
APPENDIX 2

SSC COMPLAINTS PROCEDURE

Any Competent Person (CP), Competent Valuator (CV) or Qualified Reserve Evaluator (QRE) who compiles a public report¹ in accordance with the SAMCODES shall be subject to the complaints procedure described below.

Purpose

The SSC Complaints Sub-Committee will consider all allegations of breaches of the SAMCODES formally submitted to the SSC. The purpose of the complaints procedure is:

- Firstly, to determine the validity of a complaint and verify that it does fall under the ambit of the SAMCODES;
- Secondly, to ensure that the complaint is dealt with appropriately and timeously and, if need be, is directed to the relevant Professional/Statutory/Certifying Organisation² for further investigation.

This process is totally distinct from, and independent of, the review process managed by the JSE and the Readers Panel(s).

The Complaint

The SSC will only respond to written complaints by identifiable natural persons.

- Complainants need not be a member of any Professional/Statutory/Certifying Body or RPO.
- The complaint must be in respect of a specific, identified CP/CV/QRE (names and contact details should be supplied by the Complainant, where possible).
- The complaint should be as detailed as possible, specifying the exact nature of the alleged breach.

Any Complainant who submits a complaint shall, by doing so, agree to all information included in the complaint, or pursuant thereto, being made available to the SSC Complaints Sub-Committee. The Complainant, further, agrees that the complaint and all details, can be made available to the subject of the complaint (the identity of the Complainant may only be made known to the subject of the complaint with the written agreement of the Complainant). While the complaint is *sub judice*, all details will remain confidential within the jurisdiction of the SSC.

¹ The terms 'Public Report', 'Competent Person', 'Competent Valuator' and 'Qualified Reserve Evaluators' are defined in the SAMCODES.

² The relevant Body may be any of the following: GSSA, SAIMM, SACNASP, ECSA, IMMSA, SAGC or other Recognised Professional Organisation ("RPO") to which the CP/CV/QRE is affiliated.

The SSC Complaints Sub-Committee

- 1) This Sub-Committee shall only be constituted as, and when, required. The Chairperson of the SSC Complaints Sub-Committee shall be appointed by the Chairperson of the SSC.
- 2) The Chairperson of the SSC Complaints Sub-Committee shall be a member of the SSC and is entitled to co-opt members to the committee, which members may be drawn from the broader minerals industry, if required. The SSC Complaints Sub-Committee shall comprise of not less than three members.
 - a) The Chairperson of the Sub-Committee shall be technically competent in the subject at hand.
 - b) The Chairperson of the SSC may not serve on the Complaints Sub-Committee.
 - c) If the complaint is in respect of a document previously reviewed by a Readers Panel, then the Chairperson of the Sub-Committee may approach the Chairperson of the relevant Readers Panel for comment and obtain a response.
- 3) The Chairperson of the Sub-Committee may, after discussion with the Chairperson of the SSC, commission an independent expert for an opinion, if necessary.
- 4) The SSC Complaints Sub-Committee shall maintain proper records of all proceedings, investigations and findings

The SSC Complaints Sub-Committee Review Procedure

- 1) A complaint received by the Chairperson of the SSC shall be referred to the SSC Complaints Sub-Committee for review within 21 calendar days of receipt of the complaint. This time-frame may be extended where necessary.
- 2) The SSC Complaints Sub-Committee will review the complaint so as to best establish the facts of the situation.
 - a) The SSC Complaints Sub-Committee will determine which of the Professional/Statutory/Certifying organisations is relevant to the subject of the complaint.
 - b) Validity of the complaint shall be determined by reference to the relevant organisation's Code of Ethics/Conduct, read together with the SAMCODES.
- 3) At the conclusion of the review of a complaint, the SSC Complaints Sub-Committee may rule that:
 - a) The complaint has not been established;
 - b) The complaint has been established; or
 - c) That the complaint has been established and is material.

In each case, their recommendation shall be reported to the Chairperson of the SSC.

- 4) Should the Chairperson of the SSC, following due consideration of the complaint and the recommendation of the SSC Complaints Sub-Committee, disagree with the recommendation, a full (special) meeting of the SSC shall be convened to consider the matter. The decision of this meeting shall be final.
- 5) Following due consideration of the complaint and the recommendation of the SSC Complaints Sub-Committee (and any discussion that may result from (4) above), the potential outcomes of the process are:
 - a) The complaint has not been established – then the Chairperson of the SSC shall revert in writing to the Complainant to that effect, together with an explanation of the finding;
 - b) The complaint has been established and may be readily and simply rectified – then an opportunity for the subject of the complaint to make a public correction may be offered (this may also include formal/informal mentoring opportunities, as relevant);
 - c) The breach is deemed to be the result of gross incompetence and/or the subject of the complaint refuses to make a public correction (as contemplated in (5b) above) – then the complainant must be referred to the relevant Professional/Statutory/Certifying Body.
- 6) If the result of the process is (5c) above, then:
 - a) The Chairperson of the SSC must revert, in writing, to the Complainant and direct him/her³ to the relevant Professional/Statutory/Certifying Organisation for further investigation and possible disciplinary procedures.
 - b) The SSC will request that the Professional/Statutory/Certifying organisation⁴ inform it of the result of any action taken as a consequence of the investigation.
- 7) Both the Complainant and the subject of the complaint shall be informed of the decision in writing. The decision of the SSC shall be final and no further correspondence shall be entertained between the Complainant, the subject of the Complaint and the SSC. The Complainant may, in any event, elect to take the complaint to any of the Professional/Statutory/Certifying Organisations directly.
- 8) The final decision regarding a complaint shall be made within 60 calendar days of receipt of the complaint, circumstances allowing. The decision shall be conveyed to the complainant as soon as practical thereafter.
- 9) Should the Complainant (or subject of a complaint) be a member of the SSC, they shall recuse themselves from the entire process.

³ If the situation should arise where the SSC should decide to take on the role of Complainant, then the Chairperson of the SSC would forward all of the relevant details and recommendations to the relevant Professional/Statutory/Certifying Body.

⁴ If, or how much, information may be provided to the SSC depends on the terms of reference of the particular Professional/Statutory/Certifying Organisation.