11 – 18 September 2026

Newsflash Update

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Dear Subscribers,

This week's Newsflash brings you a full round-up across broadcasting, competition, consumer protection, energy, the environment, finance, labour, mining, procurement and telecommunications law:

- Icasa's market inquiry into over-the-top services such as Netflix and WhatsApp could reshape South Africa's streaming and broadcasting landscape
- The Competition Tribunal has cleared Coca-Cola HBC's takeover of Coca-Cola Beverages Africa, but requires that workers hold at least 15% of the local business
- A widow's fight for a flight refund has put advance booking cancellation rights under the Consumer Protection Act back in the spotlight
- Lesotho's public works minister faces fresh conflict-of-interest questions over his stake in a local firm tipped to join the country's R100-billion AI and hydropower deal
- Sardine catch limits have been imposed after a mass die-off linked to a virus outbreak stretching from the Western Cape to the Wild Coast
- Treasury has ruled out zero-rating VAT on electricity despite tariffs surging by up to 165% over the past decade
- Omnia shareholders face a R22-billion takeover bid from an Indian explosives group, with no assured route to stay invested in the enlarged company
- The Prudential Authority has fined Capitec R28 million for compliance gaps under the Financial Intelligence Centre Act
- A global union federation has accused G4S of poor working conditions and poverty wages among security guards in SA, Uganda and the DRC
- Harmony Gold faces calls for accountability after two boys drowned in a mine dam near Allanridge, and is investigating its eighth on-duty death of the year, at its Mponeng mine
- A Kenyan court has invalidated Vodacom's purchase of a 15% stake in Safaricom, ordering the shares returned to government
- The Constitutional Court has unanimously invalidated the Public Procurement Act over insufficient public participation, in a win for the City of Cape Town that protects municipalities' autonomy over their own procurement processes

Read on for the full stories below.

Alison and The Legal Team

Contents

BROADCASTING

ICASA inquiry could reshape South Africa's streaming lands

Law firm Webber Wentzel says Netflix and other streaming platforms could face major changes in South Africa as the communications regulator examines how OTT services fit into the country's regulatory framework.

IOL previously reported that South Africans could eventually see changes to the way they access or pay for popular services such as Netflix and Whatsapp as the communications regulator investigates the growing influence of internet-based platforms on the country's telecoms and broadcasting industries.

The Independent Communications Authority of South Africa (ICASA) has launched market inquiries into over-the-top (OTT) services, including streaming and messaging platforms, as well as the affordability of telecommunications services.

The law firm said the OTT inquiry could result in these services being brought into South Africa's communications licensing framework, which could mean new compliance requirements for platforms operating in the country.

"For OTT service providers, the Inquiry raises the possibility of being brought within South Africa's communications licensing framework, an outcome that draft policy proposals have contemplated for several years," the firm said.

"Platforms offering voice, messaging, video streaming or other services or functionality over the internet often operate without local licences and, depending on the outcome of the Inquiry, may face new compliance requirements."

It said the inquiry could also have implications for content obligations, spectrum and numbering allocation, and regulatory contributions.

For broadcasting licensees, Webber Wentzel said the inquiry could have a significant impact on the competitive landscape.

The law firm said streaming platforms compete with traditional broadcasters for audiences and advertising revenue, and ICASA may consider whether they should face requirements similar to those imposed on licensed broadcasters.

This could include local-content quotas and must-carry obligations for foreign streaming platforms such as Netflix, Disney+ and Prime Video.

"For broadcasting licensees, the potential implications are equally significant.

"Streaming platforms compete for audiences and advertising revenue, and the Inquiry may consider the extent to which they should be subject to requirements comparable to those applicable to licensed broadcasters, such as local content quotas, or must-carry obligations.

Any move towards greater regulatory parity could materially affect the competitive landscape."

In South Africa, must-carry obligations require certain pay-tv broadcasters to carry specified public-service channels.

The inquiry could also give telecommunications companies an opportunity to raise concerns about the regulatory treatment of OTT services compared with licensed providers.

Webber Wentzel said the relationship between OTT providers and the networks over which their services are carried, often referred to as the "fair share" debate, is likely to feature in submissions.

Mthobisi Nozulela
Saturday Star

COMPETITION

Tribunal clears Coca-Cola sale, with conditions

The Competition Tribunal has cleared the sale of Coca-Cola Beverages Africa (CCBA) to Swiss group Coca-Cola HBC, but has demanded a few stricter conditions, including specifying that workers must own 15% of the local firm.

Coca-Cola HBC, the world's third-largest Coca-Cola bottler, announced its plan to buy a 75% stake in CCBA almost a year ago. The US giant Coca-Cola Company currently holds more than 40% of the local company.

The Competition Commission in July approved the deal, with conditions that include that no employees in SA can be retrenched for a 'moratorium period' and that the merged company must take a secondary listing on the JSE.

