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THE PRESIDENCY

No. 1155 3 December 2010

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

No. 16 of 2010: Geoscience Amendment Act, 2010

DIE PRESIDENSIE

Nr. 1155 3 Desember 2010

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

Nr. 16 van 2010: Wysigingswet op Geowetenskap, 2010

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 1 December 2010.)

ACT

To amend the Geoscience Act, 1993, so as to mandate the Council for Geoscience to be the custodians of geotechnical information, to be a national advisory authority in respect of geohazards related to infrastructure and development, and to undertake reconnaissance operations, prospecting research and other related activities in the mineral sector; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 100 of 1993

1. Section 1 of the Geoscience Act, 1993 (hereinafter referred to as the principal Act), is hereby amended— 5

(a) by the substitution for the definition of “**chairman**” of the following definition:

“**[‘chairman’] ‘chairperson’** means the **[chairman]** chairperson of the **[Management]** Board appointed in terms of section 4;”;

(b) by the insertion after the definition of “**chairman**” of the following definition: 10

‘Chief Executive Officer’ means the person appointed in terms of section 18 as the Chief Executive Officer of the Council;”;

(c) by the substitution for the definition of “**discovery**” of the following definition: 15

“**‘discovery’** means a technological or scientific discovery, **[but excluding]** including a discovery of a mineral deposit;”;

(d) by the insertion after the definition of “discovery” of the following definitions:

‘economic geology’ means the study of the distribution, formation, economics and application of earth materials for economic and industrial purposes;

‘environmental geology’ means geology applied to the solving of conflicts, minimizing possible adverse environmental degradation or maximizing possible advantageous conditions resulting from the use of the natural and modified environment;”;

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 1 Desember 2010.)

WET

Tot wysiging van die Wet op Geowetenskap, 1993, ten einde die Raad vir Geowetenskap 'n mandaat te gee om die bewaarders van geotegniese inligting te wees, om 'n nasionale raadgewende gesag ten opsigte van georisiko's betreffende infrastruktuur en ontwikkeling te wees, en om verkenningsoperasies, prospekteringsnavorsing en ander verwante aktiwiteite in die minerale sektor te onderneem; en 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 1 van Wet 100 van 1993

1. Artikel 1 van die Wet op Geowetenskap, 1993 (hierna die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van “**Bestuursraad**” te skrap;
- (b) deur aan die begin van subartikel (1) die volgende omskrywings in te voeg:
 - “**‘ekonomie-geologie’** die studie van die verspreiding, formasie, ekonomie en aanwending van aardmateriale vir ekonomie- en nywerheidsdoeleindes;
 - ‘geochemie’** die studie van die chemiese samestelling van die aarde en terrestriële liggame, die chemiese prosesse wat die samestelling van rotse, water en grond beheer, die siklusse van materie en energie wat die aarde se chemiese komponente deur tyd en ruimte vervoer, en hul interaksie met die hidrosfeer en atmosfeer;
 - ‘geochronologie’** die wetenskap waarvolgens die absolute ouderdom van rotse, fossiele en sedimente bepaal word deur middel van elementêre ontbinding binne 'n sekere graad van onsekerheid inherent aan die toegepaste metode;
 - ‘geofisika’** die studie van die aarde deur die kwantitatiewe waarneming van die fisieke eienskappe daarvan;
 - ‘geohidrologie’** die studieveld van geologie wat handel oor die verspreiding, beweging, ekstraksie en gehalte van grondwater in die grond en rotse van die aardkors;
 - ‘geohidrologiese akwifersisteme’** die studieveld van geologie wat handel oor die strukture en weë wat die beweging van grondwater in die grond en rotse van die aardkors bepaal;
 - ‘geomagnetisme’** die studie van die aarde se magnetiese veld en verwante verskynsels;
 - ‘georisiko’s’**—

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- (e) by the substitution for the definition of “**Executive Management Committee**” of the following definition:
 “**[‘Executive Management Committee’ means the Executive Management Committee]** **‘Executive Committee’** means the Executive Committee of the Board referred to in section 15;” 5
- (f) by the deletion of the definition of “**executive officer**”;
- (g) by the insertion after the definition of “**executive officer**” of the following definitions:
- “**‘geochemistry’** means the study of the chemical composition of the earth and terrestrial bodies, and the chemical processes and reactions that govern the composition of rocks, water, and soils, and the cycles of matter and energy that transport the earth’s chemical components in time and space, and their interaction with the hydrosphere and the atmosphere; 10
- ‘geochronology’** means the science of determining the absolute age of rocks, fossils and sediments, by means of element decay within a certain degree of uncertainty inherent to the applied method; 15
- ‘geohazards’** means—
- (a) a geological state or an incipient geological condition that has the potential to develop further into a situation leading to harm, damage or uncontrolled risk; 20
- (b) phenomena that are related to geological and environmental conditions and involve long-term and short-term geological processes which range in magnitude from relatively small to large scale features and may affect the local and regional socio-economy; and 25
- (c) areas characterized by potential life-threatening geological conditions in South Africa, including dolomite land, undermined areas, areas of potential slope stability problems and areas prone to potential severe seismicity and flood-line areas; 30
- ‘geohydrology’** means the study area of geology that deals with the distribution, movement, extraction and quality of groundwater in the soil and rocks of the earth’s crust; 30
- ‘geohydrological aquifer systems’** means the study area of geology that deals with the study of the structures and pathways that control the movement of groundwater in the soil and rocks of the earth’s crust; 35
- ‘geomagnetism’** means the study of the earth’s magnetic field and phenomena related thereto;
- ‘geophysics’** means the study of the earth by the quantitative observation of its physical properties; 40
- ‘geoscientific information’** includes geotechnical information, mining, geohydrology, geochemistry, geophysics, engineering geology, economic geology, geochronology, palaeontology, geohydrological aquifer systems, geotechnical investigations, marine geology, geomagnetism, seismology, geohazards and environmental geology; 45
- ‘geotechnical information’** means information pertaining to the physical properties of rocks or soil with a view to designing earthworks and foundations for development of structures or for repair of distress to earthworks and structures caused by subsurface conditions; 50
- ‘geotechnical investigations’** means physical investigations pertaining to the physical properties of rocks or soil with a view to designing earthworks and foundations for development of structures or for repair of distress to earthworks and structures caused by subsurface conditions;” 50
- (h) by the substitution for the definition of “**Management Board**” of the following definition:
 “**‘[Management] Board’** means the **[Management]** non-executive Board referred to in section 4;” 55
- (i) by the substitution for the definition of “**mineral**” of the following definition:
 “**‘mineral’** means a mineral as defined in section 1 of the **[Minerals Act, 1991 (Act No. 50 of 1991)] Minerals and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)**;” 60

