



Report of the Portfolio Committee on Mineral Resources on its activities undertaken during the 5th Parliament (May 2014 – March 2019)

Key highlights

1. Reflection on committee programme per year and on whether the objectives of such programmes were achieved

The Committee fully achieved its programme objectives for all the years to date, with the exception of the objectives related to passing legislation. This is due to the executive deciding not to pursue any aspects of the legislative programme that were set out for 2014 to 2019. The Committee exercised its oversight function on cyclical oversight activities related to the Department of Mineral Resources. Relevant annual and quarterly reports of the DMR and its respective entities were processed in a timeous manner. The issue of the Lily Mine has been partially resolved given the acquisition of the mine by a new owner with a promise to retrieve trapped (three) bodies, the Committee has been promised an update by the Department once the investigation report is finalised. Furthermore, the pattern of unqualified (and sometime clean) audits by the DMR and its five entities has been maintained throughout the term of the fifth Parliament. Finally, despite the improving safety record in the mining industry during the first three years of the fifth parliament, the Committee has noted with concern the rising trend of fatalities in the 2017/18 (declining performance). Occupational health and safety regulation of the mining sector continue to concern the Committee.

2. Committee's focus areas during the 5th Parliament

- Oversight over the DMR and its entities, in terms of Annual Performance Plans, annual reports and quarterly expenditure and performance reports took up approximately half of all the meetings in Parliament during the year. Specific focus was also applied to the following:
- Business rescue/ mine liquidation and how these are practised in the mining sector to the detriment of workers and the economy.
- Derelict and ownerless mines and the role of DMR as enforcer of national environmental standards in the mining sector.
- Fatalities trend on the mines is rising in a disturbing manner, due to seismic events and use of non-fire-retardant materials underground.

- The SA Mineral Resources Database (SAMRAD) system and how it does not function correctly because of a lack of funding from Treasury to implement the ICT integration plan. This has dire effects, hampering the effective regulation of rights to minerals for the benefit of all South Africans.
- The need for more emphasis on research investment to underpin present mining development and new mines.
- Human resource issues, both in the DMR (need for mine inspectors and rock engineers) and in the entities (need for more women, youth and disabled in the employment profiles) and the need to fill key vacancies.
- The Committee focused on its oversight responsibilities regarding state capture and proposed a programme to deal with allegations of state capture in the DMR, but no funding was provided by Parliament for the investigation, so it could not be pursued effectively.
- The Committee focused on the harmonization of compensation system for mine workers, to ensure a fair and equitable compensation system.
- The Committee focused on issues hampering the Stated Diamond Trader from fulfilling its strategic objective of transforming the diamond industry.
- Underfunding of the Council for Geoscience was also a key area of focus for the Committee as geological mapping of the country to a higher resolution, is a critical first step in the mining value chain thus unlocking mineral investments.
- Litigation of the DMR was also a focus area, as the courts have continued redefine the mineral law landscape resulting in the need to change and adjust the regulations pertaining to the Charter (once empowered always empowered principle), state custodianship of minerals (need to defer rezoning decisions to municipality) and the need for full prior and informed community consent (FPIC) in processing mining licences.

3. Key areas for future work

- The Committee should continue to monitor the implementation of the Zero Harm goal, in order to minimize loss of life in the industry. Furthermore, transformation of the mining industry is still inadequate, the Committee should continue to facilitate programmes that will ensure improved collaboration between the DMR, Minerals Council of South Africa and Labour representatives. Issues pertaining to mining communities will continue to be a major area of focus for the Committee to ensure overall improved participation of mining communities in economic activities of mining projects. In addition, the lack of exploration and prospecting for new mineral deposits deserves close concern, including incentives for junior miners and black industrialists in mining.

4. Key challenges emerging

- Key challenges faced by the Committee, include the progressive reduction in the real value of the budget allocation to the DMR and its entities. This reduces the Department's ability to fulfil its mandate as contained in its strategic plan, hence the Committee finds itself having to deal with the changing of performance targets by the Department and its entities, which negatively impacts the overall performance assessment of the DMR by the Committee.
- The Committee has issues that require the participation of two or more Portfolio Committees, – particularly on health of ex-mineworkers and the environment. Organising joint meetings continues to be a logistical night mare, hence it becomes difficult for the Committee to fully execute its oversight mandate (issues like compensation of silicosis victims, and the establishment of a single compensation regime are being addressed in a piecemeal approach)
- When many departments are involved, there tends to be reduced accountability. There are disturbing gaps in effective Parliamentary oversight when issues of importance are the responsibility of more than one department. When the examples below are weighed, this could be seen as the overwhelming challenge that confronts Parliament in seeking executive accountability in the mining and petroleum sectors. Portfolio committees, by design, shadow the work of individual ministers and government departments. This is particularly useful and important for oversight over the expenditure of funds attached to each vote and to the performance commitments made in the Annual Performance Plans. A persistent challenge in mineral resources, however, is Parliamentary oversight over areas of government policy that involves several departments:

Example 1: Occupational Health, striving for zero harm; fair and timely compensation when mineworkers are harmed at work.

Government and Parliament has 'dropped the ball' on this issue, particularly when it comes to the compensation of ex-mineworkers for lung diseases. The issue has been unresolved for over ten years because Parliament has been unable to deal with legislative changes that have to be agreed by three departments: Health, Labour and Mineral Resources.

Example 2: Illegal Mining – ending the theft of mineral resources by people who mine without a mining right or permit.

The mining law regulates access to mineral resources by people and legal entities who have been granted rights to minerals by the Minister. When people mine without having such rights, the matter is in the jurisdiction of the legal system, the Ministers of Justice and Police, the National Prosecuting Authority (NPA) and the South African Police Service (SAPS). As many of the illegal miners are foreigners, the Minister of Home Affairs is also a critical player in the national effort to combat the scourge of illegal mining. The PCMR has devoted many hours of meetings and oversight visits to the problems of illegal mining, but Parliament has been unable to solve problems of accountability because four portfolio committees are involved.

Example 3: Social, economic and environmental consequences when mines are in financial distress: insolvency, liquidation and business rescue legislation is not in alignment with mining and environmental legislation.

The challenges here are most urgent when mines no longer have the cash-flows to continue profitable operation. Owners try to sell such mining companies to avoid social and environmental rehabilitation commitments. They often succeed in avoiding accountability, with dire consequences for unemployed workers and destroyed environments. The Department of Trade and Industry is responsible for company and insolvency law; the Department of Environmental Affairs sets the standards that the DMR must enforce on environmental issues; the mining laws regulate Social and Labour Plan commitments; the Department of Labour governs retrenchment procedures and the Department of Finance regulates critical incentives related to taxation. Aurora, Blyvooruitzicht, Optimum, Shiva, Mintails are examples of the accountability challenges that Parliament has been unable to get a grip on because so many departments of government are involved together.

Example 4: Conflict over mining: mining often splits communities and the benefits of mining are not shared.

