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GOVERNMENT NOTICES

DEPARTMENT OF MINERALS AND ENGERY

No. R. 906

2 July 2002

AMENDMENT NOTICE

In terms of section 97(1) of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996), I Phumzile Mlambo-Ngcuka, Minister of Minerals and Energy, hereby publish the amendments to the Mine Health and Safety Council Constitution in the Schedule for Public information.

MS P MLAMBO-NGCUKA

MINISTER OF MINERALS AND ENERGY

SCHEDULE

AMENDMENTS TO THE CONSTITUTION OF THE MINE HEALTH AND SAFETY COUNCIL CONSEQUENTIAL TO THE SIMPROSS RESOLUTION

Amendment of Item 12

1. Item 12 of the Constitution is hereby amended by the substitution for subitem (1) of the following subitem:

"(1) The [**Chief Inspector**] Council must appoint a secretary for-

- (a) the *Council* and every permanent and ad hoc committee; and
- (b) any subcommittee if the *establishing authority* so requires."

Amendment of Item 17

2. The following subitem is hereby inserted after subitem (3):

"(4) Despite subitems (1) to (3), if the members present and voting at a meeting reach consensus on the matter, the Council may resolve that any specific resolution of the Council may only be amended or revoked by a special majority of, or the consensus of the Council"

Amendment of Item 20

3. Item 20 of the Constitution is hereby amended by the substitution for that item of the following item:

"Administrative, secretarial and other services

- 20 (1) The Council may employ employees to provide such administrative, secretarial or other services to the Council and its committees as the Council may determine.
- (2) Despite subitem (1), the Council, with approval of the Minister, may contract any person, or arrange for officers of the Mine Health and Safety Inspectorate, to provide such administrative, secretarial and other services to the Council and its committees as the Council may determine."

Amendment of Item 22

4. Item 22 of the Constitution is hereby amended by the substitution for subitems (1) and (2) of the following subitems:

- (1) A member or an employee of the Council does not incur any civil liability only because of doing or failing to do something which such *member* or employee may do or is required to do in terms of *this Act* or this Constitution.
- (2) The *Council* does not incur any civil liability only because a *member, or an employee of the Council*, or any person contracted to perform a function of the *Council* or a *committee*, or an *officer* of the Mine Health Safety Inspectorate assigned to perform such functions, took an action or failed to take an action under or in terms of *this Act* or this Constitution, and in taking or failing to take that action acted without negligence and in good faith."

No. R. 918

2 July 2002

**REGULATIONS UNDER THE MINE HEALTH AND SAFETY ACT,
1996**

(ACT NO 29 OF 1996)

In terms of section 98(1)(zN) of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996), I Phumzile Mlambo-Ngcuka, Minister of Minerals and Energy, hereby make the Regulations in the Schedule.

MS P MLAMBO-NGCUKA

MINISTER OF MINERALS AND ENERGY

SCHEDULE

1. Regulation 1 is hereby amended by the insertion after subregulation 1(5) of the following definition:

"(5A) **Council** means the Mine Health and Safety Council established in terms of section 41 of the Mine Health and Safety Act, No 29 of 1996;"

2. Regulation 35.1 is hereby amended by its substitution with the following:

"35.1 There is hereby established a safety research account to which shall be credited –

- (a) levies paid in terms of regulation 35.2(a)(iv);
- (b) fines imposed in terms of regulation 35.3; [and]
- (c) any income accrued from the investment of money in that account,

which shall be used for research and surveys regarding, and for the promotion of [industrial] occupational health and safety at mines and works and for the administration costs of the overall programme for relevant health and safety research."

3. Regulation 35.2 is hereby amended by the insertion after sub-regulation 35.2(b) of the following sub-regulation:

"(c) conclude an agreement with the Council for the provision of administrative, secretarial and other support services required for the administration of the overall programme for relevant occupational health and safety research;"

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