While the commission required that at least 20% of the local business be owned by previously disadvantaged groups, the tribunal requires that at least 15% must specifically be held through a worker ownership scheme.

The commission had required that the current CCBA worker ownership scheme be replaced by a new one when it ends, with the tribunal adding that workers and unions must be consulted on the new scheme's design. It also says that, for 12 months, any job openings at the CCBA must first be offered to certain employees who were retrenched before the merger.

Full News24 report

CONSUMER PROTECTION

Advance booking rights unpacked in airfare dispute

Section 47 of the Consumer Protection Act covers the consumer's right to cancel an advance booking and get a refund. It says a supplier may deduct a cancellation penalty in such cases.

However, a full refund must be made if the person who made the booking, or the person it was made for, has died or been hospitalised. Sandra Magner was neither of those things on 30 January. She was simply too ill to fly.

Her husband had booked the two of them onto SAA flights through Travelstart on 4 January, for travel on the 30th. When his wife could no longer travel, he cancelled the booking a week before departure. He was told there would be no refund, but the bookings could be suspended until 3 July. He took that option. Less than a month later, Sandra was diagnosed with spinal cancer. She was admitted to hospital and started treatment. She died on 12 April.

In May, Magner went back to Travelstart to ask about using the suspended flights in June. He was told his late wife's ticket could not be transferred to him, and he would have to apply for a refund instead.

SAA refused to issue a refund, he was told, because the flight date did not match her date of death. Consumer journalist Wendy Knowler took up the case with SAA and copied Travelstart. Travelstart's position was that the decision was never theirs to make. 'Travelstart cannot make decisions on behalf of the airline regarding the refunding of any fares or taxes; we can only decide to refund the fees we charge,' the agency told her.

The agency said it had raised its concerns with SAA, but could not comment on how the decision was reached. SAA's answer was brief.

'SAA has (now) authorised a full refund and has sent the response to the customer.'

Full News24 report

ENERGY - LESOTHO

Minister may benefit from Lesotho's R100-billion AI and hydropower deal

Public works minister Matjato Moteane is a shareholder in a local firm the government plans to invite to participate

- Lesotho has signed a US$6.2-billion agreement with US-based Convalt Energy to build a hydropower plant and AI data centre.
- Sekhametsi Investment Consortium is among the local firms the energy minister has named as potential local partners in the project.
- Public Works Minister Matjato Moteane, who has faced previous allegations of conflict of interest, is a shareholder in Sekhametsi Investment Consortium.
- Moteane says he will recuse himself from cabinet discussions about the Kobong Project.

Lesotho has signed the largest foreign investment deal in its history: a US$6.2-billion (about R100-billion) agreement with US-based Convalt Energy to build a hydropower plant and AI data centre. The Kobong Project promises to turn the country into a regional power exporter.

However, a potential conflict of interest has surfaced, raising questions about political influence for private gain and casting doubt on promises that citizens will benefit without bearing any costs.

Convalt will be completing a feasibility study over the next year, which will be followed by implementation agreements, including water-use plans. Construction will then go ahead.

Lesotho's energy minister Lejone Mpotjoane confirmed in an August interview with the MNN Centre for Investigative Journalism that a binding agreement had been signed, and the government would invite local partners to participate.

Mpotjoane also revealed that one of these local firms is Sekhametsi Investment Consortium, of which Minister of Public Works Matjato Moteane is a co-founder, former chairperson and shareholder.

Last year, three parliamentary committees called for Moteane's removal over a conflict-of-interest and criminality investigation (see further down).

According to the Sekhametsi company's register, Moteane holds 1,817 shares. Each share is worth M15,000 (M1=R1), making Moteane's holding about M27-million at the current value.

When MNN asked Mpotjoane whether inviting Sekhametsi to participate in the Kobong Project would create a conflict of interest because of its political connections, he said, "I said Sekhametsi and others. Why do you keep asking about Sekhametsi?" Mpotjoane then ended the call and blocked this reporter on WhatsApp.

We asked Moteane about his potential conflict of interest. He said he had declared his interest in Sekhametsi to the cabinet.

We were unable to verify this. We could also not verify whether he had declared his interests to the Directorate on Corruption and Economic Offences as required by law. Declarations to this body are kept confidential.

Moteane said he would recuse himself when the cabinet discussed the Convalt Energy deal. He said that he had done so in other matters.

Sekhametsi CEO Thuso Green said he has not yet been approached to participate.

Although the Kobong Project has been presented as a privately financed initiative led by Convalt, the government's intention to invite local firms to participate raises questions about how the government will select these investors and structure the project.

Mpotjoane has said previously that Lesotho was not putting any money into the project, and Convalt CEO Hari Achuthan told MNN that Lesotho faced no financial risk.

He said the Kobong Project would be privately financed without government guarantees and with Convalt taking on the risk. Financing arrangements would be formalised and disclosed once the feasibility study had been completed.

It remains unclear what equity local firms will get in the project.

