**Mineral 2009**

**QUESTION NUMBER 2055**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 30 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 26)**

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

(1) How many (a) applications did her department receive for (i) prospecting rights, (ii) mining rights, (iii) mining permits and (iv) conversions of prospecting and mining rights in terms of the Mineral and Petroleum Resources Development Act, Act 28 of 2002, and (b) of these applications were still outstanding as at 1 October 2009;

(2) how many (a) appeals has she and her director-general received in terms of section 96 of the Mineral and Petroleum Resources Development Act, Act 28 of 2002, as a result of refusals between 1 May 2004 and 30 April 2009 and (b) of these appeals were still outstanding on 1 October 2009;

(3) how many applications for judicial review have been instituted against her or her department as a result of their refusal to grant (a) prospecting rights, (b) mining rights or (c) the conversion of prospecting and mining rights;

(4) (a) how many of these judicial review applications were granted, settled or refused by the High Court and (b) what was the value of the cost orders made by the court against either her or her department in respect of every judicial review? NW2709E

**REPLY**

**(1)**Since the promulgation of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) on the 1st of May 2004, the Department has received over 20 000 applications for prospecting rights, mining rights and mining permits. In terms of the timeframes set out in the Act, applications for prospecting rights are processed within 6 months from the date of acceptance and mining rights within 12 months from the date of acceptance. There is no time frame within which the conversions of old order rights must be processed. Therefore, only those applications whose timeframe have not elapsed still stand to be finalized.

**(2)**The Department has since the promulgation of the Mineral and Petroleum Resources Development Act received about approximately 780 appeals. This is in contrast to approximately 4500 prospecting rights and mining rights which have been refused.

**(3)**The Department has received approximately 180 applications for judicial review.

**(4)**Granted 21, settled 45 and refused 2.

**QUESTION NO 529**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 10 JULY 2009**

**(INTERNAL QUESTION PAPER NO 6)**

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

Whether any function was organised to mark the occasion of the delivery of her budget vote in 2009; if so, (a) what total amount was spent on this function, (b) from which budget was the money allocated, (c) what amount was spent on (i) food and refreshments, (ii) venue, (iii) entertainment, (iv) staff and (v) transport and (d) how many persons were invited to attend this function?

**REPLY**

Yes

(a) The overall amount spent for the function was R412 077.72

(b) The budget was from DME and our partners

(c) (i) R293 752.72 (paid by partners)

(ii) R25 252.27 (paid by DME)

(iii) R99 475.00 (paid by partners)

(iv) 13 DME staff

(v) R77 149.00

(d) 250 invited guests

**QUESTION NUMBER 362**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 27 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 25)**

**Adv H C Schmidt (DA) to ask the Minister of Mineral Resources: [Written Question No 1335]**

(1) How many applications for (a) prospecting, (b) mining and (c) other types of applications were lodged with her department in terms of the Mineral and Petroleum Resources Development Act, Act 28 of 2002, for each type of mineral;

(2) how many applications for (a) prospecting, (b) mining and (c) other types of applications that were lodged with her department in terms of the Mineral and Petroleum Resources Development Act, Act 28 of 2002, for each type of mineral since 1 September 2009 have not been processed;

(3) how many applications for (a) prospecting, (b) mining and (c) other types of applications that were lodged with her department before 1 September 2009 in terms of the Mineral and Petroleum Resources Development Act, Act 28 of 2002, have not been finalised yet in each regional office? NW1684E

**REPLY**

1) In respect of (1) and (2) above, all applications for prospecting rights or mining rights must in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) be processed. Therefore we do not understand the question in relation to applications not being processed

2) See 1 above

3) Only those application which are within the prescribed timeframe and the conversion applications which still have to comply with the prescribed requirements have not been finalised

**QUESTION NUMBER 1126**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 4 SEPTEMBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 14)**

**Mr P D Dexter (Cope) to ask the Minister of Mineral Resources:**

Whether the computers purchased at the value of R50 million in the past four years by the previous joint Ministry of Minerals and Energy are to be inherited by her department; if not, (a) what computers are these, (b) how will it be apportioned and utilised and (c) what would happen to the R75 million that has been approved for further purchases of computers; if so, what will her department do with such an enormous computer capacity? NW1391E

**REPLY**

In actual fact, the Department of Minerals and Energy spending on computer equipment in the past four years was R 16,658,316.20 which comprises

 R4, 843,902.99 for 2008/09;

 R3, 527,433.27 for 2007/08;

 R4, 023,517.27 for 2006/07 and

 R4, 263,462.67 for 2005/06.

These amounts are also available in the audited Annual Financial Statements which are contained in the annual reports for the respective periods..

