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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF MINERAL RESOURCES AND ENERGY**NOTICE 84 OF 2021****PUBLICATION OF THE GEOSCIENCE ACT 100 OF 1993 DRAFT
REGULATIONS FOR PUBLIC COMMENT**

I, **SAMSON GWEDE MANTASHE, MP**, Minister of Mineral Resources and Energy, hereby publish the Geoscience Act 100 of 1993 Draft Regulations in terms of section 25(1) read with the provisions of section 14 of the Interpretation Act, 1957 (Act No. 33 of 1957), for public comment. Interested and affected parties are hereby invited to submit written representations on the Draft Regulations. The representations must be marked for the attention of Ms Sibongile Malie and can be hand delivered, emailed or sent by post, on or before 19/04/2021 to the following details:

70 Meintjies Street
Sunnyside
0001

or

Private Bag X 59
Arcadia
0007

Written representations may also be sent by email to:

representations@dmre.gov.za must reach the Department of Mineral Resources and Energy by not later than 30 days from the publication of this notice. A copy of the Geoscience Act Regulations 2020 Draft Regulations is attached hereto.



MR S.G. MANTASHE, MP

MINISTER OF MINERAL RESOURCES AND ENERGY



mineral resources
& energy

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

DRAFT GEOSCIENCE ACT, REGULATIONS 2020

SCHEDULE**ARRANGEMENT**

1. Definitions
2. Submission of geoscience data and information
3. Dissemination of geoscience data and information
4. National Advisory Authority function in terms of geohazards
5. Acknowledgement of geoscience data lodged with the Council for
Geoscience
6. Authorisation and sanctions
7. Appeals of Administrative
8. Annexures

CHAPTER 1

DEFINITIONS

In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning unless the context indicates otherwise –

“Anthropogenic” means any condition or state brought about by human activities.

“Competent person” means any person who is qualified by virtue of his or her qualifications, knowledge, expertise, skills and experience in a specific geoscience discipline and knowledgeable with the Geoscience Act and other related legislation.

“Occupier” means a person residing on land which belongs to another person, and who has or on 4 February 1997 or thereafter had consent or another right in law to do so, but excluding:

- (a) a labour tenant in terms of the Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996); and
- (b) a person using or intending to use the land in question mainly for industrial, mining, commercial or commercial farming purposes, but including a person who works the land himself or herself and does not employ any person who is not a member of his or her family; and
- (c) a person who has an income in excess of the prescribed amount which is R5 000.00.

“Department” means the Department of Mineral Resources and Energy.

“Dolomite” means a calcium carbonate rock type and its associated weathering products whose properties make the rock susceptible

to dissolution, leading to subsurface voids and collapses at surface known as sinkholes and subsidence.

“Dolomite instability events” means sinkholes, subsidence and ground cracks on dolomitic or associated land.

“Dolomitic land” means land, underlain by dolomite residuum or bedrock (or both). The dolomitic land is located typically at depths of no more than 60 m in areas where no de-watering has taken place and where the local authority has jurisdiction, is monitoring and has control over the groundwater levels in the area. Alternatively, dolomitic land may occur at depths of no more than 100 m in areas where de-watering has taken place or where the local authority has no jurisdiction or control over the groundwater levels.

“Geo-environmental pollution” means any degradation to the natural environment brought about by human-induced activities, such as mineral exploration/exploitation and other activities, in the course of the production of geoscientific and geological information.

“Geology” means the study of all fundamental properties associated with the Earth’s surface, including the atmosphere, lithosphere and below.

“Geotechnical report” means geotechnical site investigation reports, inclusive of all geohazard-related investigations, prepared by a competent person. A geotechnical report provides information on surface and subsurface soil, rock, and water conditions in respect of civil engineering structures and infrastructure, including mine surface infrastructure.

“Geoscience data” means any data associated with any investigation of the natural environment, especially associated with the Earth’s lithosphere.

“Geoscience information” means any information associated with any investigation of the natural environment, especially associated with the Earth’s lithosphere.

“Infrastructure” means installations, structures, facilities, systems, services or processes, and which are part of the national infrastructure plan. As per Schedule 1 of the Infrastructure Development Act, Act No. 23 of 2014, infrastructure includes:

- (a) National and international airports
- (b) Communication and information technology installations
- (c) Education institutions
- (d) Electricity transmission and distribution facilities
- (e) Health care facilities
- (f) Human settlements and related infrastructure and facilities
- (g) Economic facilities
- (h) Mines
- (i) Oil or gas pipelines, refineries or other installations
- (j) Ports and harbours
- (k) Power stations or installations for harnessing any source of energy
- (l) Productive rural and agricultural infrastructure
- (m) Public roads
- (n) Public transport
- (o) Railways
- (p) Sewage works and sanitation facilities
- (q) Waste installations

(r) Water works and water facilities.

“Land” means areas of the Republic (of South Africa — see the definition of “Republic” below) and its territories, including onshore areas and properties, offshore regions

“Land development” means any change of use of land or any deviation from the land use or uses permitted in terms of an applicable land use scheme providing for activities such as agriculture and/or the erection of buildings or structures, etc within the Exclusive Economic Zone, subsurface and the airspace. This definition of “land” includes any erf, agricultural holding or farm portion.

“Land-Owner” means the person registered in the deeds registry as the owner of the land or the person who is the beneficial owner in law.

“MPRDA” means the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended.

“Republic” means the Republic of South Africa.

“Seismological data” means information on ground motion produced by seismic disturbances (both natural and induced) recorded by seismological equipment.

“State Authority” denotes organs of State, as defined in section 239 of the Constitution of the Republic and any other state-owned entities provided for in terms of the Public Finance Management Act 1 of 1999 (Act 1 of 1999).

“Structure” means a building or construction of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, the use of which requires a permanent location on the ground or attachment to an entity having a

permanent location on the ground, with the exception of paved areas, walkways, tennis courts, and similar outdoor areas.

