TO:

DEPARTMENT OF MINERAL RESOURCES:
By email: Hlongwane DG; dumisani.hlongwane@dmr.gov.za
Sekgale JP; jimmy.sekgale@dmr.gov.za

CC:

DEPARTMENT OF ENVIRONMENTAL AFFAIRS:
By email: Walters G; gwalters@environment.gov.za

DEPARTMENT OF WATER AND SANITATION:
By email: Govender B; b.govender@dws.gov.za

NATIONAL NUCLEAR REGULATOR:
By email: Joubert A; ajoubert@nnr.co.za

MOGALE CITY LOCAL MUNICIPALITY:
By email: Dijane N; ntombizethu.dijane@mogalecity.gov.za
du Toit S; stephan.dutoit@mogalecity.gov.za
Shuping T; saliepung.shuping@mogalecity.gov.za

RE: FSE'S RESPONSE TO MINTAILS REPLY TO DMR'S INSTRUCTION LETTER,
MINTAILS CONTINUOUS NON-COMPLIANCE BEHAVIOUR AND DMR'S
OBLIGATION TO ISSUE A SECTION 31L NON-COMPLIANCE NOTICE IN TERMS
OF NEMA:

BACKGROUND:
1. Mintails Mining SA (Pty) Ltd ("Mintails") commercially holds three mining rights (GP132MR, GP133MR and GP206MR) immediately south of Krugersdorp on the West Rand. The mining rights are described as follows:

1.1. MR132 covers the hard rock mining areas whereby open pit mining is undertaken by means of truck and shovel method.¹

1.2. MR206 covers the recovery and reclamation of the gold dumps by means of hydraulic mining methods.²

1.3. MR133 is located east of MR132 and MR206. Mining of the open pits in this area is undertaken by means of truck and shovel method.³

2. In terms of MR132 and 133, the following pits have been mined out or are currently being mined:

2.1. PSG Pits (mined out);

2.2. Main Reef East Pit (mined out);

2.3. Main Reef West Pit (mined out);

2.4. Lancaster Pit (mined out);

2.5. Princess Cluster Pits (mining has ceased);

2.6. Emerald Pit (mined out);

2.7. Monarch Pit (mined out);

2.8. Bolonia Pits (mining has ceased);

2.9. West Wits Pit (mined out but currently being backfilled with tailings from reclaimed tailings storage facilities); and

2.10. East Champ D’Or Pit (mining has ceased).

3. On or about 23 January 2014, the Department of Water and Sanitation ("DWS") issued a notice of intention to issue a directive to Mintails in terms of the National Water Act 36 of 1998 ("NWA") following an inspection on the 5th to the 6th of August 2014.

¹ See M. Mining South Africa (Pty.) Ltd., Closure Plan and Associated Closure Costs for Mintails Mining South Africa (Pty.) Ltd. Three Mining Rights Areas (GP132MR, GP133MR and GP206MR), August 2014. Mintails Mining South Africa (Pty) Limited (on behalf of West Wits Monarch (Pty) Limited). Amendment of Approved UME dated 26 June 2013 for Mining Right GP 395/1(232)/4/1(123)MR.
² See Ibid.
³ See Ibid.
4. On or about 12 October 2015, Mintails passed a resolution to voluntarily commence business rescue proceedings and filed the resolution to Lake Strategic Solution (Mintails Business Rescue Practitioner) on, 14 October 2015, thereby commencing the business rescue proceedings.

5. On or about 21 October 2016, Mintails advertised a notice 151 to all its creditors advising that Lake Strategic Solution will be presenting the business rescue plan to all the creditors and other affected parties in order to approve the plan.

6. On or about 19 September 2016, Lake Strategic Solution had approached the Department of Minerals Resources ("DMR") to present to DMR the way forward for rehabilitation.

7. It is common cause that Mintails’ "Closure Plan and Associated Closure Costs for Mintails Mining South Africa (Pty) Ltd Three Mining Rights Areas (GP133MR, GP132MR and GP206MR)", dated February 2016, compiled by Golder Associates Africa (Pty) Ltd and appointed by Mintails as the closure-related environmental assessment practitioner to compile the closure plan for the three mining rights areas MR133, MR132 and MR206, costed the closure of the above-mentioned mining rights areas at 332 million rand. The DMR required from Mintails to have a cash rehabilitation fund of approximately 300 million rand.5

8. It is further common cause that Mintails has only provided 25 million rand for the cash rehabilitation fund.6 In terms of the Financial Provision Register, which was supplied to the FSE by the DMR, the bank guarantees of WW Gold Mine and Mogale Gold, held by Standard Bank, are R2 600 000 and R14 000 000 is held in a trust fund.

9. On 30 May 2017, the DMR issued a letter to Mintails instructing Mintails to rectify its non-compliance with certain aspects of the environmental regulatory framework.

10. DMR’s instructions were as follows:

10.1. Respond within 30 days from receipt of the instructions;

10.2. Compile and submit a rehabilitation plan compiled in terms of annexure 2 [it would appear that it was meant to be annexure 3] of the National Environmental Management Act 1998 (Act No. 107 of 1998): Financial Provision Regulations, 2015 ("EFR");

---

1 The Companies Act 71 of 2008
10.3. A public participation process wherein the rehabilitation plan must go out for public comment which includes the comments from both the FSE and Mogale City Local Municipality;

10.4. Engage with the DWS in order to address all the issues that have been raised by the FSE that are within the ambit of the DWS;

10.5. Respond to the FSE's issues and propose an action plan with timeframe of addressing the issues raised by the FSE; and

10.6. Constantly engage with the FSE in order to resolve the issues or concerns that may possibly emerge in future regarding Mintails mining operations.

11. On 5 July 2017, Mintails replied to the instruction's letter by DMR. The content of the reply gave certain undertakings. The first undertaking was that certain documents would be completed by 31 August 2017 (these documents were given on 23 September 2017). The second undertaking was that Mintails would have a rehabilitation plan completed by 31 October 2017.

12. The FSE, waiting for the care and maintenance application (which has been provided on 23 September 2017) and the rehabilitation application could not reply to the 5 July 2017 letter. However, after receiving the care and maintenance application the FSE believes that it cannot wait until the rehabilitation application is given to the FSE (in fear that the environment will be severely impacted) to reply to the letter of 5 July 2017 and hence the purpose of this letter.

1ST INSTRUCTION: MINTAILS OBLIGATION TO COMPILE AND SUBMIT A REHABILITATION PLAN COMPLIED IN TERMS OF THE EFR:

Rehabilitation Plan:

Mintails reply:

13. As detailed above Mintails has to compile and submit a rehabilitation plan in terms of annexure 3 of the EFR. Mintails' response was as follows:

13.1. Mintails admitted that, currently, there is no rehabilitation plan. However, according to Mintails, even though they are not complaint with the environmental regulatory framework in South Africa, they have been acting admirably as they are backfilling various open cast pits and furthermore that there is a contractor permanently situated on site to conduct rehabilitation activities;

13.2. Mintails furthermore stated that, it has presented a “rehabilitation proposal” to the DMR as part of the Business Rescue Plan (BPR’s) in June 2016. According to Mintails this proposal was verbally approved by DMR (please note that according to Mintails updated BRP such proposal to the
DMR was one of a practical mining rehabilitation approach wherein Mintails requested a concession to allow for the rehabilitation to be effected over the life of the mine (i.e. 20 years’ worth of rehabilitation) and for a holding guarantee to be provided to DMR;

13.3. Mintails moreover stated that, on the strength of such verbal approval for the “proposed rehabilitation”, Mintails undertook to employ a consultant to assist in the development of the Rehabilitation Plan in terms of the EFR. However, due to there being no formal approval by DMR, Mintails, unilaterally, decided to hold off being complaint with the regulatory framework until a formal approval was made.

FSE’s response:

14. The FSE does not understand Mintails approach to a “Rehabilitation Proposal” (The only time the word proposal is used in the EFR is when a Care and Maintenance Plan application is submitted and in terms of such application, the applicant must, “sketch a plan drawn on an appropriate scale describing the final and future land use proposal and arrangements for the site”). In terms of the EFR a mining company who wishes to mine must have an annual rehabilitation plan that is reviewed annually.\(^7\) Whether Mintails is waiting for DMR’s approval for the so called non-legally binding “Rehabilitation Proposal”, Mintails must have a rehabilitation plan in terms of the EFR, which, by Mintails own admission in their reply of 5 July 2017 does not yet have one.

Care and Maintenance Plan:

Mintails reply:

15. According to Mintails response, it is stated that Mintails is in the process of putting various open cast pits under a Care and Maintenance Plan, which accordingly will form part of the over-due Rehabilitation Plan. It is unclear why these two separate applications are now being amalgamated into one single application.

16. Furthermore, Mintails had also stated that the care and maintenance application was to be completed by 31 August 2017, the application was only submitted on 23 September 2017.

FSE’s reply:

17. The FSE takes issue with Mintails making an application for the following reasons:

17.1. If these two separate processes of care and maintenance and the rehabilitation plan are allowed to continue as if it was a single application, there will be a serious impact on the ability on the community and interested and affected parties to comment on the two different applications. Furthermore combining the two applications will circumvent

\(^7\) See EFR regulation 6 read with 11(1)(b)(2).
the purpose of the various plans, i.e. a rehabilitation plan has a different purpose to that of a care and maintenance plan;

17.2. The FSE has not been given an opportunity to read or comment on the plan even though it was purportedly completed by 30 August 2017;

17.3. In terms of Mintails’ BRP, the biggest liability currently held by the mine is the rehabilitation plan which, as stated by DMR, should be a fund with approximately 300 million rand in reserve. This rehabilitation fund, however, was never properly implemented. As a result the reverse only sits at 17 million rand according to the Financial Provision Register, which was supplied to the FSE by the DMR. This liability is self-inflicted in that Mintails failed to add to the rehabilitation fund when operating at a profit and to conduct con-current rehabilitation in terms of its legally binding Environmental Management Programme Report. In terms of this self-infliction Mintails cannot be granted a care and maintenance application. The purpose of a care and maintenance application was to give relief to a mine if there is a serious economic crisis, for example if the gold standard dropped below 500$ an ounce not a self-inflicted legal obligation that was due and failed to be met.

17.4. The FSE also takes issue that Mintails has failed to indicate which pits would be put in a Care and Maintenance application.

2nd ISSUE: CONSTANTLY ENGAGE WITH FSE IN ORDER TO RESOLVE THE ISSUES OR CONCERNS THAT MAY POSSIBLY EMERGE IN FUTURE REGARDING MINTAILS MINING OPERATIONS:

18. Mintails’ response to the instruction that it must constantly engage with the FSE in order to resolve the issues or concerns that may possibly emerge in future regarding Mintails mining operations is as follows:

18.1. Mintails has stated that they have diligently attempted to communicate with FSE to attend the monthly environmental and mining forum;

18.2. Mintails has also stated that they are not prepared to engage with FSE unless it is within a specific forum.

19. The DMR has instructed Mintails to engage with the FSE directly, not within a forum or a special forum. As a result the FSE again takes exception to the fact that Mintails only wants to communicate via a single forum. This will circumvent DMR’s instruction and put Mintails in a position of non-compliance.

3rd ISSUE MINTAILS’ RESPONSE TO FSE AllegATIONS:
20. Mintails has replied to the FSE’s allegation in a table format. It must be stated from the outset that the FSE disagrees and takes exception to this reply; the FSE also believes that it should have an opportunity to reply to the table at a later date once the rehabilitation plan has been submitted in order to properly ventilate the issues.

FSE’S FINAL REQUEST TO THE STATE TO DIRECT MINTAILS TO BE COMPLAINT WITH THE ENVIRONMENTAL LAWS OF SOUTH AFRICA:

21. Our client has for the past 11 years tried to get Mintails to undertake proper environmental care during the life span of Mintails operations. However, despite a plethora of letters and attempted engagement with Mintails there is currently no rehabilitation plan, the rehabilitation fund is wholly inadequate and now Mintails wants to put certain sections in care and maintenance because of a self-inflicted non-compliances that has been in existence from the start. Mintails is currently polluting the water supply, the air and the environment. Mintails operations are in close proximity to residential and urban areas.

22. The FSE has approached DMR, DEA, NNR, DWS, the Municipality, the Public Protector and has laid criminal charges against Mintails. At every stage there has been little or no improvement on the state of affairs by Mintails’ non-compliance with the environmental laws of South Africa.

23. The poor and marginalised communities that live around the mine are exposed to such pollution created by, inter alia, Mintails and therefore are being impacted by the pollution.

24. Our client is, appealing to the DMR’s environmental Mineral Resources Inspectors to an undertaking that by 3 October 2017 action will be taken against Mintails and that such action will be in the form of a directive as per section 31L of the National Environmental Management Act wherein it directs Mintails to undertake the following:

24.1. Repair the crack in the Lancaster Dam wall;
24.2. Remove the slimes spillages downstream of the Lancaster Dam and rehabilitate the area;
24.3. Rehabilitate the radioactive Tudor Dam and the wetlands downstream of the Tudor Dam;
24.4. Construct a lined pollution control dam to capture and treat the rainwater flowing in the unlined trenches within in a dirty area adjacent to the toxic Lancaster Dam, prior to release into the Upper Wonderfonteinspruit;
24.5. Backfill and rehabilitate the open cast pits;
24.6. Effectively fence and restrict access to the open cast pits, Lancaster Dam, Tudor Dam, North Sands Dump and tailings storage facilities, and erect warning boards at prominent locations so as to warn persons of the hazardous contents thereof (the current cardboard signs do not suffice);
24.7. Complete the re-mining of North Sands Dump and rehabilitate its footprint;
24.8. Complete the re-mining of the Eskom Dump and rehabilitate its footprint;
24.9. Rehabilitate the Frik Coetzee footprint;
24.10. Establish erosion and stormwater control as well as toe paddocks and cut of trenches on 1L13-15 complex and 1L23 -25 complex;
24.11. Establish erosion and stormwater control on overburden and tailings storage facilities;
24.12. Remove the pipelines which were constructed within the wetlands and rehabilitate the wetlands in order to restore its wetlands functions.
24.13. Remove all spillages from the pipeline route and rehabilitate the contaminated areas; and
24.14. Engage with the FSE and affected communities on the future land use and associated resources (e.g. water use).

25. Failing to undertake any action by the DMR will leave the FSE with no option but to pursue other legal avenues to bring about the above rehabilitation and protection of the environment.

Yours faithfully,

LEGAL RESOURCES CENTRE

[Signature]

L LiMACHEL Lucien@lrc.org.za
TO:

MINISTER OF MINERAL RESOURCES:
Mr G Mantashe
Department of Mineral Resources
Trevenna Campus Building 2C
c/o Meinjes and Francis Baard Street
(012) 444 3000

By email: Mandisi.Mavata@dmr.gov.za

DEPUTY MINISTER OF MINERAL RESOURCES:
Mr P Oliphant
Department of Mineral Resources
Trevenna Campus Building 2C
c/o Meinjes and Francis Baard Street
(012) 444 3000

By email: kce51we.chibogo@dmr.gov.za

DIRECTOR GENERAL:
Adv T Mokoena
Department of Mineral Resources
Trevenna Campus Building 2C
c/o Meinjes and Francis Baard Street
(012) 444 3889

By email: Thabo.Mokoena@dmr.gov.za; and
Mantjie.Modipa@dmr.gov.za

Date: 6 August 2018
DEPUTY DIRECTOR GENERAL FOR MINERAL REGULATIONS:
Adv M Malebe
Department of Mineral Resources
Trevenna Campus Building 2C
c/o Meinjies and Francis Baard Street
(012) 444 3977
By email: Mmadikeledi.Malebe@dmr.gov.za

CHIEF DIRECTORATE AND REGIONAL MANAGER FOR GAUTENG:
Mr S Mabaso
Department of Mineral Resources
Minerals Building
Car De Korte and De Beer Street
Braamfontein, 2017
(011) 358 9700
By email: Sunday.Mabaso@dmr.gov.za;
Mshudu.Maduka@dmr.gov.za; and
Carol.Khanyile@dmr.gov.za

CHIEF DIRECTORATE FOR COMPLAINCE AND ENFORCEMENT:
Adv M Malebe
Department of Mineral Resources
Trevenna Campus Building 2C
c/o Meinjies and Francis Baard Street
(012) 444 3000
By email: see above

CHAIR OF THE GOVERNMENT TASK TEAM ON MINING:
Mr M Madubane
Department of Mineral Resources
Trevenna Campus Building 2C
c/o Meinjies and Francis Baard Street
(012) 444 3000
By email: Max.Madubane@dmr.gov.za

Dear Minister Mr Mantshe, Deputy Minister Mr Oliphant, Director General Adv Mokena, Deputy Director General for Mineral Regulations Adv Malebe, Chief Directorate and Regional Manager for Gauteng Mr Mabaso, Chief Directorate for Compliance and Enforcement and Chair of the Government Task Team on Mining Mr Madubane:
RE: MINTAILS MINING SA (PTY) LIMITED, MINTAILS GOLD SA (PTY) LIMITED AND MINTAILS SA RANDFONTEIN CLUSTER (PTY) LIMITED
APPLICATION TO THE HIGH COURT FOR FINAL LIQUIDATION AND URGENT INTERVENTION

1. We act on behalf of the Federation for a Sustainable Environment (FSE) our client.

2. The purpose of this letter is four-fold, firstly it is to alert the Department of Mineral Resources that on 31 July 2018 we were informed by our client and the Business Rescue Practitioner, Dave Lake, that the Mintsals Group, which includes Mintsals Mining South Africa (Pty) Ltd, Mintsals Gold South Africa (Pty) Ltd and Mintsals South Africa Randfontein Cluster (Pty) Ltd and their respective sub-companies ("Mintsals"), has applied to the High Court of South Africa (Gauteng Local Division) for a final liquidation of the Company. The matter will be heard next week Tuesday, 7 August 2018, and a liquidator will be appointed by the Master of the High Court.

3. The reason for this application is due to the Business Rescue Practitioner’s belief that there is no more reasonable prospect of rescuing Mintsals and making it a solvent company.

4. The second purpose of the letter is to request from the Department of Mineral Resources to intervene in order to protect the environment from being further harmed and for the rehabilitation of Mintsals’ mining area to be undertaken.

5. The third purpose of the letter is to request from the Department of Mineral Resources that should they intervene, to keep our client informed and to provide all information on such intervention.

6. The fourth purpose of this letter is to inform the Department of Mineral Resources that in terms of the National Environmental Management Act 107 of 1998 ("NEMA") that should the Department of Mineral Resources fail to intervene to protect the environment as per their mandated in NEMA, we have been instructed by our client that we will institute legal action, on an urgent basis, to ensure that the environment is protected and to prevent the
communities living around the mine from being impacted by a derelict mine, especially a mine that has radiation counts higher than what is prescribed by the law.

**Background:**

7. In 2015, Mintails entered into business rescue proceedings in terms of section 129 of the Companies Act 71 of 2008 ("Companies Act") in an attempt to ensure the creditors, including the Department of Mineral Resources, that the Company will be able to run solvent.

8. On 13 December 2016, the Business Rescue Practitioner had submitted, (in terms of section 150 of the Companies Act) a Business Rescue Plan. In terms of the Business Rescue Plan, a figure of nearly 300 million rand was linked to the environmental liability Mintails would need in order to rehabilitate the environment.

9. The Business Rescue Plan, assumedly, was accepted by the creditors on or before 26 December 2016 in terms of section 152 of the Companies Act after a meeting that was convened by the Business Rescue Practitioner in terms of section 151 of the Companies Act.

10. The Business Rescue Plan was accepted by the Department of Mineral Resources through the Regional Manager of the Gauteng Region. The following extract has been copied out of the Business Rescue Plan for your convenience; "the BRP has developed and proposed to the DMR [Department of Mineral Resources] a practical and pragmatic manner to address the implementation and funding of the rehabilitation liabilities of the Mintails Group (c.R300 million) over an appropriate period. The DMR have been tremendously supportive of the initiatives to save the c.900+ jobs involved and the possibility of the full rehabilitation liability reverting to the State, and Regional Manager of the DMR has approved the BRP’s rehabilitation proposals as set out in clause 38."

11. In terms of the Business Rescue Plan, it was stated that the rehabilitation of the environmental liability was one of the biggest reason why Mintails went under Business
Rescue. Again for your convenience, the following extract has been copied, "The manner in which environmental rehabilitation is to be dealt with is a critical component of the Business Rescue Plan."

12. Another major issue why Mintails went under Business Rescue is the viability of the Mine after it was run by the International Mining Company called Mintails Limited ("MLI"), a public company incorporated in Australia under registration number ABN – 45 008 740 672. It was stated in the Business Rescue Plan that, "an international board of directors too far removed from the operational realities of a small gold mining and tailings processing operation in South Africa, leading to an apparent lack of strategic insight and flawed strategic planning."

13. In terms of MLI, the company has divested itself from Mintails in South Africa and has renamed itself Orminex Limited, it is uncertain as to why the divestment has occurred.

Department of Mineral Resources involvement and how will they proceed:

14. As the Department of Mineral Resources will recall, our client has either on its own accord or through its legal representatives sent a plethora of letters alerting the Department of Mineral Resource to the failings by Mintails to rehabilitate the environment in terms of their Closure Plan (approved by the Business Rescue Plan), their Environmental Management Plan and their Environmental Management Programme.

15. Despite the numerous amount of correspondence that was exchanged, the Department of Mineral Resources failed to undertake any real action in order to protect the environment in terms of its mandate under the NEMA read with section 37 and 38A of the Mineral and Petroleum Resources Development Act 28 of 2002 ("MPRDA").

16. We have now arrived at a situation where Mintails’ environmental liabilities will be externalised to the State (in other words the State will be responsible for 300 million rands worth of rehabilitation), neighbouring mines, the environment, financially strapped local
municipalities, the local communities and future generations due to the mining operations undertaken by MLI and Mintails.

17. In light of the above, our client wishes to express that the Department of Mineral Resources has to intervene in the liquidation process on an urgent basis due to its mandate in terms of the NEMA and the MPRDA in order to make sure that the environment is protected from further impact.

18. As detailed above, should the Department of Mineral Resources fail to undertake the necessary steps outlined in both the NEMA and the MPRDA, our client has instructed us to take the necessary legal action and make sure the environment is protected and utilised in a sustainable manner for the benefit of all South Africans and not for the benefit of international mining companies.

19. Our client welcomes any engagement with the Department of Mineral Resources and urgently seeks a meeting with the Minister of Mineral Resources and/or an intergovernmental team before the end of the week.

20. Kindly provide us with the details of the appointed liquidator.


22. Due to the nature of the matter, we urgently request a response.

23. Our client's rights are reserved.

Lucien Louw
Attorney
Legal Resources Centre
lucien@lrc.org.za
011 836 8680
TO:

MINISTER OF ENERGY
Mr. Radebe
Department of Energy
192 Visagie Street
Corner Paul Kruger & Visagie Street
Pretoria
0001

By email: phillip.musekwa@energy.gov.za
kgomotso.madlila@energy.gov.za
princess.duma@energy.gov.za

DEPUTY MINISTER OF ENERGY
Ambassador Majola
Department of Energy
192 Visagie Street
Corner Paul Kruger & Visagie Street
Pretoria
0001
(012) 406 7306

By email: mlaehoane.seloko@energy.gov.za
louisa.mohlamme@energy.gov.za
Dear Minister Radobe, Deputy Minister Ambassdaor Majola, Director General Mr Zulu and members of the National Nuclear Regulator:

1. We act on behalf of the Federation for a Sustainable Environment (FSE) our Client.

2. The purpose of this letter is two-fold, firstly it is to alert the Department of Energy that on 31 July 2018 we were informed by our Client and the Business Rescue Practitioner, Dave Lake, that the Mintails Group, which includes Mintails Mining South Africa (Pty) Ltd, Mintails Gold South Africa (Pty) Ltd and Mintails South Africa Randfontein Cluster (Pty) Ltd and their respective sub-companies ("Mintails"), has applied to the High Court of South
Africa (Gauteng Local Division) for a final liquidation of the Company. The matter will be heard next week Tuesday 7 August 2018 and a liquidator will be appointed by the Master of the High Court. Please see attached.

3. The reason for this application is due to the Business Rescue Practitioner’s belief that there is no more reasonable prospect of rescuing Mintails and making it solvent.

4. The Second purpose of the letter is to request from the Department of Energy and the National Nuclear Regulator to intervene in order to prevent any impact the current mines dumps have on the radioactive levels that may be born onto the community living in or around the area.

**Background:**

5. In 2015, Mintails entered into business rescue proceeding in terms of section 129 of the Companies Act 71 of 2008 in an attempt to ensure the creditors, including the Department of Mineral Resources, that the Company will be able to run solvent.

6. On 14 October 2015, the Business Rescue Practitioner had submitted, (in terms of section 150 of the Companies Act) a Business Rescue Plan. In terms of the Business Rescue Plan, a figure of nearly 300 million rands was linked to the environmental liability Mintails would have to pay in order to rehabilitate the environment.

**Department of Energy and the National Nuclear Regulator’s involvement and how will they proceed:**

7. As the National Nuclear Regulator will recall, our Client has either on its own accord or through its legal representatives sent a plethora of letters alerting the National Nuclear Regulator to the failings by Mintails to prevent and minimise the radioactivity during Mintails mining operations.
8. Despite the numerous amount of correspondence that was exchanged very little action was undertaken by the National Nuclear Regulator or the Department of Energy.

9. We have now arrived at a situation where Mintails' environmental liabilities will be externalised to the State, neighbouring mines, the environment, financially strapped local municipalities, the local communities and future generations, which will have a direct link to the radioactive levels wherein various communities currently living.

10. In light of the above, our client wishes to express that the Department of Energy and the National Nuclear Regulator must intervene in order to prevent further nuclear damage and minimise the amount of radioactive waste that can be exposed to the general public.

11. Kindly, acknowledge and reply to the letter within 3 working days. Due to the nature of the matter, we have requested a short time frame for a response.

12. Our Client's rights are reserved.

Lucien Idnashier
Attorney
Legal Resources Centre
lucien@lrc.org.za
011 836 8680
Johannesburg Offices
15th Floor Bram Fischer Towers • 20 Albert Street • Marshalltown • Johannesburg 2001 •
South Africa
PO Box 9495 • Johannesburg 2000 • South Africa
Tel: (011) 838 6601 • Fax: (011) 838 4876 • Email: info@lrc.org.za • www.lrc.org.za
PBO No. 930003292
NPO No. 023-004

OUR REFF: L.Limacher - LRC
DATE: 6 August 2018

TO:

MINISTER OF WATER AND SANITATION
Mr. Gugile Nkwinti
Sedibeng Building
10th Floor, Room 1029
185 Francis Baard Street, Pretoria
(012) 336 7500

By email: as per Mr. Govender instruction

DEPUTY MINISTER OF WATER AND SANITATION
Ms. Pamela Tshwete
Sedibeng Building
10th Floor, Room 1029
185 Francis Baard Street, Pretoria
(012) 336 7500

By email: ptshwete@parliament.gov.za

DEPUTY DIRECTOR GENERAL
Mr. Anil Singh
Sedibeng Building
10th Floor, Room 1029
185 Francis Baard Street, Pretoria
(012) 336 7500

By email: SinghAn@dws.gov.za

CHIEF DIRECTOR: MINE WATER/WATER QUALITY MANAGEMENT, CHIEF DIRECTORATE: MINE WATER MANAGEMENT, DEPARTMENT OF WATER AND SANITATION: NATIONAL OFFICE
Mr. Keet
Sedibeng Building
10th Floor, Room 1029
185 Francis Baard Street, Pretoria

Nature of office: National Office
Cape Town
Bloemfontein
Johannesburg
Constitutional Legislation Unit
M.C. Gouws (National Director), T. Wahl (Deputy National Director), D. Rankin (Director: Director: Water)
(012) 336 7500

By email: KeetM@dws.gov.za

MINE WATER/WATER QUALITY MANAGEMENT, CHIEF DIRECTORATE:
MINE WATER
Mr Govender
Sedibeng Building
10th Floor, Room 1029
185 Francis Baard Street, Pretoria
(012) 336 7500

By email: GovenderB@dws.gov.za

MANAGER: INSTITUTIONAL ESTABLISHMENT, GAUTENG PROVINCE,
DEPARTMENT OF WATER AND SANITATION
Mr Maseba
Sedibeng Building
10th Floor, Room 1029
185 Francis Baard Street, Pretoria
(012) 336 7500

By email: MasebaE@dws.gov.za

COMPLIANCE AND ENFORCEMENT: ACTING CEO: PROTO VAAL CMA
Dr Khorommbi
Sedibeng Building
10th Floor, Room 1029
185 Francis Baard Street, Pretoria
(012) 336 7500

By email: KhorommbiK@dws.gov.za

Dear Minister Nkwinti, Deputy Minister Ms Tshwete, Deputy-Director General Mr Singh,
Chief Director Mr Keet, Mr Govender, Mr Maseba and Dr Khorommbi:

RE: MINTAILS MINING SA (PTY) LIMITED, MINTAILS GOLD SA (PTY)
LIMITED AND MINTAILS SA RANDFONTEIN CLUSTER (PTY) LIMITED
APPLICATION TO THE HIGH COURT FOR FINAL LIQUIDATION

1. We act on behalf of the Federation for a Sustainable Environment (FSE) our Client.
2. The purpose of this letter is two-fold, firstly it is to alert the Department of Water and Sanitation that on 31 July 2018 we were informed by our Client and the Business Rescue Practitioner, Dave Lake, that the Mintails Group, which includes Mintails Mining South Africa (Pty) Ltd, Mintails Gold South Africa (Pty) Ltd and Mintails South Africa Randfontein Cluster (Pty) Ltd and their respective sub-companies (“Mintails”), has applied to the High Court of South Africa (Gauteng Local Division) for a final liquidation of the Company. The matter will be heard next week Tuesday 7 August 2018 and a liquidator will be appointed by the Master of the High Court. Please see attached.

3. The reason for this application is due to the Business Rescue Practitioner’s belief that there is no more reasonable prospect of rescuing Mintails and making it solvent.

