

**THE DEPARTMENT OF
MINERAL RESOURCES
(DMR)**

2020

**Issued in terms of Section 14 of the
Promotion of Access to Information Act, 2000
(Act 2 of 2000)**

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1. INTRODUCTION

The Promotion of Access to Information Act, No 2 of 2000 (hereinafter referred to as "the Act") gives effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights. The Act sets out the procedure attached to such request.

Section 9 of the Act, however, recognizes that such right to access to information is subject to certain justifiable limitations, for instance limitations aimed at:

- The reasonable protection of privacy;
- Commercial confidentiality;
- Effective, efficient and good governance; and
- In a manner which balances the right to information with any other rights.

Section 14 of the Act obliges public bodies to compile a manual, (and to update the manual once a year) which would assist a person to obtain access to information held by the public body and stipulates the minimum requirements a manual has to comply with.

The purpose of this manual is therefore to update the existing manual and to inform a person on how to obtain access to records held by the Department of Mineral Resources (hereinafter referred to as "the Department"), giving effect to Section 14 of the Act.

2. Human Rights Commission Guide on how to use the Act [Section 14(1) (a)]

The South African Human Rights Commission launched a guide on 1 March 2005 in an easy comprehensible form and manner, as maybe required by a person who wishes to exercise any right contemplated in the Act.

This guide is available in all the official languages from the South African Human Rights Commission and public bodies the South African Human Rights Commission distributed the guide to.

Any enquiries regarding this guide may be directed to:

The South African Human Rights Commission

Telephone Nr: +27 11 484 8300

Fax Nr: +27 11 484 1360

E-Mail Address: paia@sahrc.org.za

Postal Address: PAIA Unit
The Research and Documentation Department
Private Bag 2700
Houghton
2041

Street Address: 29 Princess of Wales Terrace
Cnr. St Andrews and York Street
Parktown
Johannesburg

Website: www.sahrc.org.za

3. STRUCTURE AND FUNCTIONS OF THE DEPARTMENT [Section 14(1)(a)]

3.1 OVERVIEW

The legislative mandate of the Department of Mineral Resources in terms of section 24 of the Constitution is to ensure that the nation's mineral resources are developed in an orderly and ecologically sustainable manner while promoting justifiable social and economic development.

The mission of the Department is to promote and regulate the minerals and mining sector for transformation, growth, development and to ensure that all South Africans derive sustainable benefit from the country's mineral wealth.

3.2 ORGANISATIONAL STRUCTURE

The Department consists of a national office that is situated in Gauteng and various Regional offices that are situated in Eastern Cape (Port Elizabeth), Free State (Welkom), KwaZulu-Natal (Durban), Limpopo (Polokwane), Mpumalanga (Witbank), Northern Cape (Kimberley), Western Cape (Cape Town), Gauteng (Johannesburg) and North West (Klerksdorp).

The Department is headed by the Minister of Mineral Resources, Mr MJ Zwane MP.

The Accounting Officer and Head of the Department appointed with effect 1 April 2017 is the Director-General, Adv. Thabo Mokoena.

The Department is divided in the following six Branches, namely:

- Mine Health and Safety
- Mineral Policy and Promotion
- Mineral Regulation
- Corporate Services
- Financial, Information and Supply Chain Management

- Chief Operations Office

4. CONTACT DETAILS OF THE INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS [Section 14(1) (b)]

Information Officer:

Adv. T Mokoena
Director-General
Private Bag X 59
ARCADIA
0007

Tel: (012) 444 3868

Fax: (012) 444 3136

e-mail: Mamabefu.Modipa@dmr.gov.za or

Deputy Information Officer:

Mr. P Alberts
Chief Director: Legal Services
Private Bag X 59
ARCADIA
0007

Tel: (012) 444 3188

Fax: (086) 710 1877

E-Mail: Pieter.Alberts@dmr.gov.za or
Diphoko.Modiselle@dmr.gov.za

5. SUBJECTS AND CATEGORIES OF INFORMATION

5.1 Automatic and Voluntary Disclosure of Records [Section 14(1) (e)]

5.1.1 A notice in terms of section 15(2) of the Act describes the categories of records of the Department that are available without a person having to request access thereto in terms of the Act. Information for the Department of Mineral Resources notice in terms of section 15(2)

