

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

**2014**

**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](mailto: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](http://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, Adv NA Ramatlhodi MP.

The Accounting Officer and Head of the Department is the Director-General, Dr Thibedi Ramontja.

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:**

Dr. T Ramontja  
Director-General  
Private Bag X 59  
ARCADIA  
0007

Tel: (012) 444 3868

Fax: (012) 444 3136

e-mail: Nwabisa.Qwanyashe@dmr.gov.za

**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

#### **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

**R43/2003:** A Review of the Dolomite and Limestone Industry in South Africa

**R44/2004:** The Silica Industry in the Republic of South Africa

- R45/2008:** An Overview of the South African Iron, Manganese and Steel Industry during the period 1986-2006
- R46/2005:** Bentonite, Pyrophyllite and Talc in South Africa
- R47/2005:** The Kaolin Industry in South Africa, 2005
- R48/2005:** South African Ferrous Minerals Production Trends, 1994-2003
- R49/2005:** Dolomite and Limestone in South Africa: Supply and Demand, 2005
- R50/2006:** South Africa's Mineral Production and Sales, 1985-2004
- R51/2006:** An overview of Current Platinum-group Metal Exploration Projects and New Mine Developments in South Africa, 2006
- R51/2013:** An overview of Current Platinum-group Metal Exploration Projects and New Mine Developments in South Africa, 2013
- R52/2006:** South African Ferroalloy Production Trends, 1995-2004
- R53/2006:** Review of the Dimension Stone Industry
- R54/2006:** An Analysis of the Impact of a Third Player on South Africa's Manganese Industry, 2006
- R55/2008:** An Overview of South Africa's Vanadium Industry during the period 1997-2006
- R56/2007:** Provision of Export Facilities for BEE's at the Richards Bay Coal Terminal
- R57/2007:** Uranium: Future Sources (South Africa)
- R58/2008:** Overview of the Sand and Aggregate Industry in South Africa
- R59/2011:** Mining's Contribution to the National Economy, 2000-2009
- R60/2007:** The Impact of Chrome-Ore Exports on the Local Ferrochrome Industry, 2007
- R61/2007:** Historical Diamond Production (South Africa)
- R62/2007:** Structure of the Salt Industry in the Republic of South Africa, 2007
- R63/2007:** Overview of South Africa's Zircon Industry and the role of BEE
- R64/2007:** Mineral Abrasives in South Africa
- R65/2007:** Nepheline Mineral Production in South Africa
- 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 Fluoro chemical 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

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 paragraph 5.1.3.1.below. Voluntary Access to these records is limited to the following categories of persons and further limited to the extent that confidential information in respect of applicants for 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 concerned.

- Landowners of the Land in respect of which an application for a right is pending or was granted
- Lawful occupiers of the Land in respect of which an application for right is pending or was granted
- Other interested or affected parties as contemplated in the Minerals and Petroleum Resources Development act 28 of 2002

5.1.3.1 Chief Directors:

Ms M Malapane  
Acting Chief Director:  
Mineral Regulation and Administration:  
[PROVINCES: NC, FS & GP]  
Private Bag X 59  
ARCADIA  
0007

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

Ms. M Kobe  
Chief Director:  
Mineral Regulation and Administration:  
Northern Regions  
[PROVINCES: MP, LP & NW]  
Private Bag X 59  
ARCADIA  
0007

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

Ms. R Nkambule  
Chief Director:  
Mineral Regulation and Administration:  
[PROVINCES: EC, KZN & WC]  
Private Bag X 59  
ARCADIA  
0007

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

Mr. A Cronje  
Chief Director:  
Compliance and Enforcement  
Private Bag X 59  
ARCADIA  
0007

Tel: (012) 444 3932  
Fax: (012) 341 3771

5.1.4 Records voluntarily available to interested and affected persons 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 and past compliance.

#### 5.1.5 **Records on the existence of rights over any specified land**

Records on the existence of any 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 listed below 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 said Office.

It is recorded that commercial and/or confidential information forming part of registered rights in terms of the Mineral and Petroleum Resources Development Act 28 of 2002 shall not be made available voluntarily to any Requester as contemplated in paragraph 5.1 above. Access to such confidential information is subject to an application for access as contemplated in the Act. Examples of such confidential information are listed below.

The procedure to be followed by requesters as contemplated in Paragraph 5.2 for records as mentioned in Paragraph 5.1.4 above is detailed in Paragraph 6.1 below.