- (a) 'n geologiese toestand of 'n ontwikkelende geologiese omstandigheid met die potensiaal om te ontwikkel in 'n situasie wat tot leed, skade of onbeheerde risiko kan lei;
- (b) verskynsels wat verband hou met geologiese en omgewings-omstandighede en wat langtermyn en korttermyn geologiese prosesse behels wat in omvang wissel van verskynsels op 'n relatief klein tot groot skaal en die plaaslike en streek-sosio-ekonomie kan raak; en 5
- (c) areas wat deur potensieel lewensgevaarlike geologiese omstandighede in Suid-Afrika gekenmerk word, met inbegrip van dolomietgrond, ondermynde areas, areas met potensieële probleme met hellingstabiliteit en areas geneig tot potensieële hewige seismiese aktiwiteit en vloedlynareas; 10
- 'geotegniese inligting'** inligting wat verband hou met die fisieke eienskappe van rotse of grond met die oog op die ontwerp van grondwerke en fondasies vir ontwikkeling van strukture of vir herstel van versteurings aan aardwerke en strukture wat deur suboppervlak-omstandighede veroorsaak is; 15
- 'geotegniese ondersoek'** fisieke ondersoek na die fisieke eienskappe van rotse of grond met die oog op die ontwerp van grondwerke en fondasies vir ontwikkeling van strukture of vir herstel van versteurings aan aardwerke en strukture wat deur suboppervlak-omstandighede veroorsaak is; 20
- 'geowetenskaplike inligting'** ook geotegniese inligting, mynbou, geohidrologie, geochemie, geofisika, ingenieursgeologie, ekonomiese geologie, geochronologie, paleontologie, geohidrologiese akwifersisteme, geotegniese ondersoek, mariene-geologie, geomagnetisme, seismologie, georisiko's en omgewingsgeologie;"; 25
- (c) deur die volgende omskrywing na die omskrywing van **"hierdie Wet"** in te voeg: 30
- " 'Hoof- uitvoerende Beampte'** die persoon wat ingevolge artikel 18 as die Hoof- uitvoerende Beampte van die Raad aangestel is;";
- (d) deur die omskrywing van **"mineraal"** deur die volgende omskrywing te vervang: 35
- " 'mineraal'** 'n mineraal soos omskryf in artikel 1 van die [Mineraalwet, 1991 (Wet 50 van 1991)] 'Minerals and Petroleum Resources Development Act, 2002' (Wet No. 28 van 2002);";
- (e) deur die omskrywing van **"Minister"** deur die volgende omskrywing te vervang: 40
- " 'Minister'** die Minister van [Mineraal- en Energiesake] Minerale Hulpbronne;";
- (f) deur die volgende omskrywings na die omskrywing van **"Minister"** in te voeg: 45
- " 'nie-uitvoerende raad'** die nie-uitvoerende raad vermeld in artikel 4; **'omgewingsgeologie'** geologie toegepas op die beslegting van geskille, tot minimalisering van moontlike nadelige agteruitgang van die omgewing of maksimalisering van moontlike voordelige omstandighede wat uit die gebruik van die natuurlike en aangepaste omgewing voortspruit;";
- (g) deur die omskrywing van **"ontdekking"** deur die volgende omskrywing te vervang: 50
- " 'ontdekking'** 'n tegnologiese of wetenskaplike ontdekking, [maar nie ook] met inbegrip van 'n ontdekking van 'n mineraalafsetting [nie];";
- (h) deur die omskrywing van **"prospekteer"** deur die volgende omskrywing te vervang: 55
- " 'prospekteer'** prospekteer soos omskryf in artikel 1 van die [Mineraalwet, 1991 (Wet No. 50 van 1991)] 'Mineral and Petroleum Resources Development Act, 2002' (Wet No. 28 van 2002);";
- (i) deur na die omskrywing van **"regulasie"** die volgende omskrywing in te voeg: 60
- " 'seismologie'** die studie van aardbewings en seismiese golwe wat deur en om die aarde beweeg;";

- (j) by the substitution for the definition of “**Minister**” of the following definition:
 “**‘Minister’** means the Minister of Mineral **[and Energy Affairs] Resources;**”;
- (k) by the substitution for the definition of “**prospecting**” of the following definition:
 “**‘prospecting’** means prospecting as defined in section 1 of the **[Minerals Act, 1991 (Act No. 50 of 1991)] Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);**”.
- (l) by the insertion after the definition of “prospecting” of the following definitions:
 “**‘reconnaissance operation’** means any operation carried out for or in connection with the search for a mineral by geological, geophysical and photogeological surveys and includes any remote sensing techniques, but does not include any prospecting operation;
‘seismology’ is the study of earthquakes and seismic waves that move through and around the earth.”.

