



## MINE CLOSURE & CASE LAW DEVELOPMENTS WORKSHOP PROGRAMME – 20 JUNE 2019

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