5.1.2 The records as listed below are available to any interested person free of charge and without a request via the Deputy Information Officer as mentioned in paragraph 4 above, alternatively via the Department's website at <http://www.dmr.gov.za>:

- Annual Reports
- Audit Reports
- Acts, Regulations and Bills relevant to the Department

- Policy Documents
- Guidelines
- Statistics in so far as it is being kept
- Forms
- Research in the Public Domain
- Status of Identified Land through SAMRAD registration

Available Free of charge in terms of Section 15(1)(a)(iii):

These publications are all available electronically and in hard copy through subscription or a once off request to Head Office. They are also available on the DMR website.

- **Reviews** – South Africa's Mineral Industry, 2011/2012 (General overview of the SA minerals industry)

- **Information Circular** – MB Bulletin (Published three times per annum)

These publications are only available by email subscription AND in hard copy request.

- **Statistics** – Mineral Production and Sales – Selected Primary Minerals (Monthly and Annually by email subscription)

Mineral Production and Sales – Selected Primary Minerals
(Monthly and Annually by email subscription)

Mining Labour Statistics – (Quarterly and Annually by email subscription)

- **Bulletins**

These publications are all available electronically and in hard copy through subscription or a once off request to Head Office. They are also available on the DMR website.

B1/2013: Minerals – South Africa: Statistical Tables 1991- 2012

- **Reports**

These publications are all available electronically and in hard copy through subscription or a once off request to Head Office. They are also available on the DMR website.

R39/2010: Investment in South Africa's Mineral Sector, 2010

R40/2006: Possible Financial Sources for Small to Junior Empowerment Mining Companies

R42/2005: An Overview of South Africa's Primary Industrial Mineral Imports and Exports, 2005

- R66/2007:** Overview of Value systems of selected Ferrous Mineral Commodities, 2007
- R68/2010:** An Overview of South African Gold Exploration Projects and New Mine Developments in South Africa
- R68/2013:** An Overview of South African Gold Exploration Projects and New Mine Developments in South Africa
- R69/2008:** Overview of South Africa's Mineral Based Fertilizer Industry
- R71/2008:** An Overview of South Africa's Titanium Mineral Concentrate Industry
- R73/2009:** An Overview of South Africa's Clay and Brick Industry
- R74/2009:** Overview of the Nickel Industry in South Africa, 1997-2006
- R75/2009:** Supply, Demand Dynamics of Base Metals versus Prices, 1997-2006
- R76/2009:** The future of the Waterberg Coalfield in the SA Coal Industry
- R77/2009:** Growth Prospects of SA Coal exports and the effect on black economic empowerment companies
- R78/2009:** Development in the Economic contribution of Hydrocarbons, natural Gas and Coal
- R80/2009:** Special Clays Industry in the Republic of South Africa
- R81/2009:** Status of the Fluorspar Industry in the RSA, 2009
- R82/2009:** Gypsum in South Africa
- R83/2009:** Structure of the Andalusite Industry in South Africa
- R84/2010:** Value Chain System of the South African Heavy Minerals Industry
- R85/2009:** The Lime Industry in South Africa
- R86/2009:** Chromium Industry Developments, 1997-2008
- R87/2010:** The Ceramic Industry in South Africa
- R88/2010:** Overview of the Cobalt Industry in South Africa, 2000-2009
- R89/2010:** Refractory Clays in South Africa
- R90/2011:** South Africa's Silicon Industry Developments, 1998-2009
- R91/2012:** The future role of the Catalytic Converters Industry in the Downstream Value Addition to SA's Platinum Group Metals
- R92/2012:** South Africa's Ferroalloys Production Trends, 2001-2010

