

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

THURSDAY, 16 SEPTEMBER 2010

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ANNOUNCEMENTS**National Assembly and National Council of Provinces****The Speaker and the Chairperson****1. Assent by President in respect of Bills**

- (1) **Social Assistance Amendment Bill** [B 5B – 2010] – Act No 5 of 2010 (assented to and signed by President on 15 September 2010).

National Council of Provinces**The Chairperson****1. Message from National Assembly to National Council of Provinces in respect of Bills passed by Assembly and transmitted to Council**

- (1) Bills passed by National Assembly and transmitted for concurrence on 16 September 2010:
 - (a) **Higher Education Laws Amendment Bill** [B 24B – 2010] (National Assembly – sec 75).
 - (b) **Skills Development Levies Amendment Bill** [B 25 – 2010] (National Assembly – sec 75).
 - (c) **Higher Education and Training Laws Amendment Bill** [B 26B – 2010] (National Assembly – sec 76(1)).

The Bills have been referred to the **Select Committee on Education and Recreation** of the National Council of Provinces.

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Finance

- (a) Report and Financial Statements of the Financial Intelligence Centre for 2009-2010, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2009-2010 [RP 240-2010].
- (b) Report and Financial Statements of the Accounting Standards Board for 2009-2010, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2009-2010 [RP 206-2010].
- (c) Report and Financial Statements of the Independent Regulatory Board for Auditors for 2009-2010, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2009-2010 [RP 207-2010].

2. The Minister of Health

- (a) Report and Financial Statements of the National Health Laboratory Service for 2009-2010, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2009-2010.

3. The Minister of Justice and Constitutional Development

- (a) Report and Financial Statements of the Department of Justice and Constitutional Development for 2009-2010, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2009-2010 [RP 219-2010].
- (b) Report on Monies in Trust kept in the Guardian's Fund for 2009-2010, including the Report of the Auditor-General on Monies in Trust kept in the Guardian's Fund for 2009-2010 [RP 237-2010].

4. The Minister of Science and Technology

- (a) Report and Financial Statements of the Africa Institute of South Africa for 2009-2010, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2009-2010.
- (b) Report and Financial Statements of the South African Council for Natural Scientific Professions for 2009-2009, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2009-2010.

- (c) Report and Financial Statements of the National Advisory Council on Innovation for 2009-2010.

5. The Minister of Tourism

- (a) Agreement between the Government of the Republic of South Africa and the Government of the Republic of Kenya on Cooperation in the Field of Tourism, tabled in terms of section 231(3) of the Constitution, 1996.
- (b) Explanatory Memorandum to the Agreement between the Government of the Republic of South Africa and the Government of the Republic of Kenya on Cooperation in the Field of Tourism.
- (c) Agreement between the Government of the Republic of South Africa and the Government of the Arab Republic of Egypt on Cooperation in the Field of Tourism, tabled in terms of section 231(3) of the Constitution, 1996.
- (d) Explanatory Memorandum to the Agreement between the Government of the Republic of South Africa and the Government of the Arab Republic of Egypt in the Field of Tourism.

National Assembly

1. The Speaker

- (a) Report of the Public Service Commission (PSC) on the Implementation of the Performance Management and Development System for Senior Managers in the Limpopo Province – April 2010 [RP 85-2010].
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COMMITTEE REPORTS

National Assembly

1. Report of the Portfolio Committee on Water and Environmental Affairs on Oversight Visit to Gauteng, Mpumalanga and North West, Dated 8 September 2010

The Portfolio Committee on Water and Environmental Affairs having undertaken an oversight visit to Gauteng, Mpumalanga and North West, to assess and ascertain the management of Acid Mine Drainage (AMD), on 27 – 30 July 2010 reports as follows:

1. INTRODUCTION AND TERMS OF REFERENCE

The Committee, as mandated by the Constitution and Rules of Parliament, undertook an oversight visit to the abovementioned regions.

The aim of the oversight was, amongst others:

- To ascertain (during the site visits) and receive briefings on the levels of acid mine drainage and its subsequent impact on groundwater, rivers, and dams.
- To be briefed by the Department of Water Affairs, the Water Research Commission (WRC), as well as the Federation for a Sustainable Environment on the impacts, consequences and threats of AMD to communities and water resources in South Africa.
- To assess the extent to which an integrated solution to the management of AMD and the approaches proposed at national level on the utilization of ‘new’ water generated through treatment technologies.
- To establish the technical research undertaken in the treatment of AMD, to enable cost-effective treatment of the range of AMD waters present in South Africa.