CHAPTER 2

2. SUBMISSION OF GEOSCIENCE DATA AND INFORMATION IN TERMS OF SECTION 5(1)(C) GEOSCIENCE ACT 100 OF 1993.

2.1: LODGEMENT OF GEOSCIENCE DATA AND INFORMATION IN RESPECT OF RECONNAISSANCE STUDIES AND PROSPECTING

2.1.1 All onshore and offshore prospecting geoscience data and information (for example technical reports, progress reports and prospecting reports), on reconnaissance and prospecting must be lodged to the Council for Geoscience in hard copy, in digital and/or physical format, as specified in Annexure A.

2.1.2 The lodgement must be marked for the attention of:

The Chief Executive Officer of the Council for Geoscience

2.1.3 This lodgement should be accompanied by all geoscience data and information as outlined by the reconnaissance and/or prospecting works programme and should include, without being limited to:

- (a) Geo-referenced location map (WGS84 datum)
- (b) Geological data and information
- (c) Borehole profile logs
- (d) Physical borehole core (from percussion and/or diamond drilling)
- (e) Indication and catalogue of physical core
- (f) Sampling reports
- (g) Geochemical and assay data and information

- (h) Mineral resources and reserve estimation
- (i) Geohydrology information
- (j) Bathymetrical data
- (k) Seismological and geotechnical data
- (l) Geophysical data and information
- (m) Or any other physical material that may assist the Council for Geoscience in achieving its mandate.

2.1.4 The holder of a permit / right must submit geoscience data every 12 months from the date of the granting of a permit /right or at the end of the tenure of the permit / right no longer than 30 days of the expiry of such period.

2.2 LODGEMENT OF ALL ONSHORE AND OFFSHORE GEOSCIENCE DATA AND INFORMATION, NOT RELATED TO RECONNAISSANCE AND PROSPECTING

2.2.1 All onshore and offshore geoscience data and information collected by non-right holders must either be lodged to the Regional Office Offices or the Head Office of the Council for Geoscience. These may be delivered to nominated addresses in the prescribed format as specified in Annexure A.

Non-rights holders include, but are not limited to:

- (a) South African; government departments, public entities, traditional authorities and private institutions/individuals; and
- (b) Foreign; governments, public entities and private institutions or individuals in possession of data and information relating to South African geoscience.

2.2.2 All foreign governments, public entities and private institutions or individuals intending to undertake geoscience research within the Republic must notify the Council for Geoscience in writing no

longer than 60 days prior to the start of the intended research, and must submit the results of their geoscience research to the Council for Geoscience within an agreed timeframe after the completion of the data collection and analyses phase.

2.2.3 The lodgement must be marked for the attention of: *The Chief Executive Officer of the Council for Geoscience.*

2.2.4 The lodgement of all geoscience data and information, as prescribed the Geoscience Act, should be marked for the attention of: *The Chief Executive Officer of the Council for Geoscience.* The data and information should include, but are not limited to:

- (a) Geology
- (b) Geochemistry (including geochronology)
- (c) Geophysics (including seismology and geomagnetism)
- (d) Engineering geology
- (e) Economic geology
- (f) Palaeontology
- (g) Palynology
- (h) Geohydrology
- (i) Marine geology
- (j) Geohazards
- (k) Environmental geoscience
- (l) Borehole profile logs and Physical borehole core (from percussion and/or diamond drilling).

2.3 SUBMISSION OF GEOSCIENCE DATA AND INFORMATION ON INFRASTRUCTURE AND DEVELOPMENT AS PER ANNEXURE B.

2.3.1 All State authorities that are planning developments or infrastructure on dolomite land shall consult with the National Advisory Authority: Dolomite in a timeous manner to obtain their written opinion on the safety and proper use of that land. 2.3.2 When consulting with the National Advisory Authority: Dolomite, State Authorities must adopt the following measures: The consultation contemplated in sub-regulation 1 shall consist of:

- (a) initial meeting between the relevant parties, feasibility and alternative options of the project envisaged;
- (b) mapping out of the National Advisory Authority: Dolomite's requirements for the particular project;
- (c) ongoing consultation to ensure compliance and dealing with site specific issues;
- (d) a completion report detailing the history, decisions, site information, risk management plan;
- (e) final written opinion of the National Advisory Authority: Dolomite

2.3.3 Existing State Authority Developments

2.3. 1 All State authorities that have existing developments or infrastructure on dolomite land shall engage with the National Advisory Authority: Dolomite and submit an annual risk management plan (RMP).

2.3.4 The RMP contemplated in sub-regulation (1) must:

- (a) comply with the requirements of SANS 1936 1-4;

- (b) detail budgets, schedules and personnel to achieve the objectives of the RMP.

2.3.5 Developments in terms of applicable legislation.

2.3.6 All State authorities, that by virtue of their jurisdiction through the applicable legislation administered by such State Authority, where it is affected by dolomite land, shall ensure that the National Advisory Authority: Dolomite has been consulted and a written opinion has been obtained on those matters.

2.3.7 The responsible official within the State Authority shall apply the following procedure to ensure that dolomitic matters have been addressed:

- (a) shall appoint a competent person who must on behalf of the applicant comply with these regulations;
- (b) shall ensure that the competent person, while complying with these regulations, has the necessary expertise in dolomite matters and has the ability to perform all the relevant tasks contemplated in these regulations

2.3.8 The National Advisory Authority: Dolomite shall-

- (a) record the date of receipt of the report, which shall become the date of commencement of the review process;
- (b) record the extent of the site boundaries on a GIS system
- (c) review the report submitted and develop an opinion on the contents thereof and its compliance with the stipulated standards in the regulations;

- (d) record its support or rejection of the opinions expressed in the report and its compliance with the stipulated standards in the regulations (Record of Decision).

2.3.9. If the NAAD is of the opinion that the report and its findings are

Non-compliant with, the NAAD may make the following recommendations –

- (a) that further information be supplied or additional investigation be undertaken;
- (b) that an alternative or additional engineering solutions be found;
- (c) that consultation with the relevant authority be undertaken;

2.3.10. The NAAD shall in writing forward its Record of Decision to the relevant State Authority or the competent person acting on behalf of the State Authority. (subject to payment of the prescribed tariffs.)

2.3.11. Treat the application as unsuccessful until the above requirements have been met.

2.3.12. On receipt of an updated or amended application restart the application process.

2.4 LODGEMENT OF HISTORICAL / LEGACY DATA

2.4.1 All historical onshore and offshore prospecting and reconnaissance geoscience data and information (for example technical reports, progress reports and prospecting reports) that are more than 15 years old must be lodged in hard copy, digital and/or physical format as specified in Annexure A.