Asked whether the government intends to hold an equity stake in Kobong, despite previous assurances that it would not, government spokesperson Boitelo Rabele said he was not yet in a position to answer on this or on the government's role in facilitating and selecting local companies.

"After completion of the feasibility study, the government will advise itself on the implementation agreement," said Rabele.

Previous conflict of interest

Last year, Moteane was at the centre of a parliamentary investigation into the M184-million refurbishment of Moshoeshoe I International Airport.

Moteane had previously been a shareholder in Khatleli Tomane Moteane Architects, which was included in LSP Construction's winning bid for the airport contract.

He claimed that he had relinquished his shareholding before becoming a minister, but the committees raised concerns about his continuing association with the firm, noting that his name still appeared on some of its tender documents and that the company was involved in the airport project.

Three parliamentary committees had recommended that Moteane be removed as a minister and called for an investigation into the conflict of interest and possible criminality. However, the report was never adopted by Parliament.

"The House dismissed our report based on the fact that it involved the Natural Resource Committee members. They argued that signatures of the members [of the other two committees as well as the Natural Resources, Tourism and Land Cluster committee] need to be there," said Public Accounts Committee chairperson Machabana Lemphane-Letsie. "We can't hold Moteane accountable."

Convalt's track record

Questions about the structure of the Kobong deal follow an earlier investigation by MNN, which raised concerns about the government's due diligence before it signed the agreement with Convalt.

In July, MNN reported that Convalt's flagship solar-panel manufacturing project in New York never materialised despite the company receiving a US$1.05-million public loan. The matter eventually ended in a settlement.

We also reported that Convalt Energy and Achuthan had been named in a 2022 US civil lawsuit in which two bitcoin-mining companies alleged there had been fraud and misappropriation of funds. The allegations were never tested in court.

Mpotjoane previously told MNN: "We noted that Convalt was involved in some litigations in the USA. This is not abnormal in businesses, and we asked him. He explained what transpired and that the issue is now closed."

By Motsamai Mokotjo
Groundup

ENERGY – SOUTH AFRICA

Electricity VAT here to stay despite 165% tariff surge

South Africans will continue paying VAT on electricity despite tariffs having surged by as much as 165% over the past decade, with Treasury saying zero-rating remains off the table. National Treasury says removing VAT from electricity is not on the agenda, even as rising tariffs place increasing pressure on household budgets.

Electricity prices have increased 101% since 2021 and by up to 165% over the past decade, according to Debt Busters. Treasury says it is aware of the increases but has not specifically assessed the impact of VAT on electricity costs for lower- and middle-income households.
“National Treasury is aware of the electricity tariff increases over the past few years but has not specifically done an assessment of the impact of VAT on electricity for lower- and middle-income households,” it says.

Treasury argues that maintaining a broad VAT base is important for the efficiency of the tax system and that zero-rating electricity would result in lost revenue. The electricity, gas and water sector contributed about R22.21 billion in net VAT during the 2024/25 financial year, according to the South African Revenue Service's 2025 Tax Statistics.

For households, VAT adds R150 to every R1 000 spent on electricity. A household buying R3 000 of electricity a month pays R450 in VAT, or R5 400 over a year. EnergyBee estimates a typical three-bedroom South African family home uses between 700kWh and 900kWh a month, costing roughly R2 900 to R3 750 in summer at around R4.17/kWh.

The uMkhonto weSizwe (MK) Party is among those calling for electricity to be added to the basket of goods that are zero-rated for VAT. MK MP Crown Prince Adil Nchabaleng says the party raised the proposal with Treasury during last year's debate over increasing VAT. “We have outrightly stated very clearly that we would like to see electricity as a zero VAT-rated item in the basket of items that are zero VAT rated,” Nchabaleng says. He argues VAT adds to the burden on households already struggling with electricity costs.

“I don't think it makes any sense to have electricity charged VAT, given the fact that we have an ailing economy that has not yet performed,” Nchabaleng says.

Nchabaleng also questions charging VAT on electricity supplied through the government's Free Basic Electricity programme, describing it as effectively taxing a grant. Organisation Undoing Tax Abuse executive director Advocate Stephanie Fick says the organisation does not have a definite position on removing VAT from electricity, but says power “should attract VAT unless you argue that it is an essential service and should be exempt.”

The difficulty is the effect on state revenue.

"The state will lose a lot of income it can't afford. If we were an effective state, it is definitely something to consider," Fick says.

Treasury has not calculated the current cost to the fiscus of zero-rating residential electricity. It has also not modelled alternatives such as removing VAT only from the first 50kWh, 100kWh or 200kWh used each month. The question of VAT relief on electricity dates back to the introduction of VAT in 1991, when a committee considered zero-rating a basic amount of electricity but concluded support for poorer households should instead be delivered outside the tax system.

Treasury revisited the issue in 2007. Its analysis found zero-rating electricity would disproportionately benefit higher-income households because they consume more electricity and would therefore receive a greater share of the tax saving.