4. The Second purpose of the letter is to request from the Department of Water and Sanitation to intervene in order to protect the water resources from being further harmed and for the proper rehabilitation to occur which is part of the Department of Water and Sanitation’s mandate in terms of the National Water Act 36 of 1998 and the National Environmental Management Act 107 of 1998.

Background:

5. In 2015, Mintails entered into business rescue proceeding in terms of section 129 of the Companies Act 71 of 2008 in an attempt to ensure the creditors, including the Department of Mineral Resources, that the Company will be able to run solvent.

6. On 14 October 2015, the Business Rescue Practitioner had submitted, (in terms of section 150 of the Companies Act) a Business Rescue Plan. In terms of the Business Rescue Plan, a figure of nearly 300 million rand was linked to the environmental liability (which includes the protection, minimising the harm and rehabilitation of the various water resources) Mintails would have to pay in order to rehabilitate the environment.

Department of Water and Sanitation’s involvement and how will they proceed;
7. As the Department of Water and Sanitation will recall, our Client has either on its own accord or through its legal representatives sent a plethora of letters alerting the Department of Water and Sanitation to the failings by Mintails to protect and minimise the damage it was doing to the water resources.

8. Despite the numerous amount of correspondence that was exchanged, the Department of Water and Sanitation failed to undertake any real action in order to protect the water resources in terms of its mandate under the National Water Act 36 of 1997.

9. We have now arrived at a situation where Mintails' environmental liabilities will be externalised to the State, neighbouring mines, the environment, financially strapped local municipalities, the local communities and future generations.

10. In light of the above, our client wishes to express that the Department of Water and Sanitation has to intervene on an urgent basis in order to make sure that the water resources are protected from further impact.

11. Kindly, acknowledge and reply to the letter within 3 working days. Due to the nature of the matter, we have requested a short time frame for a response.

12. Our Client's rights are reserved.

Lucien Limacher
Attorney
Legal Resources Centre
lucien@lrc.org.za
011 836 8680
TO:

PORTFOLIO COMMITTEE ON MINERAL RESOURCES
Hon Chairperson Mr S Luzipo
Parliament Street,
Cape Town
Tel: (021) 403 2597
(021) 403 3768

By email: aboss@parliament.gov.za

RE: MINTAILS MINING SA (PTY) LIMITED, MINTAILS GOLD SA (PTY) LIMITED AND MINTAILS SA RANDFONTEIN CLUSTER (PTY) LIMITED APPLICATION TO THE HIGH COURT FOR FINAL LIQUIDATION AND URGENT INTERVENTION

1. We act on behalf of the Federation for a Sustainable Environment (FSE) our client.

2. The purpose of this letter is to give a general background of the issues regarding Mintails Group and request that the FSB be allowed to present at the Portfolio Committee on Mineral Resources on Wednesday 29 August 2018.

Background:

3. In 2015, Mintails entered into business rescue proceedings in terms of section 129 of the Companies Act 71 of 2008 ("Companies Act") in an attempt to ensure the creditors,
including the Department of Mineral Resources, that the Company will be able to run solvent.

4. On 13 December 2016, the Business Rescue Practitioner had submitted, (in terms of section 150 of the Companies Act) a Business Rescue Plan. In terms of the Business Rescue Plan, a figure of nearly 300 million rands was linked to the environmental liability Mintails would need in order to rehabilitate the environment.

5. The Business Rescue Plan, assumedly, was accepted by the creditors on or before 26 December 2016 in terms of section 152 of the Companies Act after a meeting that was convened by the Business Rescue Practitioner in terms of section 151 of the Companies Act.

6. The Business Rescue Plan was accepted by the Department of Mineral Resources through the Regional Manager of the Gauteng Region. The following extract has been copied out of the Business Rescue Plan for your convenience; "the BRP has developed and proposed to the DMR [Department of Mineral Resources] a practical and pragmatic manner to address the implementation and funding of the rehabilitation liabilities of the Mintails Group (c.R300 million) over an appropriate period. The DMR have been tremendously supportive of the initiatives to save the c.900+ jobs involved and the possibility of the full rehabilitation liability reverting to the State, and Regional Manager of the DMR has approved the BRP’s rehabilitation proposals as set out in clause 38."

7. In terms of the Business Rescue Plan, it was stated that the rehabilitation of the environmental liability was one of the biggest reason why Mintails went under Business Rescue. Again for your convenience, the following extract has been copied, "The manner in which environmental rehabilitation is to be dealt with is a critical component of the Business Rescue Plan."

8. Another major issue why Mintails went under Business Rescue is the viability of the Mine after it was run by the International Mining Company called Mintails Limited ("MLI"), a public company incorporated in Australia under registration number ABN – 45 008 740 672. It was stated in the Business Rescue Plan that, "an international board
of directors too far removed from the operational realities of a small gold mining and
tailings processing operation in South Africa, leading to an apparent lack of strategic
insight and flawed strategic planning."

9. In terms of MLI, the company has divested itself from Mintails in South Africa and has
renamed itself Orminex Limited, it is uncertain as to why the divestment has occurred.

**Department of Mineral Resources involvement and how will they proceed:**

10. Our client has either on its own accord or through its legal representatives sent a plethora
of letters alerting the Department of Mineral Resource to the failings by Mintails to
rehabilitate the environment in terms of their Closure Plan (approved by the Business
Rescue Plan), their Environmental Management Plan and their Environmental
Management Programme.

11. Despite the numerous amount of correspondence that was exchanged, the Department of
Mineral Resources failed to undertake any significant action in order to protect the
environment in terms of its mandate under the National Environmental Management Act
107 of 1998 read with section 37 and 38A of the Mineral and Petroleum Resources
Development Act 28 of 2002 (“MPRDA”).

12. We have now arrived at a situation where Mintails’ environmental liabilities will be
externalised to the State (in other words the State will be responsible for approximately
300 million rands worth of rehabilitation), neighbouring mines, the environment,
financially strapped local municipalities, the local communities and future generations
due to the mining operations undertaken by MLI and Mintails.

13. In light of the above, our client wishes to express that the Department of Mineral
Resources has to intervene in the liquidation process on an urgent basis due to its mandate
in terms of the NBMA and the MPRDA in order to make sure that the environment is
protected from further impact.
14. Our client welcomes any engagement with the State and respectfully requests, that Mariette Lieffersink be given the opportunity to undertake a presentation to the Parliament Portfolio Committee on Mineral Resources on 29 August 2018.

15. Kindly acknowledge to the letter, due to the nature of the matter, we urgently request a response.

Lucien Kanacher
Attorney
Legal Resources Centre
lucien@lrc.org.za
011 836 8680
19 September 2018

TO:
PORTFOLIO COMMITTEE ON WATER AND SANITATION
Honourable Chairperson Mr Mlungisi Johnson
Parliament Street
Cape Town

By email: mkoff@parliament.gov.za

RE: MINTAILS MINING SA (PTY) LTD, MINTAILS SA (PTV) LTD AND MINTAILS SA RANDFONTEIN CLUSTER (PTY) LTD APPLICATION TO THE HIGH COURT FOR FINAL LIQUIDATION AND URGENT INTERVENTION

1. We act on behalf of the Federation for Sustainable Environment ("FSE") our client.

2. The purpose of this letter is two-fold:

2.1. To give a general background on the issues regarding the Mintails Group ("Mintails"); and

2.2. to request that FSE be allowed to present at the next Portfolio Committee on Water and Sanitation meeting.
Background

3. In 2015, Mintails entered into business rescue proceedings in terms of section 129 of the Companies Act 71 of 2008 ("Companies Act") in an attempt to ensure the creditors that the company will be able to run solvent.

4. On 13 December 2016, the business rescue practitioner submitted a business rescue plan in terms of section 150 of the Companies Act. In terms of business rescue plan, a figure of nearly 300 million rands was linked to the environmental liability Mintails would need in order to rehabilitate the environment.

5. The business rescue plan, assumingly, was accepted by creditors on or before 26 December 2016 in terms of section 152 of the companies act after a meeting that was convened by the business rescue practitioner in terms of section 151 of the Companies Act.

6. In terms of the business rescue plan, it was stated that the rehabilitation of the environment was one the biggest reasons why Mintails went under business rescue. The following has been copied, "the manner in which environmental rehabilitation is to be dealt with is a critical component of the Business Rescue plan."

7. Another reason why Mintails went under business rescue was the viability of the mine after it was run by the international mining company called Mintails limited ("ML"), a public company incorporated in Australia under registration number ABN - 45008740672. It was stated in the Business rescue plan that "an international board of directors too far removed from the operational realities of a small gold mining and tailings processing operation in South Africa, leading to an apparent lack of strategic insight and flawed strategic planning"

8. MLI has divested itself from Mintails in South Africa and has renamed itself Orminex Limited, it is uncertain as to why the divestment has occurred.
Department of Water and Sanitation and how they will proceed

1. Our client on its own or through legal representation has sent correspondence alerting the Department of Water and Sanitation to the failings by Mintails to protect and minimise the damage it was doing to the water resources.

2. Despite the correspondence that was exchanged, the Department of Water and Sanitation failed to undertake any real action in order to protect the water resources in terms of its mandate under the National Water Act 36 of 1997.

3. We have now arrived at a situation where Mintails’ environmental liabilities will be externalised to the State, neighboring mines, the environment, financially strapped local municipalities, the local communities and future generations.

Request

9. In light of the above, our client wishes to express that the Department of Water and Sanitation has to intervene in the liquidation process on an urgent basis in order to make sure that the water resources are protected from further impact.

10. Our client welcomes any engagement with the state and respectfully requests that Mariette Lieferinck (CEO of FSB) be given the opportunity to undertake a presentation to the parliament Portfolio Committee on Water and Sanitation.

11. Kindly acknowledge receipt of this letter.

12. Due to the nature of the matter, we urgently request a response.

Kind regards

[Signature]

LEGAL RESOURCES CENTRE
Parav Limacher
25 September 2018

TO: MINISTER OF MINERAL RESOURCES:
Mr G Mantashe
Department of Mineral Resources
Treverna Campus Building 2C
C/o Meintjes and Francis Baard Street
(012) 444 3000

By email: Mandisi.Mavata@dmr.gov.za

DEPUTY MINISTER OF MINERAL RESOURCES:
Mr G Oliphant
Department of Mineral Resources
Treverna Campus Building 2C
C/o Meintjes and Francis Baard Street
(012) 444 3000

By email: kefitlwe.chibogo@dmr.gov.za

DIRECTOR GENERAL:
Adv T Mokoena
Department of Mineral Resources
Treverna Campus Building 2C
C/o Meintjes and Francis Baard Street
(012) 444 3880

By email: Thabo.Moknena@dmr.gov.za; and
Mamabelu.Modipa@dmr.gov.za

DEPUTY DIRECTOR GENERAL FOR MINERAL REGULATIONS:
Adv M Malebe
Department of Mineral Resources
Treverna Campus Building 2C
c/o Meintjes and Francis Baard Street
(012) 444 3977

By email: Mnadikeledi.Malebe@dmr.gov.za

CHIEF DIRECTORATE AND REGIONAL MANAGER FOR GAUTENG:
Mr S Mabaso
Department of Mineral Resources
Mineralia Building
Cnr De Korte and De Beer Street
Braamfontein, 2017
(011) 358 9700

By email: Sunday.Mabaso@dmr.gov.za;
Mashudu.Maduka@dmr.gov.za; and
Carol.Khanyle@dmr.gov.za

CHIEF DIRECTORATE FOR COMPLIANCE AND ENFORCEMENT:
Adv M Malebe
Department of Mineral Resources
Trevenna Campus Building 2C
C/o Meintjes and Francis Baard Street
(012) 444 3000

By email: see above

CHAIR OF THE GOVERNMENT TASK TEAM ON MINING:
Mr M Madubane
Department of Mineral Resources
Trevenna Campus Building 2C
C/o Meintjes and Francis Baard Street
(012) 444 3000

COPIES TO: PORTFOLIO COMMITTEE ON MINERAL RESOURCES
Honourable Chairperson Mr Sahlulele Luzipo
Parliament Street
Cape Town

By email: aboss@parliament.gov.za
RE: MINTAILS MINING SA (PTY) LTD, MINTAILS SA (PTY) LTD AND MINTAILS SA RANDFONTEIN CLUSTER (PTY) LTD APPLICATION TO THE HIGH COURT FOR FINAL LIQUIDATION AND URGENT INTERVENTION

1. The above matter, our correspondence dated 29 August 2018, the Parliamentary Portfolio Committee ("the Committee") meeting ("the Committee meeting") held on 14 September 2018, and the Mintails Liquidation court hearing on 18 September 2018 ("the court hearing"), refer.

2. The purpose of this letter is to ascertain the next steps that the Department of Mineral Resources ("DMR") intends to take following the unopposed liquidation application.

3. We wish to note the following from the Committee meeting:

3.1. The Committee noted the DMR’s failure to respond to our correspondence dated 6 August 2018 wherein we requested that the DMR urgently intervene in the Mintails liquidation proceedings. For your ease of reference, the correspondence is attached hereto marked "DMRI".

3.2. The Committee requested that the DMR engage with the FSE, to date we have not received a response to our correspondence or any other form of communication.

3.3. DMR expressed its intention to take steps to ensure that the interests of DMR and the environment are protected during the liquidation process at the meeting.

3.4. We further note that the liquidation hearing was unopposed and that the DMR did not officially intervene in the liquidation hearing.

4. In light of the above, we urgently request clarity on the following:
4.1. How does the DMR intend on intervening in the liquidation process to ensure that the environment and the surrounding communities are protected?

4.2. How will the DMR ensure that the rehabilitation of Mintails, in light of the liquidation, will occur?

4.3. How does the DMR intends on ensuring that Mintails complies with its obligations to the environment.

4.4. How does the DMR intend on enforcing the correct closure of the mine in terms of section 43 of the Mineral and Petroleum Resources Development Act 28 of 2002?

4.5. Does the DMR intend on taking any steps against the Directors of Mintails for mismanagement in terms of the Companies Act?

5. We further request an urgent meeting with the relevant representatives from DMR to discuss possible solutions to the above matter.


7. Our client's rights are reserved.

Kind regards

LEGAL RESOURCES CENTRE
Per. L. LIMACHER
TO:

MINISTER OF MINERAL RESOURCES:
Mr G Mantashe
Department of Mineral Resources
Trevanna Campus Building 2C
c/o Mointjes and Francis Baard Street
(012) 444 3000

By email: Mandisi.Muvata@dmar.gov.za

DEPUTY MINISTER OF MINERAL RESOURCES:
Mr G Oliphant
Department of Mineral Resources
Trevanna Campus Building 2C
c/o Mointjes and Francis Baard Street
(012) 444 3000

By email: kefiwe.chibogo@dmar.gov.za

DIRECTOR GENERAL:
Adv T Mokoena
Department of Mineral Resources
Trevanna Campus Building 2C
c/o Mointjes and Francis Baard Street
(012) 444 3880

By email: Thabo.Mokoena@dmar.gov.za; and
Mamabolu.Modipa@dmar.gov.za

Our Ref: L.Gumbo - LRC
Date: 6 August 2018
DEPUTY DIRECTOR GENERAL FOR MINERAL REGULATIONS:
Adv M Malebe
Department of Mineral Resources
Trevenna Campus Building 2C
c/o Meintjes and Francis Baard Street
(012) 444 3977

By email: Mnadikeledi.Malebe@dmr.gov.za

CHIEF DIRECTORATE AND REGIONAL MANAGER FOR GAUTENG:
Mr S Mabaso
Department of Mineral Resources
Mineralia Building
Cnr De Korte and De Beer Street
Braamfontein, 2017
(011) 358 9700

By email: Sunday.Mabaso@dmr.gov.za;
Mashudu.Maduka@dmr.gov.za; and
Carol.Khanyile@dmr.gov.za

CHIEF DIRECTORATE FOR COMPLAINECE AND ENFORCEMENT:
Adv M Malebe
Department of Mineral Resources
Trevenna Campus Building 2C
c/o Meintjes and Francis Baard Street
(012) 444 3000

By email: see above

CHAIR OF THE GOVERNMENT TASK TEAM ON MINING:
Mr M Madubane
Department of Mineral Resources
Trevenna Campus Building 2C
c/o Meintjes and Francis Baard Street
(012) 444 3000

By email: Max.Madubane@dmr.gov.za

Dear Minister Mr Mantsho, Deputy Minister Mr Oliphant, Director General Adv Mokena,
Deputy Director General for Mineral Regulations Adv Malebe, Chief Directorate and Regional
Manager for Gauteng Mr Mabaso, Chief Directorate for Compliance and Enforcement and
Chair of the Government Task Team on Mining Mr Mdubane:
RE: MINTAILS MINING SA (PTY) LIMITED, MINTAILS GOLD SA (PTY) LIMITED AND MINTAILS SA RANDFONTEIN CLUSTER (PTY) LIMITED
APPLICATION TO THE HIGH COURT FOR FINAL LIQUIDATION AND URGENT INTERVENTION

1. We act on behalf of the Federation for a Sustainable Environment (FSE) our client.

2. The purpose of this letter is four-fold, firstly it is to alert the Department of Mineral Resources that on 31 July 2018 we were informed by our client and the Business Rescue Practitioner, Dave Lake, that the Mintails Group, which includes Mintails Mining South Africa (Pty) Ltd, Mintails Gold South Africa (Pty) Ltd and Mintails South Africa Randfontein Cluster (Pty) Ltd and their respective sub-companies ("Mintails"), has applied to the High Court of South Africa (Gauteng Local Division) for a final liquidation of the Company. The matter will be heard next week Tuesday, 7 August 2018, and a liquidator will be appointed by the Master of the High Court.

3. The reason for this application is due to the Business Rescue Practitioner’s belief that there is no more reasonable prospect of rescuing Mintails and making it a solvent company.

4. The second purpose of the letter is to request from the Department of Mineral Resources to intervene in order to protect the environment from being further harmed and for the rehabilitation of Mintails’ mining area to be undertaken.

5. The third purpose of the letter is to request from the Department of Mineral Resources that should they intervene, to keep our client informed and to provide all information on such intervention.

6. The fourth purpose of this letter is to inform the Department of Mineral Resources that in terms of the National Environmental Management Act 107 of 1998 ("NEMA") that should the Department of Mineral Resources fail to intervene to protect the environment as per their mandated in NEMA, we have been instructed by our client that we will institute legal action, on an urgent basis, to ensure that the environment is protected and to prevent the
communities living around the mine from being impacted by a derelict mine, especially a mine that has radiation counts higher than what is prescribed by the law.

**Background:**

7. In 2015, Mintails entered into business rescue proceedings in terms of section 129 of the Companies Act 71 of 2008 ("Companies Act") in an attempt to ensure the creditors, including the Department of Mineral Resources, that the Company will be able to run solvent.

8. On 13 December 2016, the Business Rescue Practitioner had submitted, (in terms of section 150 of the Companies Act) a Business Rescue Plan. In terms of the Business Rescue Plan, a figure of nearly 300 million rands was linked to the environmental liability Mintails would need in order to rehabilitate the environment.

9. The Business Rescue Plan, assumingly, was accepted by the creditors on or before 26 December 2016 in terms of section 152 of the Companies Act after a meeting that was convened by the Business Rescue Practitioner in terms of section 151 of the Companies Act.

10. The Business Rescue Plan was accepted by the Department of Mineral Resources through the Regional Manager of the Gauteng Region. The following extract has been copied out of the Business Rescue Plan for your convenience; "the BRP has developed and proposed to the DMR [Department of Mineral Resources] a practical and pragmatic manner to address the implementation and funding of the rehabilitation liabilities of the Mintails Group (c. R300 million) over an appropriate period. The DMR have been tremendously supportive of the initiatives to save the c.900+ jobs involved and the possibility of the full rehabilitation liability reverting to the State, and Regional Manager of the DMR has approved the BRP’s rehabilitation proposals as set out in clause 38."

11. In terms of the Business Rescue Plan, it was stated that the rehabilitation of the environmental liability was one of the biggest reason why Mintails went under Business
Rescue. Again for your convenience, the following extract has been copied, “The manner in which environmental rehabilitation is to be dealt with is a critical component of the Business Rescue Plan.”

12. Another major issue why Mintails went under Business Rescue is the viability of the Mine after it was run by the International Mining Company called Mintails Limited (“MLI”), a public company incorporated in Australia under registration number ABN – 45 008 740 672. It was stated in the Business Rescue Plan that, “an international board of directors too far removed from the operational realities of a small gold mining and tailings processing operation in South Africa, leading to an apparent lack of strategic insight and flawed strategic planning.”

13. In terms of MLI, the company has divested itself from Mintails in South Africa and has renamed itself Omnines Limited, it is uncertain as to why the divestment has occurred.

**Department of Mineral Resources involvement and how will they proceed:**

14. As the Department of Mineral Resources will recall, our client has either on its own accord or through its legal representatives sent a plethora of letters alerting the Department of Mineral Resource to the failings by Mintails to rehabilitate the environment in terms of their Closure Plan (approved by the Business Rescue Plan), their Environmental Management Plan and their Environmental Management Programme.

15. Despite the numerous amount of correspondence that was exchanged, the Department of Mineral Resources failed to undertake any real action in order to protect the environment in terms of its mandate under the NEMA read with section 37 and 38A of the Mineral and Petroleum Resources Development Act 28 of 2002 (“MPRDA”).

16. We have now arrived at a situation where Mintails’ environmental liabilities will be externalised to the State (in other words the State will be responsible for 300 million rands worth of rehabilitation), neighbouring mines, the environment, financially strapped local
municipalities, the local communities and future generations due to the mining operations undertaken by MLJ and Mintails.

17. In light of the above, our client wishes to express that the Department of Mineral Resources has to intervene in the liquidation process on an urgent basis due to its mandate in terms of the NEMA and the MPRDA in order to make sure that the environment is protected from further impact.

18. As detailed above, should the Department of Mineral Resources fail to undertake the necessary steps outlined in both the NEMA and the MPRDA, our client has instructed us to take the necessary legal action and make sure the environment is protected and utilized in a sustainable manner for the benefit of all South Africans and not for the benefit of international mining companies.

19. Our client welcomes any engagement with the Department of Mineral Resources and urgently seeks a meeting with the Minister of Mineral Resources and/or an intergovernmental team before the end of the week.

20. Kindly provide us with the details of the appointed liquidator.


22. Due to the nature of the matter, we urgently request a response.

23. Our client’s rights are reserved.

Lucien Koen
Attorney
Legal Resources Centre
lucien@lrc.org.za
011 836 8680
TO: CHIEF DIRECTORATE AND REGIONAL MANAGER FOR GAUTENG; AND COMPLAINT AND ENFORCEMENT OFFICER:
Mr S Mabaso and Ms M Maduka
Department of Mineral Resources
Mineralia Building
Cnr De Korte and De Beer Street
Braamfontein, 2017
(011) 338 9700

By email: Sunday.Mabaso@dmr.gov.za;
Mashudu.Maduka@dmr.gov.za; and
Carol.Khanyile@dmr.gov.za

RE: MINTAILS MINING GOLD (PTY) LTD, MINTAILS SA (PTY) LTD AND MINTAILS SA RANDFONTEN Cluster (PTY) LTD

Dear Mr Mabaso and Ms Maduka

1. The meeting that was undertaken at your regional offices in Johannesburg with the Federation for a Sustainable Environment and the Legal Resources Centre pertaining to Mintails Mining SA (Pty) Ltd, Mintails Gold (Pty) Ltd and Mintails SA Randfontein Cluster (Pty) Ltd’s (“Mintails”) liquidation applications, refers.

2. Since that meeting there has been various attempts by other stakeholders to obtain an agreement among various parties who are involved or who are responsible for
rehabilitating Mintails mining operations for mining right 132, 133 and 206.

3. We want to place on record that the Federation for a Sustainable Environment does not form part of these potential agreements and if any such agreement is made that such agreement must be made available to the public.

4. Moreover, the Federation for a Sustainable Environment further states on record that the Federation for a Sustainable Environment has always, and will remain opposed, to any compromise of the amount owed towards rehabilitation. In short, the Federation for a Sustainable Environment seeks for those responsible to be held to account to the full extent of the law.

5. Furthermore, the Federation for a Sustainable Environment will continue to endeavour that the environment is protected and rehabilitated.

6. Lastly, the Federation for a Sustainable Environment also requests that the recent directives that have been issued again the various directors to be enforced and upheld in terms of the National Environmental Management Act.

7. Our Clients rights remain reserved.

Kind regards

LEGAL RESOURCES CENTRE
Per: L LIMACHER
ATTORNEY
TO:

DEPUTY DIRECTOR GENERAL
Mr Anil Singh
Sedibeng Building
10th Floor, Room 1029
185 Francis Baard Street, Pretoria
(012) 336 7500

By email: SinghAn@dws.gov.za

HEAD OF GAUTENG PROVINCE
Mr S Mthembu
Sedibeng Building
10th Floor, Room 1029
185 Francis Baard Street, Pretoria
(012) 336 7500

By email: MthembuSt@dws.gov.za

CHIEF DIRECTOR: MINE WATER/WATER QUALITY MANAGEMENT, CHIEF DIRECTORATE: MINE WATER MANAGEMENT, DEPARTMENT OF WATER AND SANITATION: NATIONAL OFFICE
Mr Keet
Sedibeng Building
10th Floor, Room 1029
185 Francis Baard Street, Pretoria
(012) 336 7500

By email: KeetM@dws.gov.za

MINE WATER/WATER QUALITY MANAGEMENT, CHIEF DIRECTORATE: MINE WATER
Mr Guvender
Dear Deputy-Director General Mr Singh, Head of Province Mr S Mthembu, Chief Director Mr Keet, Mr Govender, Mr Maseba and Dr Khorommbi:

---

**RE: MINTAILS MINING SA (PTY) LIMITED, MINTAILS GOLD SA (PTY) LIMITED AND MINTAILS SA RANDFONTEIN CLUSTER (PTY) LIMITED APPLICATION TO THE HIGH COURT FOR FINAL LIQUIDATION AND DEPARTMENT OF WATER AND SANITATION PLAN OF ACTION**

---

1. Our letter of 06 August 2018, refers.

2. The purpose of this letter is two-fold, firstly to state on record that we have not had any response from the previous letter sent on 6 August 2018 and secondly to request urgently, by the Department of Water and Sanitation, what action will they be taking to protect the water resources and water courses from the impact of the liquidation application.
FAILURE OF THE DEPARTMENT OF WATER AND SANITATION TO REPLY TO A LEGAL LETTER:

3. Please note that we have still not received an official response to the letter sent on 6 August 2018 to the Minister, the Deputy Minister and other prominent members of the Department of Water and Sanitation.

4. We urgently request your reply.

5. If we do not get a response from the Department of Water and Sanitation within one week from the date of this letter sent, our Client will have no option but to look at alternative legal avenues.

INTERVENTION BY THE DEPARTMENT OF WATER AND SANITATION:

6. As you are well aware, the Mintails mining operation is not operational and the water is being impacted and polluted. This pollution and degradation of the water has a potential to impact many lives as the water runs into the dam down-stream which supplies water to over 400 000 people.

7. In light of the above, our Client wishes to express that the Department of Water and Sanitation has to intervene on an urgent basis in order to make sure that the water resources are protected from further impact. Such intervention is as follows:

7.1. Issue directives to the Liquidators to prevent any further pollution or degradation of the water resources or water courses;

7.2. Issue directives to the Directors and the Business Rescue Practitioner to rehabilitate the water resources or water courses; and

7.3. To report back on what further actions will the Department of Water and Sanitation will undertake to make sure the water resources and water courses are protected and rehabilitated to levels pre-determined.
8. As stated above we urgently request your response, failing which our Client will have no option but to look at alternative legal avenues.

9. Our Client's rights are reserved.

[Signature]

Lucien Linacher
Attorney
Legal Resources Centre
lucien@lrc.org.za
011 836 8680
TO:

NATIONAL NUCLEAR REGULATOR
eco Glades Office Park
Eco Glades 2Block G
Witch Hazel Avenue
Highveld Ext 75
Eco Park
Centurion
(012) 674 7100

By email: PEMohajane@nnr.co.za;
BMTyobeka@nnr.co.za;
Johnp@nnr.co.za; and
Ajonbert@nnr.co.za

RE: MINTAILS MINING SA (PTY) LIMITED, MINTAILS GOLD SA (PTY) LIMITED AND MINTAILS SA RANDFONTEIN CLUSTER (PTY) LIMITED APPLICATION TO THE HIGH COURT FOR FINAL LIQUIDATION

Dear members of the National Nuclear Regulator:

1. Our letter sent on 6 August 2018 via electronic mail and the meeting held shortly thereafter, refers.
2. The FSE conducted a site visit with the police and Adv. Sam Martin (our advocate in this matter) on the 27 November 2018. The purpose of the site visit was to ascertain the current situation at the various mines within the demarcated area for mining right 132, 133 and 206.

3. As the Regulator already knows, Mintails is currently in liquidation with an unfunded environmental liability of R460 000 000 wherein such environmental liability has a radioactive / nuclear element due to the mine being a gold mine (Please see the attached Parliamentary Committee (PC) on Mineral Resources’ Report, see in particular pages 23 to 52 which includes the findings on page 50 to 52).

4. We observed on 27 November 2018, that 14 kilometers of pipes (potentially radioactive since it transported uranium ore tailings) owned by Mintails’ were scavenged and allegedly sold to a local scrap metal dealer. The uranium ore tailings which were inside the pipes are scattered in wetlands and adjacent to residential dwellings.

5. We hereby request the NNR to conduct an investigation regarding this matter and to report on its investigation. The matter is urgent and must be addressed by the National Nuclear Regulator.

6. We also urgently request an official response to our email sent on 8 August 2018 and request the outcome of how the National Nuclear Regulator will act in terms of the Mintails liquidation.