- 2.4.2 All historical-and offshore geoscience data and information must be lodged at the Regional Offices or Head Office of the Council for Geoscience.
- 2.4.3 All foreign governments, public entities and private institutions/ individuals in possession of historical on- and offshore geoscience data and information collected in South Africa must notify, lodge or make an arrangement to lodge the geoscience data and information to the Council for Geoscience within 18 months of the entry into operation of these Geoscience Regulations. The notification, lodgement or arrangement must be delivered to the nominated address in the prescribed format as specified in Annexure A.

2.5 COUNCIL FOR GEOSCIENCE PRESCRIBED SPECIALISED SERVICES TO PUBLIC AND PRIVATE INSTITUTIONS IN TERMS OF SECTION 5(1)(G).

- 2.5.1 The Council for Geoscience offers prescribed services to public, private institutions and individuals at fees outlined in the Data and Information Pricing guidelines and catalogue obtainable from the council's offices and website.

5.3.2 Any person who paid to the Council for services will be reimbursed

due to the following:

- a) if the Council rendered substandard service; and
- b) Council breach the material agreement relating to the services rendered.

CHAPTER 3

3. DISSEMINATION OF GEOSCIENCE DATA AND INFORMATION

- 3.1 Geoscience data, information and prescribed services may be made accessible through digital and non-digital media. The

geoscience data, information and may be disseminated at an appropriate fee.

- 3.2 Data requests may also be made by visiting any of the Council for Geoscience offices, or through written request to the following email addresses, as per the guidelines outlined:

data@geoscience.org.za

CHAPTER 4

4. NATIONAL ADVISORY AUTHORITY FUNCTION IN TERMS OF GEOHAZARDS

4.1: Advisory function of the council for geoscience in relation to geohazards

4.1.1 State Authorities, private sector entities, traditional authorities and

the general public may seek advice from the Council for Geoscience relating to infrastructure development and other activities in respect of geohazards including, but not limited to

- (a) Dolomitic land.
- (b) Under-mined areas.
- (c) Regions prone to slope stability problems.
- (d) Regions prone to seismicity.
- (e) Areas prone to flooding.
- (f) Regions prone to significant erosion and land degradation linked to geohazards.
- (g) Areas underlain by problem soils.
- (h) Geo-environmental pollution related to past, present and future mineral exploration, exploitation and other activities (anthropogenic and/or non- anthropogenic/ natural processes) that might lead to geo-environmental pollution.

- 4.1.2 State Authorities, private sector entities, traditional authorities and the general public intending to undertake development, must lodge geotechnical reports in relation to geohazards to the Council for Geoscience, through their geo-practitioners, for geoscientific independent technical review in accordance with the prevailing national standards, industry best practice to ensure the oversight of experiential expertise. The geoscientific technical review requirements and processes are detailed in Annexure B.
- 4.1.3 State Authorities, private sector entities, traditional authorities and the public may seek advice from the Council for Geoscience on the geoscientific aspects of risk management strategies.
- 4.1.4 The outcomes of the independent geoscientific review from the Council for Geoscience must be communicated through a letter signed by the duly authorised official of the Council for Geoscience and addressed to the State Authority. The timeframe will be in accordance with an agreement between the Council for Geoscience and the State Authority.
- 4.1.5 State Authorities, private sector entities, traditional authorities and the general public are encouraged to report all geohazard occurrences within or around their area, to the Head Office of the Council for Geoscience (address in Annexure B) by utilising the attached form (Annexure C).

CHAPTER 5

5. AUTHORISATION AND SANCTIONS

- 5.1: Authorisation for the council for geoscience to execute its mandate across the republic of South Africa

5.1.1 The Council for Geoscience shall undertake research in the Republic, including:

- a) Onshore land and properties within its borders;
- b) Offshore regions within the exclusive economic zone of the republic and its territories;
- c) Subsurface; and
- d) The airspace.

5.1.2 In the execution of its mandate, the Council for Geoscience must notify and consult the landowner or lawful occupier of the land and/or the relevant regulatory authority to inform them of the intended activities of the Council for Geoscience. The Council for Geoscience shall submit an officially written notification within a period not less than 60 days before the commencement of the stipulated work, which may culminate in the registration of a servitude on the identified land.

5.1.3 The landowner or lawful occupier must allow officials of the Council for Geoscience an entry to the land/property and ensure a conducive environment for the council to execute its mandate.

5.2 BOARD COMMITTEES SHALL BE CONVENED IN LINE WITH THE COMMITTEE CHARTERS AS APPROVED BY THE BOARD

5.2.1 The members, competence, and operating procedure of any Executive Committee appointed by the Board shall be determined by the decisions adopted by the Council for Geoscience's Board in accordance with the requirements set forth in the applicable laws.

5.2.2 Board's Executive Committee meetings shall be held at least once every month but may be held at any time in case of urgent circumstances.

5.2.3 Board may establish a committee that shall, subject to the direction of the Board, perform such functions of the Board as determined from time to time. Furthermore, Section 56 of the PFMA (Act No 1 of 1999, as amended) provides that some Board responsibilities may be delegated to Board committees and the management of the CGS without divesting the Board of its roles and responsibilities. The Board committees are, therefore, required to make recommendations to the entire Board before strategic decisions are implemented by management.

5.2.4 The Board has constituted and delegated some of its functions to the following four Board committees: Audit and Risk, Finance, Technical and Personnel, Remuneration and Transformation committees.

5.2.4.1 The Board may, without abdicating its responsibilities, delegate any of its functions to committees of the Board by consulting each committee in terms of Section 15 of the Geoscience Act, as amended.

5.2.4.2 The Board may, as and when necessary, appoint an ad hoc Board Committee, which shall, subject to the direction of the Board, perform such functions of the Board as the Board may determine from time to time.

5.2.5 The Board shall constitute four committees of the board. The Board shall appoint the Chairpersons as well as members of the committees of the Board.

5.2.6 Each Committee shall be governed by its own respective charter which shall provide for the membership, purpose, powers and authority of the Committee as well as the scope of its mandate.