A multi party delegation undertook an oversight visit to the Gauteng, Mpumalanga and North West from 27 – 30 July 2010. The delegation comprised:

Hon MM Soty (ANC), Chairperson and leader of the delegation, Hon PM Mathebe (ANC), Hon JJ Skosana (ANC), Hon J Manganye (ANC), Dr Z Luyenge (ANC), Hon GR Morgan (DA), Hon AT Lovemore (DA), Hon LW Greyling (ID) and Hon HN Ndude (COPE)

The following support staff accompanied the delegation: Mr TR Maleeme (Committee Secretary), Miss T Kambule (Executive Secretary to the Chairperson).

2. CONTEXT

The mining sector is one of the critical drivers of the economy in South Africa. However, mining activities are also associated with environmental contamination such as acid mine drainage (AMD). AMD is highly acidic water, usually containing high concentrations of metals, sulphides and salts as a consequence of mining activity. The major sources of AMD include drainage from underground mine shafts, runoff and discharge from open pits and mine waste dumps, tailings and one stockpile, which make up nearly 80% of all waste produced in South Africa.

Acid mine drainage is the flow, or seepage, of polluted water from old mining areas. Depending on the area, the water may contain toxic heavy metals and radioactive particles. These are dangerous for people's health, as well as plants and animals. Acid mine drainage on the Witwatersrand has reached a crisis point. This is because some mining companies allow acid mine water to flow into streams, dams and sources of groundwater.

On the West Rand, toxic water has already severely affected, if not completely undermined the ecosystem life in the Tweelopiespruit and the Robinson Lake near Randfontein. Even some borehole water is polluted and the AMD is most likely to have a negative effect on the integrity of the Cradle of Humankind. In some areas, the water has polluted the soil, so people cannot grow vegetables, and if communities grow vegetables, the quality is affected. The water is also used by livestock.

The Tweelopiespruit is part of the Crocodile River system and the Limpopo River catchment area.

3. DAY ONE: 27 JULY 2010

GAUTENG PROVINCE

3.1 BRIEFING BY THE DEPARTMENT OF WATER AFFAIRS ON SITES TO BE VISITED

A representative from the Ekurhuleni Municipality, on behalf of the Executive Mayor, Cllr Ntombi Mekgwe, welcomed the members of the committee. The committee was briefed by the department on areas to be visited, with a specific focus on interventions undertaken by the department

in respect of regulatory and enforcement cases. The purpose of the compliance, monitoring and enforcement unit is, amongst others; to:

- Ensure the protection of all water resources in the country.
- Ascertain compliance as per the National Water Act and Water Services Act.
- Ensure the enforcement where non compliance is not achieved.

The committee was informed that in Gauteng, the Grootvlei mine was under investigation in terms of Section 53 (1). A criminal case was opened against the mine for engaging in unlawful water use activities. In North West, Madibeng Municipality was also under investigation for engaging in unlawful water use activities. The charges were laid by the Department of Water Affairs.

3.2 SITE VISIT TO GROOTVLEI MINE (EAST RAND)

3.2.1 Background and Context

Grootvlei Proprietary Mines Limited is situated in the district of Springs and falls within the Upper Vaal Water Management Area. The mine has a metallurgical operation that extracts gold from underground mined ore. The mine is at present operated by Aurora Gold East Rand. To carry out this activity, they need to pump underground water for their use as per the provisions of Section 21(f) and (j) of the National Water Act, 1998 (Act 36 of 1998). The Grootvlei Proprietary Mines Limited was, on 19 May 2009, issued Water Use Licence No. 20018320 by the Department of Water Affairs. The license authorises Grootvlei Mine to remove, treat and discharge water found underground for efficient continuation of mining and for the safety of people.

3.2.2 Findings

The committee was informed that Aurora Mining has taken over the management of the Grootvlei Mine. On the day of the visit, the committee was briefed by the mining management on the status of the mine before being taken to shaft 3, where the actual treatment of water occurs. The current situation in the Eastern Basin is that the mine could not keep up with the pumping and treatment of acidic mine water. Historically, Grootvlei mine pumped less than 10ML/d to gain access to its own resources. At the time of the visit, the mine was pumping water at the rate of 108 Mega litres per day (ML/d) without sufficient treatment. The water had risen to 772 meters below surface. Due to financial problems experienced by the mine, it is envisaged that should the pumping operations stop, the pump station will be flooded within 30 days.