7. Our Client’s rights are reserved.

Lucien Limacher
Attorney
Legal Resources Centre
lucien@lrc.org.za
011 836 8680
TO:

CHIEF DIRECTORATE AND REGIONAL MANAGER FOR GAUTENG:
Mr S Mabaso
Department of Mineral Resources
Mineralia Building
Cnr De Korte and De Beer Street
Braamfontein, 2017
(011) 338 9700

By email: Sunday.Mabaso@dmr.gov.za;
Mashudu.Maduka@dmr.gov.za; and
Carol.Khanyile@dmr.gov.za

Dear Mr Mabaso

RE: URGENT INTERVENTION BY THE DEPARTMENT OF MINERAL RESOURCES FOR THE POLLUTION OF MINING RIGHT 132, 133 AND 206

1. Our previous correspondence of 14 November 2018 and the National Nuclear Regulator’s site visit with the Federation for a Sustainable Environment on 20 December 2018, refers.

2. In terms of the site visit, on 20 December 2018, the following serious violations were viewed and recorded:

Nature Office: N Gdonesi (National Director), T Wegerif (Deputy National Director), J Balule (Director, Finance)
Department: S Daka (Division), A Mokwana, S Kamancho, C Mahlo, M Mabuto, E Hau, A Teya
Division: S Balo (Division), A Paseki, T Matshoa, Y C Maka
Controller: C Molemane (Director), E Kholo, B Segoba, C van Schalkwyk
Head Office: H Phyeki (Director), A E Modise, L L Lister, S P Mokoena, S S Mokoena
Civil Litigation Unit: S D Magwedze (Director), M Moleko, G Buthelezi, C du Toit, M Mokoena, P Mokoena, Y S Moko, E R Welbourn
2.1. The various plastic pipes that contained serious toxic metals and chemicals such as manganese, arsenic, uranium, cyanide metal complex and potential radio-active sludge located within the demarcated areas of the various mining rights 132, 133 and 206 owned by various mining companies most notably the Mintails group have been partially removed. The portion of pipes that were removed are the profitable parts of the plastic pipelines;

2.2. The toxic metals and chemicals are now exposed to the direct ground or earth wherein it is degrading and polluting the environment on a very serious basis that may have significant impacts to the people living in and around the area; and

2.3. Lastly, there are currently many unregulated miners mining the various pit clusters within the designated area of mining right 132, 133 and 206 which are not safe and injury or death could occur at anytime.

3. In light of the above, the Department of Mineral Resources (the Department) is well aware that:

3.1. In terms of section 28 of the National Environmental Management Act 107 of 1998 that every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measure to prevent such pollution or degradation from occurring, continuing or recurring.

3.2. In terms of section 2(4)(p) of NEMA that the cost of remedying pollution, environmental degradation and consequent adverse health effects and of preventing, controlling or minimising further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment.

3.3. In terms of section 30 of NEMA when an incident occurs (incident is defined as unexpected, sudden, and uncontrolled, release of hazardous substance including from a major emission, fire or explosion that causes, has caused or may cause significant harm to the environment, human life or property) certain actions must be undertaken to protect the environment and mitigate the damage.
4. We urgently seek that the Department issue directives to the liquidators (in terms of section 28 read with section 2(4)(p)) to start remedial action and contain the toxic sludge that is currently polluting and degrading the environment.

5. We also request urgently that a copy of the mining right for mining right 132, 133 and 206 to be provide to our client the Federation for a Sustainable Environment.

6. Our clients rights are reserved.

Lucien Limacher  
Acting Regional Director  
Legal Resources Centre  
lucien@lrc.org.za  
011 836 8680
TO:

CHIEF DIRECTORATE AND REGIONAL MANAGER FOR GAUTENG:
Mr S Mabaso
Department of Mineral Resources
Mineralia Building
Cnr De Korte and Dc Beer Street
Braamfontein, 2017
(011) 358 9700

By email: Sunday.Mabaso@dmr.gov.za;
Mashudu.Maduka@dmr.gov.za; and
Carol.Khanyile@dmr.gov.za

Dear Mr Mabaso

RE: URGENT INTERVENTION BY THE DEPARTMENT OF MINERAL RESOURCES FOR THE POLLUTION OF MINING RIGHT 132, 133 AND 206

1. Our previous correspondence of 14 November 2018 and the National Nuclear Regulator’s site visit with the Federation for a Sustainable Environment on 20 December 2018, refers.

2. In terms of the sight visit, on 20 December 2018, the following serious violations were viewed and recorded:
2.1. The various plastic pipes that contained serious toxic metals and chemicals such as manganese, arsenic, uranium, cyanide metal complex and potential radio-active sludge located within the demarcated areas of the various mining rights 132, 133 and 206 owned by various mining companies most notably the Mintails group have been partially removed. The portion of pipes that were removed were the profitable parts of the plastic pipelines;

2.2. The toxic metals and chemicals are now exposed to the direct ground or earth wherein it is degrading and polluting the environment on a very serious basis that may have significant impacts to the people living in and around the area; and

2.3. Lastly, there are currently many unregulated miners mining the various pit clusters within the designated area of mining right 132, 133 and 206 which are not safe and injury or death could occur at anytime.

3. In light of the above, the Department of Mineral Resources (the Department) is well aware that:

3.1. In terms of section 28 of the National Environmental Management Act 107 of 1998 that every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measure to prevent such pollution or degradation from occurring, continuing or recurring.

3.2. In terms of section 2(4)(p) of NEMA that the cost of remedying pollution, environmental degradation and consequent adverse health effects and of preventing, controlling or minimising further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment.

3.3. In terms of section 30 of NEMA when an incident occurs (incident is defined as unexpected, sudden, and uncontrolled, release of hazardous substance including from a major emission, fire or explosion that causes, has caused or may cause significant harm to the environment, human life or property) certain actions must be undertaken to protect the environment and mitigate the damage.
4. We urgently seek that the Department issue directives to the liquidators (in terms of section 28 read with section 2(4)(p)) to start remedial action and contain the toxic sludge that is currently polluting and degrading the environment.

5. We also request urgently that a copy of the mining right for mining right 132, 133 and 206 to be provide to our client the Federation for a Sustainable Environment.

6. Our clients rights are reserved.

[Signature]
Lucien Limacher
Acting Regional Director
Legal Resources Centre
lucien@lrc.org.za
011 836 8680
Our Ref:        L Limacher

Date: 28 January 2019

TO:            MR ANIL SINGH
DEPUTY DIRECTOR GENERAL
Sedibeng Building
10th Floor, Room 1029
185 Francis Baard Street
Pretoria

Per email: SinchAn@dws.gov.za

AND TO:        MR S MTHEMBU
HEAD OF GAUTENG PROVINCE
Sedibeng Building
10th Floor, Room 1029
185 Francis Baard Street
Pretoria

Per email: MthummbiSi@dws.gov.za

AND TO:        MR KEET
CHIEF DIRECTOR: MINE WATER/WATER QUALITY
MANAGEMENT, CHIEF DIRECTORATE: MINE WATER
MANAGEMENT, DEPARTMENT OF WATER AND
SANITATION: NATIONAL OFFICE
Sedibeng Building
10th Floor, Room 1029
185 Francis Baard Street
Pretoria

Per email: KeetM@dws.gov.za
AND TO: MR GOVENDER  
MINE WATER/WATER QUALITY MANAGEMENT, CHIEF DIRECTORATE: MINE WATER  
Sedibeng Building  
10th Floor, Room 1029  
185 Francis Baard Street  
Pretoria  

Per email: GovenderB@dws.gov.za

AND TO: MR MATSEBA  
MANAGER: INSTITUTIONAL ESTABLISHMENT, GAUTENG PROVINCE, DEPARTMENT OF WATER AND SANITATION  
Sedibeng Building  
10th Floor, Room 1029  
185 Francis Baard Street  
Pretoria  

Per email: MatsebaE@dws.gov.za

AND TO: DR KHOROMMBI  
COMPLIANCE AND ENFORCEMENT: ACTING CEO: PROTO VAAL CMA  
Sedibeng Building  
10th Floor, Room 1029  
185 Francis Baard Street  
Pretoria  

Per email: KhorommbiK@dws.gov.za

Dear Deputy-Director General Mr Singh, Head of Province Mr S Mthembu,  
Chief Director Mr Keet, Mr Govender, Mr Matseba and Dr Khorommbi,  

RE: URGENT INTERVENTION BY THE DEPARTMENT OF WATER AND SANITATION FOR THE POLLUTION OF MINING RIGHT 132, 133 AND 206
1. We act on behalf of the Federation for Sustainable Environment ("our client").

2. Our previous correspondence of 21 November 2018, refers.

3. On 20 December 2018, our client visited the site of Mintails operations (and other owners), and the following serious violations were viewed and recorded:

   3.1. The various plastics pipes and steel pipes that transported toxic metals and chemicals such as manganese, arsenic, uranium, long living cyanide metal complexes and potential radio-active sludge located within the demarcated areas of the various mining rights 132, 133 and 206 of Mintails group (and other owners) have been partially removed. The portion of pipes that were removed were profitable plastics parts of the pipelines;

   3.2. The sludge containing metals and chemicals may result in the contamination of the soils and water resources within the Upper Wonderfonteinspruit Catchment area, a densely populated area, the Tweelopiespruit and downstream water users, including the Krugersdorp Game Reserve and the sensitive Cradle of Humankind World Heritage Site.

   3.3. Lastly, there are currently many unregulated miners mining the various pit clusters within the designated area of mining right 132, 133 and 206 which are not safe and injury or death could occur at anytime.

4. In the light of the above, the Department Water and Sanitation is well aware that:

   4.1. Section 18 of the National Water Act 36 of 1998 ("National Water Act") states that the person, who owns, controls, occupies or uses the land in question is responsible for taking measures to prevent pollution of water resources. If these measures are not taken, the catchment management agency concerned may itself do whatever is necessary to prevent the
pollution or to remedy its effects, and to recover all reasonable costs from the person responsible for the pollution.

4.2. In terms of section 2(4)(p) of National Environmental Management Act 107 of 1998 ("NEMA") that the cost of remediying pollution, environmental degradation and consequent adverse health effects and of preventing, controlling or minimizing further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment.

4.3. Section 20 of the National Water Act deals with a control of emergency incident (such as an accident involves the spilling of a harmful substance that finds or may find its way into a water resource). The responsibility for remediying the situation rests with the person responsible for the incident or the substance involved. If there is a failure to act, the relevant catchment management agency may take the necessary steps and recover the costs from every responsible person.

5. We urgently seek that the Department issue directives to the liquidators of Mintails (and other owners) (in terms of section 19 and/or 20 of the National Water Act read with section 2(4)(p) of NEMA) to start remedial action and contain the toxic sludge that is currently polluting and degrading the environment.

6. We trust that you find the above in order and await your urgent response herein.

7. Our client's rights are reserved.

Yours faithfully,

Lucien Limacher
Acting Regional Director
Legal Resources Centre
lucien@lrc.org.za / 011 836 8680
Enquiries: Mr. Nobu M.J.  
Date: 17/09/2008

The Mine Manager  
Duran Roodepoort Deep Ltd  
Private Bag x 82  
ROODEPOORT  
1723  

Dear Sir/Madam,


1. Your conversion application, our directive dated 25 October 2008 and an approved environmental management programme (EMPR) (the Aide Memoire) refer.

2. You are hereby directed to update the existing EMPR in order to bring it in line with the requirement of MPRDA and submit seven copies within 108 days from the date of this letter.

3. Please take into consideration the following information set as a guideline for the said exercise:

   a. LEGISLATIVE ENVIRONMENT

      a1. The objects of the MPRDA include giving effect to section 24 of the Constitution by ensuring that the Nation’s mineral and petroleum resources are developed in
an orderly and ecologically sustainable manner while promoting justifiable social and economic development. (Sect. 2(ii) of the MPRDA)

b) Any prospecting or mining operation must be conducted in accordance with generally accepted principles of sustainable development by integrating social, economic, and environmental factors into the planning and implementation of mining projects, in order to ensure that exploitation of mineral resources serves present and future generations. (Sect 37 (2) of the MPRDA)

c) The principles set out in section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) serve as guidelines for the interpretation, administration and implementation of the environmental requirements of the MPRDA (Sect 37 (1) (b) of the MPRDA).

d) Accepted principles of sustainable development, as they relate to the concept of intergenerational equity referred to above, imply that where a mining operation cannot internalise all its costs (i.e. all its social, economic and environmental costs) in the operation, the resource rightfully belongs to future generations and should not be exploited.

e) Section 38(1)(b) of the MPRDA requires that effect be given to the general objectives of integrated environmental management laid down in the NEMA. Integrated environmental management (IEM) is a philosophy, which prescribes a code of practice for ensuring that environmental considerations are fully integrated into all stages of the development process in order to achieve a desirable balance between conservation and development.

f) Social, economic, and environmental factors are integrated into the planning and implementation of mining projects by means of a Mining Work Programme, which evaluates the viability of mining projects after taking into account all social planning and all environmental costs, as informed by the Social Plan and the Environmental Management Programme respectively.

g) The required determination of a quantum of the financial provision as referred to in regulation 54 of the MPRDA, therefore does not distract from the need for the environmental management programme to identify all the environmental costs necessary to evaluate the achievement of the sustainable development objectives of the MPRDA. The Environmental Management Programme is, therefore, not merely a rehabilitation plan that identifies a quantum for financial provision, but
rather a comprehensive programme that identifies all the costs necessary to inform the evaluation of the planning and implementation of a mining project.

h) The environmental management programme to be submitted is not limited to but must inter alia include the requirements of regulation 51 of the MPRDA. For instance, where regulation 51 (a) (ii) refers to the management of identified environmental impacts, and regulation 51 (b) (ii) refers to measures for the prevention, management and remediation of each environmental impact, these clearly must be understood in the context of the NEMA where the general objectives of EIM include ensuring that the effects of activities on the environment receive adequate consideration before actions are taken in connection with them. This clearly requires a description of the mining project that lists each activity pertaining to the mining project, in order that each such activity can be assessed.

B. FORMAT FOR THE COMPILATION OF THE EMP

1. Clearly, in view of the foregoing, the Aide Memoire, which has served as a guideline in the past, has become inadequate. With the promulgation of the MPRDA, the requirements of this Department now conform more to the requirements as stipulated in the NEMA read together with the MPRDA and its regulations. The EIA and EMP required in terms of section 50 and 51 of the MPRD Regulation, therefore, must be compiled to the following minimum standard and format:

a) Basic information on the mining project, including applicant’s particulars, the mineral concerned and the nature of the intended operation.

b) Short concise description of the pre-mining environment in order to establish a baseline at the time of commencement of operations.

c) A full description of the mining project, including a plan of the intended mine path. Each activity on the mine such as inter alia, blasting, excavating, hauling, crushing, transport, accommodation, dust suppression, etc must be listed in a comprehensive activity based description of the mining project, which description will be capable of identifying the source(s) of each impact evaluated in the EIA.

d) Next, the programme must list the impacts of each of the aforementioned activities, which impacts must be suitably cross referenced to the relevant assessment in
the EIA. All biophysical, socio-economic, and cultural-historic impacts, including
those raised by interested and affected parties must be taken into account.

e) The following section of the programme must reflect clearly, in tabular form, the
specific action that will be taken for each of the aforesaid impacts and these must
be clearly to the sources of the identified impacts. Even in cases where no action
is required, this must be clearly stated. These actions must be clearly cross
referenced to the EIA and activity list described above in order that the
completeness of the management actions required may be meticulously verified
against both sources and severity of the impacts. The actions to be taken must be
designed in accordance with principles contained in chapter 2 of the National
Environmental Management Act. Once the aforesaid management measures
have been identified the impacts must be re-assessed assuming the aforesaid
measure is in place in order to determine the potential effectiveness of such
measure.

f) The management programme which sets out the aforesaid measures must also
list those management activities which, where applicable, will be conducted daily,
weekly, monthly, quarterly, annually or periodically as the case may be in order to
manage the aforesaid impacts effectively.

g) In addition, the total cost of the aforesaid management measures and/or impacts
described in (a), (b) & (c) above must, in the same numerical format, be calculated
and assigned to applicable categories of concurrent annual cost, immediate
closure cost, end of life of mine cost, and post closure cost;

h) The programme must describe the total liability generated by mining activities over
the entire life of mine, which portions of the liability will in a cash flow format, be
provided for and mitigated out of operating expenditure, and also indicate the
highest amount that, could remain as an outstanding liability at any time during or
at the end of the mines life.

i) A fully costed rehabilitation plan reflecting the anticipated end of life closure costs
must be included in the environmental management programme.

j) An undertaking by the applicant to execute the programme and comply with the
provisions of the MPRDA and its Regulations.

k) All supporting information and specialist reports must be attached as addendums or
appendices.
2. In order to ease readability and comprehension the activities, with their impacts, management measures and different costs attached thereto, must be presented in a tabular format where each activity can then be checked and evaluated. This will also ease regulatory actions, as with the case of the compilation of performance assessment and monitoring reports.

3. In terms of section 41 of the MPRDA, it is necessary for your mining company to calculate its environmental liability on an annual basis. Failure to adhere thereto will lead to a situation whereby the Department will appoint a consultant, for your account, to conduct such an assessment.

4. This Department has published an algorithm, which may be used to determine the respective costs referred to in (h) above to assist in the assessment of your current liability. Please note, however, that it is not only rehabilitation costs, but also all current and final environmental management costs that must be included in the environmental liabilities to be calculated. Should you wish to obtain a copy of the algorithm, you may visit the departmental website at www.dmg.gov.za. Alternatively, you can also approach this office for either an electronic copy or a hard copy of the document.

5. The issues herein are the minimum standards laid down for the environmental Impact Assessment (EIA) and the Environmental Management Programme (EMP) to be submitted in terms of section 39(5) of the Act. Please be informed that failure to comply with this directive will result to your operation being subjected to legal steps prescribed in the Act.

6. Please contact this office should you require clarity regarding this Directive.

Yours faithfully,

[Signature]

REGIONAL MANAGER
GAUTENG REGION

[Seal]
The Mine Manager
Durban Road, Port Elizabeth
Private Bag X 62
Port Elizabeth 6000

Call No. 042 636 2235

Dear Sir/Madam

INSTRUCTION ISSUED IN TERMS OF SECTION 93 (b) (i) OF THE MINERALS AND PETROLEUM RESOURCES DEVELOPMENT ACT (MPRDA) (ACT 28 OF 2002).

Reference is made to the notification dated 02 February 2009 from the Department of Water Affairs and Forestry (DWAF) in which an investigation regarding the drowning of the two teenagers within the Limpolossvlei area, which led to the breaching of the dam wall, was requested by Ms Marlette Liebenberg. It was further mentioned that water of poor quality was discharged into the water course as a result of this breached dam wall. (See attached letter).
A site investigation was conducted on the 03 February 2009 by Metso's Mabogo Rudzani from the department, Louis Rosses from Durban Roodepoort Deep and Ms Tshireleto Mabogo from DWA.

The following observations were made during the site inspection:

1. The dam wall of one of the three dams was breached and as a result water was being discharged into the water course.
2. A 24 hours security guard has been employed in order to prevent people from accessing the area.
3. A no swimming sign was also observed.

Based on the above mentioned observations you are hereby instructed in terms of section 93(b)(i) of the MPRDA, ensure that the following rectifying steps are being implemented:

1. The areas and any other structures which pose a safety risk to the nearby communities must be fenced off in order to control the access.
2. Visible warning signs around the dams and any other structures must be put in place.
3. The level of the water in the dams must always be controlled in order to prevent the similar incidence from recurring.
4. Water quality monitoring must be conducted and the results must communicated with the relevant government departments.
5. The rehabilitation of the dams (quarries) must be prioritized.
6. A detailed report furnishing information regarding:

   - the date and time of the incident;
   - a description of the incident;
   - the cause of the incident and potential pollution;
   - the impact or potential impact on the water resource and the relevant water users;
   - remedial action taken or to be taken by the mine to remedy the effects of the incident

must be submitted to this Department within 7 days of the receipt of this letter.
OFFICE OF THE REGIONAL HEAD: GAUTENG
Sanlam Plaza East, 286 Schoeman Street, Pretoria

The Regional Manager Mineral Regulation
Private Bag X5
Braamfontein
2017

Attention: Mr. T. Metaboga

REQUEST FOR SITE VISIT,

This serves to confirm our telephonic conversations regarding the site visit to the
Luipaardsvlei mining area belonging to DRD Gold mine.

Please find attached the complaint from Ms. Lieferink for your attention.

Respect,

Tahlilebo Metaboga
079 316 7364
031 339 1058
Matshang Tshibiletsa (PTA)

From: Matshang Tshibiletsa (PTA)
Sent: 02 February 2009 08:17 AM
To: Matshang Tshibiletsa (PTA)
Subject: FW BREACH OF DAM WALL WITHOUT AUTHORIZATION

Please investigate and follow up. You can also work with DMB.

From: marliss@pesa.org.za [mailto:marliss@pesa.org.za]
Sent: 10 January 2009 07:55 PM
To: Matshang Tshibiletsa (PTA)
Subject: FW: BREACH OF DAM WALL WITHOUT AUTHORIZATION

SECOND TRANSMISSION

From: marliss@pesa.org.za [mailto:marliss@pesa.org.za]
Sent: Tuesday, January 27, 2009 10:56 AM
To: 'Kevin Krieg'; 'info@pesa.org.za'; 'Serge Gorse'; 'Bongani Gciga'; 'Susan Stoffberg'; 'Nasemane Pafa'; 'aphilile@pesa.org.za'; 'Terence Manyabu'; 'hashim@pesa.org.za'
Subject: BREACH OF DAM WALL WITHOUT AUTHORIZATION

Sir,

Reference is made to my previous correspondence and the notification of the drowning of two teenagers within the Luipaardsvlei Area and the request for an inquiry into the matter. It is hereby recorded that this is the 5th drowning in the same body of water.

I hereby allege that DRD Gold has, on Saturday, the 24th of January, 2009 or on a day before or thereafter, without authorisation and without consultation with the affected community and other stakeholders, breached the dam walls of the two dams within the Luipaardsvlei mining site adjacent to the Sipho pole Phase 3 residential housing development. The polluted water has been observed flowing into the receiving water courses. Of significant relevancy is the findings of the National Nuclear regulator regarding the Luipaardsvlei mining area, namely:

"Some of the authorisation holders operating in the vicinity of the WCA conducted a radiological contamination survey on the soil along the banks of the spring using an Exploranium GS-220 Nal phantom. Following the survey it was discovered that an area of 0.2 ha was contaminated with silver from historic slimes spills. This area was identified adjacent to the Wonderfonteinspruit on portion 99 of the Luipaardsvlei 243 RQ. The activity levels in the contaminated area ranged from 0.5 Bq/g to 1.948 Bq/g. This accounted for 94.9% of the total surveyed area." - Status Report on the Actions Arising From the Study of Radiological Contamination of the Wonderfonteinspruit Catchment Area (WCA), 29 October 2007 by the National Nuclear Regulator.

And

"In the Wonderfonteinspruit catchment wetlands play an important role in reducing the dissolved pollutant content within the water column. This occurs due to the adsorption and precipitation of pollutants from the water into the solid phase. However, it is important to note that research has shown that the processes which sequester pollutants in the sediment bodies may be reversed by a
number of processes including the discharge of acid mine drainage and the drying out of sediments due to a reduction in water flow. " (Draft Regional Mine Closure Strategies - West Rand by the Council of GeoScience.)

It should not be passed over that, in addition to the regulations in terms of the National Water Act, in terms of the Law of Defret there exists a duty of care to prevent a risk of danger from materializing. It is well established that every landowner is under a duty to exercise reasonable care to prevent injury to persons whom he may reasonably expect to be on his property. Since this is the 5th child that has drowned within the same body of water, the likelihood of harm could have been foreseen hence, it is alleged, there had existed a duty of care on DRD Gold to govern their conduct accordingly and precautionary actions were required, which regrettably were not taken.

Furthermore, in determining the amount of care that was required of DRD Gold, consideration ought to have been given to the likelihood of drowning, the seriousness of the injury risked and the class of person likely to suffer harm, in this case, children of tender years.

Sincerely yours,
Mareletie Liebenrodt,
CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

*(it is believed that this action is in contravention of the Regulations on use of Water for Mining and Related Activities Ahmed at the Protection of Water Resources, [Government Gazette, 4 June, 1999 - Vol.408, No 2011] in terms of the National Water Act, No 36 of 1998, whereby it is stated:

7. Protection of water resources
Every person in control of a mine or activity must take reasonable measures to-
(a) prevent water containing waste or any substance which causes or is likely to cause pollution of a water resource from entering any water resource, either by natural flow or by seepage, and must retain or collect such substance or water containing waste for use, re-use, evaporation or for purification and disposal in terms of the Act;

8. Security and additional measures
Every person in control of a mine or activity must-
(a) cause any impoundment of dam containing any poisonous, toxic or injurious substance to be effectively fenced-off so as to restrict access thereto, and must erect warning notice boards at prominent locations so as to warn persons of the hazardous contents thereof.)
Registered Mail

The Chief Executive Officer
Federation for a Sustainable Environment
Postnet Suite 87
Private Bag X 033
Rivonia
2120

Attention: Ms Marlette Lieferink

Dear Madam,


Reference is made to the complaint lodged on 30 September whereby you have raised concerns about the spillages of slimes on the pipe route of Mogale Gold (Pty) Ltd.

On 01 October 2013, officials from this Department, representatives from the mine, and yourself undertook an investigation with regard to the subject matter.
During the investigation, you raised the following concerns

1. No thorough consultation was done regarding the revised EMP under 206 MR submitted to DMR by the mine;

2. Hazardous waste which comes as a result of spillages of tailing from the pipelines;

3. Pipelines contain material with high uranium and acids;

4. That to merely report spillage is not sufficient but the mine should strive to spillage prevention in terms of the National Environmental Management Act;

5. Other concern was regarding Tudor shaft whereby it was mentioned that since the mining right is owned by Mintails (SA) (Pty) Ltd, should the responsibility and liability be on the mine thereof.

Concerns regarding the current opencast operation;

- The operation came to the community as a surprise;
- The operation is in close proximity to the community;
- In terms of GN 704, it is a requirement that the mine dump be fenced and signs be put surrounding the dump.

Apart from the above mentioned concerns, you have requested the following information from the mine:

- Copy of the EMP for 206 MR;
- Geotechnical analysis results from an accredited laboratory;
- Pipelines should be barricaded and also be placed on bunded areas; and
- The FSE asked for any copy of comments and response report from the mine.
The mine responded in the following manner:

- The mine conduct cleaning up of spillages on regular basis;
- The tailings in contained when it is wet and then deposited on the tailing storage facility when it has dried up;
- With regard to Tudor shaft, the Mogale City Local Municipality is the owner of the slimes dam.

The mine will still be directed in terms of section 29(b) of the MPRDA to:

1. Clean-up all spillages of slimes along the pipe line route and dispose it off at the mine's tailing facility;
2. Extend the culvert to each joint of the pipe line in order to limit incidents such as spills to the surrounding environment;
3. Collect all used pipes to the salvage yard; and
4. Conduct clean-up operation on the pipe line route on regular basis and whenever there is a spill.

And also provide the FSE with the following information as requested during investigation:

1. Copy of the EMP for 206 MR;
2. The FSE asked for any copy of comments and response report from the mine;
3. Geotechnical analysis results from an accredited laboratory;

Please do not hesitate to contact this office should you have any queries.

Yours faithfully

[Signature]

REGIONAL MANAGER

GAUTENG REGION
HAND DELIVERY

Chief Financial Officer
Mintails SA Pty Ltd
P O Box 803
KRUGERSDORP
1740

ATTENTION: Mr Eddie Milne

Dear Sir

NOTICE OF INTENTION TO ISSUE A DIRECTIVE IN TERMS OF SECTION 19 OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998) (NWA) TO MINTAILS SA (PTY) LTD

Reference is made to the Department of Water Affairs' (DWA) inspection on 12 December 2013 in relation to the Mintails’ operations, Krugersdorp area.

The inspection has confirmed that there is a recurrence of pollution incidents due to mining operations. These pollution impacts pose an adverse impact on the water resources (Wonderfonteinspruit). The following observations are of concern:

i. Spillages of slurry and stockpiles are lying fallow along the servitude of the pipeline that conveys slurry from the CAMS dump to the Mogale Gold processing plant;

ii. Discoloured reddish-brown water is found ponding around the areas affected by the spillages.

iii. The pipelines conveying slurry/ related products which cross the storm water culvert at K13 road regularly experiences failure and the area is recorded as having experienced several pollution incidents (refer to monthly incident report compiled by Mintails SA (Pty) Ltd and/ or Mogale Gold); and

iv. The storm water channel running parallel to Lancaster Dam is compromised due to accumulation of sediments from previous spillages and/ poor storm water management leading to sedimentation of the watercourse.

The Department is therefore of the opinion that the mine is not complying with the provisions of the NWA.

In light of the above, I, Marius Keet, in my capacity as Regional Head (Acting): Gauteng of the Department of Water Affairs and duly authorised in terms of powers delegated to me by the Minister of Water and Environmental Affairs, hereby give you five (5) working days from receipt of this notice, to make a written representation to the DWA in the event that the above is incorrect.
Failure to comply with the abovementioned requirements constitutes a criminal offence in terms of Section 151(1) of the NWA. Section 151(2) provides that a person who contravenes Section 151(1) of the NWA is guilty of an offence and liable on first conviction to a fine or to imprisonment for a period not exceeding five (5) years or to both such fine and such imprisonment.

We wish to make it clear that the instructions in this notice are made in the interest of responsible water resource management and with a view to a co-operative resolution of the issue.

Representations must be forwarded for the attention of the REGIONAL HEAD (Acting) and delivered to:

REGIONAL HEAD: GAUTENG
Bothongo Plaza East Building
15th Floor
285 Francis Bead Street
PRETORIA

REGIONAL HEAD: GAUTENG
Private Bag X995
PRETORIA
0001

Tel: 012 392 1300
Fax: 012 392 1304

Should you have any queries, please contact Mr M Tlalia of this office.

[Signature]

REGIONAL HEAD (ACTING): GAUTENG

DATE: 20/1/12

Acknowledgement of Receipt

Received by Mr/ Ms __________________________ (name and surname) on behalf of Mintails SA (Pty) Ltd and/ Mogale Gold Mine on this ___________ day of_____________ 2014.