The Minister of Mineral Resources is tasked by Parliament, through the MPRDA, to act as the custodian of the mineral and petroleum wealth of the nation, for the benefit of all South Africans. Parliament has found it impossible to tie accountability to this role because mining is interwoven with rights to surface land use. The Ministers of Rural Development and Land Reform and of Cooperative Governance and Traditional Affairs have to enforce laws that also interact with provincial and municipal regulations and legislation. The Courts have intervened to interpret legislation that covers rights to mining and rights to land. The Public Protector has also issued reports on the failure of governmental structures to audit and manage royalties and shares from mining. Disputes within communities affected by mining add to any existing tensions. This situation, on the one hand, creates uncertainty that discourages potential investors and, on the other hand, does not ensure that benefits from mining are shared equitably.

5. Recommendations

- **The Committee to continue to work closely with the DMR throughout the year to ensure that any changes to performance targets, which have budgetary implications are communicated timeously to the Committee.**
- **The Parliamentary Liaison Officer should attend all the committee meetings and take responsibility for ensuring that there is timeous follow-up on the issues agreed to and information promised by the DMR during its engagements with the Committee.**

- Real attention needs to be given by Parliament to introduce effective procedures to follow up more successfully on issues raised by the Committee where the DMR (or entities) undertake to provide additional information or make reports that are specifically requested by the Committee. The effectiveness of oversight depends not only on asking questions, but on following up, particularly when follow-up activities have been agreed with the Committee. The PCMR noted problems with this sort of follow-up in both the 4th and the 5th Parliaments. The role of the “Parliamentary Liaison Officer” needs to be questioned. The PLO’s do not in practice provide an effective liaison channel between the Minister/Department and Parliament.
- The Committee should continue to work closely with other affected Committees (police, home affairs and environment) to fully address the scourge of illegal mining, furthermore it should continue to monitor the evolution of the illegal mining phenomenon as illegal miners are becoming more desperate and resort to more confrontational methods to secure gold in response to improved prevention measures adopted by mines especially in the Free State Province.
- The Committee should ensure that there is sufficient funding to capacitate the DMR in executing its expanded mandate as contained in the one environmental system. The number of environmental mineral resource inspectors is not consistent with the scope of work that should be undertaken when addressing environmental compliance by mines.
- Distressed mining companies are often not compliant with financial provisions required for mine rehabilitation as contained in NEMA. The Committee should apply its mind on the above issue and find a way to ensure full financial provision for mining induced environmental damage, irrespective of the financial status of the mine. The DMR tend to relax financial provision requirements when mines are experiencing financial crisis, leaving a huge environmental liability for the state in the event of a mine liquidation.
- The Committee should insist on regular progress reporting on the compliance level of mining companies to the Mining Charter, to ensure that problems with Charter implementation are identified early and allow for timeous interventions by stakeholders which will enhance transformation in the industry.
- The Committee should continue to follow up with new owners of the Lily mine to ensure that as mining commences efforts to retrieve the bodies of three Lily Mine employees are also accelerated.
- There has been a worrying deterioration in the trend of safety in the mines with the number of fatalities rising compare to the previous financial years, fall of ground incidents contribute disproportionately to the disturbing trend. The Committee should ensure that the DMR continue to do everything possible to arrest the above trend permanently, through vigilant inspections and continual investment in mining safety research capacity of the Mine Health and Safety Council.

1. Introduction

1.1 Department/s and Entities falling within the committee's portfolio

Narrative on the department(s) and entities falling within the committee's portfolio and if there were any changes during the term. Example of new entities being established and/or shifted from or to the Department; department being split and/or newly established.

a) Department of Mineral Resources

The mandate of the DMR is to promote and regulate the minerals and mining sector for transformation, growth, development and to ensure that all South Africans derive sustainable benefits from the country's mineral wealth.

The strategic outcome-oriented goals of the Department are

STRATEGIC GOAL 1 Increased investment in the minerals, mining and petroleum sectors.

Promote and facilitate an increase in minerals, mining and petroleum activity including value addition to mineral resources extracted in the Republic of South Africa.

STRATEGIC GOAL 2 Transformed minerals sector.

Implement transformation policies to redress past imbalances through broader participation in the mineral sector.

Provide a framework to manage health and safety risks, enforce compliance and promote best practice in the mineral sector.

STRATEGIC GOAL 3 Equitable and sustainable benefit from mineral resources.

Promote sustainable resource management; contribute to skills development and the creation of sustainable jobs.

Contribute to the reduction of adverse impacts of mining on the environment.

STRATEGIC GOAL 4 Efficient, effective and development-oriented department.

Optimise internal processes.

Attract, develop and retain appropriate skills and ensure optimal utilisation of resources

Implement risk management strategies and promoting corporate governance.

In framing its strategic objectives, the DMR undertook to implement the National Development Plan (NDP) and the priorities outlined in the Medium Term Strategic Framework (MTSF).

b) Entities:

Name of Entity	Role of Entity
Mine Health and Safety Council	The Mine Health and Safety Council (MHSC) provides a research and advisory function to the Minister in terms of mine health and safety, as well as promoting a culture of health and safety in the mining industry.
Council for Geosciences	The Council for Geoscience (CGS) is one of South Africa's eight main science councils. Reporting to the Minister for Mineral Resources, the CGS lends support to the mandate of the Department of Mineral Resources (DMR) through the development and maintenance of the national geosciences knowledge infrastructure both on land and beneath the oceans surrounding South African territory.
Mintek	The Council for Mineral Technology Research (MINTEK), also a science council, is mandated to provide research, development and technology that foster the development of businesses in the mineral and mineral products industries.
State Diamond Trader	The State Diamond Trader (SDT) promotes equitable access to, and beneficiation of, diamond resources, addresses distortions in the diamond industry and corrects historical market failures to develop and grow South Africa's diamond cutting and polishing industry.
South African Diamond and Precious Metals Regulator	The South African Diamond and Precious Metals Regulator (SADPMR) regulate business development and trade in diamonds, platinum and gold.
Petroleum Agency South Africa (PASA)	PASA is the "designated agency" appointed by the Minister in terms of the the Mineral and Petroleum Resources Development Act, No. 28 of 2002 (MPRDA) to regulate the

Name of Entity	Role of Entity
	oil and gas sector in South Africa. While PASA is a subsidiary of the state-owned CEF Group SOC Ltd, and reports to Parliament through the Portfolio Committee on Energy, from 2017/18 the DMR has funded its budget needs through Vote 29. PASA plays a pivotal role in respect of shale gas and offshore oil and gas exploration

1.2 Functions of committee:

Parliamentary committees are mandated to:

- Monitor the financial and non-financial performance of government departments and their entities to ensure that national objectives are met.
- Process and pass legislation.
- Facilitate public participation in Parliament relating to issues of oversight and legislation.