- R93/2012: Structure of the Salt Industry in the Republic of South Africa
- R94/2012: Review of the South African Sand and Aggregate Industry
- R95/2012: Review of the Fluorspar Industry in the Republic of South Africa
- R96/2012: Overview of South Africa's Phosphate Fertilizer Industry
- R97/2012: Developments in South Africa's Coal Industry, 2006-2010
- R99/2013: Fuel Cells and future role of SA through its Platinum Resources
- R101/2013: Review of the Sulphur Industry in the RSA, 2012
- R102/2013: South Africa's Manganese Industry Developments, 2004-2011
- R103/2013: The Hydrocarbons Industry in South Africa, 2013
- R104/2013: The South African Titanium Industry and Global Market Review
- R105/2013: New Technological Applications in Deep-Level Gold Mining
- R106/2013: The Importance of Fluorspar in the Developing Fluorochemical Industry in SA
- R107/2014: An Overview of SA Diamond Industry
- R108/2014: SA's Iron Ore Industry Development, 2004-2013
- R109/2013: The Role of Aggregate and Sand in the Construction Industry

- **Handbooks**

These publications are all available electronically and in hard copy through subscription or a once off request to Head Office. They are also available on the DMR website.

H1/2013: South African Ferroalloy Handbook, 2013

H2/2009: Precious Metals Trade – General Information Handbook, 2009

H3/2011: South African Steel Producers Handbook

- **Directories**

These publications are all available electronically and in hard copy through subscription or a once off request to Head Office. They are also available on the DMR website.

- D1/2014:** Operating Mines and Quarries and Mineral Processing Plants in the Republic of South Africa, 2014
- D2/2014:** Operating and Developing Coal Mines in the Republic of South Africa, 2013
- D3/2011:** Operating Gold Mines and Recovery Plants in the RSA, 2011
- D4/2013:** Salt Producers in the Republic of South Africa, 2011
- D5/2012:** South African Mineral Beneficiators, 2012
- D6/2012:** Platinum-group Metal Mines in South Africa, 2012
- D7/2012:** South African Diamond Handbook and Operating Diamond Mines Directory, 2012
- D8/2013:** Ferrous Mineral Commodities Produced in the Republic of South Africa, 2011
- D9/2012:** Producers of Dimension Stone in South Africa, 2012
- D10/2012:** Producers of Non-ferrous Metal Commodities in South Africa, 2012
- D11/2013:** Producers of Industrial Mineral Commodities in South Africa, 2013
- D12/2010:** Operating and Developing Black Empowerment Mining Companies in the Republic of South Africa, 2010
- D13/2009:** African Mining – Mining Companies, Government Departments and Related Organizations, 2009
- D14/2012:** Producers of Sand and Aggregate in the RSA, 2012

- **Information pertaining to the Mineral and Petroleum Resources Development Act**

5.1.3 The records as listed below in respect of applications for rights pending or finalized in terms of the Mineral and Petroleum Resources Development Act 28 of 2002 will be made available voluntary via the Regional Managers: Mineral Regulation as listed in Annexure C hereto. Voluntary access to these records is limited to the extent that confidential information in respect of applicants for or holders of rights in terms of the Mineral and Petroleum Resources Development Act disclosed in such applications will not be made available without the prior consent of the applicant or holder concerned.

5.1.3.1 Chief Directors:

Ms. M Malapane
Chief Director:
Mineral Regulation and Administration:
Private Bag X 59
ARCADIA
0007

Tel: (012) 444 3930
Fax: (012) 341 3771

Ms. M Kobe
Chief Director:
Mineral Regulation and Administration:
Private Bag X 59
ARCADIA
0007

Tel: (012) 444 3903
Fax: (012) 341 3771

Ms. R Nkambule
Chief Director:
Mineral Regulation and Administration:
Private Bag X 59
ARCADIA
0007

Tel: (012) 444 3967
Fax: (012) 341 3771

5.1.4 Records voluntary available **without** the need for a request for such information as contemplated in paragraph 5.1.3 above are the following:

- The Completed Application Form for rights in terms of the Mineral and Petroleum Resources Development Act 28 of 2002
- The Plan as contemplated in Regulation 2(2)
- Title Deed(s) or certified copy/copies in respect of the land concerned
- Social and Labour Plan, excluding confidential commercial and financial information

- Proof of Consultation with Interested and Affected parties
- Proof of Consultation with other Government Departments, excluding the result of consultation, which may be obtained from the relevant Department
- Status of identified land
- Details on holders of prospecting, mining or other rights in terms of the Minerals and Petroleum Development Act 28 of 2002 in respect of specified land
- Details of existing rights within RSA;
- Executed prospecting and mining rights
- Prospecting and Mining Works Programmes, excluding proof of Financial ability
- Environmental Management Programmes, Environmental Management Plans and Environmental Authorisations
- Financial Provision for Rehabilitation

The procedure to be followed by requesters for records as mentioned in Paragraph 5.1.4 above is detailed in Paragraph 6.1 below.