Signature __________________________

Cc: Regional Manager: Gauteng
Department of Mineral Resources
Private Bag X5
BRAAMFONTEIN
2107
Dear Residents of Mindalore

11 August 2014

NOTIFICATION OF COMMENCEMENT WITH REHABILITATION ACTIVITIES OF THE MINING AREA GP 30/5/23/2/133.EM - EAST CHAMP D’OR AREA

Mindalore has been issued with a directive by the Inspector of Mines to rehabilitate the East Champ d’Or mining right area. This is being done to curtail the current illegal mining activities being undertaken within the area. The rehabilitation and mining of the area will be conducted through mining out the surface pillars and open holes which are being exploited by the illegal miners within the area.

The East Champ d’Or mining area is situated in the south of the suburb Wipaportjie, and is split into the eastern target and the western target. These target areas are separated by the Chandor road which runs from Wipaportjie to the industrial area of Chandor.

Rehabilitation of the East Champ d’Or mining area has commenced with mining of the eastern target situated between the Chandor road and the suburb of Mindalore. The area is called the eastern target area and will comprise of four operational pits namely Pit 1, 2, 3 and 4. Pit number 1 will be on the most eastern side of the mining area, Pit 2 will be situated in the centre of the block and pit 4 situated on the western side of the target area. Rehabilitative mining will commence on the eastern part of the target area in Pit number 1 and progress away from the community as activities progress.

The reef in the area dips from north to south at an average dip of 60 degrees in the east and steepening up to about 80 degrees in the west. Mining of Pits 1, 2, 3 and 4 will be conducted to a depth of 15 meters, which will create a pit width of approximately 25 meters.

As mining progresses towards the west the waste mining will be used to fill the previous mined area with the waste from block 1 being used to fill the void created by mining in block 4. The mining operation on the eastern target has an existing life of circa 12 months.

The mining activities will be conducted in daylight hours, blasting will be limited to one or two blasts per week as and when required although it is expected that significant amounts of waste will be conducted without blasting. East notifications will be passed to the community as well as a blast area should be suitable prior to any blasting being undertaken.

Complaints can be directed to Mr Kabelo Nphake (Community Relations Officer)
Tel: 011 660 9638 E-mail: Kabelo.nphake@mintalessa.co.za info@mintalessa.co.za. Please find attached a copy of an incident form that can be completed and we will collect these and undertake the investigations as and when required.

Yours in Health and Safety,

Mr. Anthony Botha
Chief Executive Officer
Mintale Mining SA (Pty) Ltd

[Contact details provided]
Incident Reporting Form

Name: 

Address: 

Tel number: 

Representing: 

Date of incident: 

Time of incident: 

Please provide a short description of the incident: (if insufficient space please attach additional pages)

Nature of incident / damage identifying corrective actions to be taken:

Are there photos of the reported incident?

Signature of complainant

The completed form to please be sent back to Mintails Mining via fax: 011 660 9632, e-mail: kabelo.mphake@mintails.co.za, info@mintails.co.za, or by hand to: Grievance drop box at security gate, Mintails Mining, 14 Tweelopies Road, Krugersdorp. Any telephonic enquires can be directed to: Kabelo Mphake on 011 660 9632.

Mintails Mining SA (Pty) Ltd representative ____________________________

Date ____________________

Printed: T. Boshoff

16 Tweelopies Road, Krugersdorp P.O. Box 999, Krugersdorp 1700
Telephone: (011) 660 9632, Fax: (011) 660 9639
Registered in South Africa S1997/004400/06
User No. 6008200964
Mintails Mining (Pty) Ltd: Mogale Gold
PO Box 803
Krugersdorp
1740

Dear Sir/Madam

Gauteng Region: Upper Vaal Water Management Area
Compliance Inspection for Mintails Mining SA (Pty) Ltd: Mogale Gold

The Department of Water & Sanitation officials conducted a compliance inspection on the 05-08 August 2014 at your facility to ascertain compliance with the conditions of the Water Use License issued to Mintails Mining (Pty) Ltd: Mogale Gold on 22 November 2013.

Kindly see attached report for the non-compliances that were recorded during the inspection and comment as to whether you concur or disagree with the findings within fourteen (14) working days of receipt of this letter.

Lastly, kindly note that failure to respond to this request will compel the Department to exercise its regulatory functions in accordance with the National Water Act, Act 36 of 1998.

Yours faithfully,

M.J. Musekene
Provincial Director: Gauteng
Water Regulation and Use

Date 18/12/2014
Acknowledgement of Receipt:

Received by Mr/Ms ____________________________  
On behalf of the company ____________________________  
On this _______ day of _______ 2014, at _______  
Signature: ____________________________
**Inspection Report: Mogale Gold**

### 2. FACILITY INSPECTED

<table>
<thead>
<tr>
<th>Exact geographic location of the site</th>
<th>Krugersdorp</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of the inspection</td>
<td>05-06 August 2014</td>
</tr>
</tbody>
</table>

### 2. OBJECTIVES AND SCOPE OF INSPECTION

<table>
<thead>
<tr>
<th>Type of Inspection</th>
<th>Compliance Inspection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site or activity name</td>
<td>Mntails Mining SA (Pty) Ltd; Mogale Gold</td>
</tr>
<tr>
<td>Inspection scope, particularly identification of the organisational and functional units or processes inspected and the time period covered</td>
<td>Ensure compliance with the conditions of the issued Water Use License (WUL); File No: 27/2/2/C423/1/1 Section 21(a) of the Act: taking of water from a water resource; Section 21(g) of the Act: disposing of waste in a manner which may detrimentally impact of a water resource; Section 21 (i) altering the bed, banks, course or characteristics of a watercourse.</td>
</tr>
</tbody>
</table>

### 3. INSPECTION TEAM

<table>
<thead>
<tr>
<th>Team leader</th>
<th>Name: Mphahlele Rabokele</th>
<th>Institution: DWS: (WR&amp;U)</th>
<th>Position: Environmental officer</th>
<th>Contact: 012 392 1433</th>
</tr>
</thead>
<tbody>
<tr>
<td>Team members</td>
<td>Name</td>
<td>Institution</td>
<td>Position</td>
<td>Contact</td>
</tr>
</tbody>
</table>

1
<table>
<thead>
<tr>
<th>Name</th>
<th>Position/title</th>
<th>Contact Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nkuna Vic</td>
<td>DWS: IE</td>
<td>012 362 1434</td>
</tr>
<tr>
<td>Chevane Portia</td>
<td>DWS: IE</td>
<td>012 362 1434</td>
</tr>
<tr>
<td>Daloyi Dikeleci</td>
<td>DWS: RWP</td>
<td>012 336 8883</td>
</tr>
<tr>
<td>Senne Matthews</td>
<td>DWS: CM (Mining)</td>
<td>012 336 6506</td>
</tr>
<tr>
<td>Ramaphakele Betty</td>
<td>DWS: IE</td>
<td>012 392 1346</td>
</tr>
<tr>
<td>Maphumulo Zanele</td>
<td>DWS: WC/WDM</td>
<td>012 336 6239</td>
</tr>
<tr>
<td>Letswato Morokwe</td>
<td>DWS: DSC</td>
<td>012 336 7509</td>
</tr>
</tbody>
</table>

**FACILITY REPRESENTATIVES**

<table>
<thead>
<tr>
<th>Name</th>
<th>Position/title</th>
<th>Contact Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Robert Freeman</td>
<td>Manager</td>
<td>011 660 9638</td>
</tr>
<tr>
<td>1. Faith Chadema</td>
<td>Environmental Scientist</td>
<td>011 660 9638</td>
</tr>
</tbody>
</table>

**History of the facility**

Mogale Gold is owned by Mintails Mining SA (Pty) Ltd. The company undertakes the reclamation of surface tailings deposits and the operation of the Mogale Gold metallurgical recovery operation. Mintails Mining SA (Pty) Ltd has three (3) mining rights commonly known as GP206 MR (Mogale Gold), GP132MR (West Wits Monarch (Pty) Limited) and GP133MR (Minerals and Mining Reclamation Services (Pty) Ltd). The Mining Right GP206 MR (Mogale Gold) has been granted but it has not yet been executed by the Department of Mineral Resource (DMR).

West Wits Monarch (Pty) Limited (WW Monarch) used to hold the mining right GP132MR. The right was acquired from DRD Gold Limited by WW Monarch and later purchased by Mintails Mining SA (Pty) Ltd. Hard Rock mining is undertaken by Mintails in terms of a contractorship agreement with WW Monarch and the mining is undertaken by open cast methods and underground mining operation is still at the early stage of development.
Minerals and Mining Reclamation Services (Pty) Ltd (MMRS) currently holds GP133MR which is currently a mining license pending the conversion to a mining right. West Wits SA (Pty) Ltd is the current owner of MMRS. This license was also acquired by Mintails from West Wits Mining SA in terms of a commercial agreement. Hard Rock mining is also intended by Mintails under a contractorship agreement. Operations by Mintails to date have been confined to geological exploration activities.

Mogale Gold has two gold plants. Total capacity of the two gold plants combined is circa 500,000 tons of material per month. The two gold plants are commonly known as “Gold 1” (150,000 tonnes capacity) and “Gold 2” (350,000 tonnes capacity). The Gold 2 plant has been in care maintenance for the past 18 months.

There were protests in December 2013 from communities around the mining areas which caused DMR to issue a section 54 in terms of Mine Health and Safety Act, the current EMP had to be amended to cater for the issues such as social labor plans, blasting noise, vibration and dust which was the root cause of the protest. According to the DMR notice the mine was required to cease operation of (Princes pit) and Emerald pit opencast mining operation pending the revision and approval of the EMP. The mining right of West Wits Monarch has over 100 years old, and was acquired from other mining companies.

Formally the operation at Mogale Gold was having a Water Use License (WUL) which lapsed and was subsequently replaced by a WUL issued in November 2013. According to the 2013 WUL the mine was expected to conduct an internal and external audit within 3 months of issuance of the WUL.

| Compliance history, where applicable | None. The current WUL was issued on the 22nd November 2013 |
| Ownership | Mintails Mining SA (Pty) Ltd, Mogale Gold |
| ISO 14001 Accreditation | None |
| Notification of inspection | Mogale Gold was notified of the inspection on the 14 July 2014 through an email |
| Mandated legislation and permits | Water Use Licence: Licence NO: (The WUL was issued without a licence number) |

5. OPENING MEETING

| Date, time, venue | 05 August 2014, 10h00, Mintails Mining SA (Pty) Ltd (Mogale Gold Operations) |
| Attachments | Photos |
| | Attendance register |
| | Documents provided by the mine |
| What was discussed | Purpose of the inspection outlined by Ms Mphahlele Rabokale and overview of the process flow by facility representative Mr Robert Freeman |
Describe if entry was granted or denied: Entry granted.

Problems/restrictions: None.

### INSPECTION ACTIVITIES

| Areas/sections visited | 1. West Wits Pit  
|                        | 2. Lancaster Pit opencast operations  
|                        | 3. Pipelines close to Lancaster Pit  
|                        | 4. Lancaster Dam  
|                        | 5. Princess Pit opencast operations |

#### Key observations, key questions and answers about each area/section

1. **West Wits Pit (WWP)**
   - This is the point where sludge/slurry is disposed from the plants. Minera Lisa is disposing sludge/slurry from Metallurgical plant into WWP. The sludge/slurry consists of 50% solids and 50% water. After disposal, Minera Lisa pumps water from the pit back to the plant for reuse. It was indicated that Trans-Caledon Tunnel Authority (TCTA) was issued with a directive to dispose sludge/slurry into WWP by DWS. TCTA is implementing this directive through Rand Uranium (Pty) Ltd (RU). The sludge/slurry that is disposed by RU is coming from their Acid Mine Drainage Treatment plant.
   - Mogale gold representatives indicated that the disposal of Metallurgical plant slurry into the pit has helped to up the pH from 2 to 6-7 due to its alkaline constituents.
   - Sludge/Slurry from RU and the water in the pit have a reddish brown colour which indicates the presence of iron hydroxide.
   - Tranchas that channels the slurry/sludge to the pit are not lined.
   - The pit is fenced off and warning signs are adequately displayed around the pit.
2. **Lancaster Pit Opencast Operations**
   - Currently mining the Kimberly Reef and it is a dry operation.
   - There are no notices and the fencing around the pit is inadequate.
   - The ore that is mined at Lancaster opencast Pit is processed at Mogale Gold Metallurgical plant together with the slurry from CAMS dumps. The slurry/tailing thereof is disposed off at the WWP in accordance with the November 2013 WUL.

3. **Pipeline closer to Lancaster pit**
   - The pipeline is above ground surface line and it transfers slurry from CAMS dump to Mogale Gold Metallurgical plant.
   - This section of a pipeline has experienced regular spillages/leaks and effort to replace some section of the pipeline was made.
   - A bund wall was made to contain the slurry pollution from the pipeline, however the material that was used to build the wall is waste rock emanating from open cast mining activities.
   - It was indicated that the material was sent to the lab to check if it is suitable to build a bund wall and the results will be forwarded to the Department immediately when they are available.
   - It is alleged that this section of the pipeline crosses the wetland.

4. **Lancaster Dam**
   - The Lancaster Dam is a pollution control dam according to the WUL issued to the Mine; however there is a challenge in terms of separation of clean and dirty water around the dam area which ultimately leads to the dam being recharged by stormwater.
   - The catchment consists of the following activities upstream of the dam: Crusher Plant, CAMS Surface Dumps, Mogale City Local municipality Landfill Site (Leachate Ponds), Lancaster Mine, African Bricks and Gauteng Transport which are contributing to the dam being unable to carry all the stormwater during rainfall events.
5. **Princess Pit Open cast Operations**

- Waste rock stockpile was found within 100m from the water course. Mogale Gold received a directive from Department of Mineral Resource (DMR) in terms of MPRDA regarding the Princess Pit in January 2014. It was indicated that the operations have been ceased.
- An unauthorized pipe crossing a water course passing near the Waste rock stockpile was observed.
- Due to ceased operation in January 2014, the pits were found to contain water, allegedly due to stormwater ingress and ground recharge; however it's not connected to the acid mine drainage mining void.

---

**Documents provided by the facility:**

- Lancaster dam management plan
- Lancaster dam wall repairs report for Trans-Caledon Tunne! Authority
- Appeal against treated water discharge directive
- Directive in terms of section 9 and 20 of NWA
- Community incident recording report
- Notice dated 2008/09/30
- Directive dated 24/12/2014

---

**SAMPLES AND MEASUREMENTS**

| What samples were taken, where, when, and of what? | No water samples were taken during the inspection. |
| Chain-of-custody documentation including reference to the time, method of packaging, preserving, transporting and receipt of samples at the lab | No water samples were taken during the inspection. |
| Procedures used for the calibration of sampling and/or measurement equipment | No water samples were taken during the inspection. |

---

**SUPPORTING DOCUMENTS AND PHOTOS**
PART B: SITE SPECIFIC CONDITION

Condition 1 requires that the Licensee must submit the new order mining right to the Regional Head in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) prior to the implementation of this license.

Proof of submission of the new mineral right was not available when requested by the audit team. The Licensee representatives indicated that the new mining right was granted to them; however, it has not yet been executed by DMR.

APPENDIX II

Condition 2.4 requires that the Licensee must within three months of issuance of the licence investigate fissures or cracks around the walls of the WWP and if found measures must be put in place to ensure that no ingress of polluted materials likely to impact on the aquifers and ensure that the stability of the WWP is not compromised. A report on the aforementioned investigation must be submitted to the Regional Head within three months of issuance of the Licence.

There was no report in place or document to proof that the investigation of cracks and fissures was done and that a report was submitted as required by this clause.

Condition 3.1 requires that the Licensee shall monitor on monthly basis the water resources at surface water monitoring point and quarterly on groundwater monitoring points to determine the impact of the activities and other activities on the water quality by taking samples at the monitoring points.

Magale Gold is not doing the monitoring in accordance with this clause as the surface water monitoring is being done quarterly and groundwater monitoring is not done on a monthly basis.

Condition 3.3 requires that the date, time and monitoring point in respect of each sample taken shall be recorded together with the results of the analysis.

Time of collection of samples is not recorded on the sampling sheet that was showed to the audit team.
Condition 3.4 requires that monitoring points shall not be changed prior to notification to and written approval by the Regional Head.

At the time of the audit, the mine indicated that all boreholes are monitored according to the condition except MGP2 as it is damaged and needs to be re-drilled. The Department however, was not notified of this information.

Condition 3.5 requires that the licensee shall participate in any initiative such as Direct Estimation of Ecological Effect Potential (DEEEP) to determine the toxicity of complex tailings waste discharges. Both acute and chronic toxicity must be addressed and at least three taxonomic groups must be present when toxicity tests are performed.

The licensee failed to provide proof of participation in DEEEP or any other initiative that talks to determination of toxicity of complex tailings waste discharges.

Condition 4.1 requires that the impact(s) of the mine on the groundwater quality must not exceed the following limits as indicated on the Table 4

<table>
<thead>
<tr>
<th>Parameters</th>
<th>Groundwater Quality Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>pH</td>
<td>9.5-10</td>
</tr>
<tr>
<td>Electrical conductivity (mS/m)</td>
<td>150</td>
</tr>
<tr>
<td>Calcium (mg/l)</td>
<td>150</td>
</tr>
<tr>
<td>Chloride (mg/l)</td>
<td>200</td>
</tr>
<tr>
<td>Fluoride (mg/l)</td>
<td>1.0</td>
</tr>
<tr>
<td>Magnesium (mg/l)</td>
<td>100</td>
</tr>
<tr>
<td>Nitrate (mg/l)</td>
<td>15</td>
</tr>
<tr>
<td>Sodium (mg/l)</td>
<td>200</td>
</tr>
<tr>
<td>Sulphate (mg/l)</td>
<td>400</td>
</tr>
</tbody>
</table>

All the monitoring points are within the above limit except for MGP3 which is non-compliant with EC, Ca and SO4. (See March-April 14 report)
STC WATER MANAGEMENT

Condition 6.1 requires that the Stormwater leaving the Licensee's premises shall in no way be contaminated by any substance, whether such substance is a solid, liquid, vapour or gas or a combination thereof which is produced, used, stored, dumped or spilled on the premises.

There is currently no stormwater management measures being implemented to ensure that stormwater leaving the premises, particularly Lancaster dam area is not contaminated. However a document titled Lancaster Dam Management Plan, dated 14 May 2014 is in place and it will be used in future to implement stormwater management around Lancaster dam.

Condition 12.1 requires that the Water samples must be taken from all the monitoring boreholes by using approved sampling techniques and adhering to recognized sampling procedures. Samples should be analyzed for both organic as well as inorganic pollutants, as mining activity often lead to hydrocarbon spills in the form of diesel and oil. At least the following quality parameters should be analyzed for (as indicated on Table 5).

<table>
<thead>
<tr>
<th>Variable</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>pH</td>
<td></td>
</tr>
<tr>
<td>EC (mS/m)</td>
<td></td>
</tr>
<tr>
<td>TDS (mg/l)</td>
<td></td>
</tr>
<tr>
<td>SS (mg/l)</td>
<td></td>
</tr>
<tr>
<td>CN (mg/l)</td>
<td></td>
</tr>
<tr>
<td>SO₄ (mg/l)</td>
<td></td>
</tr>
<tr>
<td>Mn (mg/l)</td>
<td></td>
</tr>
<tr>
<td>U (mg/l)</td>
<td></td>
</tr>
<tr>
<td>Ca (mg/l)</td>
<td></td>
</tr>
<tr>
<td>Mg (mg/l)</td>
<td></td>
</tr>
<tr>
<td>Na (mg/l)</td>
<td></td>
</tr>
<tr>
<td>Cl (mg/l)</td>
<td></td>
</tr>
<tr>
<td>Alkalinity (mg/l)</td>
<td></td>
</tr>
<tr>
<td>B (mg/l)</td>
<td></td>
</tr>
<tr>
<td>Al (mg/l)</td>
<td></td>
</tr>
<tr>
<td>F (mg/l)</td>
<td></td>
</tr>
<tr>
<td>F (mg/l)</td>
<td></td>
</tr>
<tr>
<td>Cd (mg/l)</td>
<td></td>
</tr>
<tr>
<td>Pb (mg/l)</td>
<td></td>
</tr>
</tbody>
</table>
At the time of the audit it was found that only 18 out of the 24 groundwater quality monitoring variables were being analysed for.

Condition 12.10.1 requires that a Scope of Work (Investigation), which must include a plan with timeline and expected reports, to the Department within six (6) months after issuance of the Licence. The Scope of Work shall be approved by the regional Head. In this Scope of Work the Licensee must:

Proof of submission of a document titled A Scope of Work in accordance with this clause was not available upon request by the audit team.

Condition 12.12 requires that the Licensee must submit to the Department, water and salt balance analysis within six (6) months after issuance of the Licence. The water and salt balance must include, amongst others, water in the underground mining operations, all surface water including clean water, potable water, industrial water, process.

Proof of submission of the water balance to the Department in accordance with this clause was not available during the audit and the mine representatives presented a water balance which did not cover or include all components listed on this clause.

Condition 12.14 requires that the licensee must sub-divide the total operational area into water-relevant sub-units as follows:

12.14.1 Mining area (open cast and underground)
12.14.2 Waste disposal areas (tailing dams, rock dumps, pollution control dams, etc);
12.14.3 Surface infrastructure areas (metallurgical plant, ventilation shaft areas, etc)
12.14.4 Water management (domestic water supply to office, change house, hostels, residential areas, golf course, etc) as well as all process water circuits.

The Sub-division referred to in this clause was not reflected on the water balance schematic diagram provided by the mine.
Condition 12.15 requires that the Licensee must provide a schematic flow diagram/chart describing the relation of sub-units in the total water cycle of the mine (type of connecting infrastructure and direction of flow). The Licensee shall provide this information to the Department for approval in unified/standardised manner as per the relevant Departmental guidelines to improve comparability between different mines in the catchment area.

The water balance that was provided by the mine during the audit does not include all the input and output components as per the requirements of Department BPG G2 on Water and Salt Balance as it does not take rainfall and surface runoff and other components listed in the guideline into account.

Condition 12.20 that the Licensee must ensure that in the event of unacceptable decrease of the yield of any affected boreholes, alternative water supplies are provided to the affected parties until such time it recovers following the mine closure.

There was no proof during the time of the audit that the mine is monitoring the impact of their water abstraction on the yield of the relevant boreholes and that any measures are put in place if applicable to provide alternative water supply to anyone that could be affected by this abstraction post the mine closure.

Condition 12.22 that the Licensee must ensure that the management measures are put in place to address plume migration. The revised conceptual groundwater model to investigate the source and extent of plume shall be submitted within six (6) months of the issuance of this Licence.

At the time of the audit, there was no proof of submission of the conceptual groundwater model done to investigate the source and extent of plume to the Department in accordance with this clause.

Condition 12.26 that the Licensee must within three (3) months assess the ingress rate of seepages into the mining voids as a result of disposal of mine tailings into the WWP and pump water from the WWP to ensure that there is a net zero effect of water ingress into the Western Basin mining voids. The water level in the pit should be monitored and kept to a minimum level as possible to reduce the amount of water ingress into the mine void.

During the time of the audit there was no proof of assessment and/or quantification of the ingress rate of seepages into the mining voids due to disposal of tailings into the WWP having been conducted within the specified period.
Condition 12.29 that the Licensee shall submit a Master plan within six (6) months after issuance of the License, outlining the following:

12.29.1 Future Land Use Development;
   - Plan to shape all cut and fill areas, slopes and earthworks to 1:3 (v:h)
   - To protect slopes against erosion and re-vegetation;
   - The rehabilitation of the Wonderfontein Spruit, its origin and other impacted
     wetland areas to resemble the historic natural conditions;
   - Maintenance of the ecological system and the rehabilitation plan must be compiled
     detailing the plan, programme, resources and cost.

At the time of the audit there was no proof of submission of the Master Plan within the specified period to the Department.

APPENDIX IV

Condition 2.1 requires that for water use activities (Section 21 (i)) set out in Table 6 environmental audit addressing how the characteristics of the watercourse have been affected must be submitted to the Regional Head for written approval within one (1) month after the date of issuance of this licence. The audit must be accompanied by a remediation plan and programme for any post-construction impact identified in the audit.

At the time of the audit there was no proof of submission of the environmental audit report within the specified period to the Department.

Condition 2.6 that for all the activities listed under 1.1, Table 5, "as-built plan(s) and engineering drawings(s) prepared by a registered professional engineer, must be submitted to the Regional Head, Gauteng within six (6) months of the date of issuing of this licence. These plan(s) and drawing(s) must indicate the watercourse(s) including wetland boundaries and layout and structure location(s) of all infrastructure impeding and/or diverting flow of watercourses as well as alterations to watercourse(s) on the property(ies)

At the time of the audit there was no proof of submission of the as-built plans within the specified period to the Department.
### Unauthorised Activities

<table>
<thead>
<tr>
<th>NWA Section 21(c) and (i)</th>
<th>1. Princess Pit:</th>
</tr>
</thead>
<tbody>
<tr>
<td>An unauthorised pipe which crosses a watercourse was observed and this is a water use as contemplated in section 21, subsection (c) and (i) of NWA, Act 36 of 1998.</td>
<td></td>
</tr>
</tbody>
</table>

### Specific Legislative Provisions

<table>
<thead>
<tr>
<th>NWA Section 19</th>
<th>Spilling pipes and conveyances: There was evidence of dried up material resulting from slurry spillages on pipelines in the area classified as a wetland. Paddocks built from rock dump emanating from open cast mining activities were observed in either side of the pipeline but these are made of porous material (soil) hence the protective measure in place is not adequate to prevent pollution even though the mine insisted that the material is scrapped and removed after it has completely dried up.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activities which cause, have caused or are likely to cause pollution of a water resource, without taking all reasonable measures to prevent any such pollution from occurring, continuing or recurring.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NWA Section 20</th>
<th>None.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency incidents not reported in terms of Section 20, or without reasonable measures to contain and minimise the effects of the incident; undertaking of cleanup procedures; remediying the effects of the incident; and taking such measures as the catchment management agency may either verbally or in writing direct within the time specified by such institution.</td>
<td></td>
</tr>
</tbody>
</table>

### 10. GENERAL HOUSEKEEPING

General Housekeeping is good.

### 11. SUMMARY OF INSPECTION PROCESS


| **Have the inspection objectives been met within the scope of the inspection and in accordance with the inspection plan?** | Yes. |
| **12. CLOSING MEETING** | |
| **Date, time, venue** | 06 August 2014 |
| **Who was present?** | Representative of Mogale Gold and the Audit team |
| **What was discussed?** | The general feedback of the audit, then closure. |
| **Was further information requested, from whom and by what date?** | No |
| **Any areas or aspects of the inspection plan/scope not covered or areas and aspects covered not within the inspection plan/scope, and reasons for the divergence** | None |

**RECOMMENDATIONS**

- **Amendment:**
  
The mine needs to apply for amendment to get a Licence No. for their Licence as it was issued without one.
  
  Additionally, the mine representatives seemed not to understand some of the conditions in the Licence and they also indicated that some of the licence conditions do not correlate with their operation. Therefore it is recommended that the mine should apply for amendment to have such conditions removed from the Licence or amended to enable the mine to work towards hundred percent compliance. (E.g. condition 3.1.1.2, 3.2.11, and 12.10.1.3).

- **It is recommended that the mine should establish a monitoring program for all the pipes on site which conveys waste water or slurry to enable proper and effective maintenance of spillages via inspections, maintenance and regular cleaning of spillages.**

- **The mine has developed a draft Environmental Training Program (which includes water issues) but this program is not yet implemented. It's important that the mine starts implementing this training program.**

- **The water balance provided by the mine does not include all the input and output components as per the requirements of DWAF’s BPG G2 on Water and Salt Balances as it does not take rainfall and surface runoff into account. It's recommended that the mine update or recalculate this water balance in accordance with the requirements of BPG G2.**

- **The mine should take measures to ensure that their open cut mining activities are compliant with Regulation GN 704 (4 June 1989).**
Photo 1: Shows the abstraction point at West Wit Pit

Photo 2: Showing opencast mining at Princess Pit as well as inadequate fencing
Photo 3: Showing slurry spilling from pipelines passing nearby Lancaster Pit which convey slurry from CAMS dump to Mogafe Gold Metallurgical Plant.

Photo 4: Shows Lancaster dam
Photo 5: Shows Princess pit located within 100m from a stream.

Photo 6: Shows spillages of slurry from pipelines conveying slurry to WNP.
Hand Delivered
MOGALE GOLD LIMITED
P.O. Box 803
Krugersdorp
1740

Attention: Mr. Johan Moolman
Fax No. 011 680 8132

A SITE VISIT CONDUCTED ON 08 FEBRUARY 2017 REGARDING THE MINING RIGHTS HELD BY MOGALE GOLD (PTY) LTD AND WEST WITS MONARCH (PTY) LTD ON VARIOUS PORTIONS OF VARIOUS FARMS WITHIN THE MACISTERIAL DISTRICT OF KRUGERSDORP.

1. BACKGROUND:
1.1 A meeting and site visit conducted on 08 February 2017 with the Federation of Sustainable Environment (FSE), the South African Human Right Commission (SAHRC), the Department of Mineral Resources (DMR) and the Department of Water and Sanitation (DWS) refers:

1.2 During the site visit, it was discovered that the mine does not have a proper annual rehabilitation plan of all the mined out areas.

1.3 Further to the site visit, the FSE had through the SHRC submitted comments to be addressed by the mine.
2. In view of the above, the Department is hereby requesting you to do the following and submit a response within 30 days from date of receipt of this letter:

2.1. Compile and submit a rehabilitation plan compiled in terms of Annexure 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998); Financial Provision Regulations, 2015. The rehabilitation plan must be subjected to public comments which include amongst other the FSE, the Municipality etc. (The Department is of the view that the process of developing a rehabilitation plan was initiated long ago)

2.2. Engage with the Department of Water and Sanitation in order to address all the issues that have been raised by the FSE that are within the ambit of the DWS;

2.3. Response to the FSE’s issues and propose the action plan with timeframe of addressing the raised; and

2.4. Constantly engage with the FSE in order to resolve the issues or concerns that may possibly emerge in future regarding your mining operation.