An independent panel reviewing the zero-rated basket reached essentially the same conclusion in 2018 after receiving submissions calling for electricity to be included. Government has instead continued to rely on Free Basic Electricity to provide relief to poorer households.

Qualifying indigent households receive 50kWh a month, with R21.6 billion allocated for basic energy in the 2026/27 Budget. However, Treasury says an intergovernmental working group is considering whether the 50kWh allocation remains adequate.

Nicola Mawson
The Mercury

Warning to investors over Omnia takeover bid

SA investors stand to lose another sizeable homegrown company from the JSE if Solar Industries' near-R22bn takeover of Omnia succeeds. And, unlike some other major foreign takeovers, they will not immediately be offered a way to remain invested in the enlarged group.

Solar SA Investments, a subsidiary of India-listed Solar Industries, has offered Omnia shareholders R134.50 per share in cash, valuing the company's entire issued share capital at R21.83bn.

The offer represents a 31% premium to Omnia's closing share price of R102.69 as of 10 September 2026, the final trading day before the company issued a cautionary announcement warning that it was in talks regarding a potential transaction.

Following news of the takeover bid from the India-listed explosives giant on Monday, Omnia CEO Seelan Gobalsamy said Solar had no immediate plans for a secondary listing in Johannesburg.

'At this stage, there are a number of complexities and regulatory issues with that happening. So at this stage, no. Maybe at a later stage,' Gobalsamy told News24.

Indian companies are not yet able to simply add a JSE listing as companies in many other jurisdictions can, as the country still tightly restricts where domestically incorporated companies may list their shares overseas.

That contrasts with some of SA's other major foreign takeovers. Anheuser-Busch InBev, for example, secured a secondary JSE listing when it swallowed up SABMiller a decade ago. And France's Canal+, which took MultiChoice private last year, completed its own secondary JSE listing in June. In many other cases, however, takeovers have led to delistings without secondary listings – including Distell's takeover by Heineken, Pioneer Food's takeover by PepsiCo, and Walmart's buyout of Massmart.

Omnia is a major SA industrial group that manufactures and supplies specialised chemical products, explosives, and fertilisers for the agriculture, mining and industrial sectors. Abdul Davids, portfolio manager at Camissa Asset Management, a substantial shareholder in Omnia, said the fund first bought into the company through the 2019 rights issue because it believed a fundamentally decent business was suffering from a temporary funding squeeze.

Full News24 report

ENVIRONMENTAL

Sardine catch limits imposed as fishery reels from mass die-off

Testing confirmed PHV in sardines sampled from both the Western Cape and the Eastern Cape, supporting a connection between the two outbreaks.

The Department of Forestry, Fisheries and the Environment (DFFE) confirmed on Sunday that it was temporarily limiting sardine catches.

This decision comes after a mass mortality event that has affected fishing grounds along South Africa’s coast since late July.

Fisheries escape full closure despite uncertainty

The department’s Small Pelagic Scientific Working Group (SWG-PEL) met on 4 September to weigh diagnostic results, mortality estimates and fishing data before making its recommendation.

“Although the magnitude of the mortality remains uncertain, the available evidence did not indicate that it had caused a sufficiently large reduction in the sardine population to warrant a complete closure of the fishery [industry],” said the DFFE.

The working group nevertheless proposed a cautious middle path.

“The SWG-PEL nevertheless recommended a temporary precautionary limitation on catches while further information is obtained.”

The DFFE said it had accepted this approach in full.

Sardine death numbers shaky

Officials acknowledged that the numbers behind the decision remained shaky.

Estimates of how many fish had died were described as “scenario-based and highly uncertain,” since they relied on assumptions about fish density in visible patches and how far isolated observations could be stretched across the coastline.

The department also flagged a gap in the data that could not easily be filled: “there is also no reliable estimate of the number of fish that may have sunk to the seabed.”

The group also weighed comparisons with earlier pilchard herpesvirus (PHV) outbreaks in Australia, but said those figures could not be applied directly to South Africa given differences in survey methods, coastline and stock conditions.

The department also flagged that footage of unrelated fish die-offs elsewhere in the world had been circulating online, which it said “may create a misleading impression of the scale of the local mortality.”

Die-off spread from Western Cape to Wild Coast

The mortalities began in the Western Cape in late July 2026, according to the department.

Reports then reached Gqeberha by 27 August, before extending to East London and the northern Wild Coast, including the stretch between Port St Johns and Mbotyi Beach, roughly 60km from the KwaZulu-Natal border, by 2 September.

Similar strandings were recorded at Walvis Bay’s Langstrand, Swakopmund and Henties Bay in Namibia, though the department cautioned that it had not confirmed a link to the South African event.

“The Namibian reports cannot be conclusively linked to the South African event until laboratory comparisons have been completed,” it said.

No new dead or dying sardines had been reported since 3 September, and none had washed up along the KwaZulu-Natal coast.