1.3 Method of work of the committee (if committee adopted a particular method of work e.g. SCOPA.)

The work of the Committee is informed by its Operational Plan, adopted in 2014 and reviewed in 2017. The Committee holds regular meetings at least once a week during Parliamentary sessions, normally on every Wednesday morning. It also undertakes regular oversight visits that are planned to oversee the work of the DMR and the entities and to understand the challenges and opportunities that are being responded to. The Committee makes regular reports to the National Assembly on its oversight visits and on its assessments of the budget, annual performance plans and annual reports of the portfolio. The Committee interacts with the senior leadership of DMR and the entities on a regular basis. It also gains insights into the way legislation and policy is implemented by engaging with, amongst others, the office of the Auditor General, the DPME and stakeholders in the industry as well as academics and NGO's with involvement in the mining sector.

1.4 Purpose of the report

The purpose of this report is to provide an account of the Portfolio Committee on Mineral Resources work during the 5th Parliament and to inform the members of the new Parliament of key outstanding issues pertaining to the oversight and legislative programme of the Department of Mineral Resources and its entities.

This report provides an overview of the activities the committee undertook during the 5th Parliament, the outcome of key activities, as well as any challenges that emerged during the period under review and issues that should be considered for follow up during the 6th Parliament. It summarises the key issues for follow-up and concludes with recommendations to strengthen operational and procedural processes to enhance the committee’s oversight and legislative roles in future.

2. Key statistics

The table below provides an overview of the number of meetings held, legislation and international agreements processed and the number of oversight trips and study tours undertaken by the committee, as well as any statutory appointments the committee made, during the 5th Parliament:

Activity	2014/15	2015/16	2016/17	2017/18	2018/19	Total
Meetings held	24	26	26	26	22	124
Legislation processed			1			1
Oversight trips undertaken	3	3	2	3	3	14
Study tours undertaken	0	0	1	0		1
International agreements processed	0	0	0	0		0
Statutory appointments made	0	0	0	0		0
Interventions considered	0	0	0	0		0
Petitions considered	0	0	0	0	2	2

3. Stakeholders:

- *Mining Support Institutions:*
 - DMR entities
 - *Mine Health and Safety Council (MHSC)*

- *Council for Geoscience (CGS)*
- *State Diamond Trader (SDT)*
- *South African Diamond and Precious Metal Regulator (SADPMR)*
- *Council for Mineral Technology Research (Mintek)*
- *Other entities*
 - *Petroleum Agency of SA (PASA)*
 - *Mining Qualifications Authority (MQA)*
- *All relevant departments (Economic and Social Cluster Departments)*
 - *Department of Environmental Affairs (which makes the environmental regulations implemented by DMR)*
- *Mining and exploration companies (including oil and gas) companies and their representative bodies.*
 - *PetroSA (state oil company)*
 - *African Exploration Mining and Finance Corporation (AEMFC) (state mining company)*
 - *Chamber of Mines*
 - *SA Mining Development Association (SAMDA)*
 - *Offshore Petroleum Association of South Africa (OPASA)*
 - *Onshore Petroleum Association of South Africa (ONPASA)*
 - *SAOGA – SA Oil and Gas Alliance*
- *Mining-affected communities and labour-sending areas*
- *Non-governmental and public benefit organizations concerned about the effects of mining and prospecting on the environment*
- *Trades Unions and their representative bodies*
 - *Treasury*
 - *Auditor-General (AG)*
 - *Council for Scientific and Industrial Research (CSIR)*

- *Statistics South Africa (Stats SA)*
- *Other Research & Development Institutions (Local & international)*

4. Briefings and/or public hearings

{Any critical issues that were focused on, challenges and/or issues arising from these that needs to be followed up}

5. Legislation

The following pieces of legislation were referred to the committee and processed during the 5th Parliament:

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
2014/15				
2015/16	Mineral and Petroleum Resources Amendment Bill (MPRDA)	Section 76	To amend the Mineral and Petroleum Resources Development Act, 2002, as amended by the Mineral and Petroleum Resources Development Act, 2008 (Act No. 49 of 2008); so as to remove ambiguities that exist within the Act; to provide for the regulation of associated mineral, partitioning of rights and enhance provisions relating to the regulation of the mining industry through beneficiation of minerals or mineral products; to promote national energy security; to streamline administrative process; to align the Mineral and Petroleum Resources Development Act with the Geoscience Act, 1993 (Act No. 100 of 1993), as amended by the Geoscience Amendment Act, 2010 (Act No. 16 of 2010); to provide for enhanced sanctions; to	Completed and sent to NCOP <i>[However, the Executive announced in early 2018 that it intends to withdraw the amendment bill in its entirety, in order to create certainty.]</i>

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
			improve the regulatory system; and to provide for matter connected therewith.	
2016/17				
2017/18	None			
2018/19	None			

a) Challenges emerging

The following challenges emerged during the processing of legislation:

- Technical/operational challenges that may have delayed legislation and/or complicated the processing thereof: The President referred the MPRD Amendment Bill (that was passed by the Fourth Parliament in 2014) back to Parliament in 2015 because of his concerns that it would not pass constitutional muster. The complex rules of Parliament then delayed the reconsideration of the bill for three years, until, in 2018, the executive decided to withdraw the bill entirely. An enormous amount of effort was devoted to this bill, all of which was wasted.
- Content-related challenges: The DMR introduced additional substantive amendments to the bill at the NCOP stage. None of this content had been considered by the National Assembly, opening the process up to potential legal challenges.

b) Issues for follow-up

The 6th Parliament should consider following up on the following concerns that arose:

- The DMR failed to carry through any element of the legislative programme approved by Parliament in 2014 for the 5th Parliament. This was despite repeated requests by the PC for a timetable and roadmap to ensure that promised legislation was submitted and processed. The 6th Parliament should insist on accountability on a quarterly basis to ensure that critical legislation on the state mining company, on health and safety, and on petroleum is tabled timeously and processed to finality.

- There needs to be better co-ordination in Parliament so that laws that affect mining on taxation, the environment and worker compensation for example are not discussed only in other Committees. These issues affect directly the effectiveness of the mining sector and need to be discussed with the PC on Mineral Resources, which has to oversee the role of government as a whole in its custodianship of the mineral resource wealth of the nation

6. Oversight trips undertaken

The following oversight trips were undertaken in 2018:

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
29 January – 02 February 2018	Gauteng Province	To tie up some “loose ends” from the work of the Committee, as it pertains to mining research and precious metals beneficiation and furthermore consolidate and update previous Committee observations and recommendations.	<ul style="list-style-type: none"> • Mining Phakisa programs should be tailored in a manner that allows for the absorption of unemployed engineering graduates • DMR should adopt special measures to deal with obstacles faced by Historically Disadvantaged South Africans (HDSA) when using SAMRAD system in respect of accessibility 	Awaited		Adopted 05 September, ATC 156, 29 October 2018