5.2.7 The Board shall annually review the performance of each Committee to ensure that their composition, mandate and authority enable them to provide effective assistance to the Board in the key areas in which they function.

5.2.8 Committees of the Board are required to report on their activities and Recommendations to the Board and these may be written or oral. Such reporting shall form the basis for the assessment of their performance.

5.4 PROCEDURE AT THE BOARD MEETINGS

5.4.1 The Council for Geoscience's Board meetings shall be convened at least once a quarter. The Board must establish an annual work plan to ensure that all relevant matters are covered by the agenda of the meetings planned for the year.

5.4.2 The annual plan must ensure proper coverage of the matters laid out in this Charter. Most of the compliance matters shall be standing agenda items to be attended to on a quarterly basis, whilst other matters may be dealt with only when necessary.

5.4.3 A detailed agenda, together with supporting documentation, must be circulated at least seven days prior to each meeting to the Board members and other invitees.

5.4.4 Any member who cannot attend a meeting may submit to the Chairperson and/or the Company Secretary his/her written inputs on the agenda items to be discussed at the meeting.

- 5.4.5 The minutes must be formally approved by the Board at its next scheduled meeting.
- 5.4.6 The quorum for Board meetings shall be constituted by a majority of its members as well as member participating telephonically (50% of the members plus one).
- 5.4.7 The Board alternate members may attend Board meetings on behalf of the main Board members. The alternate members shall form part of the quorum for the Committee meetings and have authority to exercise a vote in the Committee.
- 5.4.8 A decision of the Board shall be taken by a majority of the votes of the members present. In the event of an equality of votes on any matter, the Chairperson shall have a casting vote in addition to his or her deliberative vote.
- 5.4.9 No decision taken by or act performed under the authority of the Board shall be invalid by reason only of a casual vacancy on the Board or of the fact that a person who was not entitled to sit as a member sat as a member at the time the decision was taken or that the act was authorised, if the decision was taken or the act was authorised by the requisite majority of the members who were present at the time and were entitled to sit as members.

5.5 PRESERVATION OF SECRECY IN RESPECT OF THE AFFAIRS OF COUNCIL

- 5.5.1 Any person is prohibited from engaging in a conduct detrimental to the affairs of the council which includes but not limited to improper disclose of information without consent of the Council for Geoscience or its board.

5.6 SANCTIONS FOR IMPEDING THE FUNCTIONS OF THE COUNCIL FOR GEOSCIENCE

- 5.2.1 Any person who contravenes provisions of this regulation or failure to comply therewith, shall be guilty of an offence and liable on conviction by a court of law to a fine or imprisonment not exceeding two years, or to both a fine and such imprisonment.

CHAPTER 6

6. APPEALS AGAINST ADMINISTRATIVE DECISIONS

- 6.1. Any person who intends to appeal against an administrative decision in terms of section 8B of the Geoscience Amendment Act, must within 30 days after he or she has become aware of the decision or should reasonably become aware of the administrative decision concerned, lodge a written notice of appeal with the Chief Executive Officer of the Council for Geoscience, as follows: The notice of appeal must state clearly-
- (a) the actions appealed against;
 - (b) the grounds on which the appeal is based;
- 6.2 A notice of appeal must be lodged with a deposit of R5000.00 (Five Thousand Rand) to the Council for Geoscience.
- 6.3 The Chief Executive Officer, may in his or her discretion and on such terms and conditions as he or she may decide, condone the late noting of an appeal.
- 6.4 After receipt of the notice of appeal, the Chief Executive Officer, must -
- (a) dispatch copies thereof to -

- (i) the person responsible for the administrative decision concerned.
 - (ii) any other person, whose rights may, in the opinion of the Chief Executive Officer may be affected by the outcome of the appeal.
 - (b) request the persons contemplated in paragraph to respond as provided for in sub-regulations 6(1).
- 6.5 The person contemplated in sub-regulation 6(4)(a)(i) must, within 21 days from receipt of the notice of appeal, submit to the Chief Executive Officer, written reasons for the administrative decision appealed against.
- 6.6 The person contemplated in sub-regulation 6(4)(a)(ii) must within 21 days from receipt of the notice of appeal, submit to Chief Executive Officer, a replying submission indicating -
- (a) the extent and nature of his or her rights;
 - (b) how the outcome of the appeal may affect his or her rights; and
 - (c) any other information pertaining to the grounds as set out in the notice of appeal.
- 6.7 The Chief Executive Officer must dispatch the documents to the person contemplated in sub-regulation 6(1)(a) by registered post and request him or her to respond thereto in writing within 21 days from receipt thereof.
- 6.8 The Chief Executive Officer, within 30 days from the date of receipt of the response from the affected person, either -
- (a) confirm the administrative decision concerned.
 - (b) set aside the administrative decision concerned.
 - (c) amend the administrative decision concerned; or

(d) substitute any other administrative decision for the administrative

Short title and commencement

This Regulation shall be called the Geoscience Act, Regulations, 2021, and shall come into operation on a date fixed by the Minister in the Gazette.

ANNEXURE A**ADDRESSES FOR THE COUNCIL FOR GEOSCIENCE (CGS) REGIONAL
OFFICES AND HEAD OFFICE**

ANNEXURE A

ADDRESSES FOR THE COUNCIL FOR GEOSCIENCE (CGS) REGIONAL OFFICES AND HEAD
OFFICE

CGS OFFICES	PHYSICAL ADDRESS	CONTACT NUMBER
Council for Geoscience Gauteng Province (Head Office)	280 Pretoria Street, Silverton, Pretoria, 0184	+27 (0)12 841 1911
Council for Geoscience Limpopo Province	30A Schoeman Street, Polokwane, 0700	+27 (0)15 295 3471
Council for Geoscience KwaZulu-Natal Province	139 Jabu Ndlovu Street, Pietermaritzburg, 3200	+27 (0)33 345 6265/6
Council for Geoscience Eastern Cape Province	16 2nd Avenue, Walmer, Port Elizabeth, 6065	+27 (0)41 581 164/1156
Council for Geoscience Western Cape Province	3 Oos Street, Bellville, 7535	+27 (0)21 943 6700