The department suggested warmer inshore waters there may have slowed the shoals’ northward movement during the annual sardine run, but stressed this was “a plausible oceanographic interpretation rather than a confirmed barrier to the mortality event.”

Laboratory tests point to virus

Testing confirmed PHV in sardines sampled from both the Western Cape and Gqeberha, in the Eastern Cape, supporting a connection between the two outbreaks.

The department said the combination of high virus levels, its confirmation in both provinces, and the pattern of deaths meant PHV was “the most likely primary cause,” while harmful algae and screened marine biotoxins had not been supported as primary drivers.

A small batch of KwaZulu-Natal sardines collected in June and July, before any deaths were reported, tested negative for PHV.

“However, because the sample was small and limited in space and time, this does not establish that PHV was absent from the wider sardine population at that time, but it provides a useful pre-event comparison.”

It added there was no evidence yet of when or how the virus reached South African waters, and no basis for blaming any particular country, company or product.

Monitoring to continue

An October-to-November hydroacoustic survey would provide the first post-event estimate of sardine biomass, the department said.

It continued working with Namibia, South African Institute for Aquatic Biodiversity (SAIAB), Rhodes University, the fishing industry and local authorities on further sampling.

While PHV is not known to infect people, the department urged the public not to collect, eat or use as bait any dead or dying sardines found on beaches.

“As confirmed in the joint DFFE and National Regulator for Compulsory Specifications public statement, the mortality event does not provide a basis for discontinuing commercially produced canned sardines processed under regulatory oversight.”

By Enkosi Selane
The Citizen

FINANCE

Capitec fined R28m over compliance gaps

The Prudential Authority has imposed administrative sanctions and a R28-million fine on Capitec Bank for breaches of the Financial Intelligence Centre Act (FICA).

The regulator says an inspection identified several shortcomings in the bank's compliance controls, including weaknesses in customer due diligence, anti-money laundering measures and staff training.

Gaps were also identified in certain screening, reporting and risk management processes, prompting the regulator to impose administrative sanctions and a financial penalty.

Capitec says it cooperated fully with the Prudential Authority throughout the regulatory process.

The bank says it has taken steps to address the deficiencies identified during the inspection.

ENCA

LABOUR

Union accuses G4S of violating workers' rights

Poor working conditions, excessive hours and poverty wages are among the allegations against G4S, one of the world's largest private security employers, across its operations in SA, Uganda and the DRC.

A scathing report by global trade union federation UNI Global Union states that security guards across Sub-Saharan Africa protecting mines, embassies and wealthy residences are struggling to afford food, healthcare and school fees and are forced to rely on money lenders at high interest rates, thereby becoming trapped in debt.

The allegations add to scrutiny G4S has already faced in SA after the escape of convicted prisoner Thabo Bester from the Mangaung Correctional Centre in Bloemfontein, which the company was contracted to secure at the time.

Business Day reports that the Legal Resources Centre has also accused the firm of widespread human rights violations and systemic abuse at the facility. Across the three countries, employees described excessive working hours and unpaid overtime, with some in Uganda reporting shifts of up to 36 hours.

Others said they had turned to informal lenders to cover basic living costs. The report is based on interviews conducted by union researchers with G4S workers at 10 worksites in SA, the DRC and Uganda.

In response to questions from Business Day *about the allegations,* G4S said it was committed to respecting the human rights of its employees and prioritising their health, safety and wellbeing.

'Allegations of labour malpractice or conduct that falls short of our high standards are taken extremely seriously and will be reviewed promptly and appropriately addressed,' it said.

'Unfortunately … the report was the first time G4S became aware of these specific allegations. G4S has commissioned an independent review into the assertions made in the report.' According to Business Day the report also raises concerns about a company share scheme linked to the B-BBEE Act in SA.

Guards said they did not receive the dividends they expected, while a relevant authority found the arrangement amounted to ownership in name only. Workers who raised concerns reported being suspended or dismissed.

Full Business Day report

MINING

Harmony Gold challenged to take full responsibility for boys' death

South Africa's largest gold producer Harmony Gold mining company has been called to take full responsibility following the tragic incident that claimed the lives of two young boys who drowned in a mine dam in Allanridge, Free State.

The incident happened near Harmony Gold's Target 2 Rock Dump.

The boys, Thabo Diloko, 9, and Lethabo Duncken Abrahams, 8, drowned after they and two other boys went to the area to swim on August 29, 2026.

Diloko's body was recovered on the same day while Abrahams' body was reportedly recovered two days later after the family opened a missing persons report with the SAPS.

Diloko's grandfather, Johnson Nkonka has called Harmony Gold to account, adding that the company contributed only R30 000 to each family for funeral expenses.

Both Diloko and Abrahams were buried last week.

"Since then they (Harmony) have been quiet. This is despite their promise that we will have a proper discussion after funerals," he said.

Nkonka said this was an old disused site.