5.1.5 Records on the existence of rights over any specified land

Records of any existing rights granted in terms of the Mineral and Petroleum Resources Development Act on any specified land is available **automatically** to any person at the Regional Offices (See Annexure C) and **without** the requirement to lodge a request in terms of the Act.

5.1.6 Records of Registrations at the Mining Titles Registration Office

Records of Registered Rights held by the Mining Titles Registration Office are available on request directly from the said office. These are public documents.

5.2 Categories of Records available that may be requested in terms of The Act [Section 14(1) (d)]

Access to the records listed hereunder has to be requested in terms of the Act from the Information Officer or Deputy Information Officer as listed in Paragraph 4 above. The procedure prescribed is detailed in Paragraph 6.2 below and fees payable is reflected in Paragraph 7 below.

- Agendas & Minutes of Meetings
- Bilateral and International Agreements
- Contracts
- Delegations
- Financial records including but not limited to

- Departmental Budget
 - Fund Cash Flow
 - Fund Expenditure
 - Institutional Funds Report
- Mandates
- Personnel Records
- Plans including but not limited to
 - Business Plans
 - Human Resources Plans
- Policies
- Programs including but not limited to
 - Employee Assistance Programme
 - Empowerment Programmes
 - HIV/AIDS Programmes
- Audit Reports
- Strategies
- Records of Pending or Finalised Applications for rights in terms of the Mineral and Petroleum Development Act other than those contemplated in 5.1.4 above:
 - Proof of financial and technical competence or access thereto*
 - BEE Agreements*
 - Joint Venture Agreements*
 - Social and Labour Plan (confidential portions thereof where applicable)*
 - Proof of Consultation with interested and affected parties
 - Proof of Consultation with other Government Departments, excluding the results of such consultation, which maybe obtained from the relevant Department
 - Details of existing rights within RSA.
 - Internal Documents produced by Department of Mineral Resources, for example submissions, RoD's, Evaluation Reports etc.
 - Records pertaining to the Mine Health and Safety Act

* Any request for this information will be forwarded to the Third Party concerned.

6. REQUEST FOR INFORMATION PROCEDURE

A Requester must be given access to a record of a public body if the Requester complies with the following:

- The Requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
- Access to that record is not refused on any ground of refusal as mentioned in the Act

6.1 Application Process for Access to Records made available voluntarily

The Act does not require an application for access to records that is made available voluntarily. To enable the Department of Mineral Resources to facilitate the copying of such records, to monitor service delivery and to keep appropriate records and statistics in this respect a person is requested to complete the form marked Annexure A hereto.

It is recorded that this procedure is not relevant with regard to documents requested from the Mining Titles Registration Office. Applicants will be provided with a form at that Office, that need to be completed. Since this office is a Public Registration Office, no qualification as an interested and affected party is required to obtain access to such records.

6.2 Application Process for Access to Other Records

- 6.2.1 The Requester must complete the prescribed request form (DMR 131) which can be found on the Department's website at <http://www.dmr.gov.za>, in the Government Gazette (Government Notice R187 dated 15 February 2002) and is also obtainable upon request from the Chief Registry Clerk at (012) 444 3832. In order to facilitate the request at best, requesters is encouraged to also complete the form marked Annexure B hereto and which is also available on the above mentioned website or Chief Registry Clerk.