Substitution of section 3 of Act 100 of 1993

2. The following section is hereby substituted for section 3 of the principal Act:

“Objects of Council

3. The objects of the Council are to—

- (a) promote the search for, and exploitation of, any mineral in the Republic;
 (b) undertake research in the field of geoscience;
 (c) act as a national advisory authority in respect of—
 (i) geohazards related to infrastructure and development; and
 (ii) geo-environmental pollution brought about by mineral exploitation and by other activities; and
 (d) provide specialized geoscientific services.”.

Substitution of section 4 of Act 100 of 1993

3. The following section is hereby substituted for section 4 of the principal Act:

“[Management] Board

4. (1) With a view to the achievement of the objects of the Council its affairs shall be managed by a **[Management]** Board, which shall, subject to the provisions of this Act, determine the policy and goals of the Council and exercise control over the performance of the functions of the Council.

(2) The **[Management]** Board shall consist of—

- (a) the **[chairman]** chairperson, who shall be appointed by the Minister;
 (b) at least **[eight]** ~~nine~~ but not more than **[ten]** ~~13~~ other members appointed by the Minister **[, of whom—]** as follows:
 (i) **[one shall be]** an official of the Department of Mineral **[and Energy Affairs] Resources** nominated by the Director-General: Mineral **[and Energy Affairs] Resources**;
 (ii) **[one shall be]** an official of the Department of **[Environment] Water and Environmental Affairs** nominated by the Director-General: **[Environment] Water and Environmental Affairs**;
 (iii) **[one shall be]** an official of the Department of **[Regional and Land Affairs] Rural Development and Land Reform** nominated by the Director-General: **[Regional and Land Affairs] Rural Development and Land Reform**;

- (j) deur die omskrywing van **“uitvoerende beampte”** te skrap;
- (k) deur die omskrywing van **“Uitvoerende Bestuurskomitee”** deur die volgende omskrywing te vervang:
“[‘Uitvoerende Bestuurskomitee’ die Uitvoerende Bestuurskomitee] ‘Uitvoerende Komitee’ die Uitvoerende Komitee van die Raad vermeld in artikel 15;”;
- (l) deur na die omskrywing van **“Uitvoerende Komitee”** die volgende omskrywing in te voeg:
“ ‘verkenningsoperasie’ enige operasie uitgevoer vir of in verband met die soektog vir ’n mineraal deur geologiese, geofisiese en foto-geologiese studies, en ook enige afstandwaarnemingstegnieke, maar nie ook enige prospekteringsoperasie nie;”; en
- (m) deur in die Engelse teks die omskrywing van **“chairman”** deur die volgende omskrywing te vervang:
“[‘chairman’] ‘chairperson’ means the [chairman] chairperson of the [Management] Board appointed in terms of section 4;”.

Vervanging van artikel 3 van Wet 100 van 1993

2. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

“Oogmerke van Raad

3. Die oogmerke van die Raad is om—

- (a) die soektog vir en ontginning van enige minerale in die Republiek te bevorder;
- (b) navorsing in die veld van geowetenskap te onderneem;
- (c) as ’n nasionale raadgewende gesag te dien ten opsigte van—
- (i) georisiko’s wat met infrastruktuur en ontwikkeling verband hou; en
- (ii) geo-omgewingsbesoedeling wat deur die ontginning van enige minerale en deur ander aktiwiteite veroorsaak word; en
- (d) gespesialiseerde geowetenskaplike dienste te voorsien.”.

Vervanging van artikel 4 van Wet 100 van 1993

3. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:

“[Bestuursraad] Nie-uitvoerende raad

4. (1) Met die oog op die bereiking van die oogmerke van die Raad word sy sake bestuur deur ’n **[Bestuursraad] nie-uitvoerende raad**, wat, behoudens die bepalings van hierdie Wet, die beleid en doelstellings van die Raad bepaal en beheer uitoefen oor die verrigting van die werksaamhede van die Raad.

(2) Die **[Bestuursraad] nie-uitvoerende raad** bestaan uit—

- (a) die voorsitter, wat deur die Minister aangestel word;
- (b) minstens **[agt]** nege maar hoogstens **[tien]** 13 ander lede wat soos volg deur die Minister **[na oorlegpleging met die voorsitter en die uitvoerende beampte]** aangestel word: **[, van wie—]**
- (i) **[een]** ’n beampte van die Departement van **[Mineraal- en Energiesake]** Minerale Hulpbronne **[moet wees]** wat deur die Direkteur-generaal: **[Mineraal- en Energiesake]** Minerale Hulpbronne benoem is;
- (ii) **[een]** ’n beampte van die Departement van Waterwese en Omgewingsake **[moet wees]** wat deur die Direkteur-generaal: **[Waterwese en Omgewingsake]** benoem is;
- (iii) **[een]** ’n beampte van die Departement van **[Streek- en Grondsake]** Landelike Ontwikkeling en Grondhervorming **[moet wees]** wat deur die Direkteur-generaal: **[Streek- en Grondsake]** Landelike Ontwikkeling en Grondhervorming benoem is;