Kindly contact Mr Jimmy Sekgale at the Gauteng Regional office, should you have any enquiries regarding this matter.

Kind Regards

[Signature]

REGIONAL MANAGER

MINERAL REGULATION

GAUTENG REGION

DATE: 30/05/2017
The Director
Mintails Mining SA (Pty) Ltd
P O Box 803
KRUGERSDORP
1740

Attention: Mr Gideon Harbour

DIRECTIVE IN TERMS OF SECTION 93(1)(B)(1) OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, (MPRDA, ACT 28, 2002): REGARDING NON-COMPLIANCE ON MINING RIGHTS 133MR & 206MR ISSUED TO MINTAILS MINING SA (PTY) LTD.

The liquidation of Mintails Mining SA Group of Companies bears reference.

This office is very concerned that Mintails Mining SA (Pty) lodged an application for liquidation which has been granted by the High Court on 18 September 2018.

Despite numerous engagements and directives issued to Mintails SA to comply with the terms and conditions of the Mining Rights, to date your company failed to comply. Amongst the non-compliances is the failure to make financial provision for rehabilitation of environmental damages due to their mining activities.

It has been discovered from the engagements with the liquidators that not all companies within the Mintails Group of Companies are being liquidated instead only the mining subsidiary which has huge environmental liabilities. The company has continuously harvested the mine without making any efforts to fully comply with the Mining Rights obligations. If the liquidation proceed without remediying these non-compliances, the State will be at risk of inheriting all the liabilities.

Sect 93\ Mintails\ Main Shareholder\ Oct 2018
As the Regional Manager with the powers delegated upon me in terms of the MPRDA, I therefore directs you as the holding company which Mintails Mining SA (Pty) Ltd is a subsidiary of, in terms of Section 93(1)(b)(ii) of MPRDA to suspend the disposal of the assets and provide for the shortfall on the environmental liability, only upon complying with this directive can the liquidation proceed to finality.

Further note that this office will also pursue the remedial procedures in terms of Section 28 of the National Environmental Management Act, NEMA to apply "Duty of Care" which provide for prosecution of the directors in their individual capacities as responsible for causing the environmental damage.

Yours faithfully

Regards

[Signature]

Regional Manager
Gauteng Region
BRAAMFONTEIN
Date 08/10/2018
The Directors
Mintails SA (Pty) Ltd
P O Box 803
KRUGERSDORP
1740

Attention: Mr. Gideon Harbour

DIRECTIVE ISSUED IN TERMS OF SECTION 28 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, (ACT 107 OF 1998) DUTY OF CARE FOR REMEDIATION OF ENVIRONMENTAL DAMAGE CAUSED BY MINING ACTIVITIES UNDERTAKEN BY MINTAILS SA (PTY) LTD.

1. Background

1.1 The purpose of the National Environmental Management Act (No. 107 of 1998) (NEMA”) is to give effect to (Section 24 of Constitution) the Constitutional right of everyone to an environment that is not harmful to his or her health or well-being.

1.2 Section 28(1) of the NEMA places a duty of care on every person who causes, has caused or may cause significant pollution or degradation of the environment to take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorized by law or cannot reasonably be avoided or stopped, to minimize and rectify such pollution or degradation of the environment.

Section 28(1A) states that the duty of care also applies to significant pollution or degradation that occurred before commencement of this Act;

2. Mining activities causing significant environmental damage

2.1 Mintails SA (Pty) Ltd has been conducting mining on properties currently held under Mining Rights GP132MR, GP133MR and GP206MR which resulted in significant environmental damages and degradation without rehabilitation.
2.2 When Mintails SA assumed ownership of these mining operations they were instructed to make financial provision for rehabilitation of the environmental damages that will result on the envisaged mining activities, but have to date failed to make the financial provision yet they carried on with mining activities.

2.3 Since these were old order rights, Mintails SA negotiated terms to comply with the financial provision which the department agreed to, however they continued mining activities ignoring these commitments and compliance directives thereby harvesting maximum profits for shareholders by circumventing their environmental obligations.

2.4 Numerous complaints from society, more particularly from the surrounding communities about environmental pollution caused by their mining activities were also ignored, placing profits on priority than public concerns.

2.5 Mintails shareholders have been making and enjoying profits from these mining activities for more than ten years without making any intervention in resolving these non-compliances let alone the damaged environment.

3. Liquidation of Mintails subsidiaries

3.1 The department is very concerned about the fact that Mintails SA has applied for liquidation which has been granted by the High Court.

3.2 Mintails has harvested the mine and left a huge environmental liability, in excess of R460 million which makes it difficult for liquidators to cover the outstanding financial provision for rehabilitation.

3.3 The department has also learnt during engagements with the liquidators that not all the subsidiaries of the Mintails Group of Companies are being liquidated, instead only the mining subsidiary is subject to liquidation due to its high liabilities.

3.4 If the liquidation process continues to finality without Mintails availing the required financial provision for rehabilitation, the State will be at risk of inheriting all the liabilities.

I, Sunday Mishack Mabaso, in my capacity as Regional Manager delegated by the Minister of Mineral Resources to issue Section 28 orders of NEMA and appointed as an Environmental Mineral Resources Inspector (Grade 1) to enforce environmental compliance, hereby issue this directive to Mr Gideon Harbour, the major shareholder of Mintails SA (Pty) Ltd in terms of Section 28 of NEMA to undertake rehabilitation of the damaged areas alternatively make full financial provision for rehabilitation. In order to give effect to Section 24 of the Constitution.

All processes aimed at disposing any assets within these specified Mining Rights are directed to stop until Mintails complies with this directive.
4. Failure to comply with this directive

Failure to comply with this directive will leave the department with no option but to escalate the matter to a competent court for appropriate relief and prosecution in terms of the relevant provisions of NEMA and any other relevant legislation.

[Signature]

Regional Manager
Environmental Mineral Resource Inspector: Grade 1
Gauteng Region
BRAAMFONTEIN
DATE 11/10/2018
The Liquidators
Mintails Mining SA (Pty) Ltd
P O Box 803
KRUGERSDORP
1740

Attention: All Liquidators of Mintails Group of Companies

DIRECTIVE IN TERMS OF SECTION 93(1)(B)(I) OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, (MPRDA, ACT 28, 2002): REGARDING NON-COMPLIANCE ON MINING RIGHTS 133MR & 206MR ISSUED TO MINTAILS MINING SA (PTY) LTD.

The liquidation of Mintails Mining SA Group of Companies bears reference.

This office is very concerned that Mintails Mining SA (Pty) lodged an application for liquidation which has been granted by the High Court on 18 September 2018.

Mintails is a holder of Mining Rights (GP133MR and GP206MR) which their terms and conditions need to be complied with in terms of the Mineral and Petroleum Resources Development Act, (MPRDA). Mintails Mining SA has failed to comply with the terms and conditions of the Mining Rights. Amongst the non-compliances is the failure to make financial provision for rehabilitation of environmental damages due to their mining activities.

It has been discovered from the engagements with the liquidators that not all companies within the Mintails Group of Companies are being liquidated instead only the mining subsidiary which has huge environmental liabilities. The company has continuously harvested the mine without making any efforts to fully comply with the Mining Rights obligations. If the liquidation proceed without remedying these non-compliances, the State will be at risk of inheriting all the liabilities.
As the Regional Manager with the powers delegated upon me in terms of the MPRDA, I therefore direct you as the liquidators of Mintails Mining SA (Pty) Ltd, in terms of Section 93(1)(b)(ii) of MPRDA to suspend the disposal of any assets within these Mining Rights and provide for the shortfall on the environmental liability, only upon complying with this directive can the liquidation proceed to finality.

Further note that this office will also pursue the remedial procedures in terms of Section 28 of the National Environmental Management Act, NEMA to apply “Duty of Care” which provide for prosecution of the directors in their individual capacities as responsible for causing the environmental damage.

Yours faithfully

Regards

[Signature]
Regional Manager
Gauteng Region
BRAAMFONTEIN
Date: 08/16/2018
DIRECTIVE IN TERMS OF SECTION 93(1)(B)(I) OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, (MPRDA, ACT 28, 2002): REGARDING NON-COMPLIANCE ON MINING RIGHTS 133MR & 206MR ISSUED TO MINTALS MINING SA (PTY) LTD.

Acknowledgement of Receipt:

Received by Mr/Mrs .............................................................. on behalf of ..............................................................

On this ........................................ day of .............................................................. 2018,

Place .............................................................. Time:..............

..............................................................

Signature:
The Directors
West Wits Monarch (Pty) Ltd
Private Bag X1
Melrose Arch
Johannesburg
2076

Attention: Mr Hulmes Scholes


The liquidation of Mintails Group of Companies and your letter dated 27 September 2008 bears reference.

West Wits Monarch Pty Ltd as the holder of Mining Right GP132MR remains and has the obligation to comply with the terms and conditions of the Mining Right unless the Minister has granted a consent for sale, transfer or other disposal of such right in terms of section 11 of the MPRDA.

Any transaction entered into between West Wits and Mintails without Ministerial consent to cede the Mining Right therefore is invalid and in contravention of the terms and conditions of the Mining Right and the MPRDA.

This office is very concerned that this Mining Right is included in the discussions of Mintails' liquidation without Ministerial consent to cede this MR to Mintails, taking into account the huge environmental liability on the ground against the inadequate Financial Provision in the DRDGold Rehabilitation trust Fund which may lead to the State inheriting the liability.
You are therefore directed in terms of Section 93(1)(b)(i) to take the following remedial actions by not later than Friday 21 October 2018:

a) Clear out Mining Right GP132MR of the liquidation processes of Mintails Group of Companies and submit an amended Mining Work Program.

b) Provide a plan to fully provide for the financial provision within six months to cover the environmental liability caused by mining activities on GP132MR.

Yours faithfully

Regards

[Signature]

Regional Manager
Gauteng Region
BRAAMFONTEIN
Date 08/10/2018

Acknowledgement of Receipt:

Received by Mr/Mrs ................................................................. on behalf of .................................................................

On this ................................... day of ................................................................. 2018,

Place ................................................................. Time: ............

Signature:
IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 2018/28688
P/H NO: 0

JOHANNESBURG, 18 September 2018
BEFORE THE HONOURABLE ACTING JUDGE MOHLALA

In the matter between:-

DAVID ARTHUR CHARLES LAKE

and

MINTAILS MINING (PTY) LIMITED
(IN BUSINESS RESCUE)
COMPANIES AND INTELLECTUAL
PROPERTY COMMISSION

Applicant
1st Respondent
2nd Respondent

HAVING read the documents filed of record and having considered the matter:-

IT IS ORDERED THAT:-

1. Draft Order marked “X” signed and dated 18 September 2018 is made an order of Court.

BY THE COURT

[Signature]

REGISTRAR
/zb
IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG LOCAL DIVISION, JOHANNESBURG)

CASE NO. 26668/2018

BEFORE THE HONOURABLE JUDGE MOHLALA
TUESDAY, 18 SEPTEMBER 2018

In the matter between:

DAVID ARTHUR CHARLES LAKE

and

MINTAILS MINING SA (PROPRIETARY) LIMITED (IN BUSINESS RESCUE) (Registration No. 2007/004029/07)

COMPANIES AND INTELLECTUAL PROPERTY COMMISSION

DRAFT ORDER

HAVING read the documents filed of record, heard counsel and having considered the matter:

IT IS ORDERED THAT:
1. The first respondent is placed under final winding-up in the hands of the Master of the High Court.

2. The costs of the application are to be costs in the winding-up of the first respondent.

BY THE COURT:

Registrar

Attorneys for Applicant: Webber Wentzel (Mr M Yudaken)
(011) 530 5000

Counsel for Applicant: J. J. Bitter
(010) 020 3100
IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 2018/28687
P/H NO: 0

JOHANNESBURG, 18 September 2018
BEFORE THE HONOURABLE ACTING JUDGE MOHLALA

In the matter between: -

DAVID ARTHUR CHARLES LAKE
Applicant

and

MINTAILS GOLD (PTY) LIMITED
(IN BUSINESS RESCUE)
COMPANIES AND INTELLECTUAL
PROPERTY COMMISSION

1st Respondent
2nd Respondent

HAVING read the documents filed of record and having considered the matter: -

IT IS ORDERED THAT:

1. Draft Order marked "X" signed and dated 18 September 2018 is made an order of Court.

BY THE COURT

REGISTRAR
/zb
IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG LOCAL DIVISION, JOHANNESBURG)

CASE NO. 26687/2018

BEFORE THE HONOURABLE JUDGE MOHLALA
TUESDAY, 18 SEPTEMBER 2018

In the matter between:

DAVID ARTHUR CHARLES LAKE
Applicant

and

MINTAILS GOLD (PROPRIETARY) LIMITED
(IN BUSINESS RESCUE)
(Registration No. 2007/003948/07)
First Respondent

COMPANIES AND INTELLECTUAL
PROPERTY COMMISSION
Second Respondent

DRAFT ORDER

HAVING read the documents filed of record, heard counsel and having considered the matter:

IT IS ORDERED THAT:

\[\text{Signature}\]
1. The first respondent is placed under final winding-up in the hands of the Master of the High Court.

2. The costs of the application are to be costs in the winding-up of the first respondent.

BY THE COURT

REGISTRAR

Attorneys for Applicant: Webber Wentzel (Mr M Yudaiken)
(011) 530 5000

Counsel for Applicant: J. J. Bitler
(010) 020 8100
IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG LOCAL DIVISION, JOHANNESBURG)  

CASE NO: 2018/246V  

PH NO 342  

In the matter between:  

DAVID ARTHUR CHARLES LAKE  

and  

MINTAILS GOLD PROPRIETARY LIMITED  
(in business rescue)  
Registration No. 2007/003948/07)  

COMPANIES AND INTELLECTUAL PROPERTY COMMISSION  

---  

INDEX  

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>PAGE NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Notice of Motion</td>
<td>1 - 5</td>
</tr>
<tr>
<td>2.</td>
<td>Founding Affidavit of the Applicant</td>
<td>6 - 26</td>
</tr>
<tr>
<td>3.</td>
<td>Annexure DL 1 - Notice of Appointment of Business Rescue Practitioner</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>Annexure DL 3 - Mintails Limited Structure of Group</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------</td>
<td>--</td>
</tr>
<tr>
<td>5</td>
<td>Annexure DL 4 - Letter from Falcon &amp; Hume Attorneys to the Minister of Mineral Resources and others</td>
<td>35 - 42</td>
</tr>
<tr>
<td>6</td>
<td>Annexure DL 5 - Letter from Lake Strategic Solutions to the Minister of Mineral Resources and others</td>
<td>43 - 45</td>
</tr>
<tr>
<td>7</td>
<td>Annexure DL 6 - Email from Jacki Doman of Mintails SA entitled &quot;MSR Notice to Affected Parties&quot;, with attachment</td>
<td>46 - 62</td>
</tr>
</tbody>
</table>
In the matter between:

DAVID ARTHUR CHARLES LAKE

and

MINTAILS GOLD (PROPRIETARY) LIMITED
(In business rescue)
Registration No. 2007/003848/07)

COMPANIES AND INTELLECTUAL PROPERTY COMMISSION

2nd Respondent

NOTICE OF MOTION

TAKE NOTICE that application will be made on Tuesday, 7 August 2018 at 10h00 or so soon thereafter as counsel may be heard for an order in the following terms:

1. Dispensing with the form and rules pertaining to notice and service of this application and for this application to proceed as one of urgency in terms of Uniform Rule 8(12).

2. That the business rescue proceedings of the first respondent be discontinued.

3. That the first respondent be placed under final winding-up in the hands of the Master of this Court pursuant to the provisions of section 141(2)(a)(iii) of the Companies Act 71 of 2008.
4. That the costs of this application be costs in the winding-up.

5. Further and/or alternative relief.

TAKE FURTHER NOTICE that the accompanying affidavit of David Arthur Charles Lake and annexures thereto, will be used in support of this application.

TAKE FURTHER NOTICE THAT the applicant has appointed the offices of the applicant's attorneys, Webber Wentzel situated at 90 Rivonia Road, Sandton;
Tel No, (011) 530 5000; Email address: martin.yudaken@webberwentzel.com/kerri.wilson@webberwentzel.com as his attorneys of record at which address, the details of which appear below, the applicant will accept service of all further notices and processes in this application. Take note particularly that all papers may be served by email in terms of Rule 4A at the email addresses set out herein.

TAKE FURTHER NOTICE THAT if the respondents intend opposing this application they are required to notify the applicants' attorneys by 10h00 on Monday, 6 August 2018, and to file an answering affidavit (if any) by 10h00 on Tuesday, 7 August 2018.

TAKE FURTHER NOTICE THAT the respondents are required to appoint an address at which they will accept service of all processes in this application.

KINDLY place the matter on the urgent roll for hearing accordingly.

Dated at Johannesburg on 2 August 2018

[Signature]

WEBBER WENTZEL
Attorneys for the Applicant
90 Rivonia Road
Sandton
2196
Tel: (011) 530 5000
Email: martin.yudaken@webberwentzel.com

Kerri.wilson@webberwentzel.com
Ref: M Yudaken/K Wilson
3005048
TO:
THE REGISTRAR OF THE
ABOVE HONOURABLE COURT
JOHANNESBURG

AND TO:
MASTER OF THE HIGH COURT
86 Marshall Street
Marshalltown
JOHANNESBURG 2018

AND TO:
THE SOUTH AFRICAN REVENUE SERVICES
Megawatt Park
Maxwell Drive
Sunninghill
Johannesburg

AND TO:
COMPANIES AND INTELLECTUAL
PROPERTY COMMISSION
DTI Campus, Block F
77 Meintjes Street
Sunny side
Pretoria

Received copy hereof on 2018

For: The Master

Received copy hereof on 2018

For: The South African Revenue Services

SERVICE BY SHERIFF
AND TO:
MINTAILS GOLD (PROPRIETARY) LIMITED
(in business rescue)
(Registration No: 2007/003948/07)
First Respondent
14 Tweelopies Road
Krugersdorp
(registered head office and principal place of business)

SERVICE BY SHERIFF

AND TO:
THE EMPLOYEES OF MINTAILS GOLD (PROPRIETARY) LIMITED
(in business rescue)
First Respondent
14 Tweelopies Road
Krugersdorp

SERVICE BY SHERIFF

AND TO:
THE TRADE UNIONS OF MINTAILS GOLD (PROPRIETARY) LIMITED
(in business rescue)
(Registration No: 2007/003948/07)

ASSOCIATION OF MINEWORKERS
AND CONSTRUCTION UNION
4 Palladium Street
Manitello Building
Carltonville
2499

SERVICE BY EMAIL

NATIONAL UNION OF MINEWORKERS
7 Rissik Street
Marshalltown
Johannesburg
2499

SERVICE BY EMAIL
UNITED ASSOCIATION OF SOUTH AFRICA
70 Annan Road
Carletonville
2499

SERVICE BY EMAIL

AND TO:
SHAREHOLDERS OF THE 1ST RESPONDENT

MINTAILS MINING SA (PROPRIETARY) LIMITED
14 Tweelopies Road
Krugersdorp

SERVICE BY EMAIL

AND TO:
THE CREDITORS OF MINTAILS GOLD (PROPRIETARY) LIMITED

SERVICE PER EMAIL
IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG LOCAL DIVISION, JOHANNESBURG)

CASE NO

PH NO 342

In the matter between:

DAVID ARTHUR CHARLES LAKE

1st Applicant

and

MINTAILS GOLD SA (PROPRIETARY) LIMITED (in
business rescue)
Registration No. 2007/003948/07

1st Respondent

COMPA NIES AND INTELLECTUAL PROPERTY
COMMISSION

2nd Respondent

AFFIDAVIT

I, the undersigned,

DAVID ARTHUR CHARLES LAKE

state under oath that:

1. I am an adult male businessman and business rescue practitioner duly
   accredited and licensed by the Companies Intellectual Property
   Commission ("CI PC") to act as such.

2. I carry on business as a business rescue practitioner under the name Lake
   Strategic Solutions, with my principal place of business at 39 Victoria
   Avenue, Parkmore, Sandhurst Enclosure.

LSH
3. I am the duly appointed business rescue practitioner of the first respondent.

4. The facts and allegations herein contained are within my personal knowledge, save where otherwise stated or apparent from the context, and are, to the best of my belief, both true and correct.

5. Where I make legal submissions herein, I do so on the advice of my legal representatives, which advice I accept as being correct and which advice I accept and adopt.

6. The CIPC confirmation of my appointment as the business rescue practitioner of the first respondent is annexed hereto marked annexure "DL1", in terms whereof and can be seen, I was appointed with effect from 14 October 2016.

7. Parties

7.1 As above, I am the first applicant and my details are as set out more fully above.

7.2 The first respondent is the company Mintails Gold SA (Proprietary) Limited (in business rescue) (registration number 2007/003948/07), a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa and which has its registered head office address and its principal place of business situate at 14 Tweelopies Road, Krugersdorp ("Mintails Gold").

LDH
7.3 A copy of a CIPC search report in respect of Mintells Gold and confirming its registered office address aforesaid is annexed hereto marked annexure "DL2".

7.4 The second respondent is the Companies and Intellectual Property Commission, an entity established in terms of the Companies Act, 71 of 2008 ("the Act"), with its principal place of business situated at DTI Campus, Block F, 77 Meintjes Street, Sunnyside, Pretoria.

LOCUS STANDI

8. In accordance with the provisions of section 141(2)(a)(ii) of the Act, the appointed business rescue practitioner of a company in business rescue is required to approach the court for an order discontinuing business rescue proceedings and placing the entity into liquidation, should such practitioner be of the view, at any time during the business rescue proceedings, that there is no reasonable prospect of rescuing the company.

9. In my capacity as the duly appointed business rescue practitioner of Mintells Gold, I accordingly have the necessary locus standi to bring this application.

JURISDICTION

10. Mintells Gold's registered head office address and principal place of business as above is within the territorial jurisdiction of the Court.
PURPOSE OF THIS APPLICATION

11. This is an application for an order discontinuing the business rescue proceedings in relation to the first respondent, and for an order placing the first respondent under final winding-up in the hands of the Master of this Honourable Court pursuant to the provisions of section 141(2)(e)(ii) of the Act in the circumstances set out more fully below.

12. BACKGROUND

12.1 Relevant dates in relation to the business rescue of the first respondent

12.1.1 The board of directors of Mintails Gold passed a resolution to voluntarily enter business rescue proceedings on 12 October 2015 in terms of the provisions of section 129(1) of the Act.

12.1.2 The commencement date for the business rescue proceedings of Mintails Gold was 14 October 2015, being the date the appropriate documentation was filed with the second respondent.

12.1.3 I was appointed on 14 October 2015, being the date the requisite documentation was filed with the second respondent in this regard.

12.1.4 The business rescue plan in relation to Mintails Gold ("the Plan") was approved and adopted on 4 November 2016, together with 2 further business rescue plans in relation to its
holding company Mintails Mining SA (Proprietary) Limited (also in business rescue)("MMSA") and another subsidiary Mintails SA Randfontein Cluster (Proprietary) Limited ("Mintails Randfontein"), which companies had also been placed under my supervision simultaneously with Mintails Gold, as will appear more fully hereunder.

12.1.5 The Plan and amendments are lengthy and complex documents and I have been advised that it is unnecessary to annex these hereto for present purposes. Copies can be made available to this Honourable Court when this application is dealt with if this becomes necessary.

12.2 Background to the Mintails group of companies

12.2.1 I annex hereto marked "DL3" for ease of reference and to facilitate a better understanding of the structure of the Mintails group of companies ("the Group"), an organogram which sets out the Group structure.

12.2.2 The Mintails Group was initially founded and commenced its operations during 2006 when it procured a company Mogale Gold out of judicial management. Its original mining activity was the production of gold from the processing of gold-bearing tailings.

12.2.3 As can be seen from annexure "DL3", Mintails Gold is a wholly owned subsidiary of MMSA, which company was placed under
supervision at the same time as Mintalls Gold, and in respect whereof I am the business rescue practitioner thereof as well, and will be applying for its winding-up simultaneously. The majority and controlling shareholder of MMSA is the company Mintalls SA (Proprietary) Limited ("MSA") which today owns 98% of its issued share capital. MMSA in turn holds 100% of the issued shares of each of its subsidiary companies in the Group, including Mintalls Gold and Mintalls Randfontein.

12.2.4 The Group has 2 gold extraction plants which are owned by Mintalls Gold. In terms of its present mining operations, the Group today processes "hard rock" gold-bearing ores through its operating gold plant ("Gold Plant 1") on the West Rand in Gauteng. It owns certain hard rock gold-bearing ore resources which it mines (underground and open cast) and which it processes for its own benefit and account through Gold Plant 1. The Group also processes gold-bearing ores through Gold Plant 1 on behalf of various customers on a toll treatment basis. The Group also owns certain above ground gold-bearing tailings (dumps) which are not currently mined or processed.

12.2.5 The Group has approximately 100,000,000 tons of gold-bearing tailings in dumps in reasonably close proximity to its processing plants situated near Krugersdorp, west of Johannesburg.

12.2.6 During 2012 the Group acquired the rights to mine its own hard rock gold-bearing ores adjacent to its processing plants and
tailing dumps, and these resources are mined by the Group through both open pit and underground operations. All mined ores are processed by the Group through Gold Plant 1.

12.2.7 The Group has 2 gold extraction plants which are owned by Mintails Gold and which are situate near Krugersdorp, adjacent to the tailings dump and hard rock gold resources. Gold Plant 1 is operational and has a capacity to process approximately 150,000 tons of ores per month.

12.2.8 The Group, again through Mintails Gold, owns a further gold plant ("Gold Plant 2") which is not presently operational and which has been in care and maintenance for approximately 6 years. This plant does not have any milling capacity and is configured to treat gold-bearing tailings only. When operational, this plant has the capacity to treat approximately 360,000 tons of tailings per month.

12.2.9 As I have stated, the Group processes hard rock gold-bearing ores on behalf of various toll clients. All such ores are hard rock ores and require milling, and are processed through Gold Plant 1. The Group during recent times has processed approximately 50,000 tons of ores per month on behalf of its tailings clients.

12.2.10 MMSA employs all of the Mintails Group Head Office and management staff of which there are 29 at present, and acts as the banker and paymaster for the Group. In addition, MMSA
engages a number of subcontractors, primarily involved in mining and mine security.

12.2.11 As above, Mintails Gold owns and operates the processing plants (Gold Plant 1 and Gold Plant 2) and other processing equipment as well. This company is the employer of technical staff, plant operators, and those mineworkers who are directly employed within the Group. This company has approximately 225 direct employees, and again, it employs a number of subcontractors, the latter being primarily involved in open cast mining.

12.2.12 Mintails Randfontein has purchased the mining rights to the hard rock gold-bearing ore resources owned by the Group, albeit that such rights have not yet been transferred to it as the transfer thereof remains subject to the approval of the DMR in terms of the provisions of section 11 of the MPRDA. There is a large contingent rehabilitation liability which attaches to these rights in the region of R250,000,000 and that obligation likewise largely falls to be dealt with by Mintails Randfontein.

12.3 In terms of its other subsidiaries, the Mintails Group also owns various properties, including some farmland, some portions of the mining property, and common law rights over approximately 100,000,000 tons of gold-bearing tailings dumps in what is known as "the Soweto Cluster". The Group also provides aggregates raw material to contractors operating on site at its Krugersdorp
operations, and engages additional subcontractors in its mining and processing operations through its other subsidiaries.

12.4 Fundamental provisions of the Plan and failure thereof

12.4.1 At the heart of the Plan which was adopted by creditors in relation to each of Mintalls Gold, MMSA and Mintalls Randfontein was the necessity to refurbish Gold Plant 2 to enable it to process at least 350,000 tons of tailings per month, thereby generating sufficient income to make the Group's mining and processing activities profitable in the long term.

12.4.2 Without this refurbishment the Group will never be properly self-sufficient as its current hard rock mining and processing operations referred to above are simply not sufficient to sustain it in the long term. The refurbishment of Gold Plant 2 is a necessary precursor to the success of the business rescue and the Group as a whole.

12.4.3 The Plan therefore required and relied on third party funding to be raised for investment to refurbish Gold Plant 2, the fact being that it is only by bringing Gold Plant 2 back into operation that it will be possible to resuscitate the Group. MSA which is the controlling shareholder (and largest creditor) of MMSA, had indicated that it was prepared to provide working capital to sustain the Group during the raising of such funding in due course, subject to certain conditions having been met.
12.4.4 In addition, the Plan provided that Group creditors were to receive significantly reduced and delayed payments in relation to their pro-business rescue claims, in which regard MSA had also agreed to leave its material loans to MMSA in excess of the sum of R500,000,000 invested in the business.

12.4.5 In so far as the rehabilitation liability of the Group is concerned, at the time of commencement of the business rescue proceedings this was stated to be in the region of R500,000,000. Subsequent studies and professional reports which I procured during the business rescue proceedings have recalculated this amount to be in the region of R250,000,000. In terms of the Plan the DMR agreed, prior to the publication thereof, that the unfunded rehabilitation costs could be funded and paid over the life of mine (being approximately 20 years) rather than by way of a cash deposit or guarantee, as the Group was clearly unable to fund or secure the liability in that way as initially required by the DMR. This was a further vital condition on which the Plan was predicated and, as above, the DMR initially agreed thereto.

12.4.6 As alluded to above, it is MSA which has propped up the Group by virtue of loans thereto over the years, both pre- and post-business rescue, and which agreed to continue to fund as required in terms of the Plan, subject however to certain conditions which included written confirmation from the DMR of
its undertakings in respect of the rehabilitation liability in terms of the Plan as set out above.

12.4.7 It must be said that despite my efforts and those of the management team of Mintells to secure such a written confirmation from the DMR, this has not been forthcoming. As a direct consequence of this it has proved impossible to raise the necessary funding for the rehabilitation of Gold Plant 2 in the face of this regulatory and financial uncertainty. Furthermore, MSA advised me in June 2018 that this impasse meant that it was no longer willing to continue its financial support of the rescue Plan.

