


Title : Promotion of Access to Information Manual		
Effective Date : 27 November 2010	Revision No : 1 Copy No: Master	Doc No : SEC/BRD/008

Promotion of Access to Information Manual (the Manual) for Wesizwe Platinum Limited (Registration Number 2003/020161/06) and all its subsidiaries and related entities (the Company) as prepared in accordance with section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (the Act).

1. Introduction

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 (hereinafter referred to as the “Constitution”) stipulates that:

- “(1) *Everyone has the right of access to –*
- (a) any information held by the state; and*
 - (b) any information that is held by another person and that is required for the exercise or protection of any rights.*
- (2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.”*

Based on the above section 32 as well as section 8, which provides for the horizontal application of the rights set out in Chapter 2 (“the Bill of rights”) of the Constitution, the Promotion of Access to Information Act, No. 2 of 2000 was promulgated in order to give effect to the above-mentioned constitutional right of access to information subject to justifiable limitations as specifically set out in section 50 of the Act.


Section 50 of the Act provides that a requester must be given access to any record of a private body if –

- “(1) *that record is required for the exercise or protection of any rights;*
- (2) that person complies with the procedural requirements in this Act relating to a request for access to that record; and*
- (3) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.”*

In addition to the above limitations, a requester also has to act in the public interest if such requester is a public body (i.e. the State) requesting information from such a private body.

According to the Act a “private body” means:

- “(a) *a natural person who carries or has carried on any trade, business or profession, but only in such capacity;*
- (b) a partnership which carries or has carried on any trade, business or profession;*

Title : Promotion of Access to Information Manual		
Effective Date : 27 November 2010	Revision No : 1 Copy No: Master	Doc No : SEC/BRD/008

(c) any former or existing juristic person, but excludes a public body.”

2. Company Overview

The Company is a platinum group metals (PGM) exploration and mine development company. It has projects in the western limb of the Bushveld Complex close to Rustenburg in the North West province of the Republic of South Africa.


The Company’s core project is the Frischgewaagd-LEdig Complex, which has the potential to become a high-performing producer of 350,000oz of PGM’s a year. The Bakubung Ba Ratheo community who are resident in the project area are a significant shareholder of Wesizwe. It is expected that the mine will create around 3.500 jobs in the region.

Wesizwe is listed on the JSE Limited (share code: WEZ) in 2005 and its head offices is in Johannesburg.

The group consists of Wesizwe Platinum Limited (hereinafter referred to as “Wesizwe”), which is a company incorporated in terms of the Companies Act, No. 61 of 1973 (hereinafter referred to as the “Companies Act”) as amended from time to time together with 2 subsidiaries. In order to explain the group structure and its business, the following table is included.



The company does however fall within the definition of a *juristic person* set out in 1 above and will therefore be deemed to be a private body for purposes of the Act. It therefore has to comply with the requirements set out in Part 3 and more specifically section 51 of the Act. This entails the compilation of a manual providing a requester with adequate information on how to access information held by such private body in accordance with the provisions set out in the Act. According to the Act, this Manual should have been compiled within six months after the commencement of this section 51 or the coming into existence of this company. However, based on a notice in the

Title : Promotion of Access to Information Manual		
Effective Date : 27 November 2010	Revision No : 1 Copy No: Master	Doc No : SEC/BRD/008

Gazette, the Minister has postponed the time frame in which this Manual had to be compiled, up to 31 December 2011.

This document therefore serves as the Promotion of Access to Information Manual of the Company including but not limited to all its operating and none operating divisions, its subsidiaries and related entities set out above.

3. Contact details of the Company

Physical Address : Unit 13, 2nd Floor, 3 Melrose Boulevard, Melrose Arch, 2076
Postal Address : Private Bag X16, Northlands, 2116
Head of Body : Arthur Mashiatsidi via Sirkien van Schalkwyk
Telephone Number : (011) 944 4600
Fax Number : (011) 944 4601
E-mail : sirkien@wesizwe.com

4. Description of Section 10 Guide

A Guide has been compiled in terms of section 10 of the Act by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by the Act. Any queries should be directed to:

Postal Address : Private Bag 2700, Houghton, 2041
Telephone Number : (011) 484 8300
Fax Number : (011) 484 0582
Website : www.sahrc.org.za
E-mail : paia@sahrc.org.za


5. Voluntary Disclosure and Automatic Availability of Certain Records

The Company has to date not yet published any notice in terms of section 52(2) of the Act, describing categories of records which are automatically available without a person having to request such information in terms of the provisions of the Act.

