

**MINISTRY**

**MINERAL RESOURCES AND ENERGY**

**REPUBLIC OF SOUTH AFRICA**

**Private Bag X 59, Arcadia, 0007, Trevenna Campus, Building 2C, C/o Meintjes & Francis Baard Street, Tel: +27 12 406 7612, Fax: +27 12 323 5849**

Private Bag X9111 Cape Town 8000, 7th Floor, 120 Plein Street Cape Town, Tel: +27 21 469 6425, Fax: +27 21 465 5980

**Memorandum from the Parliamentary Office**

**National Assembly: 949**

Please find attached a response to Parliamentary Questionfor ***written reply*** asked **by Ms S J Graham (DA) to ask the Minister of Mineral Resources and Energy:**

**Mr Tseliso Maqubela**

**Deputy Director General: Mineral and Petroleum Regulation**

**………………/………………/2021**

**Recommended/ Not Recommended**

**Adv. T.S Mokoena**

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

**………………/………………/2021**

Approved / Not Approved

**Mr. S.G Mantashe**

**Minister of Mineral Resources and Energy**

**………………/………………/2021**

**949. Ms S J Graham (DA) to ask the Minister of Mineral Resources and Energy:**

Whether, with reference to his reply to question 2569 on 27 November 2020, any progress has been made on the investigation of each of the six children who died in three borrow pits in the Moretele Local Municipality, North West; if not, why not; if so, what (a) indications are there that there was negligence, (b) indications are there that stricter compliance and regulations are required, (c) measures will be put in place as a result and (d) support and assistance will be given to the families of the six children? NW1116E

**Reply**

The root causes could not be determined, this matter is not within the competency of the DMRE. Following the investigations that were undertaken by the Department’s Regional Office, it is evident that the incident took place on an area that was not authorised by the Department. It is alleged that the contractor who opened the borrow pit was contracted by the Department of Public Works for purpose of using the materials for road construction. Furthermore, the Department also learnt that upon completion of their activities, the contractor apparently had an intention to rehabilitate the area, it is alleged that the community did not support the issue of rehabilitation on the basis that the borrow pit will serve as water storage for their animals (cattles). Following the delisting of these activities In terms of the EIA Regulations, 2017 as amended and the associated Listing Notices, read also with section 106 of the Mineral and Petroleum Resources Development, Act 28 of 2002, the Department of Public Works is now no longer required to apply for both the Environmental Authorisations/Mining Authorisations from this Department. Given this exemption, this Department is not a competent authority to deal with this matter.

(b) Considering that there were no Environmental Authorisations issued by the Department, the onus lies with the Department that appoints the contractor to ensure that the area is rehabilitated in a safe manner.

(c) See the previous remarks

(d) The Department is not an appropriate institution to determine this issue but the relevant Department can furnish clarity in this regard.