(a) The above amounts include the following major items

· Desktops and Laptops for use by departmental officials

· Servers and related infrastructure

· Printers and other computer equipment

(b) The Desktops and Laptops are allocated to positions which will continue to exist in the new Department of Mineral Resources and Department of Energy. This will therefore be apportioned and utilised in line with the new structures of the two departments. The existing servers will be allocated to either Mineral Resource or Energy based on the technical specifications and the requirements of each department

(c) There is no approval granted to spend R75 million on computers

**QUESTION NUMBER 2057**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 30 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 26)**

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

(1) How many (a)(i) ownerless and (ii) abandoned mines have been found to exist as at 1 October 2009;

(2) whether her department has a plan to deal with these mines; if not, what is the position in this regard; if so,

(3) whether her department has made this plan available for public comment; if not,

(4) whether this plan will be made public in the future; if not, why not; if so, when? NW2711E

**REPLY**

(1) (i) approximately 70 sites

(ii) Not applicable

(2) The Department is in the process of developing an inclusive strategy in addressing derelict and ownerless mine sites

(3) Refer to 2 above

(4) Not applicable for now.

**QUESTION NUMBER 2056**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 30 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 26)**

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

Whether the water ingress and regional mine closure strategy for the Witwatersrand and Klerksdorp-Orkney-Stilfontein-Hartebeestfontein (KOSH) area has been made available for public comment; if not, (a) when will such documents be made available and (b) why has there been a delay in publicising the relevant documents? NW2710E

**REPLY**

Yes. The draft Regional Mine Closure Strategy (RMCS) documents for both Klerksdorp-Orkney-Stilfontein Hartebeesfontein (KOSH) and Witwatersrand Basins (namely Western, Far Western Eastern and Central basin) were made available for public comments. The Council for Geosciences (CGS), which had been contracted by the Department of Mineral Resources to develop the RMCS, posted the Regional Mine Closure Strategy documents on its website for public comment from the 15th December 2008 to the 31stof January 2009. In addition, an invitation to all interested and affected parties was circulated on the 15th of December 2008, urging them to view and comment on the documents. The period for commenting on the documents was extended to the 28th of February 2009.

a) Falls off

b) Falls off

**QUESTION NUMBER 2012**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 30 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 26)**

**Mr E J Marais (DA) to ask the Minister of Mineral Resources:**

(1) What total amount in respect of advertising has her department and all specified entities reporting to it (a) budgeted for and (b) spent (i) in the 2008-09 financial year and (ii) during the period 1 April 2009 up to the latest specified date for which information is available;

(2) (a) what total number of advertisements for her department and each entity reporting to it (i) appeared in the print media and (ii) were broadcast on (aa) radio and (bb) television, (b) how much did each advertisement cost and (c) what was the purpose of each advertisement?

**REPLY:**

(1) (a) N/A

(b) (i) N/A.

(ii) For the period May until October 2009 an amount of R 535 542,18 on the advertisement posts

2(a) (i) 24 posts were advertised, in the department alone (not including public entities)

(ii) (aa) N/A

(bb) N/A

(b) Each advertisement cost between R20 000 and R25 000 per advertisement

(c) Mainly Recruitment

**QUESTION NUMBER 1723**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 16 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 22)**

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

(1) What amount was spent by her department on (a) hotel accommodation, (b) restaurant expenses and (c) travel costs (i) in the 2008-09 financial year and (ii) during the period 1 April 2009 up to the latest specified date for which information is available, for (aa) her, (bb) specified officials of her department and (cc) any other specified individuals;

(2) why did each individual use the specified accommodation in each case? NW2215E

**REPLY**

1. (a) Hotel accommodation

(i) Not applicable, the Department of Mineral Resources only came into existence during the 2009/10 financial year

(ii) for 2009/10

(aa) R 42 278.45

(bb) R0

(cc) R0

(b) Restaurant expenses

(i) N/A see (a) (i)

(ii) 2009/10

(aa) R 20 720.26

(bb) R0

(cc) R0

(c) Travel Costs

(i) N/A see (a) (i)

(ii) for 2009/10

(aa) R213 327.51

(bb) R0

(cc) R 47 835.70

1. Each individual used the specified accommodation in each case for business purpose where they were required as part of their normal duties to be away from their normal place of work.

**QUESTION NUMBER 2127**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 6 NOVEMBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 27)**

**Mr E J Marais(DA) to ask the Minister of Mineral Resources:**

(1) Whether mining licences are approved before inputs from other spheres of government have been received; if not, what is the position in this regard; if so, what are the relevant details;

(2) whether any mining licences have been issued before zoning and environmental impact assessments (EIA) have been completed; if so, (a) how many licences, (b) in how many cases did the applicants withdraw the zoning and the EIA applications after the licences were issued and (c) what steps is her department taking to ensure that zoning and EIA are done?

**REPLY**

(1) There is no provision in the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) provides for the issuing of mining licenses. However, sections 17, 23 and 27 of the MPRDA empower the Minister to grant prospecting rights, mining rights and mining permits. Section 40(1) of the Act states that "When considering an environmental management plan or environmental management programme in terms of section 39, the Minister must consult with any State department which administers any law relating to matters affecting the environment."

(2) There is no provision in the MPRDA that calls upon the Minister to grant prospecting or mining rights subject to zoning requirements of a local government. As far as EIAs are concerned they are conducted during the EMP process.