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>and the lack of “user-friendliness”, in order to improve compliance levels</p> <ul style="list-style-type: none"> • Mining Qualification Authority bursary schemes should strike a balance in facilitating the production of both post as well as undergraduates and attend to the need of recipients for stipends during their studies. • The DMR should work more closely with the Department of Environmental Affairs to ensure a closer alignment of strategic goals and avoid unnecessary contradictions when the DEA 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>makes regulations and proposes laws that directly impact on mining.</p> <ul style="list-style-type: none"> • The SADPMR should introduce more programs that will deal with the creation of a strong domestic market for polished diamonds; this must be done in conjunction with the private sector • In crafting its marketing strategy, the State Diamond trader should accommodate plans to promote products in both the domestic and export markets 			
19-20 June 2018	Carletonville, Gauteng Province	The purpose of the meeting was to get views from the	<ul style="list-style-type: none"> • All stakeholders should submit a consolidated document 	Documents submitted (but were not consolidated);		Adopted, 05 September,

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
		<p>company and the organized labour what is the real problem that Sibanye has with regards to mine fatalities and what could be done to rectify the problem.</p>	<p>outlining all their concerns and way forward to the Committee by 19 July 2018. The Committee will then have separate meetings with organised labour alone and the Employer (Sibanye-Stillwater) alone.</p> <ul style="list-style-type: none"> • DMR should submit a summary of inquiries done thus far on fatalities on the mines by 19 July 2018. • DMR should ensure that Mine Health and Safety Amendment bill is fast-tracked to Parliament and the Committee should be informed of the time frame 	<p>still awaiting responses from DMR</p>		<p>ATC 39 October 2018</p>

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>planned by Cabinet to process the bill into law.</p> <ul style="list-style-type: none"> • Issue of Women in Mining needs to be looked at by all stakeholder and DMR should lead. • Issue of attitude and communications with all stakeholders needs to be improved. 			

The following trips were taken in 2017:

Date	Area Visited	Objective	Recomm-endations	Responses to Recommendations	Follow-up Issues	Status of Report
30 January – 03 February 2017	Western Cape	Implementation of the One Environmental System for		No specific responses – subject to ongoing follow up in engagements with the DMR	The DMR should write to the Committee and fully explain the evaluation criteria	Adopted on 14 March and ATC 46-2017

		Mining in the Western Cape			used in assessing the representation of the people of Exholobeni in the BEE deal of Tormin	
27 March – 31 March 2017	Gauteng, Limpopo and Mpumalanga	Theme: solutions to Illegal Mining and visit to Lily mine disaster site	<ul style="list-style-type: none"> • Government funding should be investigated to cover the environmental compliance costs for emergent miners. • Incentives, including tax incentives need to be investigated to promote junior miners, which will reduce illegal activities. • The whole issue of mine closure and mine downscaling needs to be revisited to take account of the human consequences alongside the environmental effects, when a 	Comprehensive follow up briefings were arrange with the PC on Police	<p>Status of the business rescue process at Lily mine and when the trapped workers will be recovered.</p> <p>Government funding should be investigated to cover the environmental compliance costs for emergent miners.</p>	Adopted on 31 May 2017 and ATC No 72—2017

			<p>mine suffers a disaster or fails because of rising costs or tumbling commodity prices.</p> <ul style="list-style-type: none"> • There is a need for action, to engage traditional leaders (or officials in their administration) and embark on awareness campaign, with regards to mining (without permit) on traditional owned land. • The DMR should embark on an education campaign, to sensitize traditional authorities that regardless of land ownership, the mineral resources underground belong to the nation as a whole, and only the DMR may grant mining rights. Permission 			
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			<p>to mine rests solely with the DMR, and is given only when all safety and environmental safeguards are in place</p> <ul style="list-style-type: none"> • There needs to be one (uniform) enforcement system for illegal mining, just as there is one system for environmental regulation. • The DMR should work in concert with the emerging miners' desk at the Chamber of Mines to provide appropriate advice and support for new entrants to the mining sector. • There is a need to engage National Treasury (SARS) regarding the issue of border 			
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			control in terms of custom and duties as it pertain to illegal chrome mining.			
25 -29 June 2017	North West – Rustenburg	Transformation through junior mining	<p>The Department (DMR) devise a strategy to position more black miners to enter the sector especially in the North West province, in order to exploit minerals in the Western limb of the Bushveld complex</p> <ul style="list-style-type: none"> • The Regional Office motivate for the funding of inspectors posts, the 40% vacancy rate is unacceptably high. • The DMR should make a proposal to the Committee on the most 	No specific responses – subject to ongoing follow up in engagements with the DMR	<p>Government needs to develop a Black Mining Industrialists programme to accelerate transformation in the mining sector in pursuance of the NDP objectives.</p> <p>DMR needs a mechanism to assist communities to manage investments in mines and the income/royalties they get from mines.</p> <p>DMR needs to take responsibility for building the</p>	Adopted 06 September 2017 and ATC No. 140–2017

			<p>effective way of protecting community investments in mines, while at the same time minimizing friction amongst community structures.</p> <ul style="list-style-type: none"> • The DMR should investigate funding models that will ensure effective control of the mining project by BEE owners, MoU with development finance institutions should be considered in this regard. • The DMR should adopt a common framework of dealing with 		<p>relationship between mines, communities and local municipalities so that it is constructive. Mining is a national competency and stability in communities surrounding mines is vital to orderly mine development.</p>	
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			<p>farmers who deliberately frustrate mining by demanding exorbitant fees (in the form of rent) on land which they are not using, given that expropriation without compensation is provided for in the constitution.</p> <ul style="list-style-type: none"> • The DMR should work with affected mines to deal with the issue of ownership dilution, due to what seems to be illegal liquidation of BEE holdings <p>1) Government needs to develop a Black Mining Industrialists programme to</p>			
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			<p>accelerate transformation in the mining sector in pursuance of the NDP objectives</p> <p>a) This should include staged developmental assistance that provides appropriate advice, facilitation and permissions at each stage of the development of a new mine</p> <p>b) Emerging mine developers should get government funding to pay for the studies, plans, consultations and investigations that surround applications for right to mining. Most of these</p>			
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			<p>instruments – all necessary for a sustainable mining sector – are costly and were not in place before the MPRDA. Established miners today did not face these costs, but emergent miners do and this retards transformation and diverts energy to other sectors of the economy.</p> <p>c) The growth of the mining sector, and its provision of good jobs, is a key responsibility of the DMR. Junior miners are the key to this process</p> <p>d) Eskom and Transnet (and</p>			
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			<p>other bulk service providers) should be approached by DMR in the interests of junior miners, so as to improve the benefits available from new mines. Coordination of government departments to better serve new entrants and junior miners would greatly aid in the reduction of the cost burden of mining.</p> <ul style="list-style-type: none"> • DMR needs to address the opportunism and abuse of the law by surface land holders who demand high rentals for leasing land 			
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			<p>where mining permits and rights have been granted. Surface right holders are entitled to full, reasonable compensation when mining interrupts their use of the land, but they are not entitled to extort huge payments to the extent that they profit from the fact that there are minerals below the surface. The minerals belong to the nation, not to the holder of surface rights.</p> <ul style="list-style-type: none"> • DMR needs a mechanism to assist communities to manage investments in mines and the income/royalties they get from mines. 			
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			<ul style="list-style-type: none">• DMR needs to take responsibility for building the relationship between mines, communities and local municipalities so that it is constructive. Mining is a national competency and stability in communities surrounding mines is vital to orderly mine development.• DMR needs to approach the Department of Home affairs to ensure that junior miners, when required, get the work permits they need for foreign nationals. This is particularly harmful when			
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			<p>foreign investors in mining are themselves denied work permits, or their documentation is delayed.</p> <ul style="list-style-type: none"> Vacancies must be addressed. The senior management of DMR should apply their determined efforts to fill the 40 per cent vacancy of inspectors in the Rustenburg Regional office in 2017. In the longer term, it is apparent that the scheme to train 50 inspectors needs to be an ongoing programme, within the Department, not a once off. This issue should feature in the 2018/19 Annual 			
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			Performance Plan.			
11-15 September 2017	Gauteng	Mine health and safety, focusing on managing seismic events	<ul style="list-style-type: none"> • Research on seismicity in mines needs to be emphasised by the CGS, the mines and institutions of higher learning. • More collaborative experimentation on mine planning and safe mining methods by the DMR and all responsible and relevant parties is needed to ensure that when incidents occur, workers are not harmed. • The DMR should engage with the industry on the proposed protocol to address the industry's 		<p>The Committee requests a progress report on the proposed protocol to address the industry's concerns with Section 54 from the DMR by the end of March 2018.</p> <p>The DMR should present a progress report to the Committee by the end of March 2018 on the specific steps that have been taken to harmonize the compensation laws on lung diseases and to fast track a compensation system that functions to the</p>	08 November 2017.ATC Reports No. 166–2017

