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No. 24283

THE PRESIDENCY

No. 119

22 January 2003

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 60 of 2002: Occupational Diseases in Mines and Works Amendment Act, 2002.

DIE PRESIDENSIE

No. 119

22 Januarie 2003

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 60 van 2002: Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 2002.



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AIDS HELPLINE: 0800-123-22 Prevention is the cure

Act No. 60, 2002

OCCUPATIONAL DISEASES IN MINES AND WORKS
AMENDMENT ACT, 2002

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 30 December 2002.)

ACT

To amend the Occupational Diseases in Mines and Works Act, 1973, so as to provide that if a person was medically examined within a period of 24 months immediately preceding an application for medical examination, the Director of the Medical Bureau for Occupational Diseases may refuse that person's application for medical examination; and to provide for matters incidental thereto.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 32 of Act 78 of 1973

1. Section 32 of the Occupational Diseases in Mines and Works Act, 1973 (hereinafter referred to as the principal Act), is amended by the substitution for subsection (3) of the following subsection: 5

“(3) The director may **[in his discretion]** refuse such application if the person concerned was medically examined under this Act within the period of **[six]** 24 months immediately preceding the date on which such application is received, unless the application is supported in writing by a medical practitioner.”. 10

Amendment of section 36A of Act 78 of 1973, as amended by section 11 of Act 208 of 1993

2. Section 36A of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) The owner of a controlled mine or a controlled works shall **[for a period of not more than two years]** 15 from the date of the commencement of a compensatable disease pay the **[reasonable]** legitimate and proven cost incurred by or on behalf of a person in his or her service, or who was in his or her service at the commencement of a compensatable disease, in respect of medical aid necessitated by such disease.”. 20

Amendment of section 124 of Act 78 of 1973, as amended by section 43 of Act 208 of 1993

3. Section 124(1) of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) Any person who— 25

ALGEMENE VERDUIDELIKENDE NOTA:

[]: Woorde in vet druk tussen vierkantige hake dui skappings uit
bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in
bestaande verordenings aan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 30 Desember 2002.)

WET

Tot wysiging van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, ten einde te bepaal dat indien 'n persoon geneeskundig ondersoek is binne 'n tydperk van 24 maande onmiddellik voor 'n aansoek om geneeskundige ondersoek, die Direkteur van die Mediese Buro van Bedryfsiektes daardie persoon se aansoek om geneeskundige ondersoek kan weier; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 32 van Wet 78 van 1973

1. Artikel 32 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973 (hierna die Hoofwet genoem), word gewysig deur subartikel (3) deur die volgende subartikel te 5
vervang:

“(3) Die direkteur kan sodanige aansoek **[na goeëddunke]** van die hand wys indien die betrokke persoon ingevolge hierdie Wet geneeskundig ondersoek is gedurende 'n tydperk van **[ses]** 24 maande onmiddellik voor die datum waarop sodanige aansoek ontvang word, tensy die aansoek skriftelik deur 'n geneesheer 10
ondersteun word.”.

Wysiging van artikel 36A van Wet 78 van 1973, soos gewysig deur artikel 11 van Wet 208 van 1993

2. Artikel 36A van die Hoofwet word gewysig deur subartikel (1) deur die volgende subartikel te vervang: 15

“(1) Die eienaar van 'n beheerde myn of beheerde bedryf betaal **[vir 'n tydperk van hoogstens twee jaar]** vanaf die datum van die aanvang van 'n vergoedbare siekte die **[redelike]** regmatige en bewese koste deur of namens 'n persoon in sy of haar diens, of wat ten tyde van die aanvang van 'n vergoedbare siekte in sy of haar diens was, aangegaan ten opsigte van geneeskundige hulp wat deur sodanige siekte 20
genoodsaak is.”.

Wysiging van artikel 124 van Wet 78 van 1973, soos gewysig deur artikel 43 van Wet 208 van 1993

3. Artikel 124 van die Hoofwet word gewysig deur subartikel (1) deur die volgende subartikel te vervang: 25

“(1) Iemand wat—

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AMENDMENT ACT, 2002

- (a) knowingly makes a false statement or misrepresentation or conceals any fact of material importance with intent to obtain for himself or herself, or assist any other person to obtain, a certificate of fitness or any other document or advantage under this Act; [or]
- (b) forges, or alters with intent to deceive, any certificate of fitness or any other document for which provision was made in the previous Act or is made in this Act, or which was issued under the previous Act or this Act[,]; or
- (c) in exchange for services rendered in respect of assistance in claiming any benefit in terms of this Act, charges a fee or claims remuneration from a person who is claiming such benefit in terms of this Act which is in excess of 0,5% of the benefit awarded to such person or any amount stipulated by the Director-General,
- shall be guilty of an offence and liable on conviction to any penalty which may in law be imposed on a conviction of fraud.”.

Amendment of Act 78 of 1973**4. The principal Act is amended by the addition—**

- (a) after “he”, wherever it appears in the Act, of “or she”;
- (b) after “him”, wherever it appears in the Act, of “or her”; and
- (c) after “himself”, wherever it appears in the Act, of “or herself”,
- unless the context indicates otherwise.

Short title**5. This Act is called the Occupational Diseases in Mines and Works Amendment Act, 2002.**

WYSIGINGSWET OP BEDRYFSIEKTES IN MYNE
EN BEDRYWE, 2002

Wet No. 60, 2002

- (a) wetens 'n valse bewering of wanvoorstelling maak of 'n feit van wesentlike belang verswyg, met die doel om 'n sertifikaat van geskiktheid of 'n ander stuk of gewin ingevolge hierdie Wet vir homself of haarself te verkry of om iemand anders te help om dit te verkry; [of]
- (b) 'n sertifikaat van geskiktheid of 'n ander stuk waarvoor in die vorige Wet voorsiening gemaak was of in hierdie Wet gemaak word, of wat ingevolge die vorige Wet of hierdie Wet uitgereik is, vervals of dit verander met die doel om te bedrieg[.]; of
- (c) in ruil vir dienste gelewer ten opsigte van bystand met die eis van enige voordeel ingevolge hierdie Wet, geld hef of vergoeding eis van 'n persoon wat sodanige voordeel ingevolge hierdie Wet eis, wat meer is as 0,5% van die voordeel wat aan sodanige persoon toegeken word of enige bedrag wat deur die Direkteur-generaal bepaal word,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n straf wat regtens by 'n skuldigbevinding weens bedrog opgelê kan word.''. 15

Wysiging van Wet 78 van 1973**4. Die Hoofwet word gewysig deur—**

- (a) na “hy”, waar dit ook al in die Hoofwet voorkom, “of sy” by te voeg;
- (b) na “hom”, waar dit ook al in die Hoofwet voorkom, “of haar” by te voeg; en
- (c) na “homself”, waar dit ook al in die Hoofwet voorkom, “of haarself” by te voeg,

tensy uit die samehang 'n ander bedoeling blyk.

Kort titel

5. Hierdie Wet heet die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 2002.