The duly completed form must be submitted as follows:

By Hand:

The Information Officer
Department of Mineral Resources
3rd Floor Block 2B
Trevenna Campus
c/o Schoeman and Meintjes Street
ARCADIA
PRETORIA

OR

The Deputy Information Officer
Chief Director: Legal Services
Department of Mineral Resources
2nd Floor Block 2B
Trevenna Campus
c/o Schoeman and Meintjies Street
ARCADIA
PRETORIA

By Post:

The Information Officer
Department of Mineral Resources
Private Bag X 59
ARCADIA
0007

OR

The Deputy Information Officer
Chief Director: Legal Services
Department Mineral Resources
Private Bag X 59
ARCADIA
0007

By E-mail

The Information Officer
Adv. T Mokoena
Mamabefu.modipa@dmr.gov.za

The Deputy Information Officer
Mr P Alberts
Pieter.alberts@dmr.gov.za
Diphoko.Modiselle@dmr.gov.za

Please DO NOT submit requests for access to information to regional offices.

- 6.2.3 The Requester must indicate if he/she would like a copy of the record or would like to inspect the record at the offices of the Department or otherwise gain access to records which may not be in printed form.
- 6.2.4 The Information Officer / Deputy Information Officer receives and validates the request to establish whether the required information is available within the Department. The request is then accepted or rejected. The Deputy Information Officer will liaise with the rightful custodian of the required information. An acknowledgement is then forwarded to the Requester to confirm the status of the request.
- 6.2.5 If a person requests access in a particular form, then the requester should be granted access in the manner that has been asked, unless doing so would interfere unreasonably with the running of the Department, or damage the record, or infringe a copyright not owned by the State. If, for practical reasons, access cannot be granted in the required form but in an alternate form, access must be granted in such an alternate manner.
- 6.2.6 If, in addition to a written reply to the request for a record, the requester wants to be informed of the decision in any other manner, e.g. telephone or fax, this must be indicated.
- 6.2.7 If the request is granted, the Information Officer/ Deputy Information Officer will notify the requester and the custodian of the information. The latter will gather and prepare the information and calculate the fees due and payable in accordance with paragraph 7 below.
- 6.2.8 The Requester will then be informed by the custodian of the records of the completion of the request and the fees due and payable to the Department. Once the payment is received, the record will be released to the Requester by the custodian of the records.

6.3 General Information

The prescribed form must be completed with enough particularity to enable the Information Officer / Deputy Information Officer to identify:

- The Record(s) requested;
- The Identity of the Requester
- The form of access required if the request is granted(See also Paragraph 6.2.3 above)
- The Postal Address, Fax Number or e-mail address of the Requester

The requester must clearly state if he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is to be

exercised or protected. In addition, the Requester must clearly specify why the record(s) is necessary to exercise or protect such right.

If the request is made on behalf of another person, the requester must submit proof of the capacity in which the request is made to the reasonable satisfaction of the Information Officer or Deputy Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy, such person may make a request orally. The Information Officer or Deputy Information Officer must then complete the request form (DMR 131 and Annexure A or B as applicable) on behalf of the requester and hand a copy of such completed form to the requester.

The Department will process the request within 30 days, unless the Requester has stated special reasons, which would satisfy the Information Officer or Deputy Information Officer that circumstances dictate that the above time period should not be complied with. The above mentioned 30 day period may be extended for a further period of not more than 30 days if the request is for a large amount of information, or the request requires a search for information held at another office of the Department and the information cannot reasonably be obtained within the original 30 day period. The Information Officer or Deputy Information Officer will notify the Requester in writing should an extension of the prescribed 30 day period be sought.

7. Fees

The Act provide for two types of fees:

- (1) A Request fee which is a standard fee of R35-00 per request and must accompany the request for information. No request for information will be processed unless payment of the request fee has been made.
- (2) An access fee, which is calculated by taking into account reproduction costs, search and preparation time and costs, as well as postal costs in accordance with the prescribed tariff set out below

A Requester whose request for access to a record has been granted must pay an access fee for reproduction and for search preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.

If a search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed by regulation for this purpose, the Information Officer/ Deputy Information Officer shall notify the Requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer/ Deputy Information Officer shall withhold a record until the Requester has paid the relevant fees as indicated below.

