**MINISTRY OF MINERAL RESOURCES**

**REPUBLIC OF SOUTH AFRICA**

PRIVATE BAG x 59, PRETORIA, 0001 , Tel (012) 444 3979, Fax (012) 444 3145

PRIVATE BAG x 9111 , CAPE TOWN, 8000 (021) 462 2310, Fax (021) 461 0859

Enquiries:

**Memorandum from the Parliamentary Office**

**Minister

National Assembly question for written reply: Question 1013

DOG: MHS/CIOM**

 **Date:

Recommended *I* Not Recommended

Mr D Msiza
Acting Director General: Department of Mineral Resources**

 **MINISTRY OF MINERAL RESOURCES**

**REPUBLIC OF SOUTH AFRICA**

**NA QUESTION FOR WRITTEN REPLY**

 **QUESTION NUMBER: 1013**

 **DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 08 April 2016**

 **INTERNAL QUESTION PAPER NUMBER: 10**

 **1013. Adv H C Schmidt (DA) to ask the Minister of Mineral Resources**:

With reference to the court decision in *Glencore Operations South Africa Proprietary Limited Coal Division v Minister of Mineral Resources and Others (JR91/2014) [2016] ZALC JHB 49,* dated 3 February 2016, where the decision was handed down to impose an administrative fine of R500 000 on the South Witbank Colliery after a worker died in a mine accident, (a) why did (i) he and (ii) the Mine Health and Safety Inspectorate (MHSl) fail to submit answering affidavits when the specified colliery challenged the decision in court, (b) how has the MHSI changed its operating processes to avoid this precedent being used by mines to avoid fines in future and (c) what amount is to be paid back to the mine as a consequence of the specified judgement?

 NW1145E

**Reply**

(a) The Department instructed the State Attorney to oppose the matter. A legal counsel was appointed for the matter and consultation took place between him and the Department. Counsel requested certain information from the Department and such information was provided. There was no feedback from the State Attorney on the matter until judgment was granted. The Department has requested the Chief Litigation Officer in the State Attorney's office to investigate the circumstances that caused the non-filing of the answering affidavits.

(b) The MHSI will, as soon it receives outcomes of the above-mentioned investigation, assess if there is any need to change its operating processes. However, as it stands the current operating processes followed by the MHSI in this regard are adequate and do not require any changes.

(c) The Department has paid to Glencore an amount of R696, 828.77. This amount is inclusive of R500, 000.00 administrative fine repayment and interests at 15, 5% per annum from 02nd August 2013, as per the court judgment.

**Mr MJ Zwane, MP

Minister of Mineral Resources

Date Submitted**: 08/08/2016