12.4.8 In late June 2018, with the support of MSA, a binding agreement was entered into with Mvest Capital (Proprietary) Limited ("Mvest") in terms of which, inter alia, Mvest agreed to acquire MSA's interest being its shares in and loan account claims against MMSA, in terms whereof it also agreed to inject R30,000,000 of new funding into the Group. This cash injection and the entry of an empowerment shareholder would, in my opinion, have enabled the implementation of the Plan as contemplated. Mvest, however, failed to fully fulfill its obligations in this regard, with only R5,500,000 cash being injected. Mvest has now confirmed to me that it is unable to complete this funding as required, as a consequence whereof this agreement has lapsed.
order by the DMR was that MMSA only managed to process approximately 13,000 tons during April, and May and June were not much better.

12.4.12 This action by the DMR has had severe negative cashflow consequences for MMSA and the Group and has caused many of its clients whose permits were in order to channel their supplies elsewhere.

12.4.13 MMSA also became obliged to raise an unforeseen VAT liability in its books due to the incorrect historical accounting treatment by its chief financial officer of certain revenue streams, and this too has affected its immediate cashflow position.

12.4.14 The nett effect of the above is that MMSA and the Group urgently required additional short-term bridging finance to cover its cash shortfalls, but despite all my endeavours to raise this finance, this has come to nought.

12.5 I attach hereto as annexures "DL4" and "DL5" respectively, copies of 2 letters dated 10 April 2018 and 14 June 2018 addressed to the DMR in this regard in confirmation of the foregoing, the upshot whereof is that despite my endeavours in this regard, the DMR was unable or unwilling to provide the written confirmation sought, with the consequence that no further funding is available to the Group and the Plan has therefore failed.
12.6 Without further funding MMSA and the Group will as at 1 August 2018 not be in a position to pay its ongoing monthly expenses, including salaries, wages, subcontractors' fees and the like.

**THE LIQUIDATION OF THE FIRST RESPONDENT**

13. I submit it is common cause that MMSA and, consequently, its subsidiaries, including Mintails Gold and Mintails Randfontein, are both technically and commercially insolvent, and in the absence of any prospect that the rescue Plan in relation thereto can be implemented, a winding-up thereof as insolvent becomes inevitable.

14. As of the end of July 2018, Mintails Gold had a cash balance of only R819.43 in its account and creditors, including loan claims against Mintails Gold of R710 520 347.58.

15. Furthermore and as above, I do not believe that MMSA and the Group are any longer in a position to meet their ongoing trading liabilities given where it finds itself, and in the absence of funding, it is incumbent on me to take steps to wind-up the company to put a stop to its ever-increasing monthly liabilities.

**MINTAILS MINING SA (PROPRIETARY) LIMITED AND MINTAILS SA RANDFONTEIN CLUSTER (PROPRIETARY) LIMITED**

16. As will appear more fully from "DL3", the businesses of Mintails Gold, MMSA and Mintails Randfontein are integral to the trading of the Group as a whole, as those companies are interlinked and interdependent on each other in so far as the Group's operations are concerned. Thus, whilst
separate business rescue plans were prepared for each of them in conjunction with the MMSA business rescue plan, these plans too are interlinked and interdependent on each other. The consequence of this is that if the business rescue of MMSA fails, the business rescues in relation to these companies fall as well, and vice versa, and this presages the failure of the Group as a whole.

17. In the above circumstances, I am of the view that there is no longer any reasonable prospect of a successful business rescue in relation to MMSA, Minta’s Gold or Minta’s Randfontein which are insolvent and unable to pay their debts within the meaning of the provisions of section 345 of the Companies Act No 61 of 1973 ("the Old Act"), in addition wherefo to I submit it is just and equitable for the first respondent to be finally wound up in the hands of the Master of this Court in terms of the further provisions of section 344(h) of the Old Act.

18. In addition, I am obliged in terms of section 141(2)(a)(i) of the Act to inform this Honourable Court, the first respondent and all affected persons in the prescribed manner that I have concluded that there is no reasonable prospect of the first respondent being rescued, and I have done so via this application and a notification addressed to all the affected parties per email and/or per hand dated 1 August 2018, a copy wherefo together with the proof of despatch and "read receipts" in respect thereof is attached marked annexure "DL6". The relevant affidavit of service will be made available at the hearing of this application.
19. In the above circumstances, I submit that I am duty bound to proceed with this application as a matter of urgency, as should the first respondent not be placed into final liquidation, all affected parties will be severely prejudiced by the incurrence of additional costs in the business rescue process, leading ultimately to less funds being available for distribution to creditors in terms of the eventual concursus creditorum.

URGENCY

20. As I have stated above, I anticipate that MMSA and, consequently, Mintails Gold and Mintails Randfontein are and will be unable to pay their ongoing debts and expenses in terms of their trading operations as and when they fall due, including employee salaries, and this is clearly not viable.

21. It is now necessary to place Gold Plant 1 into care and maintenance, which in itself bears some cost, and this process must be carefully managed if the plant is to be preserved, and will probably mean that the duly appointed liquidator will be required to employ certain of the staff in liquidation to give effect thereto.

22. Given the fact that MMSA and Mintails Gold cannot in the future pay their employees, my concern is equally for the well-being of those employees who, in the event of MMSA and Mintails Gold not being wound up, will be unable to claim any benefits from their respective provident funds and/or the Unemployment Insurance Fund ("UIF").
23. In order to protect the employees and allow them to immediately lodge claims with their provident funds and/or the UIF to meet their dependants' needs, it is imperative that MMSA and Mintails Gold be placed under final winding-up as their employment contracts will then terminate.

24. In terms of section 136 of the Act there is no action which I can take, as business rescue practitioner, at this time, to cause the employment relationships of the employees with MMSA and Mintails Gold to immediately terminate in order to assist them in claiming any benefits as set out above, and accordingly, my only option is to approach this Court on an urgent basis in terms of section 141(2)(a) of the Act to place MMSA and Mintails Gold into liquidation.

25. Furthermore, I have security concerns in relation to the mine and the minesite, given the close proximity of the mine to the surrounding residential areas, and based on recent occurrences of this nature I fear militant action by the community and/or employees should a liquidator not now be appointed in order to make the necessary arrangements to safeguard the assets, and to ensure that there is adequate security to prevent the vandalisation or invasion of the mine premises.

26. It is imperative that a concursus be established as soon as possible, in order to protect the position of the Group's creditors.

27. In these circumstances, I submit that this application is therefore sufficiently urgent to warrant the hearing on an urgent basis in terms of Uniform Rule 6(12).
FORMALITIES AND SERVICES

28. Security to Master

28.1 The required security, as contemplated in the provisions of section 346(3) of the Companies Act No 61 of 1973, will be provided to the Master of this Court for payment of all fees and charges necessary for the prosecution of the winding-up proceedings and for all costs of administering the first respondent in liquidation until a provisional liquidator has been appointed, or if no provisional liquidator is appointed, for all fees and charges necessary for the discharge of the first respondent from winding-up. This security will be provided to the Master prior to the hearing of this application and a copy of such certificate of stated security will be made available to this Court together with the original hereof at the hearing of this application.

29. Service of this application

29.1 The following persons / entities will receive notice of and a copy of this application:

29.1.1 the first respondent at its registered head office address and its principal place of business;

29.1.2 the second respondent, being the CIPC;

29.1.3 the employees of the first respondent;

29.1.4 the registered trade unions who I have reasonably ascertained represent the employees of the first respondent;
29.1.5 the creditors of the first respondent;
29.1.6 the members of the first respondent;
29.1.7 the South African Revenue Services; and
29.1.8 the Master of the High Court, Gauteng Local Division, Johannesburg.

CONCLUSION

30. The Group is no longer able to sustain its operations as no further funding is available to it, and it has effectively ceased such operations.

31. As the demise of MMMSA will precipitate the demise of the Group, including Mintails Gold and Mintails Randfontein, as a whole, its staff and subcontractors will be most affected in the short-term.

32. Since the commencement of business rescue, I have entered into numerous negotiations and have attempted to secure and obtain the requisite funding to ensure the successful implementation of the Plan, but my efforts in that regard have ultimately failed and I can no longer source alternative funders prepared to make the necessary cash injection, whether by way of acquisition or post-commencement finance to sustain the first respondent's business pending the implementation of the Plan.

33. I have accordingly been advised that I am obliged to bring this application to Court in terms of section 141 (2)(a)(i) of the Act and to seek an order to discontinue the business rescue proceedings of the first respondent and
further an order that this Court place the first respondent under final winding-up.

34. It is clear that the circumstances of the first respondent being unable to make payment of its debts, its liabilities greatly exceeding its assets and particularly the urgent need of its 800 plus employees and subcontractors, make the granting of an order placing the first respondent into final winding-up on an urgent basis a just and equitable one.

WHEREFORE I pray for an order as set out in the notice of motion to which this affidavit is attached.

DAVID ARTHUR CHARLES LAKE

The Deponent has acknowledged that the Deponent knows and understands the contents of this affidavit, which was signed and sworn to or solemnly affirmed before me at SANDTON on 2 AUGUST 2018, the regulations contained in Government Notice No. R1258 of 21 July 1972, as amended, and Government Notice No. R1846 of 19 August 1977, as amended, having been complied with.
Full names: Llam Davin Heinzolmann
Business address: The Central, 99 Rivonia Road
Designation: Sandton, Johannesburg, 2198
Commissioner of Oaths
Capacity: Ex-Officio Practicing Attorney R. A.
Form CoR 123.2

Notice of Appointment of Business Rescue Practitioner

Date: 14 October 2015

Company Name: Mntamulivhu Gold S.A. (Pty) Ltd
Registration No: 2007/003943/06

The above named company commenced business rescue proceedings on 14 October 2015.

The following person has been appointed as the business rescue practitioner:

Mr. Louis Arthur Charles Lake

By: Mr Mark Allen Brune

Authorized Signature:

This form is prescribed by the Minister of Trade and Industry in terms of section 229 of the Companies Act, 2008 (Act No. 71 of 2008).
**Certificate issued by the Commissioner of Companies & Intellectual Property Commission on Wednesday, August 3, 2016 at 12:28**

**Disclosure Certificate: Companies and Close Corporations**

**Registration Number**: 2007/003248/07  
**Enterprise Name**: WINTAILS GOLD SA (PTY) LTD  
**Registration Date**: 08/02/2007  
**Business Start Date**: 08/02/2007  
**Enterprise Type**: Private Company  
**Enterprise Status**: Business Rescue  
**Compliance Status**: Compliant  
**Financial Year End**: June  
**TAX Number**: 9019901154

**Addresses**

<table>
<thead>
<tr>
<th>POSTAL ADDRESS</th>
<th>ADDRESS OF REGISTERED OFFICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>P O BOX 603</td>
<td>14 TWEELOOPS ROAD</td>
</tr>
<tr>
<td>KRUGERSDORP</td>
<td>KRUGERSDORP</td>
</tr>
</tbody>
</table>

**ACTIVE MEMBERS / DIRECTORS**

<table>
<thead>
<tr>
<th>Name and First Names</th>
<th>Type</th>
<th>ID Number / Date of Birth</th>
<th>Contrib. (%</th>
<th>Interest (%)</th>
<th>Appoint Date</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAHLOA, Corporate Solutions</td>
<td>Director</td>
<td>1993-04-10</td>
<td>0.00</td>
<td>0.00</td>
<td>12/01/2017</td>
<td>P O BOX 2197, BROOKLYN SQUARE, 0003</td>
</tr>
<tr>
<td>MOORE, Janine</td>
<td>Director</td>
<td>1986-05-02</td>
<td>0.00</td>
<td>0.00</td>
<td>28/01/2017</td>
<td>P O BOX 2197, BROOKLYN SQUARE, 0003</td>
</tr>
<tr>
<td>VAKAS, Pauline</td>
<td>Director</td>
<td>1986-05-02</td>
<td>0.00</td>
<td>0.00</td>
<td>28/01/2017</td>
<td>P O BOX 2197, BROOKLYN SQUARE, 0003</td>
</tr>
</tbody>
</table>

**AUDITOR DETAILS**

<table>
<thead>
<tr>
<th>Auditor Name</th>
<th>Type</th>
<th>Status</th>
<th>Appointment Date</th>
<th>Resignation Date</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOHACOB, Burgers</td>
<td>Auditor</td>
<td>Active</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Physical Address**: P O BOX 420  
**Postal Address**: COMMERCE SA  
**Date**: 28/01/2017  
**Website**: www.wintails.co.za  
**Corporate Centre**: 026 100 2472 (CMC)  
**Corporate Address**: 027 12 101 4374
Certificate issued by the Commissioner of Companies & Intellectual Property Commission on Wednesday, August 1, 2018 at 12:28

Disclosure Certificate: Companies and Close Corporations

<table>
<thead>
<tr>
<th>Registration Number</th>
<th>Company Name</th>
<th>Entity Type</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/002641/07</td>
<td>MINNFIELD HOLD INC</td>
<td>Limited Liability</td>
<td>ACTIVE</td>
<td>2017-09-01</td>
</tr>
<tr>
<td>N/A/3A INCORPORATED</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CHANGE SUMMARY

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/02/2007</td>
<td>Registered on CIDCO on 07/04/2007</td>
<td></td>
</tr>
<tr>
<td>03/03/2007</td>
<td>Name Change on 03/03/2007</td>
<td>GOLDEN MONACO LTD 177</td>
</tr>
<tr>
<td>03/14/2007</td>
<td>Principal Officer Change on 03/14/2007</td>
<td></td>
</tr>
<tr>
<td>03/19/2007</td>
<td>Member Change on 03/19/2007</td>
<td></td>
</tr>
<tr>
<td>03/30/2007</td>
<td>Director Change on 04/03/2007</td>
<td></td>
</tr>
<tr>
<td>06/03/2007</td>
<td>Legal Change on 06/03/2007</td>
<td></td>
</tr>
<tr>
<td>06/13/2007</td>
<td>Registered Address Change on 06/13/2007</td>
<td>MINNFIELD HOLD INC</td>
</tr>
<tr>
<td>07/05/2007</td>
<td>Postal Address Change on 06/29/2007</td>
<td></td>
</tr>
<tr>
<td>07/07/2007</td>
<td>Accounting Officer Change on 06/29/2007</td>
<td></td>
</tr>
<tr>
<td>07/08/2007</td>
<td>Status Address Change on 06/29/2007</td>
<td></td>
</tr>
<tr>
<td>12/07/2007</td>
<td>Director Change on 06/29/2007</td>
<td></td>
</tr>
<tr>
<td>12/09/2007</td>
<td>Accounting Officer Change on 06/29/2007</td>
<td></td>
</tr>
<tr>
<td>12/10/2007</td>
<td>Accounting Officer Change on 06/29/2007</td>
<td></td>
</tr>
<tr>
<td>12/11/2007</td>
<td>Member Change on 06/29/2007</td>
<td></td>
</tr>
</tbody>
</table>

Physical Address: 77 Mainline Street
Postal Address: Companies

Doxor: 206
Wino: 200201027
Contact: 086 130 4514 (UKS)
Central Office (International): 137 12 241 4575
<table>
<thead>
<tr>
<th>Registration No: 10911444</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name: MIVONIS</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Change Record:**
- **Date:** 21/07/2007
- **Type:** Member Change
- **Old:**
  - Name: VALDER WALT
  - Nom: BERTAUR ALBERT WILK
  - Status: Active
- **New:**
  - Name: SCHWEWAN
  - Nom: GABRIEL SAVUG
  - Status: Active

**Change Record:**
- **Date:** 21/07/2007
- **Type:** Member Change
- **Old:**
  - Name: BURROW
  - Nom: BERTAL
  - Status: Active
- **New:**
  - Name: VELDER
  - Nom: ANTON TOBAR
  - Status: Active

**Change Record:**
- **Date:** 21/07/2007
- **Type:** Member Change
- **Old:**
  - Name: BURROW
  - Nom: BERTAL
  - Status: Active
- **New:**
  - Name: BERHIND
  - Nom: ANTON TOBAR
  - Status: Active

**Change Record:**
- **Date:** 21/07/2007
- **Type:** Change of Name
- **Old:**
  - Name: VAM DENT WALT
  - Nom: RAYEBIHL ALBERT WILM
  - Status: Active
- **New:**
  - Name: VAM DENT WALT
  - Nom: RAYEBIHL ALBERT WILM
  - Status: Active

**Change Record:**
- **Date:** 21/07/2007
- **Type:** Name Change
- **Old:**
  - Name: VAM DENT WALT
  - Nom: RAYEBIHL ALBERT WILM
  - Status: Active
- **New:**
  - Name: VAM DENT WALT
  - Nom: RAYEBIHL ALBERT WILM
  - Status: Active

**Change Record:**
- **Date:** 21/07/2007
- **Type:** Accountant Name Change
- **Old:**
  - Name: MOLKOSIMI WYM "WYM INC"
  - Status: Active
- **New:**
  - Name: MOLKOSIMI WYM "WYM INC"
  - Status: Active

**Change Record:**
- **Date:** 21/07/2007
- **Type:** Name Change
- **Old:**
  - Name: MOLKOSIMI WYM "WYM INC"
  - Status: Active
- **New:**
  - Name: MOLKOSIMI WYM "WYM INC"
  - Status: Active

<table>
<thead>
<tr>
<th>Physical Address</th>
<th>Postal Address Company</th>
<th>B厢k Ex: 225</th>
</tr>
</thead>
<tbody>
<tr>
<td>9779920</td>
<td>PTA PO Box 229</td>
<td></td>
</tr>
</tbody>
</table>
Certificate issued by the Commissioner of Companies & Intellectual Property Commission on Wednesday, August 1, 2018 at 12:26

Disclosure Certificate: Companies and Close Corporations

<table>
<thead>
<tr>
<th>Registration Number</th>
<th>2001/200441/107</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entity Name</td>
<td>KENFEE GOLD ZA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>15/05/2006</td>
<td>Member Change on 05/05/2006</td>
</tr>
<tr>
<td></td>
<td>Change Reason:</td>
</tr>
<tr>
<td></td>
<td>Company Name = AUDIO COMPLIANCE CONSULTANTS</td>
</tr>
<tr>
<td></td>
<td>First Names =</td>
</tr>
<tr>
<td></td>
<td>Middle =</td>
</tr>
<tr>
<td>15/05/2006</td>
<td>Member Change on 05/05/2006</td>
</tr>
<tr>
<td></td>
<td>Change Reason:</td>
</tr>
<tr>
<td></td>
<td>Company Name = WANDER WALT</td>
</tr>
<tr>
<td></td>
<td>First Names = CHAUN ERIC WILLIAM</td>
</tr>
<tr>
<td></td>
<td>Middle =</td>
</tr>
<tr>
<td>15/05/2006</td>
<td>Member Change on 05/05/2006</td>
</tr>
<tr>
<td></td>
<td>Change Reason:</td>
</tr>
<tr>
<td></td>
<td>Company Name = BINNEL</td>
</tr>
<tr>
<td></td>
<td>First Names = LLOYD DUNBAR</td>
</tr>
<tr>
<td></td>
<td>Middle =</td>
</tr>
<tr>
<td>15/05/2006</td>
<td>Member Change on 05/05/2006</td>
</tr>
<tr>
<td></td>
<td>Change Reason:</td>
</tr>
<tr>
<td></td>
<td>Company Name = VELLA</td>
</tr>
<tr>
<td></td>
<td>First Names = ANTHON TODIN</td>
</tr>
<tr>
<td></td>
<td>Middle =</td>
</tr>
<tr>
<td>15/05/2006</td>
<td>Member Change on 05/05/2006</td>
</tr>
<tr>
<td></td>
<td>Change Reason:</td>
</tr>
<tr>
<td></td>
<td>Company Name = NEVER</td>
</tr>
<tr>
<td></td>
<td>First Names = ANTHON YOUNG</td>
</tr>
<tr>
<td></td>
<td>Middle =</td>
</tr>
<tr>
<td>27/05/2018</td>
<td>Member Change on 27/05/2018</td>
</tr>
<tr>
<td></td>
<td>Change Reason:</td>
</tr>
<tr>
<td></td>
<td>Company Name = BLOOMBERG</td>
</tr>
<tr>
<td></td>
<td>First Names = LAURENCE JONATHAN</td>
</tr>
<tr>
<td></td>
<td>Middle =</td>
</tr>
<tr>
<td>27/05/2018</td>
<td>Member Change on 27/05/2018</td>
</tr>
<tr>
<td></td>
<td>Change Reason:</td>
</tr>
<tr>
<td></td>
<td>Company Name = VELLA</td>
</tr>
<tr>
<td></td>
<td>First Names = ANTHON YOUNG</td>
</tr>
<tr>
<td></td>
<td>Middle =</td>
</tr>
<tr>
<td>22/06/2011</td>
<td>Member Change on 22/06/2011</td>
</tr>
<tr>
<td></td>
<td>Change Reason:</td>
</tr>
<tr>
<td></td>
<td>Company Name = NEVILLE</td>
</tr>
<tr>
<td></td>
<td>First Names = ANNA M. LIRIS</td>
</tr>
<tr>
<td></td>
<td>Middle =</td>
</tr>
<tr>
<td>22/06/2011</td>
<td>Member Change on 22/06/2011</td>
</tr>
<tr>
<td></td>
<td>Change Reason:</td>
</tr>
<tr>
<td></td>
<td>Company Name = TUBIS</td>
</tr>
<tr>
<td></td>
<td>First Names = AR HUN YORIS</td>
</tr>
<tr>
<td></td>
<td>Middle =</td>
</tr>
<tr>
<td>22/06/2011</td>
<td>Member Change on 22/06/2011</td>
</tr>
<tr>
<td></td>
<td>Change Reason:</td>
</tr>
<tr>
<td></td>
<td>Company Name = VELLA</td>
</tr>
<tr>
<td></td>
<td>First Names = ANTHON TUBIS</td>
</tr>
<tr>
<td></td>
<td>Middle =</td>
</tr>
<tr>
<td>22/06/2011</td>
<td>Member Change on 22/06/2011</td>
</tr>
<tr>
<td></td>
<td>Change Reason:</td>
</tr>
<tr>
<td></td>
<td>Company Name = TUBIS</td>
</tr>
<tr>
<td></td>
<td>First Names = AR HUN YORIS</td>
</tr>
<tr>
<td></td>
<td>Middle =</td>
</tr>
<tr>
<td>22/06/2011</td>
<td>Member Change on 22/06/2011</td>
</tr>
<tr>
<td></td>
<td>Change Reason:</td>
</tr>
<tr>
<td></td>
<td>Company Name = VELLA</td>
</tr>
<tr>
<td></td>
<td>First Names = ANTHON TUBIS</td>
</tr>
<tr>
<td></td>
<td>Middle =</td>
</tr>
</tbody>
</table>

Physical Address: 77 Mahajiva Street, 0501 Sandton, 2201
Postal Address: Company Name

Dated: 21/6
Website: www.empresa.com
Contact Centre: 080 101 24 72 (GCPF)
Contact Centre (International): +27 10 154 5172

LDH
Disclosure Certificate: Companies and Close Corporations

Registered Number: 2017/309076/07
Registered Name: INTELLIGENT TRADES PVT LTD

Date: 3 August 2017

Change: Address
New Address: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Directors
Name: MARK PENNY
Position: Director

Date: 30 June 2018

Change: Shareholders
Name: JOHN SMITH
Position: Shareholder

Date: 30 June 2018

Change: Accountant
Name: JANE DAVIS
Position: Accountant

Date: 30 June 2018

Change: Company Secretary
Name: STEPHEN CLARK
Position: Company Secretary

Date: 30 June 2018

Change: Company Name
New Name: INTELLIGENT TRADES CORP LTD

Date: 30 June 2018

Change: Trade Name
New Trade Name: INTELLIGENT TRADES CORP LTD

Date: 30 June 2018

Change: Business Details
New Details: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Financial Information
New Information: 2017/2018 Financial Year

Date: 30 June 2018

Change: Other Details
New Details: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Contact Information
New Information: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Legal Details
New Details: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Compliance Details
New Details: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Other Compliance Details
New Details: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Additional Details
New Details: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Additional Compliance Details
New Details: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Additional Legal Details
New Details: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Additional Compliance Information
New Information: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Additional Legal Information
New Information: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Additional Compliance Information
New Information: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Additional Legal Information
New Information: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Additional Compliance Information
New Information: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Additional Legal Information
New Information: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Additional Compliance Information
New Information: 100 MAIN ROAD, CAPE TOWN 8001

Date: 30 June 2018

Change: Additional Legal Information
New Information: 100 MAIN ROAD, CAPE TOWN 8001
The Honourable Minister Gwede Mantashe, MP  
Minister of Mineral Resources  
Treverena Campus  
Building 2C  
c/o Meintjes Street and Francis Baard Street  
0700  
BY HAND

Adv Thabo Mokoena  
Director-General, Department of Mineral Resources  
Treverena Campus  
Building 2C  
c/o Meintjes Street and Francis Baard Street  
0700  
BY HAND

10 April 2016

Dear Sirs

Mintails Mining SA Proprietary Limited (in business rescue): Approval of Rehabilitation Proposals in respect of Mining Rights MR132, MR133 and MR206

1. We refer to the above matter and the previous correspondence and meetings between officials of the Department of Mineral Resources ("DMR"), and Mr Dave Lake, the appointed Business Rescue Practitioner ("BRP") for the relevant entities in the Mintails group of companies ("Mintails") which includes inter alia Mintails Mining SA Proprietary Limited, Mintails Gold SA Proprietary Limited and Mintails Randfontein Cluster Proprietary Limited, regarding this matter since 2016.

2. We advise the BRP in respect of the business rescue proceedings of Mintails.
3. The purpose of this letter is to request your approval of certain proposals by the ERP to regulate the rehabilitation obligations of Mintails in respect of its mining rights, in order to ensure a reasonable prospect for the successful business rescue of the Mintails group.

4. In order to provide you with the appropriate context to assess the request, we set out below a brief summary of the relevant facts and circumstances, and particularly Mr Lake's engagements with the Regional Managers for the Gauteng Region thus far:

4.1 Mintails is currently in business rescue (which proceedings commenced on 14 October 2015). As this fact would suggest, Mintails experienced (and continues to experience) considerable financial pressure. While costs have been reduced significantly, the operations restructured, and gold production stabilised since the commencement of business rescue proceedings, cashflow remains extremely tight and an area that needs to be very carefully managed. If this can be achieved, and third party funding introduced as contemplated in the approved business rescue plan, approved and adopted on 4 November 2016, as amended on 7 February 2017 ("BR Plan"), the prospects for successfully rescuing the businesses of the relevant Mintails entities and returning the business to solvent trading remain good. A copy of the BR Plan is attached for ease of reference, marked "Annexure A".

4.2 Mintails currently engages some 746 people (direct employees and contractors), most of whom have extended families whom they support with their wages. In the circumstances, it can be safely assumed that in excess of 3000 people depend on the continued existence of Mintails for their livelihood.

4.3 In addition, we note that the rehabilitation liability of Mintails (in a report provided to the DMR) was recently assessed by Golder Associates to be approximately R259 million. If Mintails were to be placed in liquidation, rather than business rescue, one of the catastrophic consequences of liquidation of the Mintails entities would be that nearly the full amount of the rehabilitation costs (less the meagre c.R27 million provided in the rehabilitation fund) would have to be borne by the State.

4.4 The liquidation of Mintails would mean that local creditors (mostly local small businesses) would lose in excess of 90% of the value of the debts owed to them by Mintails. The International controlling shareholder would also lose the majority of its material loan to Mintails, but would nevertheless receive the bulk of the net proceeds of the sale of group

LDH
assets in liquidation (c. R175 million) due to its legally binding position as a secured creditor.

4.5 The demise of Mintalls would have a material impact on the local community which provides both workers and other third party contractual services to Mintalls, and which is the beneficiary of social projects run by Mintalls;

4.6 Closing Mintalls processing operations would mean that numerous small enterprises supplying gold ores to Mintalls for toll treatment would be at risk of closure.

4.7 The cessation of mining activities at Mintalls would pose a material threat of environmental degradation in the West Rand unless the Government itself stepped in and assumed full responsibility for these cost and activities (e.g. dust suppression would no longer take place, illegal mining [Zama Zama] activities would increase, security and safety around open pits would be lost (currently paid for by Mintalls), the positive impact of backfilling the West Wits Pit waste dump would be lost [both in terms of void filling and the resulting acid mine water neutralisation], the MR206 tailings dumps would not be processed and therefore would not be removed, and the void filling and other rehabilitation activities agreed to by Mintalls in its BR Plan would not be undertaken, etc.).

4.8 In the absence of a structured business rescue plan which relies on compromises from all parties (see the BR Plan), and with the consequent break up and sale of the processing plants, it is difficult to foresee how – subsequent to a liquidation of Mintalls – any value can subsequently be economically extracted from the MR 132, 133 and/or 206 mining rights (and thus support the continuation of the business).

4.9 Since the commencement of business rescue proceedings, a continuing key obstacle faced by the BRP has been finding an investor prepared to fund the commercial aspects of the rescue of Mintalls, settle outstanding debts owing to creditors, as well as provide the necessary financial provisioning for environmental rehabilitation (in an assessed amount of approximately R259 million). In this regard, we might mention that the assets of Mintalls have been valued in 2018 at less than R200 million, whereas the rehabilitation liability alone exceeded that amount by approximately R50 - 100 million, and additional liabilities exist amounting to a further R247 million to arm's-length creditors, and R535 million to the controlling shareholder.
4.10 In order to increase the prospects of a successful business rescue, to safeguard the livelihoods of Mintails' 746 employees and contractors and their dependants, and to prevent the full cost of rehabilitation to be passed on to the State, it was critical for the BRP to engage with the DMR on the potential restructuring of Mintails' rehabilitation obligations under its mining rights. Accordingly, the BRP proposed an alternative rehabilitation approach to the DMR (described in more detail below), which the BRP is confident can be implemented successfully.