If for practical reasons access cannot be given in the required form but in an alternate manner, the fees payable must be calculated in accordance with the form that the Requester first asked for it.

If a deposit has been paid in respect of a request for access which is refused, the Information Officer concerned must refund the deposit to the Requester.

Fees may be paid by hand delivered cash, or a direct bank deposit into the following Bank Account Number held by the Department:

In the event of a direct bank deposit Proof of the deposit must accompany the request documentation. Payments by cheque shall not be accepted.

ABSA Bank
Branch code: 63 2005
Account Number: 406 176 9154
Reference Number: 01005629AI09

Prescribed Fees Applicable to Public Bodies

The request fee payable by every Requester, other than a personal Requester referred to in Regulation 7(2) = **R 35-00**

Copy of the Guide as contemplated in Regulation 2(3) (b) and 3(4) (c) for every photocopy of an A4-size page or part thereof = **R 0-60c**

Copy of the Manual as contemplated in Regulation 5 (c) for every photocopy of an A4-size page or part thereof = **R 0-60c**

The fees for reproduction referred to in regulation 7(1) are as follows:

- 1) For every photocopy of an A4-size page or part thereof = **R 0-60c**
- 2) For every printed copy of an A4-size paper or part thereof held on a computer or in electronic or machine –readable form = **R 0-40c**
- 3) For a copy in a computer-readable form on
 - a) stiffy disc = **R 5-00**
 - b) compact disk = **R 40-00**

- 4) For a transcription of visual images
 - a) for an A4-size page or part thereof = **R 22-00**
 - b) for a copy of visual images = **R 60-00**
- 5) For a transcription of an audio record
 - a) for an A4-size page or part thereof = **R 12-00**
 - b) for a copy of an audio record = **R 17-00**

The access fees payable by a Requester referred to in Regulation 7(3) are as follows:

- 1) For every photocopy of an A4-size paper or part thereof = **R0-60c**
- 2) For every printed copy of an A4-sized paper or part thereof held on a computer or in machine-readable form = **R 0-40c**
- 3) For a copy in computer readable form on
 - a) a stiffy disc = **R 5-00**
 - b) compact disk = **R 40-00**
- 4) For a transcription of visual images
 - a) for an A4-size paper or part thereof = **R 22-00**
 - b) for a copy of visual images = **R 60-00**
- 5) For a transcription of an audio record
 - a) for an A4-size paper or part thereof = **R12-00**
 - b) for a copy of an audio record = **R17-00**

To search for and prepare the record for disclosure, **R15-00** for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.

For purposes of section 22(2) of the Act, the following applies:

- a) Six hours as the hours to be succeeded before a deposit is payable; and
- b) One third of the access fee is payable as a deposit by the Requester.

The actual postage is payable when a copy of the record must be posted to a Requester and is dependant on the relevant postal tariff in terms of the postage size and destination.

8. REMEDIES WHERE REQUESTS FOR ACCESS TO INFORMATION IS REFUSED [Section 14 (1) (h)]

8.1. Refusal of Request

The main grounds for the Department to refuse a request for access to information relates to the:

- (1) Mandatory protection of the privacy of a third party who is natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- (2) Mandatory protection of the commercial information of a third party if the record contains:
 - Trade secrets of that third party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - Information disclosed in confidence by a third party to the Department, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- (3) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- (4) Mandatory protection of the safety of individuals and the protection of property;
- (5) Mandatory protection of records which would be regarded as privileged in legal proceedings;
- (6) The commercial activities of the Department which may include the following:
 - Trade secrets of the Department;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Department;
 - information which, if disclosed could put the Department at a disadvantage in negotiations or commercial competition;
 - a computer programme which is owned by the Department, and which is protected by copyright.

- (7) The research information of the Department or a third party, if its disclosure would disclose the identity of the Department, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- (8) Requests for information which are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

8.3 Internal Appeal

- (1) A Requester may lodge an internal appeal against a decision of the Information Officer or Deputy Information Officer of the Department
 - (a) to refuse a request for access; or
 - (b) taken in terms of section 22, 26(1) or 29(3),in relation to that requester with the relevant authority.
- (1) A third party may lodge an internal appeal against a decision of the Information Officer or Deputy Information Officer of the Department, to grant a request for access.

