



**ASPASA**  
**AT WORK**

**Environmental**

**1<sup>st</sup> Quarter 2019**

## **ASPASA Environmental Bulletin**

### **1. INTRODUCTION:**

In 2019, we as **ASPASA** will be handling many new things on the environmental front. We kick the year off with some new news. We trust that all members will enjoy this edition.

### **2. THE 2018 ABOUT FACE AUDIT REPORT:**



Please find attached hereto the report from the Independent Environmental Auditor – Cluett Consulting. May we also propose that this report be studied in-depth and that issues raised be discussed and taken note of. A report of this nature should be of great value to all operations.

### **3. NEW INDEPENDENT ABOUT FACE AUDITOR:**

At the end of 2018, Cluett Consulting ended its contract with **ASPASA**. A process was started to find somebody else to carry on with the sterling work they had done.

A very well qualified and experienced new independent auditor has been found. At a later stage industry will meet her, but until then here is a little more information on her:

- Lizette van der Walt has an LLB Law Degree
- Many years of experiencing audits (SABS)
- Dealing with legal issues
- Knows the mining industry
- Is very eager to get stuck into the challenges
- Well versed into training in relation to Environmental issues.



We welcome Lizette into the industry and believe it will be a long and rewarding affiliation.

### **4. NEGOTIATIONS ON SHE LEGAL REGISTER:**

**ASPASA** is working with IMBEWU Sustainability Legal Specialists (Pty) Ltd (IMBEWU) to develop an internet-based Safety, Health and Environmental Legal Register for aggregate, sand and other surface mining operations which will be made available only to **ASPASA** members for a discounted fee. We would appreciate it if you could indicate by return email whether your company or operation would be interested in having access to such an electronic system so that we can determine the feasibility of, and potential costing of such a system.

The **IMBEWU SHE Legal Register** is an integrated electronic tool that aims to improve and facilitate legal compliance at an operational level in order to minimize legal risks. It will be hosted on the [www.imbewuregisters.co.za](http://www.imbewuregisters.co.za) site and will be accessed by way of a username and password.

The Legal Register will detail the legal compliance requirements that are applicable to the generally occurring environmental aspects and impacts, as well as the health and safety risks and hazards associated with our members' operations. These are linked to a comprehensive national legislation database.



We understand that one of the key challenges for many surface mining operations is a lack of understanding of the legal responsibilities of the various operations in the safety, health and environmental areas, which may lead to the exposure of the company, its employees and directors to unnecessary legal risk due to legal non-compliances and which may also impact on the license to operate. An integrated electronic legal register

system assists to facilitate access to and knowledge of the legal requirements for the effective management of these issues. See further information on IMBEWU SHE Legal Registers at <http://imbewu.co.za/she-electronic-legal-registers/>.

Surely you wish to develop a **site specific SHE Legal Register**, which would include provincial and local legislation, as well as the authorizations applicable to the specific activities on your operation, then you are invited to contact [lulu@imbewu.co.za](mailto:lulu@imbewu.co.za) directly to obtain a cost proposal.

### **5. ASPASA ENVIRONMENTAL WORKSHOP – 2 APRIL:**

Find attached the information on a very important workshop that **ASPASA** will present. Please help in getting attendees. Note the workshop will be presented by Practising Environmental Lawyers – this means some free legal advice which will be shared during the day.

### **6. DONATION FOR BIRDS OF PREY:**

**ASPASA** is known for its environmental caring nature and through the **ASPASA** About Face programme, it is demonstrated that we as an industry cares about nature.

Most people are aware of Rhino poaching, but something that is not well published, is the decline in Raptors and Vultures. Of the 29 Raptor species, species has declined by 50% over the last 20 years. Their conservation is essential and attached hereto is a sponsorship / donation form, which we share in a hope that there will be individuals or companies that see their way open to give some financial support.

Please feel free to phone the Centre (Birds of Prey) in Dullstroom on: 082 899 4108. Also see the website on the donation form.

We trust that some donations will be made as this centre needs some serious input. The centre does give visible credit to the sponsors.



**7. CLIMATE CHANGE LAW WORKSHOP:**

Please find attached the notice of a course related to this issue.



The 2018 Awards will still be handed out at the **ASPASA**/IOQ Conference to be held 11 and 12 April 2019 in Durban. Please diairise this date.



We Want to thank:

- All member companies who have participated in the audits.
- The managers, supervisors and employees, who have done some very hard work to get the preparations for these audits planned and done.
- Last, but not least, a big word of thanks to Alan and Colleen, who did an outstanding job. They took the programme to a very high level. Their personal commitment to doing this task is not always appreciated, many kilometers travelled, many nights away from home. Thanks again and we will keep in touch.

**8. IN CLOSING:**

We wish all members all the very best for 2019. Also find attached hereto:

1. The programme for 2019
2. The **ASPASA** Membership Application forms for Members and Associates (more will be shared on this).

