

Mining: A Legal Perspective Overview

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SA legal system

- Legislation (MPRDA, Minerals Act, MTRA, Mining Charter)
- Common law

MPRDA

- Comprehensive regulation of:
 - Prospecting rights
 - Mining rights
 - Exploration rights
 - Production rights
 - Reconnaissance permission
 - Minister's powers in relation to above

MPRDA, cont.

- Establishment of sub-regulators/agencies
- Environmental obligations
- Transformation of mining industry
 - Standards and code of good practice for minerals industry
 - Development of broad-based socio-economic empowerment charter
- Preferent rights to communities to prospect or mine
- Exemptions
- Repeals

Other mining legislation

- Mining Titles Registrations Act
- Mining Charter
- Mine Health and Safety Act
- Regulations under each of the above

BEE

- Broad-Based Socio-Economic Empowerment (BBSEE) Charter
- Applies to SA mining industry
- All stakeholders undertake to create an enabling environment for the improvement of HDSA by subscribing to the following:
 - HR development
 - Employment equity
 - Immigrant labour
 - Mine community and rural development
 - Housing and living conditions
 - Procurement

BEE, cont.

- Beneficiation
- Exploration and prospecting
- State assets
- Financing mechanism
- Regulatory

BEE, cont.

- BBSEEC amendments
 - Ownership requirement 26% by HDSAs by 2014 retained
 - Improvements
 - Procurement from empowerment entities
 - Contributions to social development funds
 - Percentage participation in management levels
 - Annual payroll contribution to skills development
 - Home ownership opportunities for mine employees
 - Non-compliance with Charter will be a breach of MPRDA

MPRDA

- Amendments
 - Environmental matters being moved from the MPRDA to the National Environmental Management Act