

Legislation: Tougher mine rehabilitation funding obligations

Comment is sought by 10 December on [draft](#) revised mining-related environmental rehabilitation regulations, seeking to ensure that adequate financial provision is made for management, rehabilitation and remediation obligations spelled out in the National Environmental Management Act, reports Pam Saxby for **Legalbrief Policy Watch**. They appear to be linked to the National Environmental Laws Amendment [Bill](#) tabled in Parliament during May.

Gazetted on Friday, once in force the regulations will apply to any applicant for, or holder of, a right or permit required to prospect for, explore, mine or process mineral and petroleum resources. This is 'notwithstanding the applicability of section 52(1) of the Mineral and Petroleum Resources Development Act', which deals with the employment implications of curtailing mining operations.

Noting that financial provision for environmental management, rehabilitation and remediation includes addressing 'residual environmental impacts that may become known in the future', the proposed new regulations deal with a host of related issues including: the method to be used in determining the extent of funding required; assessing and reviewing its adequacy; adjusting it when necessary; measures to ensure that the funds concerned are available 'at any given time'; appropriate 'financial vehicles'; and planning and reporting requirements. Complex transitional arrangements are envisaged for new and review applications submitted in compliance with the 2015 regulations, but still awaiting approval when the new measures take effect. The maximum penalty envisaged for non-compliance is R10m, ten years' imprisonment or both.