

MEDIA STATEMENT

PARTIES FORMAL AGREEMENT ON MORATORIUM MADE AN ORDER OF COURT

Johannesburg, 4 August 2017: The Chamber of Mines and the Department of Mineral Resources (DMR) have reached an agreement at the High Court of Gauteng (Pretoria), after the Minister of Mineral Resources formally stated that he does not intend to take any of the steps contemplated in the notice published in the Government Gazette of 19 July 2017. The DMR has therefore formally agreed not to pursue the contemplated suspension of the processing of section 11 applications, new mining and prospecting rights applications and renewals of existing rights.

This follows a statement last night by the DMR on the eve of the application by the Chamber for an urgent interdict against the Minister's notice, indicating that it would not pursue the intent stated in its notice. Given that a media statement does not in itself constitute a formal withdrawal, the parties reached an agreement setting out the Minister's undertaking, which was made an order of court this morning.

The order of court also provides that the Chamber's application for an urgent interdict is postponed *sine die* and costs are reserved.

Presiding Judge Monama made the agreement a court order and had stern words relating to the Minister's failure to formally communicate his position in respect of the Chamber's urgent application. The judge remarked that the Minister's approach, both in issuing the intended moratorium notice and in his failure to respond to the application, showed "the utmost disrespect" for the Constitution, the rule of law and the courts. He further remarked that the Minister's conduct serves to tarnish Brand South Africa, and called for the Minister to submit an affidavit within 14 days explaining his failure to file an answering affidavit.

While the court order is satisfactory it does not take away the fact that significant damage has been done to the confidence of the industry as a result of the Minister's reckless actions.



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