

# MEDIA STATEMENT

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## CHAMBER LODGES INTERDICT TO PREVENT MINISTER ZWANE FROM IMPLEMENTING 'UNLAWFUL' NOTICE

**Johannesburg, 25 July 2017:** The Chamber of Mines advises that Mineral Resources Minister Mosebenzi Zwane regrettably failed to withdraw the notice that appeared in the Government Gazette under his name on 19 July 2017. In the notice he invited submissions on his intention to suspend the processing of new section 11, mining and prospecting rights applications or their renewal.

The Chamber has therefore today issued and served an urgent application with the Pretoria High Court to review and set aside the notice and to interdict the Minister from taking any decision or issuing any directive contemplated in the notice. The matter will need to be heard in urgent court on 4 August 2017. This date is the deadline the notice affords members of the public to respond to the notice.

The Chamber will seek the urgent setting aside of the notice on one of two bases, namely either the Promotion of Administrative Justice Act (PAJA) or the constitutional principle of legality.

The Chamber's legal advice is that the notice constitutes an unlawful action for a number of reasons including:

- the damaging impact of the notice itself and its proposed further action on the mining sector; and
- that the Minister acted 'ultra vires' or beyond his powers under the Mineral and Petroleum Resources Development Act (MPRDA) and unconstitutionally by issuing the notice.

The Chamber notes, with regret, that the industry has no option but to proceed with court action to ensure that the Minister acts within the law, and in the best interests of the industry and the country.

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