Council for Geoscience Northern Cape Province	24 Josling Street, Upington, 8800	+27 (0)54 332 1403
Council for Geoscience National Borehole Repository Gauteng Province Core Depository, Pretoria	Plot 188, Donkerhoek, 0184	+27 (0)12 841 1911

PRESCRIBED DATA REQUIREMENTS AND FORMATS

All geoscientific data must to be lodged to the Council for Geoscience in a suitable file format, including, but not limited to:

- 1 Hard copy data and information:
 - 1.1 Physical copies of documents, properly bound;
 - 1.2 Physical hard copy data, i.e., drill core, percussion drill chips, rock sample and other samples, etc.
- 2 Soft copy data and information:
 - 2.1 Text-based documents: MS Word, RTF, PDF, HTML
 - 2.2 Numeric data: XLS, DBF, ASCII-delimited, TXT, CSV, WKS, PDF
 - 2.3 High-resolution Image data: GEOTIFF, JPEG, PNG, GIF, BMP, PDF, BIL, IMG AI, GRD
 - 2.4 Spatial data: SHP, DXF, DWG, KML, KMZ
 - 2.5 3D geological data: any suitable file format

- 2.6 Point data: SHP, DXF, TXT, ASCII-delimited, DBF, CSV, KML, KMZ

All geoscientific data must be accompanied by the related metadata and all requisite permit/right information.

DETAILS ON THE DIGITAL SUBMISSION OF DATA AND/OR INFORMATION

Lodgement of data and information may be done in any of the following ways:

- 1 Via Email to ngic@geoscience.org.za;
- 2 Via the FTP server;
- 3 USB memory stick (delivered by hand or registered post));
- 4 CD or DVD (delivered by hand or registered post).)

ONSHOREON-SHORE GEOSCIENTIFIC DATA REQUIREMENTS

- 1 Geo-referenced location map (WGS84 datum), typically including:
 - (a) Electronically lodged in GEOTIFF file format (TFW format)
 - (b) Electronically lodged in spatial format with the defined projection.
- 2 Geoscience data and information, lodged electronically and/or in hard copy format, typically including:
 - (a) Geological and/or technical reports and maps
 - (b) Geological and structural data detailing the x, y, z positions in a defined projection (e.g., spatial, image, numeric, point, and 3D data)
 - (c) Geological cross- sections
 - (d) All spatial data in a defined electronic format with projection information.

- 2 Borehole profile logs, lodged electronically and/or in hard copy format, typically including:
 - (a) The x, y positions and defined projection and coordinate system
 - (b) Lithological descriptions and depths
 - (c) Assay information detailing the unit values (e.g., ppm, g/t, wt.%)
 - (d) Drilling method(s).)
- 3 Catalogue of physical borehole core, lodged electronically and/or in hard copy format, typically including:
 - (a) Borehole drill positions, borehole drill depths, drilling methods, lithologies and assay information.
- 4 Sampling data and information, lodged electronically and/or in hard copy format, typically including:
 - (a) Technical reports detailing sampling methods, positions and media (e.g. Soil., soil, rock, stream sediments, water, gaseous etc.)
 - (b) The x, y, z information of sampling positions in a defined projection
 - (c) Maps and spatial data with projection information.
- 6 Geochemistry data and information, lodged electronically and/or in hard copy format, typically including:
 - (a) Technical reports and maps
 - (b) Description of analytical techniques (e.g. Xrf, icpms, xrd, petrography., XRF, ICPMS, XRD, Petrography etc.)
 - (c) The x, y, z information of sampling positions in a defined projection

- (d) Raw data containing the geochemical elements and concentrations (e.g., ppm, g/t, wt.%)
 - (e) All spatial data in a defined electronic format with projection information.
- 7 Mineral resources and reserve estimation data and information, lodged electronically and/or in hard copy format, typically including:
 - (a) Technical reports detailing mineral resources and/or reserves and a delineation of the methodology
 - (b) All spatial data in a defined electronic format with projection information.
- 8 Mine production data and information, lodged electronically and/or in hard copy format, typically including:
 - (a) Technical reports detailing the annual production of mine commodities.
- 9 Geohydrology data and information, lodged electronically and/or in hard copy format, typically including:
 - (b) Geohydrological technical reports and maps
 - (c) Geohydrological data detailing the x, y, z positions in a defined projection (e.g. Borehole., borehole data, groundwater strikes and depths, pump test data, borehole yields, water chemistry, and other *in situ* tests), as a spatial, image, numeric, point, and 3D data with projection information
 - (d) Cross- sections
 - (e) All spatial data in a defined electronic format with projection information.

- 10 Seismological data and information, lodged electronically and/or in hard copy format, typically including:
- (a) Seismology technical reports and maps
 - (b) Reports on seismic events with a magnitude greater than or equal to 1
 - (c) Data must be submitted in miniseed format, in accordance with the requirements specified in the document entitled “seed reference manual, standard for the exchange of earthquake data” (obtainable from the council for geoscience website: www.geoscience.org.za)
 - (d) All spatial data in a defined electronic format with projection information.
 - (e) Datasets must, as a minimum, contain:
 - a. Raw waveforms
 - b. The xyz picks/interpretation points
 - c. Event locations, detailing x, y, z positions in a defined projection
 - d. Related instrument response files.
- 11 Geotechnical and/or engineering geological data and information, lodged electronically and/or in hard copy format, typically including:
- (a) Technical reports and maps
 - (b) All field investigation data detailing the x, y, z positions in a defined projection (e.g. Test pit profile logs, borehole profile logs, geophysical survey raw data, *in situ* test results, sampling positions, depths, and material sampled)
 - (c) Laboratory test results of soil, rock and water
 - (d) Cross-sections

- (e) 3d spatial information in a suitable electronic format
 - (f) All spatial data in a defined electronic format with projection information.
- 12 All airborne and ground geophysical data and information, submitted electronically and/or in hard copy format, typically including:
- (a) Technical reports and maps
 - (b) All raw geophysical data detailing the x, y, z positions and data collection intervals in a defined projection (e.g. Magnetic, radiometric, gravity, electrical resistivity, electromagnetic, magnetotelluric, ground penetrating radar, spectral data, etc.)
 - (c) Laboratory test results of soil, rock and water
 - (d) All spatial data in a defined electronic format with projection information.
- 13 Geochronology data and information, lodged electronically and/or in hard copy format, typically including:
- (a) Technical reports detailing rock type, sample preparation methods, dating methods and results
 - (b) The x, y, z information of sample locations in a defined projection
 - (c) Raw data
 - (d) Maps and spatial data in a defined electronic format with projection information.
- 14 Economic geology data and information, lodged electronically and/or in hard copy format, typically including:
- (a) Technical reports