**QUESTION NO 504**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 10 JULY 2009**

**(INTERNAL QUESTION PAPER NO 6)**

**Mr M J Ellis (DA) to ask the Minister of Mineral Resources:**

(1) With reference to her reply to question no 71 on 2 July 2009, what is a negative environmental impact;

(2) whether acid mine drainage is regarded as having a negative environmental impact, considering the effect it has on the environment; if not, how was this conclusion reached; if so, why can funds held by her department for the rehabilitation of mines not be used for dealing with acid mine drainage? NW567E

**REPLY**

(1) Negative environmental impact, implies an activity or action or event that adversely impacts and influences the environment.

(2) If not managed properly, acid mine drainage can have negative impact on the environment.

**QUESTION NUMBER 2256**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 13 NOVEMBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 28)**

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

(1) Whether the Peak Quarry in Eersterivier have an Environmental Management Programme Report (EPMR); if not, why not; if so, (a) when was it approved, (b) when did the quarry first commence operations, (c) in what year is expected to stop operations, (d) how many times has inspectors from her department visited the mine since January 2008 and (e) what was the date of each visit;

(2) Whether any directives have been issued against the mine for non-compliance on any matters relating to the EMPR since it commenced operations; if so, what are relevant details?

(3) What are provisions in EMPR that relate to how the quarry operators need to manage (a) noise and (b) dust?

**REPLY**

1 (a) Yes, the mine has an approved Environmental Management Programme Report (EMPR), approved on 12 June 2000 in terms of the repealed Minerals Act, 1991 (Act 50 of 1991).

(b) A mining authorization was issued on 22 July 1994 in terms of the repealed Minerals Act, 1991, but the mine was in operation long before that time, in terms of legislation prior to the Minerals Act, 1991.

(c) The operation in the Quarry will stop once the reserves have been depleted.

(d) Inspections are conducted in accordance with an inspection plan. As such a total of 6 mine health inspection have been conducted.

(e) Inspections were conducted as per the inspection plans.

(2) No.

(3) The information relating to noise and dust levels is contained in the approved Environmental Management Programme Report, as amended. The noise provision addresses noise within and outside the perimeter of the mine.

**QUESTION NUMBER 270**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 27 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 25)**

**Ms F C Bikani (ANC) to ask the Minister of Mineral Resources**

(a) What progress has been made in establishing a state-owned mining company and (b) what would be its primary purpose? NO2595E

**REPLY**

The State Owned Mining Company was **established prior to the democratic dispensation**, with the aim of ensuring security of supply of strategic energy commodities for local consumption. At the time of its establishment, the Mineral and Petroleum Resources Development Act was not in existence, which means the company was operating under a different regulatory regime, which did not embrace the transformation agenda. The resuscitation of this company under the current regulatory environment is intended to continue ensuring security of strategic commodities, particularly energy commodities, while effecting the developmental agenda of Government.

The primary purpose of the company is to acquire and hold rights in respect of energy related and other strategic minerals on behalf of the State and develop these mineral commodities for national interest.

**QUESTION NUMBER 261**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 27 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 25)**

**Adv A de W Alberts (FF Plus) to ask the Minister of Mineral Resources:**

Whether she intends proposing an amendment to the policy regarding the private ownership of mines; if so, (a) why and (b) what are the Government's proposals in this regard? NO2583E

**REPLY**

No

a) Falls off

b) Falls off

**QUESTION NUMBER 269**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 27 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 25)**

**Mr V V Magagula (ANC) to ask the Minister of Mineral Resources**

What programmes of assistance and/or strategic plans are in place to encourage and develop small-scale miners in the country? NO2594E

**REPLY**

The department has identified small scale mining as a prospect of critical intervention to uplift rural communities. As a result the department is developing a small scale mining strategy, which will be implemented in the next financial year

**QUESTION NUMBER 1248**

 **DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 11 SEPTEMBER 2009**

 **(INTERNAL QUESTION PAPER NUMBER 16)**

 **ADV H C Schmidt (DA) to ask the Minister of Mineral Resources:**

(1) What (a) are the reasons for the Cabinet's decision to suspend the disposal of State-owned mining assets, (b) is the purpose of the suspension and (c) entities and/or departments are responsible for the audit of the mining assets;
(2) whether an investigation into the regulatory environment within the mining sector pertaining to the suspension of the disposal of mining assets has been mandated; if not, what is the position in this regard; if so, what are the relevant details;
(3) what will be the duration of the suspension? NW1590E

**REPLY**

(1) (a) and (b) The Cabinet approved suspension of disposal of mining assets to allow the Minister of Mineral Resources adequate time to finalise an audit of mining interests held directly or indirectly by the State.
(c) DMR is Responsible

(2) Yes, through Cabinet's decision

(3) Cannot indicate the duration but intend to report to cabinet soon after finalisation of the audit

**QUESTION NUMBER 1980**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 30 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 26)**

**Mr M Waters (DA to ask the Minister of Mineral Resources:**

(1) Whether, with reference to a reply to Question 588 on 26 May 2008, any inspectors have visited the Witfontein R/33/151R mining site; if not, (a) why not and (b) when will this be done; if so, (i) when, (ii) who were the inspectors and (iii) what were their findings;