Take note that if such notice is published, the only fee payable for access to such information will be the prescribed fee for the reproduction of such information requested as more fully set out in Annexure "C" attached hereto.

6. Availability of Records in terms of Other Legislation

A requester is not obliged to request access to information held by the Company in terms of the Act, should there be other legislation that provide a requester with access to such a record held by the Company. Take note that such other legislation may include, but is not limited to:

Title : Promotion of Access to Information Manual		
Effective Date : 27 November 2010	Revision No : 1 Copy No: Master	Doc No : SEC/BRD/008

Financial related Legislation

Income Tax Act, No. 58 of 1962

Value-Added Tax Act, No. 89 of 1991

Uncertificated Securities Tax Act, No. 31 of 1998 (if applicable)

Labour related Legislation

Basic Conditions of Employment Act, No. 3 of 1983

Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993

Skills Development Levies Act, No. 9 of 1999

Employment Equity Act, No. 55 of 1998

Unemployment Insurance Act, No. 63 of 2001

Unemployment Insurance Contributions Act, No. 4 of 2002

Pension Fund Act, No. 24 of 1956

Medical Schemes Act, No. 131 of 1998

Labour Relations Act, No 66 of 1995

Broad Based Black Economic Empowerment Act, No. 53 of 2003

Company related Legislation

Companies Act, No. 61 of 1973

Trade Marks Act, No. 194 of 1993

Safety, Health and Environmental related Legislation

National Environmental Management Act, No. 107 of 1998

Occupational Health and Safety Act, No. 85 of 1973

The Hazardous Substance Act, No. 15 of 1973

Mine Health and Safety Act, No. 29 of 1996

Environment Conservation Act, No. 73 of 1989

National Resources Heritage Act, No 25 of 1999

National Environmental Management: Air Quality Act, No 39 of 2004

National Environmental Management: Biodiversity Act, No 10 of 2004

National Environmental Management: Waste Act, No 59 of 2008

National Water Act, No. 36 of 1998

Conservation of Agricultural Resources Act, No 43 of 1983

Mine Health and Safety Act, No. 29 of 1996

National Road Traffic Act, No 93 of 1996

National Environmental Management Act, No. 107 of 1998

Mineral and Petroleum Resources Development Act, No. 28 of 2002

Atmospheric Pollution Prevention Act, Act 45 of 1965

Explosives Act, Act 26 of 1956


Firearms Control Act, Act 60 Of 2000

Health Act, Act 63 of 1977

Mine Health and Safety Regulations - Mines and Works Regulations (Minerals Act 50 of 1991)

National Water Act, Act 36 of 1998

Water Services Act, Act 108 of 1997

Title : Promotion of Access to Information Manual		
Effective Date : 27 November 2010	Revision No : 1 Copy No: Master	Doc No : SEC/BRD/008

Tobacco Products Control Act, Act 83 of 1993
Nursing Act, Act 50 of 1978

7. How to Facilitate a Request for Access to Information


7.1 Introduction

Access to information held by the Company is not automatically available and can be refused by the Company on any of the grounds for refusal contemplated in Chapter 4 of Part 3 of the Act.

In order to request access to information held by the Company, the person requesting access to such information (hereinafter referred to as the “requester”) must not only identify the right it is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right but must also comply with all the procedural requirements set out in the Act. Should the person requesting access to the information be a public body (i.e. state), such person must identify that it is requesting such information in the public’s interest by stipulating adequate reasons.

