

## **MEDIA STATEMENT**

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### **CHARTER REVIEW HEARING HELD ON TUESDAY – JUDGMENT RESERVED**

**Johannesburg, 6 May 2020:** The Minerals Council South Africa confirms that a one-day online Pretoria High Court hearing took place yesterday where a full bench heard the application by the Minerals Council for a judicial review of certain aspects of the Mining Charter gazetted in September 2018.

Judge President Mlambo, Judge Vally and Judge Van Der Schyff reserved judgment. There is no further information on when judgment is to be delivered.

The aspects before the court included the following:

- The non-joinder defence raised by the DMRE relating to interested and affected parties who ought to have been joined in the matter;
- The various grounds of review including:
  - the non-recognition of the empowerment credentials in respect of renewals and transfers of existing mining rights;
  - Practicality of procurement provisions related to mining goods and services; and
  - Certain matters applying to the diamond industry.

It will be recalled that the application was lodged on 27 March 2019, when the 180-day time limit came into effect for reviews in terms of the Promotion of Administrative Justice Act. Prior to that date and thereafter, talks were held between the Minerals Council and the DMRE in an effort to reach consensus on these matters. Unfortunately, those efforts were unsuccessful.

Papers related to the hearing can be found at <https://www.mineralscouncil.org.za/industry-news/publications/other-resources>.

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