4.11 The BRP’s alternative rehabilitation approach was set out in a document presented to the DMR in June 2016 ("June 2016 Document"), which document contains proposals that would enable Mintails to meet its rehabilitation obligations, and to fund the shortfall on its financial provision for rehabilitation over a period of time, without thereby endangering the commercial viability of the operation (when coupled with the compromises agreed to by Mintails’ creditors and its funding shareholders).

4.12 A copy of the June 2016 Document is attached hereto for ease of reference, marked "Annexure B", and the detailed information set out therein is incorporated herein as if specifically referenced in this letter. In short, what it proposes amounts to the following:

4.12.1 continuous void closure (minimum 19,000 cubic metres per month) at an estimated monthly spend of R522,000;

4.12.2 closure to completed mining areas at a committed monthly spend of at least R100,000;

4.12.3 tailings reclamation at a rate of 400,000 tons per month; and

4.12.4 increasing the existing rehabilitation funding from R26 million to R58 million at an estimated monthly premium of R270,000.

4.13 The proposal envisages that the monthly spend by Mintails on rehabilitation would be around R882,000 per month (an amount which should be manageable by Mintails if the rescue is successful), and that the rehabilitation guarantee provided to the DMR would be increased sufficiently in order to cover the estimated “scheduled” final closure costs of R56 million.
On 19 September 2016, the BRP met with the former Regional Manager (Gauteng Region) of the DMR ('RM'), in order to discuss various matters relating to the business rescue plan of Mintails. The key topic of discussion was in relation to the proposals contained in the June 2016 Document. The RM at that meeting confirmed that he had approved and accepted the proposals, and their inclusion in the BR Plan.

Pursuant to the meeting, on 20 September 2016, the BRP wrote an email to the RM (attached hereto for ease of reference, marked "Annexure C") wherein inter alia the following was stated:

"Dear Dimakatso

Thank you for your e-mail below.

Thank you too for our meeting yesterday which, ultimately, was very constructive. As agreed, I am writing to confirm the undertakings we made to each other at yesterday’s meeting.

1. **Rehabilitation.** I apologise that I was not aware that you had indeed approved and accepted the "Rehabilitation Proposals in respect of mining rights MR122, MR133 and MR203" which I presented to you in the attached document. I am most grateful for your approval. This proposal will be duly incorporated into my business rescue plan for the Mintails Companies.

The RM responded to this email on 20 September 2016 as follows:

"Dear Dave

1. Thank you for the commitment to finalization of the BRP. I agree to the plan be submitted on the 26th as agreed in the meeting and upon receipt of the plan, we shall study the plan and if agreed, we shall approve for implementation."
2. I cannot over emphasize the fact that much time has gone past and it is now more than ever, increasingly getting more critical that a plan be finalized for the interest of the BR process, creditors and the state.

Kind regards
Dmakatsu Ledwaba
Acting Regional Manager, Gauteng Region
Mineral Regulation

4.17 A draft version of the proposed BR Plan was furnished to the RM on 24 September 2016, followed by further iterations of the draft BR Plan together with requests for confirmation that the DMR approved the draft BR Plan, by way of subsequent emails on 10, 16 and 19 October 2016.

4.18 The BR Plan was duly published in October 2016, and approved and adopted by Minnails creditors in November 2016.

4.19 Throughout the remainder of 2016 and 2017 the BRP was in continuous engagement with the DMR regional office in order to seek written confirmation of the approval of the rehabilitation arrangements set out in the BR Plan by the DMR. Unfortunately, the BRP only obtained oral confirmations.

4.20 The erstwhile RM was subsequently replaced by a new RM, Mr Sunday Mabaso. During a meeting on 10 February 2016, Mr Mabaso advised the BRP that his predecessor acted ultra vires in the approval and acceptance of the proposals contained in the June 2016 Document as the RM does not have the authority to approve such measures. Mr Mabaso confirmed that he is accordingly also not in a position to approve and accept the proposals in the June 2013 Document.

5. We note that in terms of section 24P of the National Environmental Management Act, 1998 ("NEMA") and the Financial Provisioning Regulations, 2015, ONR 1147 promulgated in Government Gazette No. 39425 of 20 November 2015 under section 44 of NEMA, the Minister responsible for mineral resources is the responsible authority empowered to assess and agree to proposals for financial provisioning under section 24P of NEMA. Accordingly, we address this letter to the Minister to seek his approval.
6. We further note that business rescue proceedings under Chapter 6 of the Companies Act, 2008, is an extraordinary measure aimed at taking steps to ensure the continued commercial existence of businesses. In giving effect to Chapter 6 of the Companies Act, the interests of creditors, shareholders, employees, the State and the general public must all be balanced to achieve an equitable outcome. Business rescue may be achieved by, inter alia, restructuring the assets and liabilities of the business in a manner aimed at reducing short-term cashflow demands on the business to enable it to return to profitability. We trust you will consider the BRP’s proposals (as presented to the RM and as set out in the BR Plan) in this light.

7. The approval and acceptance by the DMR of the proposals in the June 2016 Document is critical to the life of the mine and therefore the implementation of the BR Plan. The new investors in the group, as well as potential project funders of the refurbishment of Gold Plant 2 (a key facet of the BR Plan), have advised the BRP that they need to be fully satisfied with regards to the quantum and approach to the rehabilitation exposure of Mintails before releasing such new funding. In this regard, without a clear and unequivocal DMR approval for the proposals in the June 2016 Document, it is proving impossible to secure the funding contemplated in the BR Plan — and accordingly to successfully implement the business rescue of Mintails.

8. It is important to note that Mintails is not attempting to find a way of avoiding its rehabilitation responsibilities through the proposals by the BRP in the June 2016 Document. The proposals merely suggest that the rehabilitation liabilities should be met from operational cash flows over the lifespan of the mining projects and in the manner as set out in the business rescue plan in order to provide investors with some sense of security for potential investments.

9. The BR Plan proposes that all parties make compromises in order to make the business commercially viable — thus creditors have reduced their claims and have accepted payment over a number of years, the controlling shareholder has fully stayed its claims and in fact has advanced new funding during the business rescue proceedings, with the undertaking to provide further funding, and (as has been set out above), the rehabilitation proposals and dispensations set out in the June 2016 Document were presented to and accepted by the RM. The rescue of the Mintails group of companies thus relies on all of these concessions collectively to render the business commercially viable, and to enable the business to raise the funding needed to refurbish and reopen the currently dormant Gold Plant 2 tailings processing facilities.

LDH
10. For these reasons, the BRP respectfully requests that you accept and approve the proposals contained in the June 2016 Document and the BR Plan in respect of the rehabilitation liabilities of Mintails in order to secure the rescue, to safeguard the jobs of Mintails' 746 direct employees, as well as the livelihoods of their dependants, to protect the interests of local suppliers to Mintails, to protect the interests of the local community, to avoid the descent into lawless illegal mining across the Mintails mining areas, and to avoid the full responsibility for the rehabilitation liability reverting to the State.

11. The BRP is of the view that saving jobs in the current economic environment is critical and entirely in line with the Government's stated job creation initiatives (a job saved being equivalent to a job created).

12. Naturally, the BRP is available (and would be grateful) for an opportunity to meet with you, if you deem it necessary, in order to discuss these matters in more detail.

Yours faithfully

[Signature]

Falcon & Hume Inc
per: Pieter Smit
The Honourable Minister Gwede Mantashe, MP
Minister of Mineral Resources
Trevanna Campus, Building 2C
c/o Meltjies Street and Francis Baard Street, 0700

Adv Thabo Mokoena
Director-General, Department of Mineral Resources
Trevanna Campus, Building 2C
c/o Meltjies Street and Francis Baard Street, 0700

Adv Pieter Alberts
Chief Director, Legal Services
Department of Mineral Resources
Trevanna Campus, Building 2C
c/o Meltjies Street and Francis Baard Street, 0700

BY HAND

Mr Sundeep Mabasa
Regional Manager, Gauteng Region, Department of Mineral Resources
1st Floor, Mineral Building
78 De Korte Street, Braamfontein, Johannesburg

DELIBERATION BY HAND

34 June 2018

Dear Sirs,

URGENT: Mintails Mining SA Proprietary Limited (in business rescue)

1. The purpose of this letter is to reach out to the Department of Mineral Resources ("DMR") to ask for your very urgent assistance to save 750 jobs at the Mintails gold processing operations near Kogelo in the West Rand.

2. I am the business rescue practitioner appointed in respect of the business rescue proceedings of Mintails Mining SA (Pty) Limited as well as two of its subsidiary companies. I refer to the Mintails group of companies collectively in this letter as "Mintails".

3. I refer to my attorneys' letters, sent on my behalf and addressed to Honourable Minister Gwede Mantashe, Adv Thabo Mokoena and Adv Pieter Alberts, dated 10 April 2018 and 2 May 2018, in respect of which I have had no response or acknowledgement of receipt.

4. I refer also, without specific reference, to the numerous meetings held and correspondence exchanged over the last two years between myself and/or the Mintails' management team and the DMR on the matter of the approval of rehabilitation proposals in respect of Mining Rights MR.132, MR.133 and MR.206. I refer in particular an undertaking by your department to revert to us by yesterday on this matter, an undertaking that has unfortunately been missed.

[Signature]

[LSH]
5. Despite my best efforts to rescue Mintails over the past two and a half years, current circumstances are such that I cannot preserve the operations for more than a week or so and, legally in terms of business rescue legislation, I believe that I will have to liquidate the business.

6. The purpose of this letter is to raise the issue in an urgent manner with the DMR to urgently seek the approval required to avoid the liquidation of Mintails. Failing a very urgent and firm undertaking by the DMR in this regard, regrettably I believe that the termination of business rescue proceedings, and the immediate liquidation of Mintails, will become inevitable.

7. I will present the relevant facts and consequences very briefly in this letter. These have already been shared with the DMR in many forms and formats. If it will be of assistance and should this be requested by you, I will make myself available to meet with you at short notice for a face to face meeting to discuss this impending crisis.

8. A Business Rescue Plan ("BR Plan") was published, with the specific approval of the DMR, and was subsequently approved by Mintails' creditors. In November 2013, the BR Plan was made (i.e. to create a solvent and viable mining business) by creditors to receive significantly reduced and delayed payments, and the major creditor agreed to defer 100% of its material loans (all of excess of R500m) invested in the business. The DMR has agreed that the unfunded rehabilitation costs would be funded over the life of mine. The BR Plan additionally requires that new funding be raised for investment in the currently mothballed gold - Plant 2. Bringing Plant 2 back into operation is the only viable way to revitalize Mintails.

9. Since the approval of the BR Plan we have been engaging with our lenders who supported the undertakings in the BR Plan and the funding thereof. They require, however, that Mintails receives from the DMR written confirmation of the undertakings that it made in respect of rehabilitation (as per the BR Plan). Despite our efforts we have been unable to secure such confirmation from the DMR. Unfortunately, but understandably, no bank or investor is prepared to provide funding to Mintails whilst this material financial uncertainty persists (the gap between what was agreed by the DMR and what can be demanded in terms of a strict interpretation of the regulations). We are therefore currently unable to secure the funding required to rebuild Plant 2, or to complete a replacement B.E.E. share ownership transaction, meaning that I am unable to complete the rescue of the business.

10. The above situation has been exacerbated by the recent DMR shutdown imposed on Mintails. This has fully depleted the limited funds that were available to Mintails, and the effect of the shutdown continues to cause significant cash flow issues related to this. The group is now chronically short of cash, and on the verge of liquidation. The major lender has provided a further USD7m of bridge funding during the rescue proceedings. Whilst a further advance may well be secured if we are able to secure the DMR rehabilitation confirmation without any delay, without such confirmation the lenders have advised me that they are no longer prepared to financially support the rescue.

11. The consequences of a liquidation would be catastrophic for the local community and the country as a whole. 743 people (direct employees and contractors) would lose their jobs, all rehabilitation costs would have to be borne by the State, legal and administrative costs would add up to over R500m of the value of the debts owed to you, there would be a material impact on the local community which provides both workers and other third party contractual services to Mintails - and which is the beneficiary of social projects run by Mintails, numerous small suppliers supplying gold ores to Mintails for toll treatment would be at risk of closure, and there would be a material threat of environmental degradation in the West Rand (least suppression would no longer take place). Illegal mining activities would increase, security and safety around open pits would be lost, the positive impact of the current backfilling the West Witte waste dump would be lost (providing both void filling and acid mine water neutralisation), the W006 (flags dump) would not be processed and removed, and the void filling and other rehabilitation activities agreed to by Mintails in its BR Plan would be lost.
12. What is more, the analysis of a potential liquidation of Mintails independently undertaken by PwC shows that the international lender to Mintails will receive c. 90% of the proceeds of any liquidation (c.R175m) as it is the only secured creditor in this regard. So the plant will be stripped, sold, and most of the money sent out of the country.

13. I do not wish to make excuses for Mintails (past or present), I do not wish to speak for the international lender, and I do not wish to criticise the role of the regulator. I most certainly do not wish to be seen as making threats with regard to liquidation. I am only advising as to what I will be legally required to do as a business rescue practitioner. I simply want to successfully rescue Mintails and to save 750 jobs. It is for this reason that I am reaching out to the DMR one last time for urgent action. This will be a disaster for the local community and for the country.

14. For the sake of employees the local community, could I hear positively and definitively from you by at the very latest by next Monday, 28 June. Please can I impress that urgent action is taken to verify the quantum of the Mintails rehabilitation liability (all documentation and professional reports have been provided to the DMR), and to confirm that this can be settled over the life of mine with the agreed limited guarantee in place, as has previously been accepted by the DMR.

I remain at your disposal.

With respect,

[Signature]

Dean Lake
Business Rescue Practitioner
Mintails Group
Dear Sir or Madam,

Please find a notice attached hereto for your attention.

This is a notice regarding the status of the Company’s business rescue proceedings, as well as legal proceedings contemplated which may directly affect you. As such, and if necessary, you are advised to consult your attorneys or other professional advisors in this regard.

Yours sincerely,

Jackie Doman
Executive PA to Mr van As (Interim CEO)
IT & Office Manager
Mintails Mining SA (Pty) Ltd
14 Tweelopies Street, Krugersdorp, 1739
Tel +27 (0) 11 660 9638 ext 173 / Fax +27 (0) 11 660 8132 / E-mail jackie.doman@mintailso.co.za

MINTAILS MINING

Confidentiality:
This mail contains confidential information which is intended for the use of the person to whom it is addressed. If you receive it in error, please notify the sender and delete the material from any computer. Any disclosure, re-transmission, distribution or any other use of this information is strictly prohibited.

Disclaimer:
The information contained in this communication is confidential. It is intended solely for use by the recipient and others authorised to receive it. If you are not the recipient you are hereby notified that any disclosure, copying, distribution or taking action or in reliance on the contents of this information is strictly prohibited and will be unlawful.

The email has been scanned for viruses and malware, and has been automatically archived by Mintails SA Limited for compliance with Company’s IT Service Level Agreement. Providing a safe and more secure place for your Human generated data. Specialising in Security, archiving and compliance. To view our page CLICK HERE.
For attention: The Registrar
High Court of South Africa, Gauteng Local Division
Johannesburg
Mintalls Gold (Pty) Ltd (In business rescue)
Registration number: 2007/003948/07
("the Company")
All affected persons in the business rescue of the Company
(See Schedule 1 to this Notice)
The Companies and Intellectual Property Commission

1 August 2018

Dear Sirs

NOTICE IN TERMS OF SECTIONS 132(3), 141(2)(a)(i), 144(3)(a), 145(1)(a) AND 148(a) OF THE COMPANIES ACT, 2008

1. This is a notice regarding the status of the Company's business rescue proceedings, as well as legal proceedings contemplated which may directly affect you. As such, and if necessary, you are advised to consult your attorneys or other professional advisors in this regard.

2. This is a notice given to you in terms of sections 141(2)(a)(i), 144(3)(a), 145(1)(a) and 148(a) of the Companies Act, 71 of 2008 ("Companies Act").

3. Since the commencement of business rescue on 14 October 2015, the business rescue practitioner ("BRP") has investigated the affairs of the Company to determine whether there is a reasonable prospect of the Company being rescued. In short, this means that the BRP has considered whether the Company will be able to continue to trade on a solvent basis following the termination of the business rescue proceedings or that the business rescue proceedings will achieve a better return for affected persons, as defined in section 128(1)(a) of the Companies Act, than they would receive in a liquidation of the Company.
4. Subsequently, a business rescue plan in respect of the Company ("BR Plan") was developed, considered and adopted (on or about 4 November 2016) in terms of sections 150 to 162 of the Companies Act, and amended on 7 February 2017.

5. The BR Plan contemplated the refurbishment of Cold Plant 2, which refurbishment required the raising of new funding. Prospective lenders of this new funding required that the Company obtain from the regulator formal written confirmation of the rehabilitation arrangements (as set out in the BR Plan) which the regulator had agreed to prior to the publication of the BR Plan. Regrettably the company and the BRP have been unable to secure such formal written confirmation. This, along with a number of other operational and regulatory factors, led to Paige Limited ("Paige") (the controlling shareholder and major creditor of the Mintails Group) advising the BRP in June 2018 that it would no longer be in a position to continue its financial support of the Company in the manner contemplated in the BR Plan.

6. In late June 2018, with the support of Paige, a binding agreement was entered into with Mvest Capital (Pty) Limited ("Mvest") in terms of which, inter alia, Mvest agreed to acquire Paige’s interests in the Company and to inject R30m of new funding into the Company. This cash injection and the entry of a BEE shareholder would, in the opinion of the BRP, have enabled the BRP to implement the BR Plan as contemplated. Mvest, regrettably, have not fulfilled their undertakings in this regard, with only R5.5m injected. The receipt of further funding to the Company from either of Paige or Mvest is now, in the opinion of the BRP, no longer an outcome that can be reasonably relied upon. The Company is now, as a consequence, unable to continue to fund its operations or the implementation of the BR Plan.

7. In the circumstances, the BRP of the Company has concluded, in terms of section 141(2)(a) of the Companies Act, that there is no longer a reasonable prospect of rescuing the Company and to apply to the High Court of South Africa, Gauteng Local Division, Johannesburg, for an order discontinuing the business rescue proceedings and placing the Company into final liquidation.

8. Please note that a copy of the application for final liquidation of the Company will be provided to you as soon as such application is served and filed at the High Court.

9. As an affected party you have the right to participate in these legal proceedings, including the right to oppose the application once it has been served and filed.
10. Please note further that this notice will be displayed on the website maintained by Falcon and Hume Inc (www.fhinc.co.za) and is accessible to all affected persons.

11. Should you have any queries relating to this notice, please contact me at martin@lakesolutions.co.za.

Yours sincerely

Mr D Lake
Business Rescue Practitioner
## Schedule 1: List of Parties and Method of Delivery

### 1. Affected Parties

#### 1.1 Shareholders

<table>
<thead>
<tr>
<th>Name</th>
<th>Contact Details (email address)</th>
<th>Method of delivery</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mintails Mining SA (Pty) Ltd</td>
<td><a href="mailto:jackie@mintails.co.za">jackie@mintails.co.za</a></td>
<td>By email and displayed on Falcon and Humo Inc's website</td>
</tr>
</tbody>
</table>