(2) whether any inspection has been conducted to determine whether regulation 17(6) of the Mine Health and Safety Act, Act 29 of 1996, is being adhered to; if not, (a) why not and (b) when will this be done; if so, when;

(3) whether there are any laws or regulations that stipulate the number of inspections that should be carried out by her department at mining sites per year; if not, what is the position in this regard; if so, what are the relevant details;

(4) whether such obligations have been met with regard to the abovementioned mining site; if not, why not; if so, what are the relevant details? NW2463E

**REPLY**

(1) Yes, Inspections were conducted on 20th and 31st October 2008 by Senior Inspector FJ Nkuna of the Gauteng Region Office as well as on 18th November 2008 by Senior Inspector F Barradas and Inspector J Kearney of the Directorate: Mine Surveying, Head Office, Pretoria.

During these inspections it was found that regulation 17(6) was not applicable as the mine was established in 1983 whilst the township, according to the deeds office, was only proclaimed in 2003. There was also no evidence found that the developer of the township of Glen Erasmia Extensions 4 & 5, which has been established within a horizontal distance of 100 metres from the boundary of the quarry, had submitted an application for comment to my Department, nor had the developer complied with Regulations 17(7)(b) or 17(8)(b) of the Mine Health and Safety Act, Act 29 of 1996, which stipulate that no structures may be erected within a horizontal distance of 100 metres from a mine without prior submission of a risk assessment to, and approval from, the Chief Inspector of Mines.

(2) Yes, the aforementioned inspections were carried out, *inter-alia*, to investigate compliance of regulation 17(6) as well as compliance with regulations 17(7)(b) and 17(8)(b).

(3) No, there are no laws or regulations that stipulate the number of inspections to be carried out per year. The Annual Business Plan of the Mine Safety Inspectorate, however, determines the risk value of underground and surface mining operations, which in turn, determines the frequency of visits to individual mining sites.

(4) Yes, the obligations were met on 31st October and 14th November 2008 which were routine inspections. All relevant details regarding the legal standing between the mine and the adjacent township have been addressed in my reply of question 1 above.

**QUESTION NUMBER 1856**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 23 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 24)**

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

(1) Whether (a) she, (b) any specified officials and (c) any other persons have been issued with a government or official credit card; if so, what are the relevant details for her and each holder of a credit card in respect of the (i) name, (ii) job title, (iii) credit limit, (iv) outstanding amount as at the latest specified date for which information is available, (v) monthly expenses incurred for each month since receiving the credit card, (vi) reason for such persons being issued with a credit card and (vii) uses that such a credit card is intended for;

(2) whether any such credit cards are over their credit limit; if so, (a) whose credit cards are over the limit and (b) what is the reason for the credit cards exceeding the limit;

(3) whether any action has been taken against such persons for exceeding their credit card limits; if not, why not; if so, what are the relevant details? NW2416E

**REPLY**

(1) (a) No. The Minister has not been issued with a government or official credit card by 30 September 2009.

(b) Yes. Other specified official has been issued with an official credit card.

(c) No. No other persons have been issued with a government or official credit card.

(a) (i) Not applicable

(b) (i) Advocate Sandile Nogxina

(ii) Director General

(iii) The limit is R10 000.00

(iv) R663.00 was outstanding as at 30 September 2009

(v) June 2008 – R143.39; July/August 2008 – R433.39; September 2008 – R1 169.70; October 2008 – R1 727.30; November 2008 – R5 546.42; December 2008 – R304.29; January/February 2009 – R2 065.50; March 2009 – R2 508.79; April 2009 – Nil; May 2009 – R663.00; June 2009 – Nil; July 2009 – Nil; August 2009 – R1 159.70; September 2009 – R663.00.

(vi) To ensure that the Director General is not financially prejudiced when executing official duties outside the normal work station.

(vii) To enable direct payment of other departmental activities such as refreshments/entertainment and other incidental expenses that takes place outside the normal work station.

(c) Not applicable

(2) No. The card is not over the credit limit.

(a) Not applicable.

(b) Not applicable.

(3) Not applicable.

**QUESTION NUMBER 1855**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 23 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 24)**

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

(1) In respect of each version of the 2008-09 annual report of her department and the annual reports of each statutory and other entity reporting to her department, (a) what was the (i) budgeted cost, (ii) actual cost and (iii) breakdown of cost in respect of (aa) printing, (bb) graphic design, (cc) other costs and (dd) unit cost of each annual report and (b) how many copies of each were (i) produced and (ii) distributed;

(2) whether any version of the abovementioned reports was retracted or withdrawn; if so, (a) how many times were each annual report withdrawn or retracted, (b) what (i) were the reasons for each withdrawal or retraction and (ii) was the amount spent on each version and (c) how many copies were withdrawn in each case;

(3) how was the decision taken to award the contract to the (a) graphic design company and (b) printing company;

(4) whether (a) her department or (b) any of those public entities that fall under her department held a function on tabling their 2008-09 annual report; if so, in each case (i) what was the name of the public entity, (ii) how much did the function cost, (iii) what is the breakdown of that cost, (iv) where was the function held and (v) how many guests were invited? NW2415E

**REPLY**

(1)

(a) (i) **R200,000.00**

(ii) **R 281,380.50**

(iii) (aa) **R 137,297.00**

(bb) **R 82,600.00**

(cc) **R 26 928.00**

(dd) **R137.30**

(2) No

(a) N/A

(b) (i) (ii) N/A

(c) N/A

(3) In terms of the PPPFA.