- (b) Ore deposit research data, maps and statistics (e.g. Geochemical and geological data and information)
 - (c) Mineral economic studies (e.g. Mine production, supply and demand, export and import data).
- 15 Palaeontology data and information, lodged electronically and/or in hard copy format, typically including:
 - (a) Technical reports and maps
 - (b) All raw data detailing x, y, z positions in a defined projection
 - (c) Laboratory test results
 - (d) All spatial data in a defined electronic format with projection information.
- 16 Geomagnetic data and information, lodged electronically and/or in hard copy format, typically including:
 - (a) Technical reports and maps
 - (b) All data detailing the x, y, z positions in a defined projection (i.e. Surface elevations, reported inclinations, sensor orientation, digital sampling, data intervals, defining of data types, survey dates etc.)
 - (c) 3D spatial information in a suitable electronic format
 - (d) All spatial data in a defined electronic format with projection information
 - (e) All data submissions in accordance with the prescribed IAGA-2002 format.
- 17 Geohazard data and information, lodged electronically and/or in hard copy format, typically including:

- (a) Technical reports and maps
 - (b) All field investigation data detailing the x, y, z positions in a defined projection
 - (c) Laboratory test results of soil, rock and other materials
 - (d) Cross-sections
 - (e) 3d spatial information in a suitable electronic format
 - (f) All spatial data in a defined electronic format with projection information.
- 18 Environmental geoscience data and information, lodged electronically and/or in hard copy format, typically including:
- (a) Technical reports and maps
 - (b) All field investigation data detailing x, y, z positions in a defined projection
 - (c) Laboratory test results of soil, rock, water and gaseous substances
 - (d) Cross-sections
 - (e) 3d spatial information in a suitable electronic format
 - (f) All spatial data in a defined electronic format with projection information.

Offshore GEOSCIENTIFIC DATA REQUIREMENTS

- 19 Marine geology data and information, lodged electronically and/or in hard copy format, typically including:
- (a) Interpreted seafloor geology:
 - a. Technical reports and maps
 - b. Spatial data in suitable electronic format detailing the x, y, z positions in a defined projection.
 - (b) Offshore magnetic data:

- a. Technical reports and maps, including equipment offsets/mobilisation information
- b. Raw data in suitable electronic format detailing the x, y, z positions in a defined projection (e.g. Total magnetic field, diurnal variation or base station data)
- c. Processed xyz data.

(c) Bathymetrical data:

- a. Technical reports and maps, including equip offsets diagrams/mobilisation information
- b. All data detailing x, y, z positions in a defined projection (e.g. Qps db files) (or other software raw files e.g. Konsberg.all), sound velocity casts, recoded motion data (pos mv if available), xyz ascii or txt, grid files (ascii grids, esri grids, geotiff grids or surfer Grids).

(d) Side-scan sonar/backscatter data:

- a. Technical reports and maps, including equip offsets diagrams/mobilisation information
- b. All data detailing the x, y, z positions in a defined projection (e.g. Raw sonar data) (sdf/jsf/xtf/qps db/hypack rawfiles), towing configuration with offsets, Geotiff mosaics.

(e) Offshore seismic data:

- a. Technical reports and maps, including equip offsets diagram/mobilisation information
- b. All data detailing the x, y, z positions in a defined projection (SegY, all xyz picks/interpretation points), isopach grids (ASCII grids, ESRI grids, GeoTiff grids or Surfer Grids).

(f) Offshore sediment samples

- a. Technical reports and maps
- b. Technical reports detailing sampling methods, positions and media (e.g. soil, rock, stream sediments, water, gaseous etc.).
- (g) All x, y, z spatial data and information in a defined projection.
- (h) All data detailing the x, y, z positions in a defined projection (physical attributes e.g. grain size distribution, composition (if not sensitive to mining), core positions and logs).

ANNEXURE B

GUIDELINES FOR THE REVIEW OF GEOTECHNICAL REPORTS IN RESPECT OF GEOHAZARDS

1 MINIMUM REQUIREMENTS FOR REVIEW SUBMISSIONS

The minimum requirements to be contained per submission are detailed below.

1.1 GEOTECHNICAL REPORTS

All geotechnical reports submitted to the CGS for review must be compiled in accordance with the prevailing National Standards, industry and best practise guidelines, manuals, technical notes and/or publications, as it relates to specific geohazards. Geotechnical reports as in respect of geohazards include, but is no limited to:

- (a) Dolomite stability investigation reports
- (b) Under-mining investigation reports
- (c) Landslide investigation reports
- (d) Geotechnical reports to characterise problem soils
- (e) Sinkhole and/or subsidence investigation reports

Geotechnical reports must contain the following information as a minimum requirement:

- (a) Investigation area boundary, or extent of building footprints to be constructed, indicated on a map
- (b) Size of site under investigation in hectares (Ha) or square meters (m²)
- (c) Description of the scope of the investigation
- (d) Details of the investigation methodology used, including reference to prevailing industry norms, National Standards and guidelines with respect to assessments of the relevant geohazard
- (e) Record of previous investigations conducted in the direct vicinity of the site under investigation, incorporating data and results from previous investigations (where available)
- (f) Descriptions of the regional and local geological and geohydrological setting in the vicinity of the site under investigation
- (g) Description of the intended infrastructure development and/or land use across the site under investigation, in accordance with the relevant National Standards (as applicable)
- (h) All geoscientific data collected and/or used in the investigation with spatial data (coordinates), including *inter alia*:
 - a. Borehole logs
 - b. Test pit logs
 - c. Un-processed data and interpretations from geophysical surveys
 - d. Geological and/or geotechnical cross sections and maps
 - e. Map of all geoscientific data points (i.e., test pits, boreholes, geophysical traverses and generated

- contours, groundwater sampling and/or monitoring points etc.)
- f. Laboratory test results
 - g. Details of equipment used reflected on borehole and/or test pit logs (i.e. excavator type, drill rig, compressor air pressure, drill bit diameter etc)
 - (i) Site classification zones, plotted together with the site boundary, test pits, borehole drill positions etc. in line with the requirements of relevant National Standards and/or industry guidelines
 - (j) All reports, correspondence and communication should be in the English language (official business language of the Council for Geoscience);
 - (k) All reports must be duly signed by a professionally registered geo-practitioner, incorporating the practitioner's professional registration number
 - (l) Reports must contain the electronic contact details of the person / company submitting the documents (i.e., the site investigator or Applicant);
 - (m) It must be noted that the CGS may request to view physical percussion drilling chips or borehole core. Such percussion borehole chips or core shall be submitted by the investigator to the CGS Head Office in Pretoria upon request.