The mine can no longer keep up with the discharge standards as per their water use licence; and this is attributed to financial problems that have overwhelmed the mine. The mine claimed it had not received the Department of Mineral Resource's (DMR) subsidy of R5 million since October 2009; and as a result, the mine covers pumping costs out of working costs. It was brought to the attention of the committee that the mine would lose the shaft within 5 days if they stopped pumping. Furthermore, treatment has been non-continuous, for example they would treat for few days and stopped the treatment. To date, the mine has incurred over R100 million worth of water pumping costs, which could have been used for other operations.

The discharging of untreated or partially treated water is severely affecting the health of the neighbouring Ramsar wetland.

It is acknowledged that the Department of Water Affairs is pursuing a criminal charge against the mine for the discharge of partially treated water into the surrounding water course.

3.3 SITE VISIT TO eMALAHLENI MINE WATER TREATMENT PLANT

3.3.1 Background and Context

The eMalahleni Mine Water Treatment Plant was built to recover potable water from acid mine drainage from several mines in the eMalahleni (Witbank) area. The plant was commissioned in September 2007 and has been since operating successfully. It was designed to treat 25MI/d of AMD (Acid Mine Drainage) with a recovery consistently greater than 99%, producing potable water with a guaranteed TDS (Total Dissolved Solids) of under 450mg/l. This exceptional water recovery is achieved using the Keyplan Hi recovery Precipitating Reverse Osmosis (HiPRO) process. The plant receives its feed water from four coal mines in the eMalahleni (Witbank) Area i.e. Greenside Colliery, Kleinkopje Colliery, South Witbank Colliery and Navigation Colliery.

3.3.2 Findings

The plant was found to be fully automatic, while human intervention was required for chemical change-over, monitoring and maintenance. The committee established that the plant is able to treat 20 – 25 MI/day of water dependent on pH and salt concentrations. Of the 25 MI/day, 20 MI/day is sold to the eMalahleni Local Municipality and 5 MI/day was reused in their operations. Strict safety interventions have been put in place which includes

amongst others; visible felt leadership, golden rule implementation within and around the plant. This has led to more than 1000 days without lost time due to injury. This was a good accomplishment considering that there are over eight hazardous chemicals on site for various process functions.

Anglo Coal SA has approved building of houses for its employees through the production of gypsum (solid waste - a by-product of the Emahlakleni purification process). The committee found that the chief characteristic of the plant; was the use of Reverse Osmosis to concentrate the water and produce supersaturated brine from which the salts could be released in a simple precipitation process. The results of such a process were high recovery of water, low operating costs and minimum waste. The plant has about 35 employees, each being actively involved in maintaining the plant operability. A permanent training officer has been employed to ensure that there is no lapse in skills amongst the staff and to deal with matters of high turnover as and when such arises.

4. DAY TWO: 28 JULY 2010

4.1 SITE VISIT TO LANCASTER DAM

Lancaster Dam is a pollution control dam. All the water that flows into it is not supposed to flow out onto the other side. The main problem at the dam was radio active particles attached to the sediment.

4.1.1 Findings

When the committee visited the Lancaster Dam, it found an area which appeared to have been filled with slimes that had recently been mined. The dam was characterised (another word) by heavy equipment which made it possible for the acidic slimes water and fine slimes to drain into the pond and wetland below the dam. Downstream of the dam, an orange pool of settled slimes, filled with acidic mine drainage water was evident. Dry slimes were observed blowing throughout the Lancaster Dam site.

The committee was concerned about the RDP houses that had recently been established around the dam. The community drank and baptised from acidic mine water. The population groups around the area were said to be vulnerable, poor, uninformed and therefore needed to be 'workshopped' on a regular basis on the dangers of the acid mine water. The main pollutants are suspected to be acidic water and associated toxic metals arising from oxidation of sulphides such as iron sulphide. Two children had recently drowned in two pollution control dams and this was due to the dams not being fenced off. Enforcing the fencing of mine dams should be undertaken by the Department of Mineral Resources (DMR).

4.2 VICTORIAN GUEST HOUSE

4.2.1 Introductions and welcome

The committee was welcomed by the Executive Mayor of West Rand, Cllr Mpho Nawa. He made a plea that all parties that are involved must come on board to resolve issues that relate to acid mine drainage within the municipality.

