



CHAMBER OF MINES  
of South Africa

# MEDIA STATEMENT

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## CHAMBER OF MINES CONFIRMS THAT DMR HAS ADVISED IT WILL SEEK LEAVE TO APPEAL PORTION OF RECENT DECLARATORY ORDER JUDGMENT

**Johannesburg, 23 April 2018:** The Chamber of Mines confirms that it has been notified that the Minister and the Department of Mineral Resources (DMR) have filed an application for leave to appeal the majority judgment and orders delivered on 4 April 2018 granted in favour of the Chamber of Mines.

The Chamber respects the statutory rights of the Minister and the DMR to appeal the outcome of the judgment. The Chamber is currently reviewing the specified grounds of appeal, although the DMR's appeal appears to center on the majority Judges *obiter dictum* comments about the legality of the 2010 Charter and the enforceability of the Charters. The Chamber has continued to state that it fully supports the 2004 and 2010 Charters as it was party to developing these Charters and the industry has created substantial transformation through applying these Charters.

On a separate matter, the Chamber confirms that it has agreed to join, as a respondent, the application brought by attorney Hulme Scholes. The Scholes application challenges, amongst others, the validity of both the 2004 and 2010 Mining Charters. The Chamber does not share this view.

The Chamber participated in the development of the original Mining Charter in 2004 and its revision in 2010. The Chamber continues to see it as an important instrument for achieving the transformation of the sector, and therefore does not question its legitimacy.

The Chamber continues to participate in the two technical task teams established by the Minister of Mineral Resources on the Mining Charter and on competitiveness and inclusive growth, as well as the Committee of Principals with a view to developing a new Mining Charter that will facilitate the further transformation and sustainability of the industry.

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