1.2 SITE DEVELOPMENT PLANS AND NHBRC B4 ENROLMENT CERTIFICATES

FOR DEVELOPMENT ON DOLOMITIC LAND

All Site Development Plans (SDPs) and/or NHBRC B4 Enrolment Certificates (B4s) submitted to the Council for Geoscience for co-signing, must include the following minimum information:

- (a) All reports, cover letters, Site Development Plans (SDPs) or NHBRC B4 Enrolment Certificates (B4s) for development on dolomitic land must be signed off by a competent person (Geo-Professional) as defined in SANS 1936:2012
- (b) Submissions must be accompanied by a cover letter on the letter head of the company which conducted the investigation, inclusive of the date, dolomite hazard classification, proposed type of development and reference number to the CGS review letter
- (c) Submissions must contain the company stamp, an original signature (not copied signature) and Professional Registration Number of the competent person or geo-practitioner
- (d) SDPs must indicate the overall boundary of the area considered for development and footprint area(s) in relation to the site classification zones, as well as all (existing and new) borehole drill positions as presented in the Dolomite Stability investigation report;
- (e) SDPs must contain the drawing date and drawing number, including the revision number where applicable;
- (f) All reports, correspondence and communication should be in the English language (official business language of the Council for Geoscience).

1.3 RISK MANAGEMENT STRATEGIES AND -PLANS

All risk management strategies and/or plan reports submitted to the Council for Geoscience for geoscientific technical review, must address the prescribed minimum geoscientific information as outlined in the prevailing National Standards (i.e. SANS 1936-4:2012 for Dolomitic Land).

2 SUBMISSION AND REVIEW PROCESS

All review submissions to the CGS shall follow the following process:

STEP 1: Documents for review (such as reports, Site Development Plans (SDP), NHBRC B4 enrolment certificates (B4), Risk Management Strategies and –Plans, etc.) shall be submitted by the Applicant in both hard copy to the CGS Head Office and digitally to engeode@geoscience.org.za.

Hard copy submissions shall be properly bound and addressed to:

The Engineering & Geohazards Unit: Geotechnical Report Reviews (geohazard type) for attention: Unit Administrator / Project Administrator

STEP 2: Hard copy documents shall be stamped by the designated CGS official once received, which signify the start of the review period. A confirmation of receipt will be sent to the e-mail address provided by the Applicant.

STEP 3: The internal review process will be followed in accordance with the timeframes stipulated in Table 1 this Annexure.

STEP 4: Upon completion of the internal review process, the Applicant shall be invoiced by the CGS at the prescribed review tariffs in accordance with the CGS pricing guidelines and the submission regarded as complete.

STEP 5: The outcomes of the independent geoscientific technical review, or co-signed SDP's and/or B4 Enrolment Certificates will

be released to the Applicant and State Authority within three (3) days from receipt Proof of Payment from the Applicant.

Proof of Payment shall be emailed to: finance@geosceince.org.za and must reflect the reference number as per the issued invoice.

STEP 0 / 6: The Applicant submitting documents to the CGS for review is entitled to a technical consultation session with the CGS prior to or after submitting documents for review.

Bi-weekly consultation meetings are held at the CGS Head Office in Pretoria and must be scheduled electronically in advance via engeode@geoscience.org.za.

Consultation sessions typically do not exceed 1 hour in duration.

Meeting notes will be recorded during consultation sessions and kept on file at the CGS Head Office.

The following conditions apply to the review process:

Any geoscientific technical review submission not meeting the minimum requirements as outlined in Section 1 of this Appendix, will still be charged at the prescribed submission cost.

Non-complying submissions shall be re-submitted after amendments were made by the Applicant in line with the minimum requirements outlined in Section 1 of this Annexure and the prevailing national standards for development on dolomite land (i.e., SANS 1936). This will be considered as a new review cycle in accordance with the prescribed timeframes indicated in Table 1 of this Annexure.

The review outcomes issued by the CGS are based on the content of a specific submission and are not open-ended blanketing approval for future land uses or any development type not detailed in the submission.

If ownership or land use of a portion of land changes, the review outcomes as issued by the CGS may, in part or wholly, no longer apply.

It remains the responsibility of the developer or the property owner to ensure a new submission be made to the CGS once the proposed development type(s) or land use(s) change from what was contained in the initial (or a prior) submission

3 REVIEW TIMEFRAMES

Review submissions to the CGS will be subject to the following timeframes:

Table 1: Review timeframes

Submission type	Review timeframe
a) Geotechnical reports for geoscientific review in relation to geohazards, including <ul style="list-style-type: none"> – Dolomite stability investigations – Landslide investigations – Under-mining investigations – Geotechnical reports in respect of problem soils 	30 calendar days from submission
b) Site Development Plans and NHBRC B4 enrolment certificates for co-signing by CGS	30 calendar days from submission
c) Sinkhole and subsidence investigation / rehabilitation reports for geoscientific review	Within 90 calendar days
d) Risk Management Strategies and –Plans for geoscientific review	as per the agreed timeframe

	between the CGS, State Authority and Geo- practitioner
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ANNEXURE C

FORM TO BE USED WHEN REPORTING DOLOMITE INSTABILITY EVENTS

Council for Geoscience

GROUND MOVEMENT/SINKHOLE RECORD SHEET

COUNCIL FOR GEOSCIENCE SINKHOLE NO.	
LOCATION (e.g. Stand no., Farm name and portion no., Street address)	

