

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 Acting Information Officer:

Mr Tseliso Maqubela
Department of Mineral Resources and Energy
Private Bag X59
Pretoria
South Africa
0001

Telephone: 012 444 3000
Fax: 012 341 2228

Email: nokuthula.mbeje@energy.gov.za; pieter.alberts@dmr.gov.za;
diphoko.modiselle@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 NPC

Registration number: 2009/020736/08

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

Fax number: 086 730 9098

Telephone number: 021 447 1647

E-Mail Address: zomar@cer.org.za ; lgovindsamy@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:

1. Mineral Sands Resources (Pty) Ltd (MSR) and Tormin Mineral Sands (Pty) Ltd hold mining rights in respect of the Tormin Mineral Sands Mine ("Tormin Mine") on the West Coast, which is operated by MSR. MSR is a subsidiary of Mineral Commodities Limited (MRC),

which has its principal and registered office in Australia with company shares listed on the Australian Securities Exchange (ASX).

2. According to an ASX release dated 2 July 2020 (attached as **Annexure A**), MSR had received notification from the Department of Minerals and Energy (DMRE) that its application to amend its mining right at the Tormin Mine under section 102 of the Mineral and Petroleum Resources Development Act 29 of 2008 (MPRDA) had been approved.
3. We accordingly request copies of the following records:
 - **In relation to MSR's section 102 amendment application:**
 - The decision by the Minister of Mineral Resources and Energy, or delegated official, to approve MSR's application for amendment of its mining right(s) in accordance with section 102 of the MPRDA as referred to in the attached ASX release; and
 - MSR's application to the Department of Mineral Resources in terms of section 102 of the MPRDA'; and
 - The Social and Labour Plan (SLP) submitted by MSR for purposes of its section 102 amendment application; and
 - The Mining Work Programme submitted by MSR for purposes of its section 102 amendment application;
 - The Water Use Licence granted to MSR for purposes of its section 102 amendment application; and
 - Any correspondence between the DMR and MSR (and/or MRC) regarding the abovementioned section 102 amendment application as well as any supporting or underlying documents.
 - **In relation to MSR's Environmental Impact Assessment Report and Environmental Management Programme¹ submitted as part of its application for an Integrated Environmental Authorisation, submitted simultaneously in support of MSR's section 102 amendment application:**
 - The Rehabilitation Plan referred to on pages 38,190 and 213 of the Environmental Impact Assessment Report and Environmental Management Programme.
 - **In relation to MSR's *current, existing* mining activities at the Tormin Mine:**
 - The Environmental Management Programme Performance Assessment Reports that were undertaken by Jomela Consulting and submitted to the DMR in January 2017 and February 2018, in accordance with Regulation 55 of the MPRDA Regulations.

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.*

¹ Prepared by SRK Consulting. Report number: 507228/4A; DMR Reference Number: WC 30/5/1/2/2/162 & 163 MR.

- *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
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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	X	copy of the images*	transcription of the images*
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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)
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4. If record is held on computer or in an electronic or machine? readable form:

Printed copy of record*	<input checked="" type="checkbox"/>	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?				<input checked="" type="checkbox"/>
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: zomar@cer.org.za and lgovindsamy@cer.org.za

Signed at CAPE TOWN this 8th day of OCTOBER 2020.

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE



Ms Zahra Omar
Attorney
Centre for Environmental Rights