- (iv) **[one shall be an official of the Department of Water Affairs and Forestry nominated by the Director-General: Water Affairs and Forestry;]** an official of the Department of Human Settlements nominated by the Director-General: Human Settlements; 5
- (v) **[one shall be]** a person who is involved in the mining industry **[and was nominated by the Chamber of Mines];**
- (vi) **one shall be a person who is involved in geoscientific education or training and was nominated by the Geological Society of South Africa;]** 10
- (vii) **[one shall be]** a person who is involved in commerce; **[and**
- (viii) **one shall be a person with knowledge or experience of mineral activities who is involved in industrial development and was nominated by the Industrial Development Corporation; and]** 15
- (ix) an official of the Department of Science and Technology nominated by the Director-General: Science and Technology;
- (x) two persons with appropriate experience, expertise or skills to enhance the Board's capability in performing its functions effectively; and 20
- (xi) an official of the National Treasury nominated by the Director General: National Treasury; and
- (c) the **[executive officer]** Chief Executive Officer, who shall serve *ex officio* as a member of the **[Management]** Board. 25
- [(3) After the expiry of the term of office of the first chairman the Minister shall appoint the chairman after consultation with the other members of the Management Board.]** 25
- (4) The Minister may, whenever he or she deems it necessary or expedient, subject to the provisions of subsection (1), appoint an alternate member for any member of the **[Management]** Board. 30
- (5) The members or alternate members of the **[Management]** Board shall be persons who—
- (a) have special knowledge of or experience in any aspect of the Council's functions; or
- (b) by virtue of the offices occupied by them are able to make a contribution to the achievement of the objects of the Council.”. 35

Substitution of section 5 of Act 100 of 1993

4. The following section is hereby substituted for section 5 of the principal Act:

“Functions of Council

- 5. (1) For the purpose of achieving its objects, the Council may perform the following functions: 40
- (a) Undertake geoscientific research and related technological development;
- (b) compile and develop a comprehensive and integrated collection of knowledge and information of geology, geochemistry, geophysics, 45
engineering geology, economic geology, geochronology, palaeontology, geohydrological aquifer systems, geotechnical investigations, marine geology **[and]**, geomagnetism **[;]**, seismology, geohazards, environmental geology and other related disciplines;
- (bA) promote the search for, and the exploitation of, any minerals in the Republic; 50
- (bB) bring to the notice of the Minister any information in relation to the prospecting for and mining of mineral resources which is likely to be of use or benefit to the Republic;

- (iv) [een 'n beampte van die Departement van Waterwese en Bosbou moet wees wat deur die Direkteur-generaal: Waterwese en Bosbou benoem is] 'n beampte van die Departement van Menslike Nedersettings wat deur die Direkteur-generaal: Menslike Nedersettings benoem is; 5
- (v) [een] 'n persoon [moet wees] wat betrokke is by die mynboubedryf [en deur die Kamer van Mynwese benoem is];
- [(vi) 'n persoon moet wees wat by geowetenskaplike onderwys of opleiding betrokke is en deur die Geologiese Vereniging van Suid-Afrika benoem is;] 10
- (vii) [een] 'n persoon [moet wees] wat by die handel betrokke is; [en
- (viii) een 'n persoon met kennis of ondervinding van mynboubedrywigheide moet wees wat betrokke is by nywerheidsontwikkeling en wat deur die Nywerheidsontwikkelingskorporasie benoem is; en] 15
- (ix) 'n beampte van die Departement van Wetenskap en Tegnologie wat deur die Direkteur-generaal: Wetenskap en Tegnologie benoem is;
- (x) twee persone met toepaslike ondervinding, kundigheid en vaardighede wat die nie-uitvoerende raad se vermoë om sy werksaamhede doeltreffend te verrig sal verhoog; en 20
- (xi) 'n beampte van die Nasionale Tesourie wat deur die Direkteur-generaal: Nasionale Tesourie benoem is; en
- (c) die [uitvoerende beampte] Hoof- uitvoerende Beampte, wat amptshalwe as lid van die [Bestuursraad] nie-uitvoerende raad dien. 25
- [(3) Na verstryking van die ampstermyn van die eerste voorsitter stel die Minister die voorsitter aan na oorlegpleging met die ander lede van die Bestuursraad.]
- (4) Die Minister kan, wanneer hy of sy dit nodig of dienstig ag, behoudens die bepalings van subartikel (1), 'n plaasvervangende lid vir enige lid van die [Bestuursraad] nie-uitvoerende raad aanstel. 30
- (5) Die lede of plaasvervangende lede van die [Bestuursraad] nie-uitvoerende raad moet persone wees wat—
- (a) oor besondere kennis of ondervinding van die geowetenskap of van enige aspek van die werksaamhede van die Raad beskik; of 35
- (b) uit hoofde van die ampte wat hulle bekleed, in staat is om 'n bydrae tot die bereiking van die oogmerke van die Raad te lewer.”.