TYPE OF EVENT: SINKHOLE ☐ SUBSIDENCE ☐ GROUND CRACKS ☐

COORDINATES (WGS84)	X	
	Y	
	Z	
DATE OF OCCURRENCE		

DATE VISITED	
RECORDED BY	
LANDOWNER	
LAND USE	
DESCRIPTION OF EVENT	
DIMENSIONS OF SINKHOLE	
POSSIBLE CAUSE	
DESCRIPTION OF GEOLOGY AND GEOMORPHOLOGY	
REMEDIATION	
DIAGRAM (SKETCH) OF THE LOCATION	

PHOTOGRAPHS	
OTHER INFORMATION	

APPEALS AGAINST ADMINISTRATIVE DECISIONS

74. (1) Any person who appeals in terms of section 96(1) (a) of the Act against an administrative decision, must [within 30 days after he or she has become aware of the or should reasonably become aware of the administrative decision concerned, lodge a written notice of intention to appeal with the Director General or the Minister, as the case may be,] submit a written notice of intention to appeal to the Minister, the Regional Office from which the decision emanates and any other person whose rights may, in the opinion of the appellant, be affected by the outcome of the appeal.

(2) The notice of intention to appeal referred to in sub-regulation (1) must be submitted within

30 days of the date of the decision.

(3) The Regional Manager must,

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22 (a) within 10 days of receiving a notice of intention to appeal, identify any other person whose rights may, in the opinion of the Regional Manager, be affected by the outcome of the appeal not already listed in the notice of intention to appeal received in terms of sub-regulation (1); and

(b) give written notice person contemplated in regulation 74 (1) of the identity and contact

details of such further affected person; and

(c) submit a copy of such notice to the Minister; and

(d) the person who submitted a notice of intention to appeal must without delay, but before the expiry of the 30 day period provided for in sub-regulation (2) serve a notice of intention to appeal on such further identified person.

(4) The person lodging the notice of intention to appeal in terms of sub-regulation (1) must,

(a) within 15 days after filing a notice of appeal submit the appeal to the Regional Office from which the decision emanates and all identified persons who may have an interest in the outcome of the appeal; and

(b) notify the Minister in writing that the appeal has been submitted as contemplated in sub-regulation 4 (a).

(5) The Minister may, upon application and on good cause shown, condone and extend the time periods prescribed in this regulation.

(6) The appeal must –

(a) be in writing

(b) clearly state the actions or decisions appealed against;

(c) be accompanied by a copy of the notice of intention to appeal, the notice received from the Regional Manager in terms of sub-regulation 3(b) containing acknowledgment of receipt by all affected persons;

(d) clearly set out the grounds on which the appeal is based; and

(e) be accompanied by supporting documentation referred to in the appeal document.

(7) The appeal must be accompanied by the payment of a non-refundable appeal fee referred to in regulation 75(1) (f) (8) Upon receipt of the notice of intention to appeal referred to in subsection (1), but no later than 10 days thereafter, the Regional Manager must make all records pertaining to the

decision or decisions subject to the contemplated appeal available to the appellant for inspection and submit a copy to the Minister.

(9) A third party receiving an appeal referred to in sub-regulation (4) may submit to the Regional Manager and the appellant a responding statement within 30 days of receipt of the appeal setting out –

(a) the extent and nature of his/her rights;

(b) how the outcome of the appeal may affect his/ her rights; and

(c) any other information pertaining to the grounds of appeal set out in the appeal; and

(d) notify the Minister in writing that such responding statement was filed, together with proof of service thereof.

(10) The Appellant after having inspected the record of decision as contemplated in subregulation

(8) and after receiving the responding submissions from affected parties referred to in sub-regulation (9), may

(a) submit to the Regional Manager, together with proof of service to the affected party/ parties, an answering statement within 30 days after having being served with the affected party/ parties responding statement.

(b) give written notice to the Minister that an answering affidavit has been submitted, together with proof of service thereof.

(11) The appellant must within 10 days of filing of his or her answering statements or the expiry of the period referred to in sub-regulation (9), submit to the Minister and the Regional Manager—

(a) the appeal document with all required annexures;

(b) all documentation pertaining to the decision(s) subject to the appeal as contemplated in sub-regulation (8);

(c) all responding statements received from third parties who may be affected by the outcome of the appeal, if any; and

(d) the answering statement by the Appellant if any.

(12) All notices required to be given to the Minister in terms of this regulation shall be forwarded to the following addresses:

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(i) Postal Address:

The Minister / The Director-General

Department of Mineral Resources and Energy

Private Bag X 59

Arcadia

0007

FOR ATTENTION: THE CHIEF DIRECTOR: LEGAL SERVICES

(ii) Domicilium citandi et executandi:

Department of Mineral Resources and Energy

2nd Floor, Block 2 B

Trevenna Campus

c/o Meintjes & Francis Baard Streets

Sunnyside

FOR ATTENTION: THE CHIEF DIRECTOR: LEGAL SERVICES

(13) The Minister must, within 90 days of receipt of all information contemplated in subregulation

(10) either –

(a) confirm the administrative decision concerned;

(b) set aside the administrative decision concerned;

(c) amend the administrative decision concerned:

(d) substitute the administrative decision concerned for any other administrative decision; or

(e) refer the decision back to the delegated authority for re-consideration.

(14) The Minister must, within 14 days after the appeal decision has been made, notify the appellant, affected parties and the Regional Manager of the decision with reasons thereof.

(15) If an appeal is received by the Minister that covers both matters to be adjudicated upon in terms of section 96(1) (a) and (b) respectively,

(a) a copy of the appeal must be submitted upon receipt to the Chief Executive Officer of the Council for Geoscience.

(b) the Minister and the Minister of Environmental Affairs shall co-ordinate the finalization of simultaneous appeals in terms of 96(1) (a) and (b) respectively affecting the same administrative decision.

(16) These regulations shall not apply to appeals lodged prior to promulgation thereof.

COMMENCEMENT OF REGULATION.

The Geoscience Act Regulations, 2021 shall come into operation on the date of publication in the Government gazette for implementation.

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