#### 1.2 Creditors

<table>
<thead>
<tr>
<th>Name</th>
<th>Contact Details (email address)</th>
<th>Method of delivery</th>
</tr>
</thead>
</table>
| South African Revenue Services             | Email address:  
contact_central@sars.gov.za;  
j.nathubedu@sars.gov.za;  
tklubeke@sars.gov.za;  
lovenberg@sars.gov.za;  
lpcamquientes@sars.gov.za;  
soadlango@sars.gov.za  
Physical address: 4 Rissik St, Marshalltown, Johannesburg, 2000 | South African Revenue Services and  
Department of Labour,  
Department of Water and Sanitation, National Nuclear Regulator and  
Mine Health and Safety Council  
By email, by hand and displayed on Falcon and Humo Inc's website |
| Department of Water and Sanitation         | Email address:  
info@dws.gov.za  
Physical address: 185 Francis Braid Street, Pretoria Central, Pretoria, 0001 | All other creditors: By email and displayed on Falcon and Humo Inc’s website |
| National Nuclear Regulator                 | Email address:  
MBokes@nnr.co.za  
Physical address: 420 Wilton-Hazel Ave, Eco-Park Estate, Centurion, 0144 |                                                        |
| Eskom Holding SOC Ltd                      | Email address:  
Kmazac@eskom.co.za;  
gctorsou@eskom.co.za;  
mazibuty@eskom.co.za;  
ynikkerkiA@eskom.co.za;  
uslapa@eskom.co.za;  
gulaphorservice@eskom.co.za;  
LDH |                                                         |
<table>
<thead>
<tr>
<th>Company Name</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Labour</td>
<td><a href="mailto:admin@departmentoflabour.co.za">admin@departmentoflabour.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:natalie@departmentoflabour.co.za">natalie@departmentoflabour.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:mmda@departmentoflabour.co.za">mmda@departmentoflabour.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:lindelwa@departmentoflabour.co.za">lindelwa@departmentoflabour.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:tosela@departmentoflabour.co.za">tosela@departmentoflabour.co.za</a></td>
</tr>
<tr>
<td></td>
<td>Physical address: Compensation House, South Africa Rd &amp; Hamilton Street, Pinetown 840-340, Pretoria, 0020</td>
</tr>
<tr>
<td>Faiths Southern Africa (Pty) Ltd</td>
<td><a href="mailto:spizzle@faithsaf.co.za">spizzle@faithsaf.co.za</a></td>
</tr>
<tr>
<td>Germco (Pty) Ltd</td>
<td><a href="mailto:germye@germco.co.za">germye@germco.co.za</a></td>
</tr>
<tr>
<td>SKD Bulsart (Pty) Ltd</td>
<td><a href="mailto:terence@skd.co.za">terence@skd.co.za</a></td>
</tr>
<tr>
<td>Ballena Trading 33 (Pty) Ltd trading as G-Man Traders</td>
<td><a href="mailto:sales@gman.co.za">sales@gman.co.za</a></td>
</tr>
<tr>
<td>Grecco SA (Pty) Ltd</td>
<td><a href="mailto:admin@grecco.co.za">admin@grecco.co.za</a></td>
</tr>
<tr>
<td>GTS Technologies (Pty) Ltd</td>
<td><a href="mailto:mark@gtstechnologies.co.za">mark@gtstechnologies.co.za</a></td>
</tr>
<tr>
<td>Sellward Engineering CC trading as H.T. Engineering</td>
<td><a href="mailto:hpc@sellwardengineering.co.za">hpc@sellwardengineering.co.za</a></td>
</tr>
<tr>
<td>Interwaste (Pty) Ltd</td>
<td><a href="mailto:poel@interwaste.co.za">poel@interwaste.co.za</a></td>
</tr>
<tr>
<td>Klerksdorp Mining &amp; Engineering Sup (Pty) Ltd</td>
<td><a href="mailto:kerkmin@kdse.co.za">kerkmin@kdse.co.za</a></td>
</tr>
<tr>
<td>Credit Guarantee Insurance Corporation of Africa Limited</td>
<td><a href="mailto:mmkorders@cgica.co.za">mmkorders@cgica.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:vsm@cgica.co.za">vsm@cgica.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:mmacedstshabram@cgica.co.za">mmacedstshabram@cgica.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:kgolagang@cgica.co.za">kgolagang@cgica.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:khaglam@cgica.co.za">khaglam@cgica.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:kimn@cgica.co.za">kimn@cgica.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:remon@cgica.co.za">remon@cgica.co.za</a></td>
</tr>
<tr>
<td>Company Name</td>
<td>Email Address</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Liquid Mist Trading 116 (Pty) Ltd</td>
<td><a href="mailto:mabelm@cgis.co.za">mabelm@cgis.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:creditons@liquidmist.co.za">creditons@liquidmist.co.za</a>; <a href="mailto:Price@liquidmist.co.za">Price@liquidmist.co.za</a></td>
</tr>
<tr>
<td>VRN a division of Macsteel Service Centre SA (Pty) Ltd</td>
<td><a href="mailto:wyina.buys@vrn.co.za">wyina.buys@vrn.co.za</a></td>
</tr>
<tr>
<td>Marlyn Vulindlela (Pty) Ltd</td>
<td><a href="mailto:lee@marlyn.co.za">lee@marlyn.co.za</a>; <a href="mailto:mark@marlyn.co.za">mark@marlyn.co.za</a>; <a href="mailto:sales@marlyn.co.za">sales@marlyn.co.za</a></td>
</tr>
<tr>
<td>Matrix Compressor Services CC</td>
<td><a href="mailto:matrixcompressors@gmail.com">matrixcompressors@gmail.com</a></td>
</tr>
<tr>
<td>Melco Conveyor Equipment (Pty) Ltd</td>
<td><a href="mailto:conveyors@melco.co.za">conveyors@melco.co.za</a></td>
</tr>
<tr>
<td>Melco Mining &amp; Construction (South Africa) (Pty) Ltd</td>
<td><a href="mailto:renette.costee@melco.com">renette.costee@melco.com</a>; <a href="mailto:knowledge.mabusa@melcoexecutors.com">knowledge.mabusa@melcoexecutors.com</a>; <a href="mailto:rajan.pedavaychy@melco.com">rajan.pedavaychy@melco.com</a></td>
</tr>
<tr>
<td>Mine Health and Safety Council</td>
<td>Email address:</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:eprints@mhsc.org.za">eprints@mhsc.org.za</a></td>
</tr>
<tr>
<td></td>
<td>Physical address: 57, 145 Western Service Rd, Woodmead, Sandton, 2144</td>
</tr>
<tr>
<td>Mine Track &amp; Tools (Pty) Ltd</td>
<td><a href="mailto:info@minetrack.co.za">info@minetrack.co.za</a></td>
</tr>
<tr>
<td>Mining and Power CC</td>
<td><a href="mailto:mining_power@telkom.co.za">mining_power@telkom.co.za</a></td>
</tr>
<tr>
<td>Minmetals R.S.A. (Pty) Ltd</td>
<td><a href="mailto:shannela@minmetals.co.za">shannela@minmetals.co.za</a></td>
</tr>
<tr>
<td>Nature Bound (Pty) Ltd</td>
<td><a href="mailto:info@naturebound.co.za">info@naturebound.co.za</a></td>
</tr>
<tr>
<td>Neuron Consulting (Pty) Ltd</td>
<td><a href="mailto:heather@neuron.co.za">heather@neuron.co.za</a></td>
</tr>
<tr>
<td>Norton Rose Fullbright South Africa Inc</td>
<td><a href="mailto:julie.thewson@nortonrosefullbright.com">julie.thewson@nortonrosefullbright.com</a>; <a href="mailto:Hermann.neuwoudt@nortonrosefullbright.com">Hermann.neuwoudt@nortonrosefullbright.com</a></td>
</tr>
<tr>
<td>Oil Treatment Systems (Pty) Ltd</td>
<td><a href="mailto:cts.sales@oiltreatment.co.za">cts.sales@oiltreatment.co.za</a>; <a href="mailto:cecilyn@oiltreatment.co.za">cecilyn@oiltreatment.co.za</a></td>
</tr>
<tr>
<td>Company Name</td>
<td>Contact Information</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Brain Pioneer North (Pty) Ltd trading as Pioneer Bros</td>
<td><a href="mailto:cell@pioneerbrothers.co.za">cell@pioneerbrothers.co.za</a>; <a href="mailto:sales@pioneerbrothers.co.za">sales@pioneerbrothers.co.za</a></td>
</tr>
<tr>
<td>Pipes &amp; Elbows In Plastic CC</td>
<td><a href="mailto:williamj@pipesandexholes.co.za">williamj@pipesandexholes.co.za</a></td>
</tr>
<tr>
<td>Prime Instrumentation CC</td>
<td><a href="mailto:ryng@yanile.net">ryng@yanile.net</a></td>
</tr>
<tr>
<td>Process Analytical System (Pty) Ltd</td>
<td><a href="mailto:auchun@processanalytical.co.za">auchun@processanalytical.co.za</a></td>
</tr>
<tr>
<td>Rainbow Readymix Materials (Pty) Ltd</td>
<td><a href="mailto:rainbow@nweb.co.za">rainbow@nweb.co.za</a></td>
</tr>
<tr>
<td>Relyd Lead Assay Laboratory CC</td>
<td><a href="mailto:chris@rainbowreadymix.co.za">chris@rainbowreadymix.co.za</a></td>
</tr>
<tr>
<td>Sasol Chemicals a division of Sasol South Africa (Pty) Ltd</td>
<td>magda.a@ib@ Sasol.com</td>
</tr>
<tr>
<td>SGS Performance Laboratories (Pty) Ltd</td>
<td><a href="mailto:shawn.b@legis.com">shawn.b@legis.com</a>; <a href="mailto:slsbo.bailey@sgs.com">slsbo.bailey@sgs.com</a>; <a href="mailto:frenc.de.lauer@sgs.com">frenc.de.lauer@sgs.com</a>; <a href="mailto:condard@icon.co.za">condard@icon.co.za</a></td>
</tr>
<tr>
<td>Steam Installations (Pty) Ltd</td>
<td></td>
</tr>
<tr>
<td>Sweet Orr &amp; Lybro (Pty) Ltd</td>
<td><a href="mailto:david@lhb.sweetorr.co.za">david@lhb.sweetorr.co.za</a></td>
</tr>
<tr>
<td>Ultra Control Valves CC</td>
<td><a href="mailto:r@ultravalves.co.za">r@ultravalves.co.za</a></td>
</tr>
<tr>
<td>Ultra Reconditioners CC</td>
<td><a href="mailto:ultracon@mweb.co.za">ultracon@mweb.co.za</a>;</td>
</tr>
<tr>
<td>VSK Valve Service &amp; Repairs CC</td>
<td><a href="mailto:director@vdmpins.net">director@vdmpins.net</a>;</td>
</tr>
<tr>
<td>Watercars for Hire CC</td>
<td><a href="mailto:valve.s@mweb.co.za">valve.s@mweb.co.za</a></td>
</tr>
<tr>
<td>Weir Minerals Africa (Pty) Ltd</td>
<td><a href="mailto:watercars@lekkomsa.net">watercars@lekkomsa.net</a></td>
</tr>
<tr>
<td>Anam Processing (Pty) Ltd</td>
<td><a href="mailto:pumpprocadmin@qds.co.za">pumpprocadmin@qds.co.za</a></td>
</tr>
<tr>
<td>Benoni Gold Mine (Pty) Ltd</td>
<td>bernard@<a href="mailto:min@mmins.co.za">min@mmins.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:zu@eureco.co.za">zu@eureco.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:edka@benstrom.com">edka@benstrom.com</a></td>
</tr>
<tr>
<td>Company</td>
<td>Email Address</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Double D &amp; G Building Contractors CC</td>
<td><a href="mailto:devan@ddgandg.co.za">devan@ddgandg.co.za</a>; <a href="mailto:liz@ddgandg.co.za">liz@ddgandg.co.za</a></td>
</tr>
<tr>
<td>Ncemiso Trading CC - JV Nickel Trading</td>
<td><a href="mailto:ncemiso.trading@minloaded.co.za">ncemiso.trading@minloaded.co.za</a>; <a href="mailto:876lshe@gmail.com">876lshe@gmail.com</a></td>
</tr>
<tr>
<td>Ncemiso Trading CC - JV Nickel Trading (Oversize)</td>
<td><a href="mailto:fcikile@ncemiso.co.za">fcikile@ncemiso.co.za</a></td>
</tr>
<tr>
<td>Nickel Trading 179 (Pty)Ltd - (JV) Mogale Fines</td>
<td><a href="mailto:accounts@nikkelmining.co.za">accounts@nikkelmining.co.za</a>; <a href="mailto:frank@nikkelmining.co.za">frank@nikkelmining.co.za</a></td>
</tr>
<tr>
<td>Nickel Trading 179 (Pty)Ltd - JV Ncemiso</td>
<td><a href="mailto:accounts@nikkelmining.co.za">accounts@nikkelmining.co.za</a>; <a href="mailto:frank@nikkelmining.co.za">frank@nikkelmining.co.za</a></td>
</tr>
<tr>
<td>Nickel Trading 179 (Pty)Ltd - JV Ncemiso (Oversize)</td>
<td><a href="mailto:accounts@nikkelmining.co.za">accounts@nikkelmining.co.za</a></td>
</tr>
<tr>
<td>Randford Capital CC</td>
<td><a href="mailto:Kerel@randfordcapital.com">Kerel@randfordcapital.com</a>; <a href="mailto:buylak@randfordcapital.com">buylak@randfordcapital.com</a></td>
</tr>
<tr>
<td>Sentlens Mining (Pty) Ltd</td>
<td><a href="mailto:petrus.roets@sentlensplant.co.za">petrus.roets@sentlensplant.co.za</a></td>
</tr>
<tr>
<td>Mininal Mining SA (Pty) Ltd</td>
<td><a href="mailto:Jackia.doman@mininalco.co.za">Jackia.doman@mininalco.co.za</a></td>
</tr>
<tr>
<td>Aircure</td>
<td><a href="mailto:aircure@afrika.com">aircure@afrika.com</a></td>
</tr>
<tr>
<td>Aloe Signs</td>
<td><a href="mailto:learm@aloesigns.co.za">learm@aloesigns.co.za</a></td>
</tr>
<tr>
<td>Amatshe Mining (Pty)Ltd</td>
<td><a href="mailto:vanzyvisek@qmsik.com">vanzyvisek@qmsik.com</a></td>
</tr>
<tr>
<td>Americo Trading (Pty)Ltd</td>
<td><a href="mailto:gilbert@ntweb.co.za">gilbert@ntweb.co.za</a></td>
</tr>
<tr>
<td>Atlantic Industrial Supplies &amp; Engineering (Pty)Ltd</td>
<td><a href="mailto:jack.co@atlanticindustrial.co.za">jack.co@atlanticindustrial.co.za</a></td>
</tr>
<tr>
<td>BG Industrial</td>
<td><a href="mailto:admin@bgind.co.za">admin@bgind.co.za</a></td>
</tr>
<tr>
<td>BMG Bearing Man (Pty) Ltd</td>
<td><a href="mailto:date@bmgworld.net">date@bmgworld.net</a></td>
</tr>
<tr>
<td>Bonchem</td>
<td><a href="mailto:ywalters@bonchem.co.za">ywalters@bonchem.co.za</a></td>
</tr>
<tr>
<td>Bromac Engineering (Pty) Ltd</td>
<td><a href="mailto:bromac@ntweb.co.za">bromac@ntweb.co.za</a></td>
</tr>
<tr>
<td>Bulsman Industrial Textiles (Pty) Ltd</td>
<td><a href="mailto:reinit@barelsp.co.za">reinit@barelsp.co.za</a></td>
</tr>
<tr>
<td>Company</td>
<td>Email</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Cashbuild (South Africa) (Pty) Ltd</td>
<td><a href="mailto:mail@cashbuild.co.za">mail@cashbuild.co.za</a></td>
</tr>
<tr>
<td>Chromotech Services (Pty) Ltd</td>
<td><a href="mailto:leonie@chromotech.co.za">leonie@chromotech.co.za</a></td>
</tr>
<tr>
<td>Commercial Papers S.A (Pty) Ltd</td>
<td><a href="mailto:esm@vortmey.co.za">esm@vortmey.co.za</a></td>
</tr>
<tr>
<td>Creteculo Tanker Hire</td>
<td><a href="mailto:kevin@creteculo.co.za">kevin@creteculo.co.za</a></td>
</tr>
<tr>
<td>Danish Paint &amp; Hardware CC</td>
<td><a href="mailto:kruegersdarry@flydepot.co.za">kruegersdarry@flydepot.co.za</a></td>
</tr>
<tr>
<td>DO Science cc</td>
<td><a href="mailto:cgoskence@uweb.co.za">cgoskence@uweb.co.za</a></td>
</tr>
<tr>
<td>Do Weir's Fencing-West Rand CC</td>
<td><a href="mailto:cjenksfencing@jehsmaail.co.za">cjenksfencing@jehsmaail.co.za</a></td>
</tr>
<tr>
<td>Droogar South Africa (Pty) Ltd</td>
<td><a href="mailto:finance2A@charger.com">finance2A@charger.com</a></td>
</tr>
<tr>
<td>Dredge-a-Drain</td>
<td><a href="mailto:daryll@dredgeadrain.co.za">daryll@dredgeadrain.co.za</a></td>
</tr>
<tr>
<td>Dynamic Bearing and Industrial Supplies (Pty) Ltd</td>
<td><a href="mailto:dinamisb11@gmail.com">dinamisb11@gmail.com</a></td>
</tr>
<tr>
<td>Edward Nathan Sonombres Inc.</td>
<td><a href="mailto:wndmpsey@ensafica.com">wndmpsey@ensafica.com</a></td>
</tr>
<tr>
<td>Enigma Water Descaler (Pty) Ltd</td>
<td><a href="mailto:hury@enigma-za.co.za">hury@enigma-za.co.za</a></td>
</tr>
<tr>
<td>Global Seal International (Pty) Ltd</td>
<td><a href="mailto:rini@kirsh.co.za">rini@kirsh.co.za</a></td>
</tr>
<tr>
<td>G-Man Traders (Pty) Ltd</td>
<td><a href="mailto:mahemuda@smen.co.za">mahemuda@smen.co.za</a></td>
</tr>
<tr>
<td>Gold Ore (Pty)Ltd</td>
<td><a href="mailto:adrian@goldore.co.za">adrian@goldore.co.za</a></td>
</tr>
<tr>
<td>Golder Associates Africa (Pty)Ltd</td>
<td><a href="mailto:bloemhof@golder.co.za">bloemhof@golder.co.za</a></td>
</tr>
<tr>
<td>Grinding Media South Africa (Pty) Ltd</td>
<td><a href="mailto:sadavids@griindmedia.co.za">sadavids@griindmedia.co.za</a></td>
</tr>
<tr>
<td>GT Promotions</td>
<td><a href="mailto:accounts@ct-promotions.co.za">accounts@ct-promotions.co.za</a></td>
</tr>
<tr>
<td>GTS Technologies (Pty) Ltd</td>
<td><a href="mailto:mark@gtstech.co.za">mark@gtstech.co.za</a></td>
</tr>
<tr>
<td>Company Name</td>
<td>Email Address</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>Harcliff Mining Services CC</td>
<td><a href="mailto:cheryl@harcliff.co.za">cheryl@harcliff.co.za</a></td>
</tr>
<tr>
<td>H.T. Engineering</td>
<td>hтенч@inweb.co.za</td>
</tr>
<tr>
<td>IA Heating Systems (Pty) Ltd</td>
<td><a href="mailto:nicollette.enasmus@iah.co.za">nicollette.enasmus@iah.co.za</a></td>
</tr>
<tr>
<td>IFM Electronic (Pty) Ltd</td>
<td><a href="mailto:info.za@ifm.com">info.za@ifm.com</a></td>
</tr>
<tr>
<td>JB Mining &amp; Industrial Supplies</td>
<td><a href="mailto:jan@jbmining.co.za">jan@jbmining.co.za</a>;</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:leener@jbmining.co.za">leener@jbmining.co.za</a></td>
</tr>
<tr>
<td>JGS Products (Pty) Ltd</td>
<td><a href="mailto:leone@jgs3ting.co.za">leone@jgs3ting.co.za</a></td>
</tr>
<tr>
<td>Kansai Pleascon Proprietary Limited</td>
<td><a href="mailto:brandles@kansaipleascon.co.za">brandles@kansaipleascon.co.za</a></td>
</tr>
<tr>
<td>Khaya Engineering &amp; Technology (Pty) Ltd</td>
<td><a href="mailto:eiloma@khayatradig.co.za">eiloma@khayatradig.co.za</a></td>
</tr>
<tr>
<td>Kloofsdorp Mining &amp; Engineering Supplies</td>
<td><a href="mailto:sean@Kloofsdorpmining.co.za">sean@Kloofsdorpmining.co.za</a>;</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:heidi@kloofsdorpmining.co.za">heidi@kloofsdorpmining.co.za</a></td>
</tr>
<tr>
<td>Limo Distributors (Pty) Ltd</td>
<td><a href="mailto:lomp@dvgela.co.za">lomp@dvgela.co.za</a></td>
</tr>
<tr>
<td>Machaeva Trading Enterprise (Pty)</td>
<td>armogjdama@<a href="mailto:jivadav@gmail.com">jivadav@gmail.com</a></td>
</tr>
<tr>
<td>Marlyn Vulinilela (Pty) Ltd</td>
<td><a href="mailto:lane@marlyv.co.za">lane@marlyv.co.za</a>;</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:mark@marlyv.co.za">mark@marlyv.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:lex@marlyv.co.za">lex@marlyv.co.za</a></td>
</tr>
<tr>
<td>Mintsils SA Randfontein Cluster (Pty) Ltd</td>
<td><a href="mailto:Jackle.dowen@mintalssa.co.za">Jackle.dowen@mintalssa.co.za</a></td>
</tr>
<tr>
<td>Mine Track &amp; Tools</td>
<td><a href="mailto:info@minetrack.co.za">info@minetrack.co.za</a></td>
</tr>
<tr>
<td>Mogale Gold (Pty) Ltd</td>
<td><a href="mailto:Jackie.dowen@mintalssa.co.za">Jackie.dowen@mintalssa.co.za</a></td>
</tr>
<tr>
<td>Mogale Gold (Pty) Ltd - JV Imvelo</td>
<td><a href="mailto:johan.dutoi@gsagroup.co.za">johan.dutoi@gsagroup.co.za</a></td>
</tr>
<tr>
<td>Mogale Gold (Pty) Ltd - JV Imvelo MGR Crown</td>
<td><a href="mailto:johan.dutoi@gsagroup.co.za">johan.dutoi@gsagroup.co.za</a></td>
</tr>
<tr>
<td>Mogale Gold (Pty) Ltd - JV Upward Thumadu</td>
<td><a href="mailto:info@upwardspiral471.co.za">info@upwardspiral471.co.za</a></td>
</tr>
<tr>
<td>Moysair Industrial</td>
<td><a href="mailto:accounts@moysair.co.za">accounts@moysair.co.za</a></td>
</tr>
<tr>
<td>Mzintle Enterprise</td>
<td>mzilka@<a href="mailto:estens@gmail.com">estens@gmail.com</a></td>
</tr>
<tr>
<td>Company</td>
<td>Contact Information</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>Nature Bound (Pty) Ltd</td>
<td><a href="mailto:info@naturebound.co.za">info@naturebound.co.za</a>;</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:fic@naturebound.co.za">fic@naturebound.co.za</a></td>
</tr>
<tr>
<td>NECSA</td>
<td><a href="mailto:mandine.makramatha@necsa.co.za">mandine.makramatha@necsa.co.za</a></td>
</tr>
<tr>
<td>Omphila Bolobala Supplier and Projects (Pty) Ltd</td>
<td>ombp@<a href="mailto:projects@gmail.com">projects@gmail.com</a></td>
</tr>
<tr>
<td>Concalom Property Projects (Pty) Ltd</td>
<td><a href="mailto:angileth@wrbi.co.za">angileth@wrbi.co.za</a></td>
</tr>
<tr>
<td>Pimi Rubber Lining (Pty) Ltd</td>
<td><a href="mailto:pilmrubberlining@telkomsa.net">pilmrubberlining@telkomsa.net</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:creative.pimes@gmail.com">creative.pimes@gmail.com</a></td>
</tr>
<tr>
<td>P.I.C.M (Pondontain) (Pty) Ltd</td>
<td><a href="mailto:ofico@picm.co.za">ofico@picm.co.za</a></td>
</tr>
<tr>
<td>Pipes &amp; Elbows in Plastic CC</td>
<td><a href="mailto:estella@pibasangilebows.co.za">estella@pibasangilebows.co.za</a></td>
</tr>
<tr>
<td>Pinetek Krugersdorp</td>
<td><a href="mailto:westrand@pinetek.co.za">westrand@pinetek.co.za</a></td>
</tr>
<tr>
<td>PJC Field Servicing</td>
<td><a href="mailto:plusfieldservicing@gmail.co.za">plusfieldservicing@gmail.co.za</a></td>
</tr>
<tr>
<td>Precision Electrical</td>
<td><a href="mailto:rudi@shaunrud.co.za">rudi@shaunrud.co.za</a></td>
</tr>
<tr>
<td>Process Automation (Pty) Ltd</td>
<td><a href="mailto:cebierson1@process-automation.co.za">cebierson1@process-automation.co.za</a></td>
</tr>
<tr>
<td>Process Analytical System (Pty) Ltd</td>
<td><a href="mailto:accounts@process-analytical.co.za">accounts@process-analytical.co.za</a></td>
</tr>
<tr>
<td>The RMALife Assurance Company Limited</td>
<td><a href="mailto:paedlaine@randmutual.co.za">paedlaine@randmutual.co.za</a></td>
</tr>
<tr>
<td>The Rand Mutual Assurance Company Limited</td>
<td><a href="mailto:txedlaine@randmutual.co.za">txedlaine@randmutual.co.za</a></td>
</tr>
<tr>
<td>Sandtech</td>
<td><a href="mailto:carle@sandtech.co.za">carle@sandtech.co.za</a></td>
</tr>
<tr>
<td>Sandton Mining (Pty) Ltd</td>
<td><a href="mailto:dp@sandtonplant.co.za">dp@sandtonplant.co.za</a></td>
</tr>
<tr>
<td>Sasol South Africa Limited</td>
<td>cehine@<a href="mailto:transporter@sasol.com">transporter@sasol.com</a></td>
</tr>
<tr>
<td>Septic Tank Cleaners</td>
<td><a href="mailto:admin@septictankcleaners.co.za">admin@septictankcleaners.co.za</a></td>
</tr>
<tr>
<td>Selchem (Pty) Ltd</td>
<td><a href="mailto:sir.green.fllay@selchem.co.za">sir.green.fllay@selchem.co.za</a></td>
</tr>
<tr>
<td>Suntech Geometallurgical Laboratories</td>
<td><a href="mailto:srd@suntechgeometal.co.za">srd@suntechgeometal.co.za</a>;</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:accounts@suntechgeometal.com">accounts@suntechgeometal.com</a></td>
</tr>
<tr>
<td>Company</td>
<td>Email Address</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>----------------------------------------------------</td>
</tr>
<tr>
<td>Supercare Hygiene Services</td>
<td><a href="mailto:info@supercare.co.za">info@supercare.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:sheron.bakijsson@compass-sa.co.za">sheron.bakijsson@compass-sa.co.za</a></td>
</tr>
<tr>
<td>Super Laboratory Services</td>
<td><a href="mailto:superlab@superlab.co.za">superlab@superlab.co.za</a></td>
</tr>
<tr>
<td>Ultra Control Valves</td>
<td><a href="mailto:re@ultravalves.co.za">re@ultravalves.co.za</a></td>
</tr>
<tr>
<td>Weir Minerals Africa (Pty) Ltd</td>
<td><a href="mailto:Vapenese.Strauss@weir.co.za">Vapenese.Strauss@weir.co.za</a></td>
</tr>
<tr>
<td>Commrisk Insurance Brokers</td>
<td><a href="mailto:anicinetech@commrisk.co.za">anicinetech@commrisk.co.za</a></td>
</tr>
<tr>
<td>Central Rand Gold</td>
<td><a href="mailto:Ashwin.naidoo@centralrandgold.com">Ashwin.naidoo@centralrandgold.com</a></td>
</tr>
<tr>
<td>Manhattan Corp</td>
<td><a href="mailto:thecap@manhattancorp.com">thecap@manhattancorp.com</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:agpio@manhattancorp.com">agpio@manhattancorp.com</a></td>
</tr>
<tr>
<td>Cawood Law</td>
<td><a href="mailto:rescue@cawoodlaw.co.za">rescue@cawoodlaw.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:werner@cawoodlaw.co.za">werner@cawoodlaw.co.za</a></td>
</tr>
<tr>
<td>Rulmeca</td>
<td><a href="mailto:gpgroup@rulmeca.co.za">gpgroup@rulmeca.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:gpignoes@rulmeca.co.za">gpignoes@rulmeca.co.za</a></td>
</tr>
<tr>
<td>J.J. Bodenhorst &amp; Associates</td>
<td><a href="mailto:info@lawoffice.ca.za">info@lawoffice.ca.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:hang@lawoffice.co.za">hang@lawoffice.co.za</a></td>
</tr>
<tr>
<td>Ditlaba Industrial Supplies (Pty) Ltd</td>
<td><a href="mailto:diterv@dilhaba.co.za">diterv@dilhaba.co.za</a></td>
</tr>
<tr>
<td>Mining Power</td>
<td><a href="mailto:karen@miningpower.co.za">karen@miningpower.co.za</a></td>
</tr>
<tr>
<td>Bidvest Prestige</td>
<td><a href="mailto:marlens@bidvestprestige.co.za">marlens@bidvestprestige.co.za</a></td>
</tr>
<tr>
<td>Paragon Tailings</td>
<td><a href="mailto:yusi@paragontailings.com">yusi@paragontailings.com</a></td>
</tr>
<tr>
<td>Cloverdene Precious Metal Recoveries</td>
<td><a href="mailto:makabemining@outlook.com">makabemining@outlook.com</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:sathaba@gmail.com">sathaba@gmail.com</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:msdreyer1@gmail.com">msdreyer1@gmail.com</a></td>
</tr>
<tr>
<td>Cloverdene Leatong</td>
<td><a href="mailto:makabemining@outlook.com">makabemining@outlook.com</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:sathaba@gmail.com">sathaba@gmail.com</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:msdreyer1@gmail.com">msdreyer1@gmail.com</a></td>
</tr>
<tr>
<td>Dumathu</td>
<td><a href="mailto:mandrjm@dumathu.co.za">mandrjm@dumathu.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:info@dumathu.co.za">info@dumathu.co.za</a></td>
</tr>
<tr>
<td>Inkunzi Consultants</td>
<td><a href="mailto:vanyzlizah@gmail.com">vanyzlizah@gmail.com</a></td>
</tr>
<tr>
<td>Company</td>
<td>Email Address</td>
</tr>
<tr>
<td>-------------------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>Inkunzi Springs</td>
<td><a href="mailto:vuyo@inkunzisp.com">vuyo@inkunzisp.com</a></td>
</tr>
<tr>
<td>Imvelo</td>
<td><a href="mailto:johan.dubitz@kempaeholdings.co.za">johan.dubitz@kempaeholdings.co.za</a></td>
</tr>
<tr>
<td>Imvelo MSR Crown</td>
<td><a href="mailto:johan.dubitz@kempaeholdings.co.za">johan.dubitz@kempaeholdings.co.za</a></td>
</tr>
<tr>
<td>KW Mining</td>
<td><a href="mailto:admin@kwmining.co.za">admin@kwmining.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:gen@wolfeattorneys.com">gen@wolfeattorneys.com</a></td>
</tr>
<tr>
<td>Ludeca Pty Ltd</td>
<td><a href="mailto:khayayamulzigi@gmail.com">khayayamulzigi@gmail.com</a></td>
</tr>
<tr>
<td>Mingold Springs</td>
<td><a href="mailto:michelle.mingold@aenergym.com">michelle.mingold@aenergym.com</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:louwrens@lightlaw.co.za">louwrens@lightlaw.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:boyerden@gmail.com">boyerden@gmail.com</a></td>
</tr>
<tr>
<td>Morileng MC</td>
<td><a href="mailto:willjoung@yahoo.com">willjoung@yahoo.com</a></td>
</tr>
<tr>
<td>Nkomiso Fleuthof</td>
<td><a href="mailto:fklea@ngmgem.co.za">fklea@ngmgem.co.za</a></td>
</tr>
<tr>
<td>Owezwe Mining</td>
<td><a href="mailto:leondrejlanga76@gmail.com">leondrejlanga76@gmail.com</a></td>
</tr>
<tr>
<td>Rivanet Mining</td>
<td><a href="mailto:nxele@nkoman.co.za">nxele@nkoman.co.za</a></td>
</tr>
<tr>
<td></td>
<td>dirkrudolph@<a href="mailto:ngmigemsenior@gmail.com">ngmigemsenior@gmail.com</a></td>
</tr>
<tr>
<td>RDC Holdings</td>
<td><a href="mailto:gavin@rochholding.co.za">gavin@rochholding.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:hyper@rochholding.co.za">hyper@rochholding.co.za</a></td>
</tr>
<tr>
<td>Upward Spiral</td>
<td><a href="mailto:lachkat@upwardspiral1471.co.za">lachkat@upwardspiral1471.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:mendiem@utra.co.com">mendiem@utra.co.com</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:thulomma@liquid.com">thulomma@liquid.com</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:ain.mogotsi@gmail.com">ain.mogotsi@gmail.com</a></td>
</tr>
<tr>
<td>Upward Spiral Benoni</td>
<td><a href="mailto:lachkat@upwardspiral1471.co.za">lachkat@upwardspiral1471.co.za</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:mendiem@utra.co.com">mendiem@utra.co.com</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:thulomma@liquid.com">thulomma@liquid.com</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:ain.mogotsi@gmail.com">ain.mogotsi@gmail.com</a></td>
</tr>
<tr>
<td>Upward Spiral Thumadi</td>
<td><a href="mailto:iru@jgcloud.com">iru@jgcloud.com</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:ain.mogotsi@gmail.com">ain.mogotsi@gmail.com</a></td>
</tr>
<tr>
<td>Vexloart</td>
<td><a href="mailto:rkhutzi@vahoo.co.uk">rkhutzi@vahoo.co.uk</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:vexloart@gmail.com">vexloart@gmail.com</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:mgutzi@vahoo.co.uk">mgutzi@vahoo.co.uk</a></td>
</tr>
<tr>
<td>West Wits M1I</td>
<td><a href="mailto:oddle_mina73@gmail.com">oddle_mina73@gmail.com</a></td>
</tr>
</tbody>
</table>
### Registered Trade Unions

<table>
<thead>
<tr>
<th>Name</th>
<th>Contact details</th>
<th>Method of delivery</th>
</tr>
</thead>
</table>
| Association of Mineworkers and Construction Union | Email address: makhungasv@amcu.co.za; neulergrn@ameu.co.za; pivonwp@gmail.com  
Physical address: 4 Palladium Street, Vaalrand Building, Carltonville, 2499 | By email, by hand and displayed on Falcon and Hume Inc's website |
| National Union of Mineworkers             | Email address: patricia@num.org.za; mohakeki@num.org.za; ranafaloedwin@gmail.com  
Physical address: 7 Rissik Street, Marshalltown, Johannesburg, 2000 |                                                        |
| United Association of South Africa        | Email address: rvanropoven@uusa.org.za  
Physical address: 76 Annan Road, Carltonville, 2499 |                                                        |

### Employees not represented by a registered trade union

<table>
<thead>
<tr>
<th>Name</th>
<th>Contact details (email address)</th>
<th>Method of delivery</th>
</tr>
</thead>
<tbody>
<tr>
<td>SK Old John (employee number 90)</td>
<td>None</td>
<td>By email, displayed at the Company's registered offices and/or at the Company's principal place of business and displayed on Falcon and Hume Inc's website</td>
</tr>
<tr>
<td>S Krisch (employee number 451)</td>
<td><a href="mailto:Sharon.krisch@minalissa.co.za">Sharon.krisch@minalissa.co.za</a></td>
<td></td>
</tr>
<tr>
<td>B Boles (employee number 548)</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>
### 2.1 Court

<table>
<thead>
<tr>
<th>Name</th>
<th>Contact details</th>
<th>Method of delivery</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Registrar of the High Court of South Africa, Gauteng Local Division, Johannesburg</td>
<td>Email address: <a href="mailto:kramdaw@judiciary.org.za">kramdaw@judiciary.org.za</a>&lt;br&gt;Physical address: Cnr Kruts &amp; Pritchard Streets, Johannesburg, 2001</td>
<td>By email, by hand and displayed on Falcon and Hume Inc’s website</td>
</tr>
</tbody>
</table>

### 2.2 Company

<table>
<thead>
<tr>
<th>Name</th>
<th>Contact details</th>
<th>Method of delivery</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mintails Gold SA (Pty) Ltd</td>
<td>Email address: <a href="mailto:Jackie.doman@mintailsgold.co.za">Jackie.doman@mintailsgold.co.za</a>&lt;br&gt;Physical address: 14 Tweedtipes Street, Krugersdorp, 1739</td>
<td>By email, by hand and displayed on Falcon and Hume Inc’s website</td>
</tr>
</tbody>
</table>

### 2.3 Regulatory bodies

<table>
<thead>
<tr>
<th>Name</th>
<th>Contact details</th>
<th>Method of delivery</th>
</tr>
</thead>
<tbody>
<tr>
<td>Companies and Intellectual Property Commission</td>
<td>Email address: corporatelegalaffairs@цип.оо.за; businessenquiries@цип.оо.за&lt;br&gt;Physical address: 77 Marentjes Street, The DTI Campus, Block F, Sunnypark, Pretoria, 0002</td>
<td>By email, by hand and displayed on Falcon and Hume Inc’s website</td>
</tr>
<tr>
<td>Department of Mineral Resources</td>
<td>Email address: <a href="mailto:adm.leed@dmr.gov.za">adm.leed@dmr.gov.za</a>; <a href="mailto:carol.khanvile@dmr.gov.za">carol.khanvile@dmr.gov.za</a>; <a href="mailto:Sunday.mahasi@dmr.gov.za">Sunday.mahasi@dmr.gov.za</a>; <a href="mailto:Plotaq.albertu@dmr.gov.za">Plotaq.albertu@dmr.gov.za</a>; <a href="mailto:Nshishimu.naniwa@dmr.gov.za">Nshishimu.naniwa@dmr.gov.za</a>&lt;br&gt;Physical address: Treverne Campus, Building 2C, C/o Mientjes &amp; Francis Baard Street</td>
<td></td>
</tr>
</tbody>
</table>

---

LDH
IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 2018/28639
P/H NO: 0

JOHANNESBURG, 29 November 2018
BEFORE THE HONOURABLE JUDGE FISHER

In the matter between:-

DAVID ARTHUR CHARLES LAKE

Applicant

and

MINTAILS SA RANDFONTEIN CLUSTER (PTY) LIMITED (IN BUSINESS RESCUE) COMPANIES AND INTELLECTUAL PROPERTY COMMISSION

1st Respondent

2nd Respondent

HAVING read the documents filed of record and having considered the matter:-

IT IS ORDERED THAT:-

1. Draft Order marked "X" signed and dated 29 November 2018 is made an order of Court.

BY THE COURT

Registrar of the High Court of South Africa
Johannesburg

Registrar /gpm

2018 -12- 13

Griffier van die Hooggeregtshof Suid-Afrika
Gauteng P laserlike: Afdeling
Johannesburg
IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG LOCAL DIVISION, JOHANNESBURG) 29/11/2018

CASE NO. 28089/2018

BEFORE THE HONOURABLE JUDGE FISHER
THURSDAY, 29 NOVEMBER 2018

In the matter between:

DAVID ARTHUR CHARLES LAKE Applicant

and

MINTAILS SA RANDFONTEIN CLUSTER
(PROPRIETARY) LIMITED (IN BUSINESS RESCUE)
(Registration No. 2010/013792/07)

First Respondent

COMPANIES AND INTELLECTUAL
PROPERTY COMMISSION

Second Respondent

HAVING read the documents filed of record, heard counsel and having considered the matter:

IT IS ORDERED THAT:
The rule nisi issued on 10 August 2018 in terms of which the business rescue proceedings of the first respondent were discontinued and the first respondent was placed under provisional winding-up is extended to Sunday 20 February 2018.

2. A copy of this order must be served on the first respondent at its registered office.

3. A copy of this order must be published in the Government Gazette and The Star newspaper.

4. A copy of this order must be served on all known creditors of the first respondent by e-mail.

5. The costs of this application are to be costs in the winding-up of the first respondent.

BY THE COURT

[Signature]

[Name]
Attorneys for Applicant: Webber Wentzel (Mr M. Yudaken)
(011) 530 5000

Counsel for Applicant: J. J. Bitter
(010) 020 6100