4.2.1 Briefing and discussions on acid mine drainage

The committee was given an overview by Mr John Manrow and Mr Rex Zorab (Rand Uranium) on the situation of the Acid Mine Drainage (AMD). The situation faced by mining companies, civil society and the community at large was of concern. Mining has been in existence in this country for at least 120 years. Currently, there are large old underground workings that extend from Randfontein to Boksburg. Mining has ceased and companies responsible for the underground workings no longer exist.

The biggest challenge at present is that the workings are filling up with water, Western Basin is overflowing and Central Basin will overflow in 2012. The AMD is essentially ownerless as companies that operate today are new and, in the opinion of local mines, they cannot carry the burden. In the Western Basin, mining stopped in the 1990's. Workings are filled with water and AMD overflowed in 2002. Temporary treatment operations were put in place early in 2010 following the most recent decant. All the emergency measures provided by DWA have been exhausted.

Rand Uranium is a 2 year old company. It has operated the water treatment operations to maximum capacity. Despite exhaustive engagement with government and proposal on possible solutions placed on the table, it felt the delay by the state in responding did not help the situation. The current system was such that the plant that they run was a temporary measure. Acid water is neutralised, but there was no optimal lime utilization due to insufficient mixing, high lime cost and there was no optimal sulphate and TDS (total dissolved solids) removal.

Rand Uranium stated that a consortium of mines had submitted a proposal to DWA on 14 July 2010 on how, in its opinion, AMD could be sustainably managed in the short to medium term. They await a response from government.

4.3 VISITS TO KRUGERSDORP GAME RESERVE HIPPO DAM

At the time of the visit, the water was decanting at 6ML/day from the neighbouring property. A sludge of radioactive and toxic metals was observed. The hippos in the Hippo Dam were coated in sludge containing heavy metals. There is anecdotal evidence that at least one of the hippos is now partially sighted due to the pollution.

NORTH WEST

4.4 MADIBENG LOCAL MUNICIPALITY COUNCIL CHAMBERS

4.4.1 Briefing on Water Provision in Madibeng

The households of about 102, 060 in Madibeng Local Municipality (MLM) receive free basic water subject to the current policy review. It estimated that more than 80% of the households have access to water services either bulk, full, intermediate, informal intermediate or basic supply. The municipality gets its water supply from Odi Water Services (SWA), a water services provider. They entered into an agreement with the provider for the provision of bulk water supply. Operations and maintenance services were terminated in July 2009. On termination, the provider has experienced difficulties in an attempt to retrieve payment from Madibeng Local Municipality. A number of efforts to retrieve the arrears were unsuccessful and the water supply to the area was restricted on 18 August 2008. The supply of water was restored after an agreement was reached on how the debt was to be serviced by the municipality.

What remains a challenge in this municipality is the rapid growth in development which has led to the demand of water exceeding supply. The sanitation system comprises of an aging infrastructure and thus poses operational and maintenance challenges. The Water Purification Plant that supplies Brits and environs also requires an expansion by an additional 40-mega litres per day and it is envisaged to be completed in phases. The municipality had requested the Department of Water Affairs to take over the implementation of the RBIG project (upgrading of WWTP). An amount of about R20 million has been made available for 2010/11 for the implementation of the project. Magalies Water was recommended to manage the project.

5. DAY THREE

5.1 SITE VISIT TO MADIBENG WWTW (Waste Water Treatment Works)

The municipality has a newly upgraded plant which processes 6Ml/day and the old one which used to process 8Ml/day. The old plant has deteriorated due to negligence and the principal consultant allegedly ill advised the Municipality. The sludge lagoons were not working to capacity, and were at the point of breaking and had not been emptied for the past 30 years. Some of the problems associated with the plant which were identified were, amongst others, non compliance to standards, staffing levels acutely inadequate, no maintenance plans and effluent monitoring needed to be increased. None of the pump stations were working, and of the average of 12Ml/day that should come to the plant, only 3Ml/day were treated and the rest (about 9Ml/day) went to the streets.

The municipality was however, committed to urgently source funding for the refurbishment of Water and Sanitation Infrastructure, recruitment of critical positions in the Water and Sanitation department.