Yours respectfully,

  
**Nico Pienaar**  
DIRECTOR  
ASPASA  
Tel: 011 791 3327  
Cell: 083 419 0010  
Email: [nico@aspasa.co.za](mailto:nico@aspasa.co.za)  
Web: [www.aspasa.co.za](http://www.aspasa.co.za)



PS/RS/11.

**DULLSTROOM BIRD OF PREY  
AND REHABILITATION  
CENTRE**



**info@wildlifesos.co.za**

**Sponsorship/Donation Form**

Name \_\_\_\_\_

Name to appear on webpage \_\_\_\_\_

Contact number \_\_\_\_\_

Email Address \_\_\_\_\_

Details of sponsorship \_\_\_\_\_

Postal Address \_\_\_\_\_

Price: Bird for year R850.00

Aviary for a year R1500.00

.....

Price: Bird for year R850.00

Aviary for a year R1500.00

Other:

Bank Details: The Wildlifesos Trust

FNB Belfast (270-351)

62532848704

Ref: Donor name







# Raptors and vultures DECLINING

A two-year project in collaboration with the conservation NGO, Raptors Botswana, has confirmed researchers' fears that many birds of prey are fast disappearing from one of Africa's great wild landscapes. The project repeated a famous bird survey conducted over 20 years ago, by driving over 20 000km in a 4x4 across Botswana.

Reported sightings of iconic species of eagles and vultures declined by as much as 80% compared with the previous survey, while some migrant species have since vanished, according to the study published in the international scientific journal *Biological Conservation*.

The researchers returned to a network of roads criss-crossing most of northern Botswana, previously surveyed by former wildlife biologist with the Department of Wildlife and National Parks Botswana, Dr Marc Herremans.

The team retraced Herremans' route across gravel and tar roads

in a similar vehicle and at similar travelling speed. They spotted birds with the naked eye, only using binoculars to positively identify bird species, as per the original survey.

The survey focused on 29 raptor species and compared their encounter rate with Herremans' original records.

The motivation for doing the work was to explore whether vulture and raptor numbers had declined in Botswana, as they have in many other areas of Africa. Sadly, species declines were detected for 14 of the 29 species monitored, with 11 of these species declining by over 50% in the last 20 years.

Some of the species showing the greatest declines are the white-headed and lappet-faced vultures, African hawk eagle, secretary bird, bateleur and red-necked falcon.

Only three species, the brown and black-chested snake-eagles and the tawny eagle, were more abundant.

Although declines in raptor populations have been seen elsewhere in Africa, particularly across West Africa, researchers were not expecting such dramatic declines in Botswana.

The country has a relatively low human population size and nearly 40% of the land is under some form of protection.

The study did not pinpoint the cause of the declines, but conservationists say vultures in particular are vulnerable to poisoning by poachers for whom the birds' habit of circling carrion is a threat, as it might draw the attention of game rangers inside protected areas. Another recent study found a third of all vultures caught and tested in a separate Botswana study showed elevated levels of lead in their blood, most likely due to ingesting bullet-contaminated flesh. The road-trip

study also found significant declines of many species inside protected areas, which suggests the main factors driving species declines transcend habit conservation status.

Furthermore, drivers of decline are apparently indiscriminate, inexplicit and are likely acting jointly, making defining appropriate conservation measures challenging. The study findings also highlight the importance of historical data in countries where scarce funding resources result in limited species monitoring.

The sharp declines found in the latest survey would not have been observed without reference to Herremans' original survey, which covered a much wider area of about 50 000km of road.

As the repeat study concentrated

Species declines were detected for 14 of the 29 species monitored

## Top tour for raptor sightings

This 11-day luxury mobile safari will give you the opportunity to explore the best of Northern Botswana. Visit the Chobe National Park, Safute Channel, Moremi Game Reserve, Okavango Delta and Makgadikgadi Pans National Park.

Priced from R72 000 per person sharing including guided day and night game drives, river safaris, sunset cruises, accommodation in luxury lodges, and much more.

Scan for details



Download a QR Scanner from your App Store. Use your cellphone camera or QR scanner app to scan and follow the QR link above.

only on the northern transects, researchers would now like to repeat the remaining routes in the south of the country, to explore whether the trends in the north represent the overall trends for the country. – Beckie Carbett and Arjun Amar, FitzPatrick Institute of African Ornithology at the University of Cape Town

Main and left: Tawny eagles as well as black-chested snake-eagles are doing quite well as their numbers have increased in northern Botswana. Photos: Maans Booysen





## ENVIRONMENTAL LEGAL REQUIREMENTS AND RECENT DEVELOPMENTS FOR SURFACE MINING WORKSHOP

<b>WHERE</b>	ASPASA Offices – Randpark Ridge, Johannesburg
<b>WHEN</b>	Tuesday 2 April 2019 from 08:30 – 16:30
<b>COST</b>	R2 500 per delegate, excluding VAT (includes printed slides, electronic copies of legislation, refreshments & lunch)

