

FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(Section 18 (1) of the Promotion of Access to Information
Act, 2000
(Act No. 2 of 2000)
[Regulation 2]

FOR DEPARTMENTAL USE

Reference number: _____

Request received

by: _____

(state rank, name and surname of information officer/deputy information officer) on
_____ (date) at _____ (place).

Request fee (if any): R _____

Deposit fee (if any): R _____

Access fee: R _____

SIGNATURE OF INFORMATION
OFFICER/DEPUTY
INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer: Mr David D Msiza
Department of Mineral Resources
Private Bag X59
Pretoria
South Africa
0001

Telephone: +27124443000
Fax: +27123412228

Email: David.Msiza@dmr.gov.za; Pieter.Alberts@dmr.gov.za;
Diphoko.Modiselle@dmr.gov.za; Nwabisa.Qwanyashe@dmr.gov.za

B. Particulars of person requesting access to the record

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

Name of organisation: Centre for Environmental Rights

Registration number: 2009/020736/08

Postal address: 2nd Floor, Springtime Studios, 1 Scott Road, Observatory, 7925

Fax number: 0867309098

Telephone number: +27214471647

E-Mail Address: creddell@cer.org.za

Capacity in which request is made, when made on behalf of another person: N/A

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.

Organisation name: N/A

Registration number: N/A

D. Particulars of record

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

- Description of record or relevant part of the record:

Copies of the following records are requested:

In relation to the Optimum Colliery located on the farms Boschmanskop 154 IS, Driepan 156 IS, Optimus 480 JS, Pullenshope 155 IS, Zevenfontein 484 JS in the Magisterial District of Middelburg in the Steve Tshwete Municipality, Mpumalanga Province, the following records are requested:

- a) the approved financial provision, including the amount, detailed calculation and form of provision, for the rehabilitation or management of negative environmental impacts, under the first environmental management programme at the Optimum Colliery approved by the Minister of Mineral Resources or the Department of Mineral Resources, in terms of sections 41(1) and 39(4) of the Mineral and Petroleum Resources Development Act, 2002 (MPRDA);
- b) any and all records reflecting an adjustment of the financial provision made for the Optimum Colliery for the period January 2014 to 29 April 2016, including, but not limited to:
 - i. the financial provision assessment reports, in terms of section 41(3) and (4) of the MPRDA read with regulation 54(2) of the MPRDA Regulations, submitted to the Minister of Mineral Resources or the Department of Mineral Resources by Optimum Coal Mine and/or an independent assessor appointed by the Minister;
 - ii. any audit reports on the adequacy of financial provision submitted to the Minister of Mineral Resources or the Department of Mineral Resources in terms of section 24P(3) of the National Environmental Management Act, 1998 (NEMA);
 - iii. any review or assessment in terms of Regulation 11, 14 or 17 of the Regulations Pertaining to the Financial Provision for Prospecting, Exploration, Mining or Production Operations (GN R 1147 in GG 39425 of 20 November 2015) (the Financial Provision Regulations); and
 - iv. any decision taken by the Minister of Mineral Resources or an official in the Department of Mineral Resources in terms of the Financial Provision Regulations.
- c) any and all records pertaining to the transfer of assets of Optimum Coal Mine, or a company or trust established for the sole object of applying its property solely for rehabilitation upon premature closure, decommissioning and final closure, and post closure coverage of any latent or residual environmental impacts on the area covered by Optimum Colliery to restore that area to its natural or a predetermined state, or to a land use which conforms to the generally accepted principle of sustainable development, to another company or trust, as contemplated in section 37A(4) of the Income Tax Act, 1962.
- d) Records evidencing the approval, in terms of section 11 of the MPRDA, by the Minister of Mineral Resources or the Department of Mineral Resources of the

transfer of the mining right pertaining to the Optimum Colliery to Tegeta Exploration and Resources (Pty) Ltd (Tegeta).

- e) the approved financial provision, including the amount, detailed calculation and form of provision, for the rehabilitation or management of negative environmental impacts at the Optimum Colliery, approved on transfer of the mining right to Tegeta.

E. Fees

- *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*
- *You will be notified of the amount required to be paid as the request fee.*
- *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.*
- *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees: N/A

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 hereunder, 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:

- *Your indication as to the required form of access depends on the form in which the record is available.*
- *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 printed form:

X	Copy of record*		Inspection of record	
2. If record consists of visual images: (this includes photographs, slides, video recordings, computer-generated images, sketches, etc).				
	view the images	X	copy of the images* transcription of the images*	
3. If record consists of recorded words or information which can be reproduced in sound:				
	Listen to the soundtrack (audio cassette)	X	transcription of soundtrack* (written or printed document)	
4. If record is held on computer or in an electronic or machine ? readable form:				
	Printed copy of record*	X	Printed copy derived from the record* copy in computer readable form*(stiffy or compact disc)	
			YES	NO
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?				X
A postal fee is payable.				
<i>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.</i>				
In which language would you prefer the record? ENGLISH				

- **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 thereof 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? In writing to: creddell@cer.org.za

Signed at CAPE TOWN this 29th day of April 2016.

A handwritten signature in black ink, appearing to read 'Reddell', written in a cursive style.

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS
MADE

Ms Christine Reddell (Attorney)

Centre for Environmental Rights