7.2 Procedural Requirements

- In order to facilitate such a request for access to information, the requester need to complete the *prescribed access form* attached hereto as Annexure “A”. Please note that the prescribed access form must be completed in full of which failure to do so may result in the process being delayed until such additional information is provided.
- *Proof of identity* is required to authenticate the request and the requester. Therefore in addition to the prescribed access form, requestors will be required to supply a certified copy of their identification document or any other legally acceptable form of identification.
- A request will not be processed until the *request fee* of R50 (fifty Rand) and a deposit of the access fee (if applicable) have been paid. The request fee is an administration fee that must be paid before the request is considered and is not refundable. However, a requester requesting information containing personal information about the requester is excluded from paying the request fee.
- The *access fee*, as set out in Annexure “B” attached hereto, is intended to reimburse the Company for the costs involved in searching and preparing the record requested for delivery and is payable once access to the record requested is granted. Should this request for access to

Title : Promotion of Access to Information Manual		
Effective Date : 27 November 2010	Revision No : 1 Copy No: Master	Doc No : SEC/BRD/008

information be about a person other than the requester himself/herself and the Company is of the opinion that the preparation of the required record will take more than six hours, a deposit (which is 1/3) of the access fee is payable before the request will be processed by the Company.

- A *reproduction fee*, as set out in Annexure “C” attached hereto, is payable by the requester, in case of the reproduction of a record requested, notwithstanding the fact that it is automatically available.

7.3 Notification

Requestors will be informed within 30 days of the Company’s decision to refuse access to the information requested based on any of the grounds for refusal as contemplated in Chapter 4 of Part 3 of the Act. Take note that the 30 day period may be extended for a further 30 day period should more time be required to gather the requested information. The requester will, however, be notified if the initial 30 day notice period is to be extended for a further 30 days.

8. Categories of Records held by the Company

8.1 Operational Information


Such information is required for the day to day running of the Company and include, but is not limited to company policies, employee records, permits, licenses, authorisations, approvals and general “housekeeping” information.

8.2 Communications

This includes correspondence between persons within and without the Company.

9. Availability of Manual

The Manual is available for inspection, free of charge, at the offices of the Company as set out in 2 above as well as the Company’s website at www.wesizwe.com.

Title : Promotion of Access to Information Manual		
Effective Date : 27 November 2010	Revision No : 1 Copy No: Master	Doc No : SEC/BRD/008

ANNEXURE “A”

FORM C

Request for access to record of private body
(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))
[Regulation 10]

A Particulars of private body

The Head:

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:

Title : Promotion of Access to Information Manual		
Effective Date : 27 November 2010	Revision No : 1 Copy No: Master	

Telephone 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 reference number if that is known to you, to enable the record to be located.
 (b) 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.

1 Description of record or relevant part of the record:

2 Reference number, if available:

Title : Promotion of Access to Information Manual		
Effective Date : 27 November 2010	Revision No : 1 Copy No: Master	

3 Any further particulars of record:

E Fees

- (a) 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.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) 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.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

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 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:

- (a) Compliance with your request 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

Title : Promotion of Access to Information Manual		
Effective Date : 27 November 2010	Revision No : 1 Copy No: Master	Doc No : SEC/BRD/008

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*		inspection of record
2 If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
	view the images	Copy 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)	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*	printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)

G Particulars of right to be exercised or protected

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.

1 Indicate which right is to be exercised or protected:

2 Explain why the record requested is required for the exercise or protection of the aforementioned right:

Title : Promotion of Access to Information Manual		
Effective Date : 27 November 2010	Revision No : 1 Copy No: Master	Doc No : SEC/BRD/008


H 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

Title : Promotion of Access to Information Manual		
Effective Date : 27 November 2010	Revision No : 1 Copy No: Master	Doc No : SEC/BRD/008

ANNEXURE “B”

ACCESS FEE PAYABLE (IF APPLICABLE)

	Rand
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
For a copy in a computer readable form:	
Diskette	7.50
Compact disc	70.00
A transcription of visual images, for and A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00
To search a record that must be disclosed, per hour or part of the hour	30.00
Where a copy of the record needs to be posted the actual postal fee is payable	

Title : Promotion of Access to Information Manual		
Effective Date : 27 November 2010	Revision No : 1 Copy No: Master	Doc No : SEC/BRD/008

ANNEXURE “C”

REPRODUCTION FEE (IF APPLICABLE)

	Rand
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
For a copy in a computer readable form:	
Diskette	7.50
Compact disc	70.00
A transcription of visual images, for and A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00