			<p>concerns with Section 54 that has been submitted by the Chamber of Mines. The Committee requests a progress report on this issue from the DMR by the end of March 2018.</p> <ul style="list-style-type: none"> • In the interim, as preparations are made to phase in such an agreed protocol by all stakeholders, the DMR should appoint legal representatives who have an expert knowledge on mining to advise on Section 54 cases when inspectors' notices are challenges in court by the mines. The DMR should not aim to be 		<p>advantage of mineworkers.</p> <p>Parliament should formally invite the Chamber of Mines to provide a briefing on its research on the nature and extent of illicit financial flows from the mining sector in South Africa.</p>	
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			<p>punitive, but to assist the mines to fulfil their journey to zero harm.</p> <ul style="list-style-type: none"> • The trainee inspector programme needs to be financed on a permanent basis by DMR and MQA. • The DMR and the Chief Inspector of Mines should work with MQA to promote skills development in rock engineering. • The DMR should actively support union demands for the MHSC to pay for the lost shift and logistic expenses of worker delegates to the MHSC and 			
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			<p>regional safety forum meetings.</p> <ul style="list-style-type: none"> • The DMR should present a progress report to the Committee by the end of March 2018 on the specific steps that have been taken to harmonize the compensation laws on lung diseases and to fast track a compensation system that functions to the advantage of mineworkers. • The Department of Mineral Resources should give an account on the failure of the Risk Committee dealing with “controlled mines” to meet and carry out its functions under 			
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			<p>section 296 of the Occupational Diseases in Mines and Works Act, No. 78 of 1973. (This Committee, which decides which mines are risky for silicosis – and must pay into the Compensation Fund - is chaired by the Chief Inspector of Mines. It has not functioned for several years.)</p> <ul style="list-style-type: none"> • The DMR should brief the Committee to the extent of progress on the amendments to the MHSA. [The Draft Amendment Bill was gazetted in December 2013 for public comments and completed Nedlac 			
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			<p>processes in March 2016].</p> <ul style="list-style-type: none"> Parliament should formally invite the Chamber of Mines to provide a briefing on its research on the nature and extent of illicit financial flows from the mining sector in South Africa. 			
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Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
16 -17 February 2016	Mpumalanga (Lili Mine)	Oversight visit in Mpumalanga where three workers have been trapped underground at the Vantage Goldfields Lily mine in Barberton since 05 February 2016	<ul style="list-style-type: none"> The Department of Mineral Resources should send information on when was the mine was established and the projections for its future. The Department of Mineral 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>Resources should continue to do the health and safety inspections in mines regularly.</p> <ul style="list-style-type: none"> Whatever the outcome, the heroism and tireless efforts made to try and rescue the three employees should be recognised and celebrated. This appears to be a disaster that has occurred beyond the normal dangers of mining. 			

The following trips were undertaken in 2015:

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
01-06 February 2015	KwaZulu Natal and	The Committee had been made aware of serious problems experienced by the	<ul style="list-style-type: none"> There is a need for political leadership to 			Adopted 12 August 2015, ATC

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
	Eastern Cape	<p>local community at Osizweni, outside Newcastle in KwaZulu-Natal because of illegal coal mining at a derelict mine.</p> <p>The second objective of the visit was to assess progress in dealing with the social, economic and health support available to ex-mineworkers and present mineworkers who originate from the Eastern Cape Province.</p>	<p>make the decisions to correct the present hazardous situation at Osizweni. The Provincial Government of KwaZulu-Natal is the key player here, while relying on the active assistance of the DMR and other national departments. The need is to complete the construction of the new school, to relocate the affected households and to transfer qualifying small scale miners to the new brick</p>			10 September 2015

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>factory site. These steps are required before Mintek can proceed with the tender for the closure and rehabilitation of the pit.</p> <ul style="list-style-type: none"> ○ The DMR should report back to the Committee by 23 September 2015 on the status of the issues listed under point 4.2, above. ○ This report should include an indication of the funding flows for the relocation of the illegal miners, the establishment of the brick making product and the operation 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>of the new small scale mine.</p> <ul style="list-style-type: none"> • The Department of Mineral Resources should find a way of improving the effectiveness of the Regional Office in the Eastern Cape, which is located in PE while most mines – and mining labour sending areas - are located in other parts of the Eastern Cape. • Traditional Leaders should be better informed by the DMR on the requirement that people need to have permits to take sand and stones from their land. The DMR should inform the PC by October 2015 on the action plans it 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>has in place to empower traditional leaders and communities in this regard. This should include a timetable of how the road show programme to educate communities on their rights will be rolled out over the 2016/17 financial year. People who are awarded government construction tenders leave holes from their excavations and do not rehabilitate the areas. This can be a hazard and create environmental problems such as erosion. There are laws in place to prevent this abuse,</p>			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>but people need to know about them.</p> <ul style="list-style-type: none"> <li data-bbox="997 440 1333 846">• The Chamber of Mines should report to the Committee on what they are putting in place for ex-mine workers and how ex-mineworkers fit into the Chamber's vision for a truly transformed mining industry. <li data-bbox="997 911 1333 1317">• The DMR and Somkhele Colliery need to resolve the apparent dispute over the interpretation of the Mining Charter to ensure there is mutual understanding of stated targets. 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<ul style="list-style-type: none"> The DMR needs to clarify its expectations regarding the application. Somkhele has made to expand their operations. Mining operations need long term certainty if they are to operate without costly interruptions. This is needed also to optimise employment and the benefits from the mining operation for the national and provincial economy. The PC would like to be informed of what projects the DMR has approved that demonstrate compliance with the SLP. 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<ul style="list-style-type: none"> <li data-bbox="995 326 1335 732">• All mines should follow the strategy used by RBM for continual environmental rehabilitation so that mined land is rehabilitated so that it can revert to other uses after mining is finished. <li data-bbox="995 797 1335 1385">• The DMR and the Ingonyama Trust Board (ITB) should be invited to present to the Portfolio Committee on how they implement Section 11 of the MPRDA. This requires that royalties and other payments made in terms of this provision must be used for social upliftment and must be accounted for and 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>audited on an annual basis. (The ITB accounts to Parliament for the bulk of its activities through the PC on Rural Development and Land Reform. It is appropriate that a specific report is made to the PC on Mineral Resources, given that the ITB receives funds from mining operations as specified in the MPRDA).</p> <ul style="list-style-type: none"> The DMR should attend to the need of RBM for a speedy decision on their applications for permissions needed to expand their operations to the south. Mining investment decisions 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>are made during defined 'window periods', particularly when the mine is foreign owned and is competing with other international projects for company funding.</p> <ul style="list-style-type: none"> • The One Stop Service Centres should report not just on the number of ex-mineworkers they have seen and treated, but on the numbers and proportions of workers who actually receive payments as a result of the work of the Centre. • The One Stop Service facilities in decentralised locations are a welcome innovation 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>but the business/operational model of the demonstration sites needs to be perfected before wider roll-out is planned.</p> <ul style="list-style-type: none"> • The ex-mineworkers from remote rural areas should be assisted with travel allowances to attend the One Stop Service Centres for the free medical benefit examinations they are entitled to every two years. • The MBOD should account urgently for its failure to respond to documentation and samples submitted to them 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>for assessment by the One Stop Service Centre in Mthatha over the period April 2014 to February 2015.</p> <ul style="list-style-type: none"> • TEBA should honour the commitment they made publicly at the 2014 Mining Health and Safety Summit to waive the service charge for providing ex-mineworkers with their service records. • The Portfolio Committee recommends that the DMR should use the same workshop approach that showed such positive results at Ikhwezi Quarry to assist other mines to consult better with 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>communities and improve the relations between the community, the municipality, the traditional leadership and the mine.</p>			
24-27 March 2015	Northern Cape		<ul style="list-style-type: none"> • Mining companies and the DMR in the Northern Cape need to work more closely with the Provincial government, especially with regard to issues concerning community development. The mining companies should have a forum with the provincial government and DMR. A mining summit should be considered. • The DMR should actively assist local 			Adopted 12 August 2015, ATC 10 September 2015

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>and provincial government to play a role in promoting local economic development based on mining ventures. Mines can act as a catalyst for further economic development that can empower a regional economy. It is part of the function of the DMR to substantially and meaningfully expand opportunities for historically disadvantaged persons, including women and communities, to benefit from the exploitation of the nation's mineral and petroleum resources;</p>			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<ul style="list-style-type: none"> <li data-bbox="997 326 1333 846">• Local Government structures need to assist communities in ensuring that mining companies' social investment projects benefit local communities in ways that strengthen the Integrated Development Plan and address the vision of the National Development Plan. <li data-bbox="997 906 1333 1393">• Mining companies in future should inform respective unions timeously about pending visits of the Portfolio Committee so as to enable meaningful participation by union's representatives in the deliberations of the Committee; 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<ul style="list-style-type: none"> <li data-bbox="997 326 1331 886">• Trusts established to implement social investment projects should have representatives from the community constituting the majority of members. This would ensure that funds are invested in initiatives that contribute to the development of the community in a meaningful manner. <li data-bbox="997 946 1331 1393">• More should be done to facilitate women's participation in mining activities in the area. Learners within mining communities should be exposed at an early age to the opportunities offered by careers in 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>mining and assisted to choose appropriate school subjects.</p> <ul style="list-style-type: none"> • Community projects funded by the mining companies should also target labour sending areas and not limit funding to areas currently being mined. • Mining companies should reconsider the issue of asbestosis survivors and ensure that victims receive proper medical care and fair compensation. • In the event of an iron ore price collapse Kumba 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>must have a clear strategy of dealing with the consequences that will minimize job losses.</p> <ul style="list-style-type: none"> <li data-bbox="997 602 1331 1203">• Mines should comply with the law regarding environmental management obligations, as untreated water threatens both livestock and the community. The DMR must also enforce environmental rights of communities as required by the MPRDA; and <li data-bbox="997 1263 1331 1373">• DMR should ensure that there is consistency in the 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>manner in which mining companies fulfil their commitments with respect to the social and labour plans of mines across the province.</p>			
20-25 July 2015	Mpumalanga	<p>The first objective is to visit Pan African Resources which owned most of the Barbeton mines. The second objective is to visit Exxaro's Glisa Colliery near Belfast, where mining is taking place very close to human settlements. Unlike the illegal mining which the Committee saw in Osizweni, this mining is legally approved. Exxaro Resources Limited (Exxaro) is the most empowered of the coal mines. Exxaro is both a big supplier to Eskom and a coal exporter.</p>	<ul style="list-style-type: none"> • Intergovernmental relations framework has to be activated to enable the provincial government to exert appropriate influence on mining related issues, without overstepping its constitutional mandate. • DMR need to work more closely with the Provincial government on issues related to mining and consult fully with Traditional structures on issues affecting the 			<p>Adopted 03 February and ATC, 01 March 2016</p>

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
		<p>The third objective is to look at illegal gold mining near Barberton, particularly at the challenges experienced by the operators of Fairview Gold Mine, the Sheba Gold Mine and the New Consort Gold Mine with regard to illegal activities that affect them and how the issue is being tackled in the area.</p> <p>The Committee will also visit the memorial to the 177 mineworkers killed in the Kinross disaster in 1986 and the site of about 1 000 unnamed graves of mineworkers at a run-down hostel structure on the Evander Gold Mine property, in Mpumalanga.</p>	<p>respective communities.</p> <ul style="list-style-type: none"> • La Farge needs to come up with a clear housing policy for its employees • DMR should clearly reflect its manpower requirements as it pertains to the monitoring of all environmental and health impacts of all mining activities in the province. • Mining companies in Mpumalanga should learn from best practice in terms of mining rehabilitations (KZN, Richards Bay). • Traditional leaders should make use of the opportunity afforded to them through the bill referral and ensure that they participate in formulating legislation. 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<ul style="list-style-type: none"> • Traditional leaders of the Province should forward all issues that deserve the attention of the committee to the Secretary. • Exxarro need to work harder in addressing issues of environmental compliance, as well as the participation of woman in its labour force, the committee will revisit the company in future (or call the company to Parliament to account on what has been done). • DMR should work closely with the police to ensure that authorities are officially notified about the existence of more than 1000 graves. 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<ul style="list-style-type: none"> DMR should understand all the implications of turning the area into a heritage site and make sure that families are aware of the implications 			
14 -18 September 2015	Limpopo	The first objective of the oversight is to understand the way that the DMR manages and interprets community consultation issues with regards to mining. The second objective is for the Committee to get exposure to the details of how community disputes impact on mining and on the effects that mining has on creating tensions within communities.	<ul style="list-style-type: none"> 			Adopted, 09 March 2016

a) Challenges emerging

The following challenges emerged during the oversight visits:

- Technical/operational challenges: Parliament delays unreasonably in approving plans for oversight, leading to last minute arrangements that defy effective planning. Parliament books the members into hotels that are far removed from the rural areas where mines are based. This leads to many extra hours of additional travel and less time for oversight activities.
- Content-related challenges: Often, members are promised additional information in writing to respond to particular questions raised during the oversight. In many cases, these promises are not honoured – by stakeholders and the DMR.

b) Issues for follow-up

The 6th Parliament should consider following up on the following concerns that arose:

- There is a problem with the effective follow-up of issues raised during oversight visits because of other issues that crowd onto the programme of the Committee

7. Study tours undertaken

The following study tours were undertaken:

Date	Places Visited	Objective	Lessons Learned	Status of Report
29 July – 06 August 2017	Western Australia – Perth	1. To understand the mineral policy of Western Australia (each state has its own mining laws and mining ministry) and how the how the investment	<ul style="list-style-type: none"> • Australia and Canada are the global mining jurisdictions that are rated the most attractive for investors in mining. In the case of Western Australia, a rich mineral endowment is complemented by at least four other success factors: skilled people; junior miners with an entrepreneurial spirit of risk 	Adopted on 06 September 2017 and ATC No. 140–2017

Date	Places Visited	Objective	Lessons Learned	Status of Report
		<p>environment for mining is regulated.</p> <p>a. This included an explanation of the Minerals Resource Rent Tax, which was introduced by the federal government and then revoked.</p> <p>2. To understand the laws, policies and instruments in place to ensure higher levels of local content for mining inputs.</p> <p>b. This included the State Agreements on large mining projects which are passed by the Western Australia Parliament, after negotiations on terms with the company concerned.</p> <p>3. To understand how the state deals with</p>	<p>taking; competent companies that provide excellent services and support; and, a strong and highly efficient logistics chain for all mining.</p> <ul style="list-style-type: none"> • Western Australia has three separate government departments that deal with mining: <ul style="list-style-type: none"> - The Department of Mines (DMIRS) manages the Mining Act and its regulations, dealing with occupational health and safety, inspections and checking that each mine is paying the correct royalty due to the government (10 per cent of revenue at the mine head). - The Department of Industry (Department of Jobs, Tourism, Science and Innovation (DJTSI) facilitates the attraction of mining investment. This includes, for big mining projects, the negotiation of long term contracts between the state and the 	

Date	Places Visited	Objective	Lessons Learned	Status of Report
		<p>the environmental issues that relate to mining, including measures to deal with derelict and ownerless mines that may pose environmental hazards</p> <p>4. To understand the labour system used on mines in Western Australia, including issues of technology, mechanization and skills training.</p>	<p>mining company dealing with investment in infrastructure for the mine and royalty levels. These “State Agreements” have to be passed by the Parliament of Western Australia. They demonstrate to the mining companies that the State will give long term support to developing the mine. Some State Agreements are 60 years old and provide a base of certainty over the long periods needed to justify mining investment.</p> <ul style="list-style-type: none"> - The Department of Water and Environmental Regulation is responsible for environment and water regulation, serving as a ‘one stop shop’ for industry and developers, with the aim of streamlining and simplifying regulation. • Western Australia has effectively given up on beneficiation, despite ambitions in the 20th century to 	

Date	Places Visited	Objective	Lessons Learned	Status of Report
			<p>set up downstream manufacturing using the rich mineral and oil deposits of the state. Western Australia is an extremely efficient exporter of raw mineral and petroleum resources. The state has grown rich from exports of raw materials, particularly to the industrial hubs of China and Japan.</p> <ul style="list-style-type: none"> • Labour on the mines in Western Australian has high wages and high standards, but the sector is very mechanised and productive, so relatively few people work in the mines. Mining towns in remote mining areas have been run down as workers are employed on individual contracts to Fly in and Fly out (FIFO). They work 9 days on and 4 days off. The work hours are very long and there are social and drug problems because of the pressures on family/normal life caused by the frequent absences at the mine. • The environment has become an increasing priority for 	

Date	Places Visited	Objective	Lessons Learned	Status of Report
			<p>mining. One recent innovation is the Mining Rehabilitation Fund, which was developed from industry lobbying. Every mine pays a risk-based levy and the levies are pooled to form a fund to rehabilitate abandoned mines. This released capital that was tied up in rehabilitation bonds and guarantees. Mines have to rehabilitate concurrently, as they are mining.</p> <ul style="list-style-type: none"> • Mining experts at the Western Australia School of Mines are very positive about South Africa's potential for relying on mining as a pillar of the economy far into the future. This is, however, dependent of creating a business and regulatory environment for mining that is stable and hence attractive to investors. • Western Australia was falling behind in exploration, so a concerted programme was developed over the last decade to encourage new exploration. This includes a highly successful Exploration 	

Date	Places Visited	Objective	Lessons Learned	Status of Report
			<p>Incentive Scheme that subsidizes junior miners to drill and explore. 1:100,000 geological mapping of the State has been accompanied by a new R73-million “core library” where all explorers have to deposit their core samples. These are analysed for their mineral content and are publicly available to exploration companies for free. Western Australia is rated first in the world for its geological survey, which was planned to meet the expectations of companies.</p> <ul style="list-style-type: none"> • The Western Australian government is an active promotor of the companies that support mining. Named the Mining Equipment and Technical Services (METS) this is a major contributor to export earnings. The METS have both an Australian and an international focus (including Africa). This in turn strengthens the Western Australian mining sector 	

Date	Places Visited	Objective	Lessons Learned	Status of Report
			<p>because of the wide experience base.</p> <ul style="list-style-type: none"> • The METS sector and exploration benefit from the close partnerships which exist between companies, universities and government scientific organisations. These are used to fund expensive technical equipment for both research and sample analysis. (Academics said that the same high degree of partnership and co-operation is not in place between South African universities and agencies.) • Western Australia only appoints inspectors for mines that have at least five years of actual mining experience. A person is not seen as competent just because they have passed all the legally mandated exams. Inspectors have to come to their posts with a real practical experience of working in and managing mining operations. • Parliamentary oversight over the mining departments in Australia is not as strongly 	

Date	Places Visited	Objective	Lessons Learned	Status of Report
			<p>emphasised as in South Africa, but the industry associations are very active in holding the departments to account on their efficiency in processing applications and sticking to agreed time frames. The mining law is amended almost on an annual basis, but this is to keep up with changes in technology and economic developments. The basis of the mining law was set in 1904. The most recent “full” amendment was in 1978.</p> <ul style="list-style-type: none"> • The people of Western Australia own all the minerals, but the rights of the traditional, Aboriginal, owners of the land have been increasingly recognised. Indigenous people have to give their consent to mining companies before any mining can take place on their land, to which they have had “Native Title” since 1993. • Skilled workers on the mines have flexible qualifications, so when there is a downturn in mining, they can easily find 	