"But the area was left open. Only Target 1 was fenced off and they only put danger signage shortly after this incident."

Although the company confirmed that the drownings happened near Target 2 Rock Dump, it has failed to respond to specific questions as to whether the company owns, leases, or maintains operational control over the specific parcel of land and the dam.

The company also failed to confirm if this was an old disused site.

The company's head of communications Chipo Morapedi-mrara said: "Harmony sadly takes note of the recent drowning incidents concerning two children that occurred near Target 2 Rock Dump. The South African Police Service (SAPS) in Allanridge was notified about the incident.

"Regrettably, following an extensive search and rescue, the children were found deceased. Our thoughts and deepest condolences are with the families affected by this tragic loss. Harmony continues to cooperate with the relevant authorities as they investigate the circumstances surrounding the incident.

"At Harmony, the safety of our employees and host communities remain our priority. As the matter is under investigation, any enquiries relating to the incident please contact the SAPS."

This paper also wanted to know if the land is shared, leased, or part of an active or rehabilitated mining right area, what exact entity is designated as the responsible party for surface safety and site security. These specific enquiries had not been answered by the gold mining company.

Other questions included immediate steps being taken to fence off this specific dam and other dangerous mine-linked water bodies and whether the company will commit to conducting a comprehensive safety audit of all unfenced slimes dams, water pits and rock dumps neighbouring residential areas in Allanridge to prevent future tragedies.

The paper also asked what longterm accountability, compensation or community remediation measures the company would be offering. These remained unanswered by time of publication.

Free State police spokesperson Palesa Thabana on Thursday said a response would be issued in due course.

According to water and environmental disclosure reports from Harmony Gold, the Target 2 was taken out of active gold production and put under care and maintenance. Instead of active mining, it functions primarily as a downcast ventilation shaft and a secondary emergency escape route for the adjacent, active Target 1 underground operations.

The company delivered record financial results for the 2026 financial year reported on August 27, 2026. Group revenue increased by 34% to R99.2 billion, headline earnings per share (HEPS) surged 87% to R43.63bn, and net profit doubled to R30bn, driven by surging gold prices and initial copper contributions.

On August 25, just four days prior to the tragedy, the Portfolio Committee on Mineral and Petroleum Resources heard a sweeping petition brought forward by the Mining Affected Communities United in Action (MACUA) and its civil society partners.

This focused on a legislative petition demanding strict corporate accountability, safety reforms, and an end to mining companies prioritising profit over community safety.

MACUA has been criticising mining companies for prioritising profits over community safety and well-being.

The organisation revealed that 11 mining companies failed to deliver on Social and Labour Plans (SLPS), leaving R284 million in undelivered commitments and plunging communities deeper into poverty.

In a statement issued after the incident, MACUA said the community has repeatedly raised concerns about dangerous water bodies and mining-related environmental conditions.

The organisation said any attempt to treat the deaths as simply another unfortunate incident before the circumstances have been properly and independently investigated must be rejected, adding that the community has protested repeatedly against Harmony Target Mine and demanded accountability, while engagements were postponed and the community excluded from discussions concerning the Voelpan Tailings Dam.

"MACUA calls for an immediate investigation into the circumstances of these deaths, including the ownership and legal responsibility for the dams concerned, the adequacy of fencing, warning signs and other safety measures, and whether previous complaints or incidents concerning these sites were acted upon. Those facts must be established publicly, and anyone found to have failed in their duties must be held accountable," read the statement.

Asked if the committee can compel Harmony to state why appropriate danger signage was not present prior to the incident, the Portfolio Committee on Mineral and Petroleum Resources chairperson, Mikateko Mahlaule, said the committee was not yet in possession of the full facts regarding the circumstances at the dam, including its ownership and management, the measures that were in place to restrict public access, previous inspections, and any compliance or enforcement action taken.

"The incident occurred while Parliament was in its three-week constituency and recess period from 31 August to 18 September 2026. This does not, however, diminish the committee's oversight responsibility.

The committee will, through the appropriate parliamentary processes, seek a comprehensive briefing from the Department of Mineral and Petroleum Resources (DMPR) on the circumstances surrounding the incident, including the department's inspections of the site, identified safety risks, compliance with applicable legal requirements and any interventions undertaken with the mine.

The committee will consider the information received and determine whether further oversight action is necessary," he said.

Enquiries to DMPR, and its spokesperson Johannes Mokobane were unanswered.

A 2023 investigation by Bench Marks Foundation highlighted dangerous, unfenced water b odies such as the Voelpan dam where community members faced ongoing health and drowning risks from unmanaged mine water and rock dumps. The report argued that major mining corporations must be held legally and financially responsible for social and environmental degradation long after ceasing active operations.

Manyane Manyane
Sunday Tribune

Harmony mine investigates 8th on-duty death in 9 months

Operations have been suspended at the affected Mponeng mine.

Harmony Gold Mining Company said it is investigating the circumstances surrounding the eighth on-duty death to occur across the group in 2026.