An internal appeal must be lodged in the prescribed form which can be found in Government Gazette (Government Notice R187 dated 15 February 2002 Form B) and is also available on the website of the Department as referred to in paragraph 6.2.1 above

An internal appeal must be lodged:

- Within 60 days;
- With the office of the Information Officer or Deputy Information Officer
- If notice to a third party is required, within 30 days after notice is given to the Appellant of the decision appealed against; or
- If notice to the Appellant is not required, after the decision was taken;
- It must be delivered or sent to the Information Officer of the Department at his or her address, fax number or electronic mail address;
- The subject of the appeal must be identified and the reasons for the appeal must be stated and may include any other relevant information known to the Appellant;
- If, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, that manner must be stated and the necessary particulars provided to be so informed;
- If applicable, must be accompanied by the prescribed appeal fee (The regulations of February 2002 do not make any provision for a prescribed appeal fee unlike the repealed Regulations of March 2001)
- Must specify a postal address or fax number

If an appeal is lodged after the expiry of the prescribed period as referred to above, the relevant authority must, upon good cause shown, allow the late lodging of the appeal.

If the relevant authority disallows the late lodging of the appeal, he or she must give notice of that decision to the person who lodged the appeal.

If the applicable appeal fee (if any) is payable, the decision on the appeal may be deferred until the fee is paid.

As soon as is reasonably possible, but in any event within 10 working days after receipt of an appeal, the Information Officer or Deputy Information Officer of the Department must submit to the relevant authority (who is the Minister by definition):

- The appeal together with his or her reasons for the decision concerned;
- And if the appeal is against the refusal or granting of a request for access, the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified of the request.

8.4 Court Application

A Requester or a third party who has been unsuccessful in an internal appeal to the relevant authority may, by way of application, within 30 days apply for appropriate relief to a Court having jurisdiction.

A Requester or a third party may only apply to a court for appropriate relief after the Requester or third party has exhausted the internal appeal procedure against a decision of the Information Officer or Deputy Information Officer.

9. SERVICES [Section 14(1)(f)]

9.1 Nature of Services

In pursuance of its statutory mandate, the Department of Mineral Resources promotes and regulates the mineral sector in such a manner so as to provide services for the effective Governance of the mineral industries, for transformation, economic growth and development, thereby ensuring that all South Africans derive sustainable benefit from the country's mineral wealth.

To maintain high health and safety standards in mines, the Department's Inspectors of Mines conduct accident investigations, health and safety inspections and Health and Safety Audits. Where risky conditions are identified at mines, instructions for rectification are issued and compliance monitored. Accidents are therefore pro-actively reduced to the minimum.

The Department, through its Regional Offices process and grants applications for prospecting, mining and other rights in terms of the Mineral and Petroleum

Resources Development Act 28 of 2002 to qualifying applicants. Various sections within the Regional Offices assist with the evaluation of such applications to ensure a high standard in compliance with the requirements of the Act.

The Department also facilitates the protection of the environment through the implementation of environmental management plans, environmental management programmes, environmental authorisations, rehabilitation of derelict and ownerless mining complexes, thereby ensuring reduced exposure of surrounding communities.

The Directorate Mineral Economics renders an important service in the promotion of South Africa's mineral resources. Through distribution of appropriate publications from time to time, a significant increase in mineral sales was effected.

9.2 How to Access these Services

To gain access to the services offered by the Department, requests must be directed to the:

See Annexure C for a List all Regional Managers

Alternatively:
The Director- General
Department of Mineral Resources
Private Bag X 59
Arcadia
0007

Telephone number: (012) 444 3868
Fax number: (012) 444 3136

10. ARRANGEMENT ALLOWING PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY AND THE EXERCISE OF POWER [SECTION 14(1) (G)]

In drafting legislation and formulating policy, the Department engages the public through public participation processes. The Mineral and Petroleum Resources Development Act provides for compulsory consultation with interested and affected persons during the application process for any rights in terms of the Act.

The results of the consultations must be disclosed. As such public opinion is considered together with all other granting criteria.