Vervanging van artikel 5 van Wet 100 van 1993

4. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

“Werksaamhede van Raad

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5. (1) Ten einde sy oogmerke te bereik, kan die Raad die volgende werksaamhede verrig:

- (a) Geowetenskaplike navorsing en verwante tegnologiese ontwikkeling onderneem;
- (b) 'n omvattende en geïntegreerde versameling van kennis en inligting van die geologie, geochemie, geofisika, ingenieursgeologie, ekonomie-geologie, geochronologie, paleontologie, geohidrologiese akwifersisteme, geotegniese ondersoeke, marine-geologie [en], geomagnetisme, seismologie, georisiko's, omgewingsgeologie en ander verwante dissiplines saamstel en ontwikkel; 45
- (bA) bevorder die soektog vir, en die ontginning van, enige minerale in die Republiek; 50
- (bB) bring enige inligting betreffende prospektering vir en myn van minerale hulpbronne wat moontlik tot nut en voordeel vir die Republiek kan wees onder die aandag van die Minister; 55

- (c) serve as the national custodian of geotechnical information, prospecting information and all other geoscientific information relating to the earth, the marine environment and geomagnetic space, all of which shall be lodged with the Council;
- (d) study [mineral resources] the— 5
 (i) distribution and nature of mineral resources; and
 (ii) geo-environmental aspects of past, current and future mineral exploitation;
- (e) study the use of the surface and the subsurface of land and the seabed, 10
 and from a geoscientific viewpoint advise government institutions and the general public on the judicious and safe use thereof with a view to facilitate sustainable development;
- (eA) review and evaluate all geotechnical reports in respect of geohazards that may affect infrastructure and development at prescribed tariffs;
- (f) develop and maintain the National Geoscientific Library, the National 15
 Geoscientific Information Centre, the National Borehole Core Depository, the National Geophysical and Geochemical Test Sites, [and] the [Geological Museum as part of the Transvaal Museum] National Geoscience Museum, the National Seismological Network and the National Geoscience Analytical Facility; 20
- (g) conduct investigations and render prescribed specialized services to public and private institutions;
- (h) [(i)] undertake—
 (i) research of its own accord; [or]
 (ii) [undertake] research on behalf of the State or any other 25
government institution, or on behalf of any person or institution, or support such research financially; [and] or
 (iii) any reconnaissance operation, prospecting and other related activities with a view to attracting investment to the mineral resource sector; and 30
- (i) do anything that is necessary for or conducive to the achievement of the said objects.
- (2) In order to promote relevant research and to support its objects the Council may—
- (a) make grants to universities, [technikons,] colleges and other educa- 35
tional and scientific institutions in aid of research by their staff or for the establishment of facilities for such research;
- (b) undertake joint research projects with government departments [of State], universities, [technikons,] colleges, other educational and 40
scientific institutions and other persons;
- (c) co-operate with educational authorities and scientific or technical societies for the promotion of the education and training of researchers, technical experts and other supporting personnel in schools, [technikons,] colleges and universities;
- (d) grant study bursaries and loans to researchers, and make monetary 45
contributions for research programmes in support of its own [man-power] human resource development requirements; [and]
- (e) co-operate with persons and institutions undertaking research in other countries by the exchange of geoscientific knowledge and information 50
by means of international meetings and research projects[.]; and
- (f) serve as the national advisory authority to various local, provincial and national authorities in respect of—
 (i) geohazards that may affect infrastructure and development; and
 (ii) geo-environmental pollution brought about by mineral exploi- 55
tation and by other activities through the production of geoscientific and geological information.
- (3) In order to perform the functions and achieve the objects of the Council, the [executive officer] Chief Executive Officer may—

- (c) dien as nasionale bewaarder van geotegniese inligting, prospekteringsinligting en alle geowetenskaplike inligting met betrekking tot die aarde, die marine-omgewing en die geomagnetiese ruimte, en al dié inligting moet by die Raad aangeteken word;
- (d) 'n studie maak van **[mineraalhulpbronne]** die— 5
- (i) verspreiding en aard van minerale hulpbronne; en
- (ii) geo-omgewingsaspekte van vorige, huidige en toekomstige ontginning van minerale;
- (e) die gebruik van die oppervlak en suboppervlak van grond en die seebodem bestudeer en owerheidsinstellings en die algemene publiek uit 'n geowetenskaplike oogpunt van raad dien oor die oordeelkundige en veilige gebruik daarvan met die oog op volhoubare ontwikkeling; 10
- (eA) hersien en evalueer alle geotegniese verslae ten opsigte van georisiko's wat alle infrastruktuur en ontwikkelings kan raak, teen voorgeskrewe tariewe; 15
- (f) die Nasionale Geowetenskaplike Biblioteek, Nasionale Geowetenskaplike Inligtingsentrum, die Nasionale Boorkernoteek, die Nasionale Geofisiese en Geochemiese Toetsterreine, en die **[Geologiese Museum as deel van die Transvaal-museum,]** Nasionale Geowetenskapmuseum, die Nasionale Seismologie-netwerk en die Nasionale Instelling vir Geowetenskaplike Analise; 20
- (g) ondersoek uitvoer en voorgeskrewe gespesialiseerde dienste aan openbare en private instellings lewer;
- (h) **[(i)]** navorsing—
- (i) uit eie beweging onderneem; **[of]** 25
- (ii) **[navorsing]** ten behoeve van die Staat of 'n ander owerheidsinstelling of ten behoeve van enige persoon of instelling onderneem, of sodanige navorsing geldelik ondersteun; **[en]** of
- (iii) enige verkenningsoperasie, prospektering en ander verwante aktiwiteite onderneem ten einde beleggings in die minerale hulpbronne sektor aan te trek; en 30
- (i) enigiets doen wat nodig is om genoemde oogmerke te bereik, of wat bevorderlik is vir die bereiking daarvan.
- (2) Ter bevordering van toepaslike navorsing en ter ondersteuning van sy oogmerke kan die Raad— 35
- (a) toekennings aan universiteite, **[technikons,]** kolleges en ander opvoedkundige en wetenskaplike instellings doen ten bate van navorsing deur hul personeel of vir die oprigting van fasiliteite vir sodanige navorsing; 40
- (b) gesamentlike navorsingsprojekte met **[Staatsdepartemente]** regeringsdepartemente, universiteite, **[technikons,]** kolleges, ander opvoedkundige en wetenskaplike instellings en ander persone onderneem;
- (c) met onderwysowerhede en wetenskaplike of tegniese verenigings saamwerk ter bevordering van die onderrig en opleiding van navorsers, tegniese deskundiges en ander ondersteunende personeel in skole, **[technikons,]** kolleges en universiteite; 45
- (d) studiebeurse en -lenings aan navorsers toeken, en geldelike bydraes tot navorsingsprogramme maak ter ondersteuning van sy eie **[mannekragbehoefte]** mensehulpbronontwikkelingsbehoefte; [en] 50
- (e) met persone en instellings wat in ander lande navorsing onderneem, saamwerk deur die uitruiling van geowetenskaplike kennis en inligting[.]; en
- (f) dien as die nasionale raadgewende gesag vir verskeie plaaslike, provinsiale en nasionale owerhede ten opsigte van— 55
- (i) georisiko's wat infrastruktuur en ontwikkeling kan raak; en
- (ii) geo-omgewingsbesoedeling wat deur ontginning van minerale en deur ander aktiwiteite teweeggebring word, deur geowetenskaplike en geologiese inligting te genereer. 60
- (3) Ten einde die werksaamhede van die Raad te verrig en sy oogmerke te bereik, kan die **[uitvoerende beampte]** Hoof- uitvoerende Beampte—