In a note to shareholders on Tuesday, Harmony said one of its employees died after “a seismic event in an underground working area” on Monday, 14 September 2026, at the Mponeng mine in the West Rand of Gauteng.

This is at least the eighth on-duty death to happen this year alone, according to information The Citizen could find on the company’s website. This is fewer than the 10 on-duty deaths that the company had already experienced in the first six months of 2025.

‘Seismic event’ causes death

Without making more details known about the “seismic event”, the company told shareholders that operations have been suspended in the affected area of Mponeng mine while investigations are underway. This is the third death at the Mponeng mine.

“Work in the affected area has been suspended while a thorough investigation is conducted to determine the circumstances and identify any additional measures needed to strengthen safety controls and risk management practices,” said Harmony.

Two employees lost their lives at the mine on 24 May 2026 in a “shaft engineering-related incident”. After these deaths, Harmony said, “We are committed to fully understanding the circumstances of this incident, learning from it, and doing everything possible to prevent a recurrence.”

Deaths follow despite safety promise

Harmony was founded in the 1950s in the Free State and is the country’s largest gold producer by volume. It operates at least 10 mines across South Africa.

All of the announcements about the on-duty deaths read the same: A promise that safety remains a priority, investigations to understand how the deaths happened, and support offered to other employees and affected families.

Head of investor relations at Harmony, Jared Coetzer, told The Citizen that “the status of these investigations varies, with some having been completed and others still progressing through review and regulatory processes.”

“To avoid prejudicing any ongoing investigations, we are unable to comment on specific findings before they have been 21rganized. Our focus remains on understanding what happened, identifying any contributing factors, and implementing measures aimed at preventing a recurrence.”

‘Safety remains a priority’
He added that all they can say about deaths is “that each incident is investigated comprehensively, that lessons identified are acted upon as a matter of priority, and that we continue to work closely with the relevant authorities and stakeholders to improve safety performance across our operations.”

When asked what safety measures have been implemented, Coetzer said: “Safety remains Harmony’s foremost priority, and we continue to take decisive action across all operations to strengthen risk management and prevent repeat incidents.

“Harmony has implemented a range of safety measures across its underground and surface operations, with an increased focus on preventing loss of life incidents and zero harm. These measures include stronger leadership engagement at workplaces, continuous learning from incidents, strengthened critical control management, enhanced frontline risk assessments, improved workplace hazard identification, ongoing training and development and continuous learning from every incident and high-potential event.

“At management level, safety performance forms part of the company’s accountability framework and leadership scorecards, with remuneration linked to measures including workplace hazard ratings, loss-of-life critical control checks and lagging indicators such as lost-time injury frequency rate (LTIFR). Safety performance is reviewed at both operational and executive level, with incidents and high-potential events used to strengthen controls and prevent recurrence.

“While the company has made progress in reducing injuries, including achieving its lowest-ever LTIFR of 5.05 per million hours worked, losses of life remain unacceptable. We 22rganized that more work is required. Our focus remains on 22rganized22ng safety ahead of production, strengthening accountability at every level, and working in partnership with employees, 22rganized labour, regulators and other stakeholders to eliminate loss of life and create safer workplaces for all.”

Two deaths in one month

The on-duty death at Mponeng mine is the second death to happen across the Harmony group in September 2026.

On 7 September, the company released another note announcing the death of an employee at its Moab Khotsong mine, near Orkney.

The employee lost his life on 6 September 2026, marking the third on-duty death at the Moab Khotsong mine this year.

The first death was on 20 January 2026, with the company saying the employee “lost his life in a locomotive-related incident”. No further details were made public; however, the company said employee safety remains a priority.

The second death at the Moab Khotsong mine occurred on 19 June 2026. Harmony said the employee lost his life in a “seismicity-related fall-of-ground incident”. The company also promised safety after the death.

Female miner dies on duty

The group released another note announcing the death of a female miner who died on 19 July 2026 at the TauTona service shaft, near Carletonville.

This note read like other announcements, with no explanation of what happened and a promise to strengthen safety.

“We are deeply saddened by the loss of our colleague and extend our heartfelt condolences to her family, friends and colleagues. We are working with the Department of Mineral Resources and Petroleum (DMPR) and other stakeholders to understand what happened, ensure that lessons are learned and urgently applied, and strengthen our efforts to prevent such incidents from ever happening again,” said group CEO Beyers Nel.

Free State miner dies

Harmony announced the death of another employee on 26 March 2026. The company said this death follows a “tragic underground incident involving rock-breaking equipment”.

The employee died at Harmony’s Target 1 mine near Odendaalsrus in the Free State.

“The incident has been reported to the relevant authorities, and an investigation is underway, led by the DMPR, with the company’s full cooperation,” said Harmony.

“The safety and well-being of our people is fundamental to who we are, and we will honour our colleague’s memory by rigorously understanding what went wrong and strengthening our controls to prevent any recurrence.”