It is recorded that documents which contain financial and or confidential information, as listed below, must be requested in terms of The Act [Section 14(1) (d)]. **See procedure in paragraph 6.2 below.**

- Prospecting or Mining Work Program
- Environmental Management Plan
- Environmental Management Programme
- Environmental Authorisations
- Proof of financial and technical competence or access thereto
- BEE Agreements
- Joint Venture Agreements
- Social and Labour Plan (Only the part that contains confidential information.)
- Internal Documents produced by Department of Mineral Resources, for example submissions, RoD's, Evaluation Reports etc

## **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 by persons (Requesters) other than those contemplated in 5.1.3 above:
  - The Completed Application form DME 274
  - The Plan as contemplated in Regulation 2(2)
  - Title Deeds or certified copy/ copies thereof in respect of land concerned
  - Prospecting or Mining Work Program\*
  - Proof of financial and technical competence or access thereto\*
  - BEE Agreements\*
  - Joint Venture Agreements\*
  - Social and Labour Plan\*
  - Environmental Management Plan\*
  - Environmental Management Programme\*
  - Environmental Authorisations\*
  - 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 on holder of Prospecting, Mining or other rights in terms of the Minerals and Petroleum Development Act 28 of 2002
  - Details of existing rights within RSA and past compliance
  - Internal Documents produced by Department of Mineral Resources, for example submissions, RoD's, Evaluation Reports etc
  
- \* 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. Proof of ownership or lawful occupancy must be

provided with the Form by persons in the category as contemplated in Paragraph 5.1.3 above.

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 proof of ownership or lawful occupancy, etc will be required.

## **6.2 Application Process For Access to Other Records**

6.2.1 The Requester must complete the prescribed request form (Form A) 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  
3<sup>rd</sup> 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  
2<sup>nd</sup> 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 Fax:**

The Information Officer  
Department of Mineral Resources  
+27 12 444 3136

OR

The Deputy Information Officer  
Chief Director: Legal Services  
Department of Mineral Resources  
086 710 1877

**By E-mail**

The Information Officer  
Dr T Ramontja  
[Nwabisa.Qwanyashe@dmr.gov.za](mailto:Nwabisa.Qwanyashe@dmr.gov.za)

The Deputy Information Officer  
Mr P Alberts  
[Diphoko.Modiselle@dmr.gov.za](mailto:Diphoko.Modiselle@dmr.gov.za)

- 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 receives and validates the request to establish whether the required information is available within the Department. The request is then accepted, rejected or transferred to 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 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 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.

If an individual is unable to complete the prescribed form because of illiteracy, such person may make a request orally. The Information Officer must then complete the request form (Form A 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 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 will notify the Requester in writing should an extension of the prescribed 30 day period be sought.

## **7. Fees**

The Act provides 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 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 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: 01005629A109

### **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 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.

- (2) A third party may lodge an internal appeal against a decision of the 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;
- 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 of the Department must submit to the relevant authority:

- 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.

Since the Chief Director: Legal Services in his capacity as Deputy Information Officer will be administering the applications for access to information, justice would not manifestly be seen to be done if the same office facilitate the appeals. Appeals will be administered by the Chief Directorate: Legal Services. The recommendations on any appeal will however be outsourced to the office of the State Attorney to safeguard the objectivity of the appeal process.

#### **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.

### **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.

\*\*\*\*\*



# mineral resources

Department:  
Mineral Resources  
REPUBLIC OF SOUTH AFRICA

## REQUEST FOR ACCESS TO RECORDS

(In terms of section 18 (1) of the Promotion of Access to Information Act, 2000  
(Act No. 2 of 2000)) [Regulation 6]

**IMPORTANT:** This request will **ONLY** be considered if the request fee of R35,00 is included.

<b>FOR DEPARTMENTAL USE</b>	
File Reference number:.....	Request fee (if any): R .....
Request received by:..... (Full name and surname)	Deposit (if any): R.....
.....	Access fee: R .....
(State date)	(State place)
SIGNATURE OF INFORMATION OFFICER / DEPUTY INFORMATION OFFICER	

**A. Particulars of the Information Officer/Deputy Information Officer** (please state if known to the requester).....

### **B. Particulars of person requesting access to the record**

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent, must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: .....

Identity number: .....

Postal address: .....

Fax number: .....

Telephone/Cell number: .....

E-mail address: .....

Capacity in which request is made, when made on behalf of another person:  
.....