(4) (a) No

(b) No

(i) N/A

(ii) N/A

(iii) N/A

(iv) N/A

(v) N/A

**QUESTION NUMBER 1854**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 23 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 24)**

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

Whether any mining company or entity that operated and mined resources which were granted mining rights before the commencement of the Mineral and Petroleum Resources Development Act, Act 28 of 2002, who have failed to submit their applications for mining rights on 2 May 2009 and on 15 October 2009, are still continuing to operate and mine resources; if so, what are their names? NW2414E

**REPLY**

It is not clear what honourable member Adv H C Schmidt is referring to by "mined resources". No mining company was granted mining rights prior to 01 May 2004.

**QUESTION NUMBER 1159**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 11 SEPTEMBER 2009**

**Mr E J Marais (DA) to ask the Minister of Mineral Resources:**

Whether her department uses temporary employment services and/or labour brokers; if so, (a) why, (b) how many positions have been filled by temporary employment services in the (i) 2006-07, (ii) 2007-08 and (iii) 2008-09 financial years, (c) what percentage of the total staff complement did temporary employment services contribute in each of these years and (d) how much money has been spent on temporary employment services in each year?

**REPLY**

No

**QUESTION NO 471**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 03 JULY 2009**

**(INTERNAL QUESTION PAPER NO 6)**

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

(1) With reference to her reply to question no 112 on 2 July 2009, what were the reported causes of (a) deaths of legal mine workers and (b) accidents causing injuries to legal mine workers during the period 1 June 2008 to 1 June 2009;

(2) whether her department (a) has taken any steps in addition to implementing the Mine Health and Safety Act, Act 29 of 1996 and (b) will introduce any additional measures to stop or reduce the (i) illegal mining activities and (ii) fatal mining incidents whilst on duty; if not, why not; if so, what steps? NW532E

REPLY

1(a) and (b) The reported causes of both injuries and deaths of legal miners are ranked as follows:

1. Falls of ground (caused by gravity 60% and 40% seismicity).

2. Trackless Mobile Machinery (Truck accidents).

3. Railbound Transport (Underground train derailments).

4. Falling from Heights.

5. Electricity.

6. Explosives.

2(a) The Department conducted countrywide Presidential Mine health Safety Audits to ensure compliance with the provisions of the Mine Health and Safety Act and to eliminate or reduce mine employee fatal accidents. A report depicting the overall performance by the mining industry was compiled which included recommendations for enhancing mine health and safety.

A Mine Health and Safety Tripartite Summit, lead by the former Minister of the Department of Minerals and Energy, was also held to consider sustainable measures that would enhance health and safety at the mines. All the respective principals of the State, Labour and Employer stakeholders together agreed on the action steps which would be adopted for eliminating or reducing cases of ill health, fatalities and injuries in the industry.

In addition, meetings are held with the CEOs of the respective mining companies to ensure that effective health and safety management systems are implemented to prevent harm. Critical measures, including mine stoppages, are also taken where necessary to ensure compliance with the provisions of the Act.

2(b)(i) Illegal mining is not regulated

(b)(ii) The Mine Health and Safety Act was amended to strengthen the enforcement provisions and the Department's capacity for ensuring effective coverage of the mines.

**QUESTION NUMBER 2193**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 6 NOVEMBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 27)**

**Mrs P de Lille (ID) to ask the Minister of Mineral Resources:**

Whether commercial companies that mine sand must comply with the conditions of the Land Use Planning Ordinance Amendment Act, Act 64 of 1992; if not, why not; if so, what are the relevant details? NW2901E

**REPLY**

The Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) is the statutory instrument passed by Parliament (the National Assembly and the National Council of Provinces) to regulate the minerals and mining sector in South Africa. There is no provision in the Minerals and Petroleum Resources Development Act, 2002 which stipulates that decision taken in terms of this Act are subject to provisions of a local government.

**QUESTION NUMBER 2186**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 6 NOVEMBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 27)**

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

Whether, any state-owned mining company/entity has been awarded prospecting and/or mining rights or permits in the 2008-09 financial year; if so, (a) for which minerals in each case and (b) what is the name of the mining company/entity in each case? NW2894E

**REPLY**

All applicants for prospecting rights, mining rights or mining permits are treated equally in terms of the provisions of the Minerals and Petroleum Resources Development Act, 2002 and other legislation. Therefore, it is not proper nor correct for private information of any applicant to be divulged to the public.

The existing direct and indirect t state-owned prospecting and mining companies are Alexkor (Ptd) Ltd, Foskor (Pty) Ltd and African Exploration Mining and Finance Corporation (Pty) Ltd.

**QUESTION NUMBER 2185**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 6 NOVEMBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 27)**

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

Whether any mineral has been declared a strategic mineral in terms of the applicable legislation in the 2008-09 financial year; if not, what is the position in this regard; if so, (a) what minerals, (b) on what date in each case and (c) for what reason in each case? NW2893E

**REPLY**

No

(a) Falls off

(b) Falls off

(c) Falls off

**Background Information**

The interpretation of the question is that it flows from the previous oral response in respect of State Owned Mining Company, in which the department indicated that the company will focus on strategic minerals. There are currently no provisions in legislation for declaration of any mineral as strategic, other than the inference on uranium as a strategic mineral in the Nuclear Policy of June 2008 as well as Minister Sonjica's and Alec Erwin statements in parliament at the time.

In light of challenges of energy deficit, priority of classification of minerals as strategic is currently on energy commodities, viz. coal, uranium, fluorspar, thorium, zirconium and platinum. To this extent, the department has drafted strategies on both uranium and coal and is prioritising finalisation of these strategies, which will be translated into the minerals being declared strategic.

It is the intention of the department to declare all minerals of the people of the Republic of South Africa strategic to support government programmes such as Beneficiation, Infrastructure Development and National Industrial Policy Framework.

**QUESTION NUMBER 2193**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 6 NOVEMBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 27)**

**Mrs P de Lille (ID) to ask the Minister of Mineral Resources:**

Whether commercial companies that mine sand must comply with the conditions of the Land Use Planning Ordinance Amendment Act, Act 64 of 1992; if not, why not; if so, what are the relevant details? NW2901E

**REPLY**

The Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) is the statutory instrument passed by Parliament (the National Assembly and the National Council of Provinces) to regulate the minerals and mining sector in South Africa. There is no provision in the Minerals and Petroleum Resources Development Act, 2002 which stipulates that decision taken in terms of this Act are subject to provisions of a local government.

**QUESTION NUMBER 2186**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 6 NOVEMBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 27)**

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

Whether, any state-owned mining company/entity has been awarded prospecting and/or mining rights or permits in the 2008-09 financial year; if so, (a) for which minerals in each case and (b) what is the name of the mining company/entity in each case? NW2894E

**REPLY**

All applicants for prospecting rights, mining rights or mining permits are treated equally in terms of the provisions of the Minerals and Petroleum Resources Development Act, 2002 and other legislation. Therefore, it is not proper nor correct for private information of any applicant to be divulged to the public.

The existing direct and indirect t state-owned prospecting and mining companies are Alexkor (Ptd) Ltd, Foskor (Pty) Ltd and African Exploration Mining and Finance Corporation (Pty) Ltd.

**QUESTION NUMBER 2185**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 6 NOVEMBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 27)**

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

Whether any mineral has been declared a strategic mineral in terms of the applicable legislation in the 2008-09 financial year; if not, what is the position in this regard; if so, (a) what minerals, (b) on what date in each case and (c) for what reason in each case? NW2893E

**REPLY**

No

(a) Falls off

(b) Falls off

(c) Falls off

**Background Information**

The interpretation of the question is that it flows from the previous oral response in respect of State Owned Mining Company, in which the department indicated that the company will focus on strategic minerals. There are currently no provisions in legislation for declaration of any mineral as strategic, other than the inference on uranium as a strategic mineral in the Nuclear Policy of June 2008 as well as Minister Sonjica's and Alec Erwin statements in parliament at the time.

In light of challenges of energy deficit, priority of classification of minerals as strategic is currently on energy commodities, viz. coal, uranium, fluorspar, thorium, zirconium and platinum. To this extent, the department has drafted strategies on both uranium and coal and is prioritising finalisation of these strategies, which will be translated into the minerals being declared strategic.

It is the intention of the department to declare all minerals of the people of the Republic of South Africa strategic to support government programmes such as Beneficiation, Infrastructure Development and National Industrial Policy Framework.

**QUESTION NUMBER 97**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 8 SEPTEMBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 15)**

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

(1) What steps have been taken to develop institutional mechanisms and structures in order to give support to historically disadvantaged persons in respect of transforming the mining industry;

(2) whether her department and/or any other department or institution will be responsible for the implementation of these steps; if so, (a) when and (b) what are the further relevant details? NO1428E

**REPLY**

1 My department developed the first mechanism of implementing the transformation agenda with the precursor charter, the mining charter, which Charter sets out specific targets for transformation of the industry, with particular emphasis on extending the benefits to the historically disadvantaged South Africans, including, albeit not limited to community benefits, ownership and management participation. The vesting of custodianship of mineral rights to State has enabled my department to attach conditions to the issuing of mining rights, which seek to effectively drive the transformation agenda. This meant that as companies apply for mining rights (including conversions of old order rights), their commitment in relation to the transformation pillars of the Charter are scrutinised and for the basis of the conditions of their license.

2 My Department is implementing this legislation

a. Already in progress, having started from the 2004 May 1st.

b. Not applicable

**QUESTION NUMBER 2349**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 20 NOVEMBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 29)**

**Mr E J Marais(DA) to ask the Minister of Mineral Resources:**

Whether, with reference to her reply to written Question 415 on 17 July 2009, she has purchased a new vehicle; if not, (a) when will she purchase a new vehicle and (b) what is the value of the vehicle she is currently using; if so, (i) why, (ii) what make and model is the vehicle, (iii) what did the vehicle cost and (iv) what (aa) accessories were included in excess of the vehicle's purchase price and (bb) was the cost of such accessories? NW3062E

**REPLY**

I have not purchased a new vehicle.

(a) I have not made a decision to buy a new vehicle yet..

(b) I am currently using a leased vehicle and therefore value cannot be put on such vehicle.

(i) Falls away

(ii) Falls away

(iii) Falls away

(iv) Falls away

(aa) Falls away

(bb) Falls away

**QUESTION NO 415**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 03 JULY 2009**

**(INTERNAL QUESTION PAPER NO 5)**

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

(1) Whether she purchased a new vehicle on her appointment to office; if so, (a) why, (b) what make and model is the vehicle, (c) what did the vehicle cost and (d)(i) what accessories were included in excess of the vehicle's purchase price and (ii) what was the cost of such accessories; if not,

(2) whether she inherited an existing vehicle; if so, (a) what was the make and model and (b) how old is the vehicle? NW476E

**REPLY**

(1) No, I have not yet purchased a vehicle since my appointment. I am currently making use of loan vehicles from BMW in terms of the arrangement between BMW and the Department of Transport.

(2) Falls away. Refer to the explanation above.

**QUESTION NUMBER 1797**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 16 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 22)**

**Mr G R Morgan (DA) to ask the Minister of Mineral Resources:**

(1) (a) How many of her department's officials are dedicated to environmental protection and monitoring,(b) what are their respective designations, (c) how many vacancies currently exist for such officials and (d) for low long has each of these positions been vacant;

(2) what was the budget for environmental protection and monitoring for the 2008-09 financial year;

(3) (a) how many mines were found to be in transgression of their environmental management programmes in the 2008-09 financial year, (b) what was the nature of the transgression in each case and (c) what action did her department take in each case?

**REPLY**

(1) Seventy eight (**78**) of the Department's officials are dedicated to environmental protection and monitoring,

Thirteen (**13**) vacancies (of which 12 became vacant since June 2009) currently exist for such officials.

**(2) What was the budget for environmental protection and monitoring for the 2008-09 financial year?**

Each regional office of the Department of Mineral Resources has a global integrated budget from which funds are sourced by *interalia* the officials referred to in question 1 above.

(3) **(a)** Two hundred and fifteen (**215**) cases of transgression of environmental management requirements were found in the 2008-09 financial year,

**(b)**Transgressions cover a wide spectrum varying from minor issues to more significant issues.

**(c) Actions undertaken by the department are as follows:**

Action was taken by the Department in accordance with the provisions of the Mineral and Petroleum Resources Development Act, 2002(Act 28 0f 2002).

**QUESTION NUMBER 1063**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 4 SEPTEMBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 14)**

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

(1) Whether approval has been granted to any mining company or other applicant during the period 1 July 2008 to the present for the construction of new mine tailings storage facilities; if so, (a) where will it be located, (b) the date on which date was approval granted, (c) for which time period is such storage facility to be constructed, (d) when will it become operational and (e) what is the extent of the land surface it is to occupy;

(2) whether agricultural land will be the site on which the storage facilities will be built; if not, what is the position in this regard; if so, what is the name of the successful applicant and/or mining company?

**REPLY**

(1) No approval has been granted to any mining company for the construction of new mine tailing storage facilities by the Department of Mineral Resources and no application for the said facility was submitted to the Department of Mineral Resources.

(a) NA

(b) NA

(c) NA

(d) NA

(e) NA

2. NA

**QUESTION NUMBER 1062**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 4 SEPTEMBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 14)**

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

(1) Whether approval has been granted to a certain mining company (name furnished) for the construction of a storage facility (details furnished); if so, (a) where will it be located, (b) the date on which approval was granted, (c) the time period during which such storage facility is to be constructed, (d) when will it become operational and (e) the extent of the land surface it is to occupy;

(2) whether agricultural land will be the site on which the storage facility will be built; if not, what is the position in this regard; if so, what are the relevant details? NW1323E

**REPLY**

Please refer to the response to question 1063.

**QUESTION NUMBER 1189**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 11 SEPTEMBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 16)**

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

In light of the appointment of a certain company (name furnished) to conduct an assessment of compliance in respect of the Mining Charter, (a) what is its mandate, (b) what is the date on which it must present its report to the department, (c) who are the (i) directors and (ii) members of this company and (d) what is the cost of commissioning the report?

**REPLY**

(a) The mandate of the company is to undertake an independent assessment of the cumulative progress (by the mining industry) against the targets of the Mining Charter, as agreed upon by all stakeholders prior to implementation of this Charter.

(b) End of September, 2009.

