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**Memorandum from the Parliamentary Office**

**Minister**

**National Assembly question for written reply: Question 1810**

DDG: CS

**Date:**

**Recommended / Not Recommended**

**Acting Director General**

**Department of Mineral Resources**

………………/………………/2016

**NA QUESTION FOR WRITTEN REPLY**

**QUESTION NUMBER: 1810**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 09 September 2016**

**INTERNAL QUESTION PAPER NUMBER:**

**1810. Mr J R B Lorimer (DA) to ask the Minister of Mineral Resources:**

(1) How many appeals (a)(i) are pending in terms of section 96 of the Minerals and Petroleum Resources Development Act, Act 28 of 2002, as amended and (ii) were pending as at 1 April 2016 and (b) have been dealt with in each of the past five months of the 2016-17 financial year, in each case indicating the number of appeals (i) granted and (ii) denied;

(2) (a) for how many days has the oldest pending appeal been outstanding and (b) what plans have been put in place to address the specified pending appeals? NW2118E

**REPLY**

**1(a) (i)** As at 31 August 2016 the number of outstanding appeals are 957.

**1(a) (ii)** At 1 April 2016, the number of outstanding appeals were 947.

**1(b)** The following number of appeals were finalised in the months as indicated

April 2016 - 4 Appeals

1. Appeals granted – 1
2. Appeals dismissed – 3

May 2016 – 6 Appeals

1. Appeals Granted – 4
2. Appeals Dismissed – 2

June 2016 – 31 Appeals

1. Appeals granted – 27
2. Appeals dismissed – 4

July 2016 – 20 Appeals

1. Appeals granted – 10
2. Appeals dismissed – 10

August 2016 – 10 Appeals

1. Appeals granted – 4
2. Appeals dismissed – 6

**2(a)** Considering the timeframes provided for in Regulation 74, it takes approximately 120 days to process and finalise internal appeals in the prescirbed manner. The attainment of this period is dependent on number of appeals received during a given period as well as the complexity of such appeals and capacity constrains. The 2010 Constitutional Court judgement in Bengwenyama held that internal remedies must exhuasted before judicial review proceedings may be instituted. This led to the lodgement of significantly more appeals than before as more applcants were required to exercise internal remedies.

**2(b)** Action Plans:

* There is a continuous liaison with internal and external parties involved to expedite conclusion of the Regulation 74 process which appears to be yielding positive results.
* From time to time, the Office of the State Attorney is requested to assist with the finalisation of certain appeals.
* While implementing the above measures, historic appeals are prioritised.
* Draft regulations to significantly streamline the appeal process has already been formulated and is to be promulgated soon.

Approved/not approved

**Mr MJ Zwane, MP**

**Minister of Mineral Resources**

**Date Submitted:-**………………/………………/2016