- (a) on behalf of the Council conclude agreements with any person or institution or, subject to the provisions of section 8, with any government or administration, on the conditions upon which the [Management] Board and that person, institution, government or administration may agree; 5
 - (b) act as the official representative of the Council at all national and international organisations and meetings;
 - (c) defend legal proceedings instituted against the Council and institute legal proceedings connected with its functions;
 - (d) with the approval of the Minister, granted with the concurrence of the Minister of [State Expenditure] Finance, for or on behalf of the Council purchase or otherwise acquire or possess or hire immovable property, and alienate, let, pledge or otherwise encumber such property; 10
 - (e) with the approval of the Minister, granted with the concurrence of the Minister of Finance, raise money by way of loans on such terms and conditions and against such security as the [Management] Board may deem expedient; 15
 - (f) hire or let services against payment;
 - (g) produce and sell reports, maps, computer programs and other intellectual property which the Council generates in the course of its research; 20
 - (h) do everything that is conducive to the performance of the functions or the achievement of the objects of the Council or is calculated, directly or indirectly, to enhance the value of or render profitable the property or rights of the Council. 25
- (4) The Council shall, in addition to its other functions in terms of this Act or any other law—
- (a) perform such functions and undertake such investigations or research as the Minister may assign to it; and 30
 - (b) advise the Minister on research in the field of geoscience.
- (5) The functions of the Council mentioned in this section shall be performed by the [executive officer] Chief Executive Officer, except in so far as they have been assigned by this Act or by the Minister to any other person.”. 35

Amendment of section 6 of Act 100 of 1993

5. Section 6 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) Notwithstanding the provisions of any other law, the Council shall have the right to [inspect] analyze and verify any information of the Department of Mineral [and Energy Affairs] Resources which the Minister, or an officer of the said Department designated by the Minister, may approve on such conditions as the Minister or the said officer may determine.”; and 40
- (b) by the addition after subsection (2) of the following subsection: 45

“(3) All geotechnical reports pertaining to infrastructure and development shall be submitted to the Council in the prescribed manner.”.

Amendment of section 7 of Act 100 of 1993

6. Section 7 of the principal Act is hereby amended—

- (a) by the substitution for the heading of the following heading: 50

“**Prohibition on mining development and certain [prospecting and] research by Council**”; and
- (b) by the substitution for paragraph (a) of the following paragraph:

“(a) undertake any mining development [or undertake prospecting specifically with a view to mining development] for itself; and”. 55

- (a) namens die Raad ooreenkomste sluit met enige persoon of instelling of, behoudens die bepalings van artikel 8, met enige regering of administrasie, op die voorwaardes waaroor die **[Bestuursraad]** nie-uitvoerende raad en daardie persoon, instelling, regering of administrasie ooreenkom; 5
- (b) optree as amptelike verteenwoordiger van die Raad by alle nasionale en internasionale organisasies en byeenkomste;
- (c) geregtelike stappe wat teen die Raad ingestel word, verdedig en geregtelike stappe instel wat met sy werksaamhede in verband staan;
- (d) met die goedkeuring van die Minister, verleen met die instemming van die Minister van **[Staatsbesteding]** Finansies, namens of ten behoeve van die Raad onroerende goed koop of op 'n ander wyse verkry of besit of huur, en daardie goed vervreem, verhuur, verpand of andersins beswaar; 10
- (e) met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, op die voorwaardes en teen die sekuriteit wat die **[Bestuursraad]** nie-uitvoerende raad goedgevind, geld by wyse van lenings uit enige bron opneem; 15
- (f) dienste huur of teen betaling verskaf;
- (g) verslae, kaarte, rekenaarprogramme en ander intellektuele eiendom wat die Raad in die loop van sy navorsing voortbring, produseer en verkoop; 20
- (h) alles doen wat bevorderlik is vir die verrigting van die werksaamhede of die bereiking van die oogmerke van die Raad of wat bereken is om regstreeks of onregstreeks die waarde van die goed of regte van die Raad te verhoog of winsgewend te maak. 25
- (4) Die Raad moet, benewens sy ander werksaamhede ingevolge hierdie Wet of enige ander wet—
- (a) die werksaamhede verrig en die ondersoek of navorsing onderneem wat die Minister aan hom opdra; en 30
- (b) die Minister van raad dien oor navorsing op die gebied van die geowetenskap.
- (5) Die werksaamhede van die Raad in hierdie artikel vermeld, word verrig deur die **[uitvoerende beampte]** Hoof- uitvoerende Beampte, behalwe vir sover dit deur hierdie Wet of deur die Minister aan iemand anders opgedra word.”. 35