**C. Particulars of person on whose behalf request is made**

*This section must be completed **ONLY** if a request for information is made on behalf of another person.*

Full names and surname:

.....

Identity number:

.....  
.....

**D. Particulars of record**

*(a) Provide full particulars of the record to which access is requested, including the file reference number if that is known to you, to enable the record to be located.  
(b) If the space provided is inadequate, please continue on a separate folio and attach it to this form.  
**The requester must sign all the additional folios.***

1. Description of record or relevant part of the record:

.....

2. Any further particulars of record:

.....  
.....

3. Reference number, if available: .....

**E. Fees**

*(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after the request fee of R35.00 (non-refundable) has been paid.  
(b) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.  
(c) If you qualify for exemption of the payment of any fee, please state the reason for exemption.  
(d) Fees can be paid in cash or by postal order. An electronic payment will **ONLY** be accepted on condition that **PRIOR ARRANGEMENTS** are made with Ms L Viljoen at  
Tel: (012) 444 ~~3880~~; or Giliana Muthupei at Tel: (012) 444 3018.*

3380

Reason for exemption from payment of fees:

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

**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:.....

Form in which record is required:  
.....

**Mark the appropriate box with an X.**

**NOTES:**

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

**1. If the record is in written or printed form:**

copy of record*	<input type="checkbox"/>	inspection of record	<input type="checkbox"/>
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**2. If record consists of visual images -**

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*	<input type="checkbox"/>
-----------------	--------------------------	---------------------	--------------------------	------------------------------	--------------------------

**3. If record consists of recorded words or information which can be reproduced in sound:**

listen to the soundtrack (audio cassette)	<input type="checkbox"/>	Transcription of soundtrack* (written or printed document)	<input type="checkbox"/>
---	--------------------------	--	--------------------------

**4. If record is held on computer or in an electronic or machine-readable form:**

printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)	<input type="checkbox"/>
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*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?	YES	NO
---	-----	----

Postage is payable.

In which language would you prefer the record? .....

*(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.)*

**G. Notice of decision regarding request for access**

*You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

How would you prefer to be informed of the decision regarding your request for access to the record?

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

Signed at .....this.....day of .....20.....

**SIGNATURE OF REQUESTER / PERSON  
ON WHOSE BEHALF REQUEST IS MADE**  
(Delete which is not applicable)

ANNEXURE A

DEPARTMENT OF MINERAL RESOURCES

REQUEST FOR ACCESS TO RECORDS

(In terms of section 18(1) of the Promotion of Access to Information Act, 2000, Act No 2 of 2000)

This document may be used by *landowners and or lawful occupiers of land, or any other interested or affected party in terms of the Minerals and Petroleum Resources Development Act, 2002 (Act No 28 of 2002)* who wish to obtain information from DMR

In terms of the Departmental Information Manual abovementioned parties may obtain certain information automatically and the process for Access to Information is not applicable to them. Such applicants for information are however advised to submit proof of ownership, etc. In cases where the applicant is representing a Land owner, Tribal Authority, Company, etc, authorization to represent will also be required, and need to be attached to this document.

Name and Surname:.....

Representing:.....

Short description of information required and reason(s) for request:

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

*Property description:*

1. ....
2. ....
3. ....
4. ....
5. ....

*DME Reference No:*

1. ....
2. ....

**Please indicate information required**

- Fully completed application form DME 274
- Details of the land or area applied for (Plan)
- Prospecting work programme \*



ANNEXURE B

DEPARTMENT OF MINERAL RESOURCES

REQUEST FOR ACCESS TO RECORDS

(In terms of section 18(1) of the Promotion of Access to Information Act, 2000, Act No 2 of 2000)

This document may be used by *all applicants other than landowners and or lawful occupiers of land* who wish to obtain information from DMR

Please note that this form do not replace the approved form for Access to Information (DME 340), and should be used as an annexure. Should you wish to make use of the form, please complete where applicable.

Name and Surname:.....

Representing:.....

Short description of information required and reason(s) for request:

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

*Property description:*

1. ....
2. ....
3. ....
4. ....
5. ....

*DME Reference No:*

1. ....
2. ....

Please indicate information required

- Fully completed application form DME 274
- Details of the land or area applied for (Plan)
- Prospecting work programme \*
- Proof of financial and technical competence or access thereto \*
- Proof of consultation with interested and affected parties
- Environmental Management Plan \*
- Social and Labor Plan \*