### PROGRAMME

SESSION	TOPIC	KEY ISSUES COVERED
<b>SESSION 1: STARTS AT 8:30</b>	<b>Key Authorisations Required to Operate a Surface Mine</b>	<ul style="list-style-type: none"> <li>➤ Overview of mining &amp; environmental authorisation requirements under the MPRDA &amp; NEMA</li> </ul>
<b>SESSION 2</b>	<b>Consultation with Interested and Affected Parties</b>	<ul style="list-style-type: none"> <li>➤ Requirements for consultation under the MPRDA &amp; NEMA</li> <li>➤ Discussion of <i>Maledu v Itereleng Bakgatla Mineral Resources (Pty) Ltd</i> (section 54 of the MPRDA &amp; deprivation of informal land rights)</li> <li>➤ Discussion of <i>Baleni vs Mineral Resources Minister</i> (full and informed consent of communities to mining)</li> </ul>
<b>SESSION 3</b>	<b>Mining in Protected Areas</b>	<ul style="list-style-type: none"> <li>➤ Overview of different protected areas under NEMPA</li> <li>➤ Discussion of <i>Mpumalanga Tourism &amp; Parks Agency v Barberton Mines (Pty) Ltd</i> (prospecting in a protected area)</li> <li>➤ Discussion of <i>Mining &amp; Environmental Justice Community Network v Minister of Environmental Affairs</i> (mining in the Mabola Protected Environment)</li> </ul>
<b>SESSION 4</b>	<b>Compliance and Enforcement Action</b>	<ul style="list-style-type: none"> <li>➤ Sources of compliance action – I&amp;APs, whistle-blowers &amp; Mineral EMLs</li> <li>➤ Discussion of <i>Mineral Sands Resources v Magistrate for Vredendal</i> (EMI jurisdiction)</li> <li>➤ Applicable administrative compliance action provisions under NEMA, the NWA and the MPRDA</li> </ul>
<b>SESSION 5</b>	<b>Financial Provision</b>	<ul style="list-style-type: none"> <li>➤ Financial Provision under NEMA</li> <li>➤ Other approvals to be considered (NEMAQA notification requirement and WUL amendment)</li> </ul>
<b>SESSION 6 FINISHES AT 16:30</b>	<b>Mining Charter</b>	<ul style="list-style-type: none"> <li>➤ Key issues</li> </ul>





# ASPASA AT WORK



## ENVIRONMENTAL LEGAL REQUIREMENTS AND RECENT DEVELOPMENTS FOR SURFACE MINING – WORKSHOP REGISTRATION

Tuesday, 2<sup>nd</sup> April 2019

Venue: **ASPASA**, 8 Coram Park, 86 Ferero Road,  
(Off John Voster), Randpark Ridge

Company Name:

Delegate Name:

Contact Details:

Email:	Office:	Cell:
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Purchase Order no. (for invoicing)

Person responsible for issuing purchase order no:

Name:	Email:
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Note:** no cancellations will be accepted 5 working days prior to the workshop date, workshop will be invoiced in full. All cancellations to be done in writing to [training@aspasa.co.za](mailto:training@aspasa.co.za)  
Delegate substitution will be accepted.

Please return to [training@aspasa.co.za](mailto:training@aspasa.co.za) before 26 March 2019

**Note:** Minimum 15 delegates – maximum 20 delegates

**Nico Pienaar**

**From:** Lulu Lewis <Lulu@imbewu.co.za>  
**Sent:** 16 January 2019 12:49 PM  
**To:** Lulu Lewis  
**Subject:** Reminder: Climate Change Law Workshop - Johannesburg - 29 January 2019

## CLIMATE CHANGE LAW WORKSHOP



[www.imbewu.co.za](http://www.imbewu.co.za)

**IMBEWU**

Sustainability Legal Specialists (Pty) Ltd

**Where:** IMBEWU's offices, Rosebank, Johannesburg  
**When:** Tuesday 29 January 2019 from 08h30 to 16h30  
**Cost:** R2 500 per delegate, excluding VAT  
(includes printed slides, electronic copies of legislation, refreshments & lunch)

**REMINDER: LAST DAY TO BOOK YOUR SEAT IS FRIDAY 24 JANUARY 2019**

### What will the workshop cover?

IMBEWU's Climate Change Law Workshop will provide you with a comprehensive and up-to-date understanding of South Africa's climate change legal regime, including:

- ❖ South Africa's international legal obligations in terms of the Paris Agreement;
- ❖ the Listed Activities and Minimum Emission Standards under the National Environmental Management: Air Quality Act (Air Quality Act);
- ❖ the Greenhouse Gas Reporting Regulations under the Air Quality Act;
- ❖ the Declaration of Greenhouse Gases as Priority Air Pollutants and the Pollution Prevention Plans Regulations;
- ❖ the Carbon Tax Bill, which is set to be implemented from June 2019;
- ❖ the Climate Change Bill; and
- ❖ the judgment of *Earthlife Africa v Minister of Environmental Affairs* which dealt with climate change as a relevant consideration in an environmental impact assessment.

### Who should attend?