Wysiging van artikel 6 van Wet 100 van 1993

5. Artikel 6 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang: 40
- “(1) Ondanks die bepalings van enige ander wet het die Raad die reg om **[insae in]** dié inligting van die Departement van **[Mineraal- en Energiesake]** Minerale Hulpbronne wat die Minister, of 'n beampte van daardie Departement deur die Minister aangewys, goedkeur, **[te kry]** te analiseer en verifieer op die voorwaardes wat die Minister of dié beampte stel.”; en 45
- (b) deur na subartikel (2) die volgende subartikel by te voeg:
- “(3) Alle geotegniese verslae oor infrastruktuur en ontwikkeling moet op die voorgeskrewe wyse aan die Raad voorgelê word.”.

Wysiging van artikel 7 van Wet 100 van 1993

6. Artikel 7 van die Hoofwet word hierby gewysig— 50

- (a) deur die opskrif deur die volgende opskrif te vervang: 50
- “**Verbod op mynbou-ontwikkeling en sekere [prospektering en] navorsing deur Raad**”; en
- (b) deur paragraaf (a) deur die volgende paragraaf te vervang: 55
- “(a) enige mynbou-ontwikkeling, **of prospektering spesifiek met die oog op mynbou-ontwikkeling** vir die Raad self onderneem nie; en”.

Amendment of section 8 of Act 100 of 1993

7. Section 8 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The Council may at the request of **[or with the prior approval of]** the Minister or for the purposes of furthering its objects undertake geoscientific research and perform generic geological functions in any country or territory outside the Republic on behalf of any person, institution, government or administration.”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) Notwithstanding anything to the contrary contained in this Act, geoscientific research and the performance of generic geological functions under subsection (1) shall be undertaken on such terms and conditions as may be agreed upon between the **[Management Board] Council** and the person, institution, government or administration on whose behalf the research and the performance of functions are to be undertaken **[, and as approved by the Minister]**.”; and

(c) by the addition after subsection (4) of the following subsection:

“(5) The Board shall report to the Minister on the activities contemplated in subsection (1).”.

Insertion of sections 8A and 8B in Act 100 of 1993

8. The following sections are hereby inserted after section 8 of the principal Act:

“Appointment of geotechnical appeal committee

8A. The Board shall, in consultation with the Minister, appoint a geotechnical appeal committee comprising geotechnical, legal and other relevant experts.

Internal appeal process

8B. (1) Any person who is aggrieved by an administrative decision taken in terms of this Act may, within 30 days of becoming aware of such decision, lodge with the Chief Executive Officer of the Council an appeal in writing in which he or she sets out in detail the grounds on which his or her appeal is based.

(2) The Chief Executive Officer shall communicate decisions of the appeal committee within a period of 60 days from the date of lodging an appeal.

(3) Subject to section 7(2)(c) of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), no court shall review an administrative decision contemplated in subsection (1) unless the remedy provided for in that subsection has first been exhausted.

(4) Sections 6, 7(1) and 8 of the Promotion of Administrative Justice Act, 2000, apply to any court proceedings contemplated in this section.”.

Substitution of section 9 of Act 100 of 1993

9. The following section is hereby substituted for section 9 of the principal Act:

“Period of office and conditions of service of members of [Management] Board, and filling of vacancies

9. (1) A member or an alternate member of the **[Management] Board**, except the **[executive officer]** Chief Executive Officer, shall hold office for such period, but not exceeding three years, as the Minister may determine at the time of his or her appointment.

(2) Any person whose term of office as a member or an alternate member of the **[Management] Board** has expired[,] shall be eligible for re-appointment.

Wysiging van artikel 8 van Wet 100 van 1993**7. Artikel 8 van die Hoofwet word hierby gewysig—****(a) deur subartikel (1) deur die volgende subartikel te vervang:**

“(1) Die Raad kan op versoek van [**of met die voorafverkreë goedkeuring van**] die Minister of ten einde die Raad se oogmerke te bevorder geowetenskaplike navorsing doen en generiese geologiese funksies verrig namens enige persoon, instelling, regering of administrasie in enige land of gebied buite die Republiek.”; 5

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Ondanks andersluidende bepalings van hierdie Wet word geowetenskaplike navorsing en die uitvoering van generiese geologiese funksies kragtens subartikel (1), onderneem op die voorwaardes waaromtrent daar tussen die [**Bestuursraad**] nie-uitvoerende raad en die persoon, instelling, regering of administrasie namens wie die navorsing gedoen en die funksies verrig gaan word, ooreengekom word [**en wat deur die Minister goedgekeur word**].”; en 10

(c) deur die volgende subartikel na subartikel (4) by te voeg:

“(5) Die Raad moet aan die Minister verslag doen oor die aktiwiteite in subartikel (1) bedoel.”. 15

