negotiation stage.

The Committee, having considered, conducted public hearings and supported the provisions and object of the Bill, recommends to the House to confer a final mandate to our NCOP Delegation to vote in favour of the Bill and further recommended that the Bill be deferred to the Fifth Parliament.

I therefore move honourable Speaker that this Report be adopted as a report of this House and that a final mandate be conferred accordingly.



**HON. DR. H.E. MATEME**

**CHAIRPERSON: PORTFOLIO COMMITTEE ON ECONOMIC DEVELOPMENT, ENVIRONMENT  
AND TOURISM**



Northern Cape  
Provincial Legislature

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Hon MP MJ Mahlangu (Mr)  
Chairperson: National Council of Provinces

### FINAL MANDATE

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

Number of the Bill: **B15B-2013**

Date of deliberation: **Wednesday, 26 March 2014**

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

  
Signature:  
**DEPUTY SPEAKER**

2014-03-26

Date:

Final Mandate

# NORTHERN CAPE PROVINCIAL LEGISLATURE



Northern Cape  
Provincial Legislature

## FINAL MANDATE: MINERAL AND PETROLEUM RESOURCES DEVELOPMENT AMENDMENT BILL [B15B-2013]

### (Section 76 Bills)

#### 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 [B15B-2013]** as adopted by the Portfolio Committee on 26 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 [B15B-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 Mr AJ Andreas from National 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 [B15B-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.

2.5 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 [B15B-2013]**

### 3. PORTFOLIO COMMITTEE POSITION AT THE NEGOTIATING STAGE

The Portfolio Committee on Finance, Economic Development & Tourism met on the 20 March 2014 to support the Bill.

The House conferred on the Permanent Delegates the authority to participate in negotiations and to raise the concerns expressed.

### 4. COMMITTEE POSITION AFTER CONSIDERATION OF NEGOTIATING MANDATE BY THE NCOP SELECT COMMITTEE

The Portfolio Committee's Final Mandate is that the Northern Cape support the Mineral and Petroleum Resources Development Amendment Bill [B15B-2013]

### 5. FINAL VOTING MANDATE

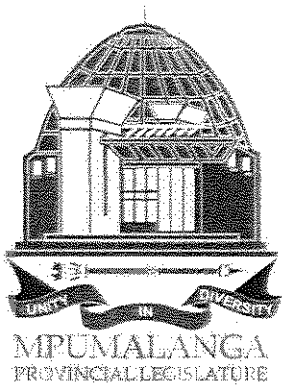
In terms of Section 65 of the Constitution, the Portfolio Committee on Finance, Economic Development & Tourism recommends that the House confer authority on the Head of its Delegation to the NCOP to vote in support of the Mineral and Petroleum Resources Development Amendment Bill [B15B-2013]

  
HON G PARKER  
Chairperson

Date 26 MAR 2014

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## FINAL MANDATE

**To:** The Chairperson of the  
National Council of Provinces

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

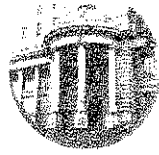
**Number of the Bill:** [B15B — 2013]

**Date of Deliberation:** 26 March 2014

**Vote of the Legislature:** The delegation representing the province of Mpumalanga in the National Council of Provinces is hereby conferred with a mandate to vote in favour of the Mineral and Petroleum Resources Development Amendment Bill.

**HON SW LUBISI (MPL)**  
**SPEAKER: MPUMALANGA**  
**PROVINCIAL LEGISLATURE**

26 March 2014  
**DATE**



**GAUTENG**  
**LEGISLATURE**  
OFFICE OF THE SPEAKER

**FINAL VOTING MANDATE**

**TO:** The Chairperson of the National Council of Provinces.

Hon M J Mahlangu

**NAME OF BILL:** Mineral and Petroleum Resources Development Amendment Bill

**NUMBER OF BILL:** [B15B-2013]

**DATE OF DELIBERATION:** 26 March 2014

**VOTE OF THE LEGISLATURE:**

The Gauteng Provincial Legislature supports the principle and detail of the bill and therefore votes in favour of-