By Tshehla Cornelius Koteli
The Citizen

PUBLIC PROCUREMENT

Hill-Lewis welcomes ConCourt decision to invalidate Public Procurement Act

Mayor **Geordin Hill-Lewis** has welcomed the Constitutional Court's unanimous decision to invalidate the Public Procurement Act (PPA), owing largely to insufficient public participation.

The court also awarded costs to the City of Cape Town (CoCT), to be paid by the President, Finance Minister, and Speaker as opposing respondents.

CoCT was one of the applicants challenging the PPA's validity in the ConCourt. If enacted, National Treasury would have been able to establish a centralised Public Procurement Office, for example.

The Western Cape capital warned that the proposed act would slow down local service delivery and undermine the constitutional autonomy of local government.

“We are glad that the Constitutional Court agreed with our case that the Act was passed unlawfully, with insufficient public participation and parliamentary consideration,” says Hill-Lewis.

“Before we took the step of approaching the court, we wrote to the Finance Minister and President several times raising fairly obvious constitutional concerns relating to this legislation.

“None of those warnings were heeded, but they have now been confirmed by the court, with costs awarded.

“Most importantly, this ruling protects the rights of local and provincial government to pursue their own policies and approaches to procurement, to achieve better public outcomes,” adds Hill-Lewis.

“The court has consistently upheld the independent powers and functions of local governments.

“This act would have slowed down local service delivery and infrastructure investment, making it much harder for municipalities to procure quickly for urgent local needs.”

Hill-Lewis says municipalities must be able to act swiftly to resolve water, sanitation, electrical, waste and environmental issues.

He says the Act would have introduced significant new red tape, such as municipalities being unable to maintain their own database of accredited suppliers and payment records, instead integrating with a national database; the centralisation of all national procurement via a public procurement office (PPO), which would have run the risk of nationwide disruptions if the central system goes offline; and the removal of municipal power to lawfully deviate from procurement regulations for urgent service delivery without centralised approval via the PPO.

Hill-Lewis also cites concerns that around 36 elements of the Act would have required new regulations.

He says the Act also attempted to position the national Finance Minister as a regulatory authority over local government, which is inconsistent with the Constitution, Municipal Systems Act and the Municipal Finance Management Act.

Judgment
By: Irma Venter
Polity

TELECOMMUNICATIONS - KENYA

Vodacom’s Safaricom stake purchase struck down by Kenyan court

The High Court ordered the 15% stake to be returned to the Kenyan government.

Kenya’s High Court invalidated the government’s sale of a stake in East Africa’s biggest mobile-network operator to Vodacom Group, saying it was unconstitutional.

The court ordered the 15% stake in Safaricom Plc to be returned to the government, which may mean Kenya’s cash-strapped state would have to refund about $1.9 billion it’s already received for it.

The sale violated public finance management laws and didn’t fully comply with a requirement for public participation, judges Francis Gikonyo, Roselyne Aburili and Tabitha Ouya said in a ruling handed down in the capital, Nairobi, on Tuesday.

“The divestiture in question was undertaken and procured in contravention of the constitution and the law. It was therefore invalid, null, and void,” they said. “The 15% shares are hereby restored to the government of Kenya”

Vodacom shares fell nearly 4%, the most since July 27, in Johannesburg trading after the ruling before retracing losses. Safaricom shares jumped as much as 2.2% during Kenya’s trading session.

Critical transactional documents such as the share-purchase agreement and a dividend rights purchase pact weren’t disclosed for public scrutiny, while the state didn’t explain in court why it settled on Vodacom as a buyer without a competitive selection process, the judges said.

In addition, the upfront monetisation of future dividends violated the constitution by disenfranchising citizens and the transfer of control of a strategic asset to a foreign shareholder threatened national security, they ruled.

“The divestiture involved the acquisition of effective control,” the ruling states. “It was a takeover. This detail of information was not disclosed to the public.”

Vodacom, South Africa’s largest wireless carrier, agreed to buy an additional stake in Safaricom from the Kenyan government in December, increasing its shareholding to about 55% from almost 40%. The Kenyan Treasury’s interest was reduced to 20%.

The court said the parties didn’t apply for exemption from takeover requirements and there was no evidence that the Competition Authority approved the transaction. Transaction advisory services were also procured from KCB Investment Bank in contravention of the nation’s laws.

The sale raised about 204.3 billion shillings ($1.6 billion), along with an additional 40.2 billion shillings from the securitisation of future dividends.

President William Ruto's administration is privatising state assets to raise project financing needed to fire up the $141 billion economy. His administration has a $39-billion infrastructure pipeline that includes railways, airport upgrades, roads, power lines, dams and irrigation projects that he says will create jobs and cut transport and energy costs.

The build out will be partly funded by cash raised from the sale of assets including Kenya Pipeline and co-investment from the private sector, according to Ruto.

By David Herbling,
Bloomberg