



CHAMBER OF MINES
of South Africa

MEDIA STATEMENT

MINISTER SUSPENDS IMPLEMENTATION OF REVIEWED CHARTER PENDING JUDGMENT

Parties agree to revised dates following undertakings by the Minister

Johannesburg, 14 July 2017: The Chamber of Mines advises that the Minister of Mineral Resources has given a written undertaking that the Minister and the Department of Mineral Resources (DMR), will not implement or apply the provisions of the 2017 Reviewed Mining Charter in any way, pending judgment in the urgent interdict application brought by the Chamber of Mines. The Chamber of Mines is seeking an urgent interdict to prevent the implementation of the DMR's Reviewed Charter, published on 15 June 2017.

The Minister has furthermore undertaken that, in the event of any breach of the above undertaking, the Chamber can set the urgent interdict application down for hearing on 48 hours' notice to the Minister.

Based on the written undertaking, the Chamber of Mines has acceded to the DMR's request for extra time to prepare its answering affidavit to the interdict application and for the hearing to take place on a later date. The hearing was scheduled for Tuesday, 18 July 2017. The parties have asked the Deputy Judge President (DJP) of the High Court to allocate a hearing date in September 2017. This date is subject to allocation by the DJP, which is expected to occur by around the end of July.

Chamber of Mines CEO, Roger Baxter notes that this is a satisfactory arrangement for the Chamber and the industry, whose primary objective through the interdict application remains to ensure that the DMR's Charter does not come into effect, pending a court application to have it reviewed and set aside. Mr Baxter reiterated the Chamber and the industry's commitment to transformation, and stressed that it was imperative that meaningful and lasting



transformation be undertaken in a way that it ensures the sustainability and growth of the industry.

The Chamber's application to have the DMR's latest version of the Mining Charter reviewed in terms of the Promotion of Administrative Justice Act (PAJA) and the Constitution will be lodged as soon as possible after judgment has been handed down in the Chamber's urgent interdict application.

Meanwhile, the Chamber's Application for a Declaratory Order in respect of the recognition of prior BEE transactions under the Original and 2010 Charters, has been re-enrolled by the Deputy Judge President for hearing on 9 and 10 November 2017.

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