- Mineral and Petroleum Resources Development Amendment Bill

**LINDIWE MASEKO**

**SPEAKER**

**GAUTENG PROVINCIAL LEGISLATURE**

Date: 26 MARCH 2014

# NORTH WEST PROVINCIAL LEGISLATURE

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## FINAL MANDATE

TO : HON. M. J. MAHLANGU  
CHAIRPERSON: NATIONAL COUNCIL  
OF PROVINCES

NAME OF BILL : MINERALS PETROLEUM RESOURCES  
DEVELOPMENT AMENDMENT BILL

NUMBER OF BILL : B15 B - 2013

DATE OF DELIBERATION : 25 MARCH 2014

VOTE OF LEGISLATURE : The North West Provincial Legislature  
votes in favour of the Minerals  
Petroleum Resources Development  
Amendment Bill [B15B -2013] with  
proposed amendments.

  
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Hon. M. P. Mapulane

  
Date

Deputy Speaker:  
North West Provincial Legislature



NEGOTIATED MANDATE: RESPONSE ON THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT AMENDMENT BILL 15 OF 2013.

PROVINCE	PROPOSED AMENDMENT	RESPONSE
Free State Province	Provincial proposed amendments to Section 23(1)(e)	The purpose for the amendment of this section is to ensure that proposals as per the approved SLP document and implemented within a period of 5 years following which new this is to be reviewed proposals for socio economic development are to be submitted by right holders. This review period of 5 years is aligned to the development and review of the municipality IDP's from which community needs are sourced by right holders. It is submitted that a period of 18months does not allow for sufficient time for community development projects to be planned and implanted within this period as envisaged in the proposed section. The section 28 of the MPRDA makes provision for the annual reports of to be submitted on compliance with the implementation of the Mining Charter Requirements, furthermore, compliance inspections can be conducted on regular basis to ensure the implementation of the SLP undertakings.
Free State Province Mpumalanga Province Gauteng Province North West Province	Provincial proposed amendments to section 23(2A)	The Amendment Bill makes provision for right holders to comply with the Mining Charter in which community participation is catered for through the definition of groups eligible for empowerment deals. Section 107 also makes provision for Minister to develop processes for consultation with interested and affected parties to be prescribed in the Regulations
Mpumalanga Province Eastern Cape	Provincial proposed amendments to clause 18(2)(a-b)	Provisions relating to the development of communities by the mining industry are sufficiently captured in the mining charter which in terms of section 1 of the Bill have incorporated in the Broad Based Socio-Economic Empowerment Charter for the Mining Charter in the definition of 'this Act' to ensure industry's compliance with its requirement. Thus there is no need to emphasise this requirement in this manner.
Gauteng Province North West Province	Provincial proposed amendment to section 16- deletion of [any interested] party	Relating to the question on constitutionality, the Bill has been certified by the Chief State Law Advisor as meeting the requirements of the constitution. On section 10, consultation applies to both interested and affected parties and this section must be read together with section 16, section 22 and section 27.

		This is where consultation have been limited to landowner and the land occupier, which focuses the consultation on pertinent issues with these directly affected stakeholders and it includes communities.
Gauteng Province	Provincial proposed amendment to section 86(1)- State Participation	The State's optimisation of the notion of fair share from exploitation of petroleum resources is well captured in the comparative fiscal regimes published by the petroleum economist, indicating that the Bill proposes a minimum share comparatively. The mechanisms for derivation of fair share for States' includes the Free carried interest in oil and gas industry and is a global best practice in all petroleum exploiting jurisdictions.
Eastern Cape Province	Provincial proposed amendment to section <u>86A</u>	It is not necessary to include the words " <i>effective and executed after the commencement of this section</i> " as this section already contains wording that ensures the State participation becomes effective on the effective date of the rights in question.
Eastern Cape North West Province	Insertion of the words ' <i>where necessary</i> '	The insertion " <i>where necessary</i> " does not limit the powers of the National Water Act as it will apply where relevant as per its provisions. The insertion only prevents DMR from going beyond its mandate and regulating water related issues.