



MINE CLOSURE & RECENT CASE LAW WORKSHOP PROGRAMME – 14 MAY 2019 - EMALAHLENI

SESSION	TOPIC	KEY ISSUES COVERED
SESSION 1	Key Authorisations Required to Close or to Decommission a Mine	<ul style="list-style-type: none"> ➤ Overview of mining & environmental authorisation requirements under the MPRDA & NEMA, including - <ul style="list-style-type: none"> ○ Decommissioning listed activities under NEMA ○ Section 43 of the MPRDA (closure certificates) ○ Amendments to EMPRs ○ Other possible authorisation requirements for closure (NEMAQA notification requirement and WUL amendment) ○ Appeals and risks
SESSION 2	Financial Provision	<ul style="list-style-type: none"> ➤ Financial Provision under NEMA
SESSION 3	Mining Charter	<ul style="list-style-type: none"> ➤ Key issues
SESSION 4	Consultation with Interested and Affected Parties	<ul style="list-style-type: none"> ➤ Requirements for consultation under the MPRDA & NEMA ➤ Discussion of <i>Maledu v Itereleng Bakgatla Mineral Resources (Pty) Ltd</i> (section 54 of the MPRDA & deprivation of informal land rights) ➤ Discussion of <i>Baleni vs Mineral Resources Minister</i> (full and informed consent of communities to mining)
SESSION 5	Mining in Protected Areas	<ul style="list-style-type: none"> ➤ Overview of different protected areas under NEMPA ➤ Discussion of <i>Mpumalanga Tourism & Parks Agency v Barberton Mines (Pty) Ltd</i> (prospecting in a protected area) ➤ Discussion of <i>Mining & Environmental Justice Community Network v Minister of Environmental Affairs</i> (mining in the Mabola Protected Environment)
SESSION 6	Compliance and Enforcement Action	<ul style="list-style-type: none"> ➤ Sources of compliance action – I&APs, whistle-blowers & Mineral EMIs ➤ Discussion of <i>Mineral Sands Resources v Magistrate for Vredendal</i> (EMI jurisdiction) ➤ Applicable administrative compliance action provisions under NEMA, the NWA and the MPRDA