Invoeging van artikels 8A en 8B in Wet 100 van 1993

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8. Die volgende artikels word hierby na artikel 8 van die Hoofwet ingevoeg:**“Aanstelling van geotegniese appèlkomitee**

8A. Die Raad moet, in oorleg met die Minister, ’n geotegniese appèlkomitee aanstel wat uit geotegniese, regs- en ander toepaslike kundiges bestaan. 25

Interne appèlproses

8B. (1) ’n Persoon wat benadeel voel deur ’n administratiewe besluit wat ingevolge hierdie Wet geneem is, kan, binne 30 dae na bewuswording van sodanige besluit, ’n skriftelike appèl by die Hoof- uitvoerende Beampte van die Raad indien, waarin hy of sy in detail die gronde waarop sy of haar appèl gebaseer is, uiteensit. 30

(2) Die Hoof- uitvoerende Beampte moet besluite van die appèlkomitee binne 60 dae vanaf die datum waarop ’n appèl ingedien is, oordra.

(3) Behoudens artikel 7(2)(c) van die ‘Promotion of Administrative Justice Act, 2000’ (Wet No. 3 van 2000), hersien geen hof ’n administratiewe besluit in subartikel (1) beoog nie tensy die regsmitdele waarvoor in daardie subartikel voorsiening gemaak word uitgeput is. 35

(4) Artikels 6, 7(1) en 8 van die ‘Promotion of Administrative Justice Act, 2000’, is van toepassing op enige hofverrigtinge in hierdie artikel bedoel.”. 40

Vervanging van artikel 9 van Wet 100 van 1993**9. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:****“Ampstermyn en diensvoorwaardes van lede van [**Bestuursraad**] nie-uitvoerende raad, en vul van vakatures**

9. (1) ’n Lid of plaasvervangende lid van die [**Bestuursraad**] nie-uitvoerende raad, met uitsondering van die [**uitvoerende beampte**] Hoof-uitvoerende Beampte, beklee sy of haar amp vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van sy of haar aanstelling bepaal. 45

(2) Iemand wie se ampstermyn as ’n lid of ’n plaasvervangende lid van die [**Bestuursraad**] nie-uitvoerende raad verstryk het[,], kan weer aangestel word. 50

(3) If a member or an alternate member of the [Management] Board for any reason vacates his or her office, the Minister may appoint a person to act in the place of such member or alternate member for the unexpired period of his or her term of office.

[(4) The Minister may at any time terminate the period of office of a member or alternate member of the Management Board if such member is unable to perform his duties or is guilty of misconduct.] 5

(5) With the exception of the [executive officer] Chief Executive Officer or a member or an alternate member who is in the full-time employment of the State or the Council, the members or alternate members of the [Management] Board shall be appointed on such conditions, including conditions relating to the payment of remuneration and allowances, as the Minister may determine with the concurrence of the Minister of [State Expenditure] Finance.”. 10

Substitution of section 10 of Act 100 of 1993

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10. The following section is hereby substituted for section 10 of the principal Act:

“[Chairman] Chairperson and [vice-chairman] deputy chairperson of [Management] Board

10. (1) The Minister shall appoint a member of the [Management] Board as [vice-chairman] deputy chairperson to act as [chairman] chairperson whenever the [chairman] chairperson is unable to perform his or her functions as [chairman] chairperson. 20

(2) The [chairman or vice-chairman] chairperson or deputy chairperson, or in their absence a member of the [Management] Board elected by the members present, shall preside at a meeting of the [Management] Board. 25

(3) The provisions of this Act shall not prohibit the [executive officer] Chief Executive Officer from being appointed by the Minister as [chairman] chairperson of the [Management] Board for such period as the Minister may determine.”. 30

Substitution of section 11 of Act 100 of 1993

11. The following section is hereby substituted for section 11 of the principal Act:

“Limitation of powers of [Management] Board and [executive officer] Chief Executive Officer

11. (1) The Minister may from time to time reserve any matter provided for in this Act, as a matter in respect of which a decision of the [Management] Board or the [executive officer] Chief Executive Officer shall be subject to the approval of the Minister. 35

(2) The Minister and the Minister of Finance [or the Minister and the Minister of State Expenditure as may be required,] may from time to time jointly reserve any financial matter provided for in this Act, as a matter in respect of which a decision of the [Management] Board or the [executive officer] Chief Executive Officer shall be subject to the consent of the Minister with the concurrence of the Minister of Finance [or the Minister of State Expenditure, as the case may be].” 40 45

(3) Indien 'n lid of 'n plaasvervangende lid van die **[Bestuursraad]** nie-uitvoerende raad om die een of ander rede sy of haar amp ontruim, kan die Minister iemand aanstel om in daardie lid of plaasvervangende lid se plek vir die onverstreke tydperk van sy of haar ampstermyn op te tree.

[(4) Die Minister kan te eniger tyd die ampstermyn van 'n lid of 'n plaasvervangende lid van die Bestuursraad beëindig indien dié lid of plaasvervangende lid nie in staat is om sy pligte te vervul nie of aan wangedrag skuldig is.]

(5) Die lede of plaasvervangende lede van die **[Bestuursraad]** nie-uitvoerende raad, met uitsondering van die **[uitvoerende beampte]** Hoof- uitvoerende Beampte of 'n lid of plaasvervangende lid wat in die heeltydse diens van die Staat of die Raad is, word aangestel op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van besoldiging en toelaes, wat die Minister met die instemming van die Minister van **[Staatsbesteding]** Finansies bepaal.”.

Vervanging van artikel 10 van Wet 100 van 1993

10. