

**MINISTER**

**HUMAN SETTLEMENTS, WATER AND SANITATION**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO.: 2525**

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**Mrs M R Mohlala (EFF) to ask the Minister of Human Settlements, Water and Sanitation:**

(1) What (a) total number of mining companies have failed to adhere to strict water management practices, which includes the prevention of the pollution of groundwater resources and freshwater ecosystems and (b) are the names of the specified mining companies;

(2) whether she has considered revoking their water use licences until the mining companies commit themselves to preventing the pollution of water resources; if not, why not; if so, what are the relevant details? NW3195E

**REPLY:**

(1)(a) The Department of Water and Sanitation is regulating the mining companies through Water Use Authorisations (WUAs) as required by the National Water Act 36 of 1998. The WUAs impose conditions that promote sustainable and beneficial use of water resources. On an annual basis the Department undertakes compliance monitoring audits of the WUAs issued. The Department has developed a scoring system that is intended to assist in assessing compliance levels of the mining mines (see Table 1 below).

The level of compliance differs according to technical and administrative conditions. Mines that achieve scores of 50% or more are considered to be showing improvements in compliance. Mines that score less than 50% are regarded as having unacceptable level of compliance and are subjected to the enforcement process. The Department conducted compliance monitoring audits on four-hundred and seventy-six (476) mines from 2015/16 to 2019/20 financial years: Of the 476 mines audited, a total of one hundred and fifty-five (**155)** mines have scored less than 50% of compliance.

**Table1: Score card**

|  |  |  |
| --- | --- | --- |
| **Score** | **Condition**  | **Description**  |
| 75-100% | Acceptable | Technical conditions are met in most circumstances; few administration actions should be undertaken.  Request proof of compliance electronically. |
| 50-74%  | Good but at risk | The implementation of water use conditions are implemented with several actions still outstanding.  Action plan required to ensure full compliance. Follow up audit required. |
| 25-49% | Not acceptable | Compliance meets less than half of the substantive implementation and administrative actions in the license. Action plan required to ensure full compliance. Follow up audit required. Decision to be taken on improvement of compliance. If so, follow-up audit scheduled, if not, hand over for enforcement action. |
| 0-24% | Not acceptable | User meets minimal conditions, both implementation and administrative actions in the license.  Decision to be taken if non-compliance is potentially or detrimental or fatal to water resource.  If fatal, hand over for enforcement action, if not an action plan required to ensure compliance. Follow up audit required and scheduled. |

(b) Honourable Member, the document titled “*Guide to Parliamentary Questions in the National Assembly”* prohibits Members of Parliament, including Members of the Executive,from providing names of people or companies. The document referred to states that:

***“****Questions are to be framed as concisely as possible. All unnecessary adjectives, references and quotations are omitted.* ***Names of persons, bodies and, for example, newspapers are only used in questions if the facts surrounding the case have been proven. As the mere mention of such names could be construed as publicity for or against them, it should be clear that this practice is highly undesirable.*** *If a question will be unintelligible without mentioning such names, the Departments concerned are notified of the name (-s) and this phrase is used:* ***".......a certain person (name furnished)”***

(2) Since April 2015, the DWS undertook numerous administrative enforcement actions against mines that were found to have contravened the requirements of the National Water Act. The Department also issued a total number of two hundred and twenty-six (226) administrative actions and opened nine (9) criminal cases against non-compliant mines. Only fifty-two (52) of the two hundred and twenty-six (226) mines issued with administrative actions have water use authorizations. Subsequent to the enforcement actions by the DWS, forty-five (45) mines are in compliance with the requirements of the administrative actions. To date, no water use entitlements have been suspended or revoked due to non-compliance. However, this remains an option in case the administrative, civil and criminal processes do not achieve desired compliance.