5.2 BRIEFING: ADDRESSING THE CHALLENGES OF WWTW AS IT ADDS TO THE EUTROPHICATION OF THE HARTBEES-POORT DAM

The Hartbeespoort Dam is the most significant dam in the economic hub of the Crocodile West Marico Water Management Area for domestic, agricultural, industrial and recreational purposes. The dam is in a hyper-eutrophic state, meaning it is trapped with excessive nutrients. For many years, the Crocodile River has been pouring an increasing load of phosphorus into Hartbeespoort Dam. This had led to high levels of nutrients and eutrophication of the water.

It was brought to the attention of the committee that about 9 wastewater treatment works discharge their 620 million liters per day of purified effluent into the Crocodile River, with very high loads of waste water effluents. These intensify the occurrence of blue-green algae or cyanobacteria. There is however, a remediation programme of the Hartbeespoort Dam in place. It focuses on management of phosphate through natural uptake in a food chain and re-establishing a biological balance within the dam waters using among other things, floating islands and removal of certain fish types.

The Hartbeespoort Dam is an invaluable water resource with a major economy around recreation and tourism attractions. People and business are moving into the area, thus contributing to its economic growth.

The remediation programme has been in existence for almost 5 years but a determination of its effectiveness has not been undertaken. The project manager was able to provide outcomes achieved, but there is no analysis of how any particular outcomes are affecting the actual health of the dam.

In consultation with stakeholders from local resident organisations and environmental organisations, there was a mixed response to the success of the remediation programme. There was general appreciation that something was being done to remediate the dam. There was a dominant feeling that the managers of the remediation programme were not sufficiently including local organisations in consultations, especially considering that many organisations financially support efforts to remediate the dam themselves. It is noted that a number of people donate their skills free of charge to the remediation of the dam.

6. RECOMMENDATIONS

- The Department of Water Affairs (DWA) should produce a business plan on how it intends to tackle the AMD threat in the short, medium and long term. Such a plan should include timelines, budgetary projections and the plan of action.
- DWA should engage with DMR about ensuring the safety of mining dams.
- DWA should offer full cooperation with regards to any investigation by the NPA to prosecute the owners of Grootvlei mine following the criminal charge laid by the department.
- DWA should engage with DMR about ensuring the implementation of the Regional Mine Closure Strategy.
- DWA should urgently increase its response to the current decant of AMD on the West Rand, noting that due to the upcoming rainy season, it is highly likely that the decant will increase.
- DWA should issue a directive to responsible mines in the West Rand for the remediation of the Hippo Dam in the Krugersdorp Game Reserve.
- DWA should ensure that skilled staff of the department constantly monitors the remediation of the Brits WWTW. DWA should ensure strict timelines on the complete refurbishment of the plant.
- DWA should complete a financial and skills audit of the Hartbeespoort Dam remediation programme now that it has been in existence for almost 5 years to determine whether it is effective, and whether the protocols and methodologies used to measure the state of health of the dam are adequate.

- DWA should ensure that the Remediation Programme improves its efforts to engage with local stakeholders.
- DWA needs to clarify the role of Rand Water as the implementing agent of the remediation project in relation to the involvement of local officials of DWA. In addition it should be clarified who has specific signing powers for services procured.
- DWA should ensure that there is a wider system implemented to monitor the health of freshwater dams and reservoirs across South Africa.

7. ACKNOWLEDGMENT

The committee expresses its appreciation to the National Department of Water Affairs, the regional management of Gauteng and North West for their co-operation during the visit.

Report to be considered.

National Council of Provinces

1. Report of the Select Committee on Finance on the **Voluntary Disclosure Programme and Taxation Laws Second Amendment Bill [B 29 – 2010]** (National Assembly – section 75), dated 14 September 2010.

The Select Committee on Finance, having considered and examined the **Voluntary Disclosure Programme and Taxation Laws Second Amendment Bill [B 29 – 2010]** (National Assembly – section 75), referred to it, and classified by the Joint Tagging Mechanism as a section 75 Bill, reports the Bill without amendments.

Report to be considered.

2. Report of the Select Committee on Finance on the **Taxation Laws Amendment Bill [B 28 – 2010]** (National Assembly – section 77), dated 14 September 2010.

The Select Committee on Finance, having considered and examined the **Taxation Laws Amendment Bill [B 28 – 2010]** (National Assembly – section 77), referred to it, and classified by the Joint Tagging Mechanism as a Money Bill, reports that it has agreed to the Bill without amendments.

Report to be considered.