(c) (i) Ms. Kate Moloto and Mr. Titus Mpe.

(ii) Not applicable

(d) The report is commissioned at a total cost of R 3,659,172.00.

**QUESTION NUMBER 1608**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 9 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 20)**

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

(1) (1)Whether her department developed and adopted a policy providing guidelines for the appointment of persons with a criminal record; if so, (a) when was the policy (i) developed and (ii) adopted and (b) where can a copy of the policy be obtained; if not,

(2) Whether her department has any plans in place to develop and adopt such a policy; if not, why not; if so, what are the relevant details;

(3) Whether her department does any pre-employment screening of potential employees for criminal records; if not, why not; if so, what are the relevant details;

(4) Whether any employees with criminal records are currently employed by her department; if so, (a) how many and (b) what is their (i) job level and (ii) occupational category? NW2014E

**REPLY**

(1) Yes,

(a) (i) in 2002 under DME

(ii) in 2004

(b) The Policy and the DME Vetting Strategy is available on request.

(2) Not applicable

(3) Yes, all potential employees are sent for pre-employment screening before the approval is granted for the appointment. The pre-employment screening of the Department covers the following: Criminal record checks, citizenship status, credit worthiness, previous employment and qualification verification.

(4) No

(a) Not applicable

(b) (i) Not applicable

(ii) Not applicable

**QUESTION NUMBER 1678**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 16 OCTOBER 2009**

**(INTERNAL QUESTION PAPER NUMBER 22)**

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

Whether, since her appointment in May 2009 any renovations or alterations were done at state owned and private residences of her or any other specified official of her department; if so, (a) where she and the occupants of each such residence were accommodated during the renovations and (b) at what cost to his department in each case? NW2134E

**REPLY**

No.

(a) Falls away

(b) Falls away

**QUESTION NO 552**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 10 JULY 2009**

**(INTERNAL QUESTION PAPER NO 6)**

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

(1) Whether her department makes use of private security firms; if so, how much money was spent on such firms in 2008;

(2) whether these firms are used on a contractual basis; if so, (a) how many contracts did her department take out in this regard in 2008, (b) with which firms were these contracts taken out, (c) for what specific purpose was each contract taken out and (d) what was the value of the contract in each case;

(3) why is there a need for her department to use a private security firm as opposed to state security?

**REPLY**

(1) Yes, the Department makes use private security firms. The money spent the security firms in 2008 is R186 435.60.

(2) Yes the firms are used on contractual basis.

(a) Two firms were contracted in 2008

(b) Siyashesha Security Services and Enforce Armed Response System

(c) Siyashesha Security Services for Physical security at Olifantsfontein training centre and Enforce Security Services for Armed Response System at Durban regional office

(d) The department paid R186 435.60 per annum for Siyashesha Security Services and paid R4 035 to Enforce Security Services

(3) It is government policy.

**QUESTION NO 569**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 10 JULY 2009**

**(INTERNAL QUESTION PAPER NO 6)**

**Mr AM Figlan (DA) to ask the Minister of Mineral Resources:**

(1) (a) How many sand mining operations have been authorised by her department (i) in or (ii) adjacent to the Umgeni River system and (b) what is the name of the entity that has been awarded approval to mine in each case;

(2) whether the sand mining operation run by an entity called Crossmore near the Anthurium Place access road in eThekwini has been authorised by her department; if not, what action will be taken against this operation; if so, when was the application granted;

(3) whether steps are being taken to ensure that the operation complies with the Environmental Management Plan; if not, why not; if so, what are the relevant details;

(4) whether any directives have been issued against the operation; if not, why not; if so, what are the relevant details? NW633E

**REPLY**

1. The following mining permits have been issued on the Umgeni river:

(a) (i) 12

(b) (ii) 4

1. X Moor Transport cc 379MP

2. X Moor Transport cc 74MP

3. BHD Zuma 218MP

4. M A Hall 246MP

5. C N Shabalala 216MP

6. Ziyasha Logistics (Pty) Ltd 204MP

7. A B Sibisi 260MP

8. Very Nice Trading (Pty) Ltd 168MP

9. P T Dube 254MP

10. Little Rock Trading 45cc 147MP

11. Quebeka Euzils Building Material Suppliers cc 355MP

12. Uzuzinikela Trading 9 cc 233MP

13. Versatex 486 (Pty) Ltd 58MP

14. Invincible Panther Co-operative Limited 141MP

15. Tack it Trading cc 370MP

16. Gamelihle Sand and Pebble Suppliers cc 169MP

(ii) The following rights/permits have been issued adjacent to the Umgeni River

system:

1. K Lutchman (Tributary adjacent to Umgeni River) 232MR

2. V Govender 45MP

3. Kovacs Investments (Pty) Ltd (Qala Quarry – adjacent to Umgeni River System) -

102MR

4. Invincible Panther Co-operative Limited (Granite Quarry adjacent to Umgeni river) -

146MR

2. From the Department's records there is no company by the name of Crossmore which is a holder of any permit or rights

3. Question not applicable, see Question 2 reply.

4. Question not applicable, see Question 2 reply.