MINISTRY OF MINERAL RESOURCES

REPUBLIC OF SOUTH AFRICA

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**Memorandum: Parliamentary Liaison Office**

**NATIONAL ASSEMBLY QUESTION FOR WRITTEN REPLY**

**QUESTION NUMBER: 319 ADVANCE NOTICE No: NW1247E**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 19 July 2019 INTERNAL QUESTION PAPER NUMBER: 06**

 **319. Mr K J Mileham (DA) to ask the Minister of Mineral Resources and Energy:**
(1) Who is responsible for enforcing the environmental compliance of mining rights holders (a) before, (b) during and (c) after completion of mining operations?

(2) what (a) number of environmental compliance orders were issued against mining rights holders (i) in the (aa) 2017-18 and (bb) 2018-19 financial years and (ii) since 1 April 2019, (b) was the nature of the infringement in each case, (c) remedial action was taken in each case and (d) is the current status of each (i) compliance order and (ii) issue from which the infringement arose? NW1286E

**Reply**

(I) The Department of Mineral Resources and Energy is the competent authority to deal with environmental compliance and enforcement as per the Provisions of the National Environmental Management Act (Act 107 of 1998) as amended.

This applies throughout the different phases of mining.
(2) (a)(i)(aa) 2017-18

(bb) 2018 -19

(ii) Since April 2019

295 Notices and 13 Directives

385 Notices and 08 Directives

43 Notices and 23 Directives

(b) (Notices 31 L)ln most cases, the right holders have not revised their Financial Provision annually as per the regulations, and in some cases where they have not paid the determined shot fall in the Financial Provision. In cases of section 28 Directives, Right holders who were found to have potentially cost significant Environmental pollution and Degradation.

(c) Holders were issued with instruction in terms of section 31 L of NEMA to make representation and further to revise and pay Financial Provision to address the shot fall. Where potential Pollution/Degradation was identified, the holder will be directed to submit a plan to prevent or minimise future Pollution/Degradation.

(d)(i)(ii)Holders have since addressed the infringements and in some cases they have made arrangements to gradually address the infringements. The Department continues to monitor and enforce the level of compliance and where necessary take appropriate steps.

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**ACT DDG: Minereal Regulation
Ms M Malapane
Date**: 07//10/2019

Recommended

**Advocate T Mokoena
Director General: Department of Mineral Resources**04//10/2019

Approved

**Mr SG Mantashe
Minister of Mineral Resources
Date**: **Submitted**: 15/10/2019