

**MINISTRY**

**MINERAL RESOURCES AND ENERGY**

**REPUBLIC OF SOUTH AFRICA**

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 **Memorandum from the Parliamentary Office**

**National Assembly : 3673**

Please find attached a response to Parliamentary Questionfor **written reply** asked by **Ms P Madokwe (EFF) to the Minister of Mineral Resources and Energy:**

**Mr Tseliso Maqubela**

**DDG: Mineral and Petroleum Regulation**

**………………/………………/2022**

Recommended/ Not Recommended

**Mr. Jacob Mbele**

**Director-General: Department of Mineral Resources and Energy**

**………………/………………/2022**

Approved / Not Approved

**Mr. S.G Mantashe**

**Minister of Mineral Resources and Energy**

**………………/………………/2022**

**3673.** **Ms P Madokwe (EFF) to ask the Minister of Mineral Resources and Energy:**

(1) What are the reasons that his department did not use the same energy it is using on the Shell Wild Coast matter and lodge as many appeals as possible having understood the complexities and possible dangers associated with mining tailing dumps;

(2) whether he has found that the Jagersfontein incident could have been avoided had his department taken heed of the cries of the community in relation to the activities occurring in the mine and appealed the court’s ruling; if not, what is the position in this regard; if so, what are the relevant details? **NW4498E**

**Reply:**

The Minister took Office in 2018, almost 11 years after the Free State High Court pronounced that his department cannot exercise jurisdiction under the MPRDA in relation to the tailings dumps in question.  Given the lapse of time and considering that the ruling prompted the legislature to consider amending the MPRDA to remedy the legislative *lacuna* as far back as 2013 when it adopted the MPRDA Amendment Bill of 2013, there are at this stage no prospects of successfully appealing the judgment.