Date	Places Visited	Objective	Lessons Learned	Status of Report
			<p>work for which they are qualified in other sectors, such as shipyards or agricultural machinery.</p> <ul style="list-style-type: none"> • There is no fracking in Western Australia. There are areas with very high potential for unconventional gas, but these are extremely remote and without infrastructure. It will be many years before these deposits could be extracted economically. • Mining in Australia is male dominated, as in South Africa. In Western Australia, 18 per cent of mining employees are women (compared with 11 per cent in South Africa). There are no quotas to promote gender equality in employment, but it is encouraged. The mining industry has an annual award to recognise women in mining. There are also awards to recognise people who have promoted moves towards gender equality. • There are major differences between mining in Western 	

Date	Places Visited	Objective	Lessons Learned	Status of Report
			<p>Australia and South Africa – there are very few underground shafts – most mining is opencast; there are relatively few workers (less than half in South Africa in an industry with over ten times greater sales); the degree of mechanisation is extreme, with workers in Perth able to drive trucks remotely 1600 km away. There are no illegal miners.</p> <ul style="list-style-type: none"> • Western Australia has no Mining Charter. Benefits from mining flow to the state through royalties and to the community through jobs and many associated industries. Major mine developments involve specific commitments by mining companies on their investments in mine infrastructure, which are balanced by state support. Mining contracts are transparent and publicly available (although some commercially sensitive items might be withheld). 	

Date	Places Visited	Objective	Lessons Learned	Status of Report

a) Challenges emerging

The following challenges emerged during the study tours:

- Technical/operational challenges: Parliament delayed so long in approving the visit that it was a matter of pure luck that the visit was a success. Study tours need early approval and careful pre-planning so they can meet their intended objectives
- Content-related challenges: because of the very late approval of the visit by Parliament, it was impossible to schedule any mine visits during the study tour.

b) Issues for follow-up

The 6th Parliament should consider following up on the following concerns that arose:

- The Committee needs to visit Canada to compare its mineral regulation systems with those in South Africa and also to visit the United States to consider experiences on hydraulic fracturing. These visits should be approved early, so the programmes can be tailored to the study needs of the PC.

8. International Agreements:

None

9. Statutory appointments

None

10. Interventions

None

11. Petitions

The following petitions were referred to and considered by the committee:

Title	Date referred	Current status
Investigate the impact that the Proposed Palmietkuilen Coal Mine will have on the community (submitted in terms of Rule 347.	19 May 2017	Adopted, 05 September 2018, ATC, 29 October 2018
Concerns raised by the Melmoth community in KwaZulu Natal about the involvement of Mr Naveen Jindal in mining activities in the Province	22 November 2018	The response requested by the Speaker was obtained from the DMR and the mining company involved and forwarded to the Speaker on 07 March 2019

a) Challenges emerging

The following challenges were experienced during the processing of petitions:

- Technical/operational challenges: Because of the late approval of the oversight, Parliament did not have time to process quotes for a meeting venue with Petitioners in Springs. This led to an informal meeting venue being arranged at the last minute.
- Content-related challenges: the one petition involved concerns on the roles of the national department of environmental affairs and the provincial agricultural department. Neither provided any input to the oversight, despite requests from Parliament.
- The Melmoth petition, while it was referred to the Committee by the Speaker, did not meet the criteria for a valid petition to Parliament as set out in the Rules.

b) Issues for follow-up

The 6th Parliament should consider following up on the following concerns that arose:

- When petitions cover several Committees' oversight areas, a joint approach is needed for Parliamentary effectiveness.

12. Obligations conferred on committee by legislation:

(Include BRRR process – recommendations and outcomes of these if any)

a) Challenges emerging

The following challenges emerged during the statutory appointments:

- Technical/operational challenges
- Content-related challenges

b) Issues for follow-up

The 6th Parliament should consider following up on the following concerns that arose:

13. Summary of outstanding issues relating to the department/entities that the committee has been grappling with

The following key issues are outstanding from the committee's activities during the 5th Parliament:

Responsibility	Issue(s)
DMR	What are the patterns of accidents by mining company, cause and number of workers affected?
	Derelict and ownerless mines: what are the plans of government as a whole to address the 6,000 D&O mines and their impacts on the environment and communities? How long will it take to address the problems, given the present plans to rehabilitate only 45 priority mine sites a year?
	Who is the DMR granting rights to?

Responsibility	Issue(s)
	How is the DMR going to ensure more transparency in the processing of mining applications, given the limitation of SAMRAD.
	How is the DMR going to address the evolving nature of illegal mining, what is the action plan which goes beyond the co-ordinating role, there is an urgent need to move from planning to action mode.
	The withdrawal of the MPRDA has been announced but is yet to be effected.

14. Other matters referred by the Speaker/Chairperson (including recommendations of the High Level Panel)

The following other matters were referred to the committee and the resultant report was produced:

Date of referral	Expected report date	Content of referral	Status of Report
19 May 2017		Investigate the impact that the Proposed Palmietkuilen Coal Mine will have on the community (submitted in terms of Rule 347.	Adopted, 05 September 2018, ATC, 29 October 2018
02 November 2018		<ul style="list-style-type: none"> - Commission for Gender Equality Policy Brief 17: Focus on Gender in South Africa's Mining Sector - Commission for Gender Equality Policy Brief 19: Equality for Women in Mining – Assessing gender mainstreaming at Impala Platinum and Petra Diamonds. 	In abeyance, the committee was waiting to compare the action plans in the (long delayed) Women in Mining Strategy of the DMR with the recommendations of the Commission. The DMR now says the issue will be fully and finally addressed in the guidelines for implementing the Mining Charter
		Report of the High Level Panel	Considered in the meeting of 07 November 2018. The Department of Mineral Resources responded to the recommendations, which require extensive

Date of referral	Expected report date	Content of referral	Status of Report
			amendment of the MPRDA, on 20 February and 06 March 2019
		Report of the SA Human Rights Commission on mining and communities	SA HRC presented the report on 27 February 2019. It included a timetable for directives to be implemented by DMR. This needs to be a matter for future committee oversight.

c) Challenges emerging

The following challenges emerged during the processing of the referral:

- Technical/operational challenges: These referrals add extra work into the programme of the Committee, often without consideration by the Speaker of the approved priorities of the Committee, or the quality of the referred documents.
- Content-related challenges:

d) Issues for follow-up

The 6th Parliament should consider following up on the following concerns that arose:

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15. Recommendations

When the House Chair or Speaker refers issues to the Committee for report, the House Chair should agree to adequate additional meeting time being allocated to the Committee so as not to disrupt the adopted oversight and strategic plan of the committee.

(Include possible recommendations to resolve operational and/or procedural concerns encountered during the 5th Parliament)

16. Committee strategic plan

17. Master attendance list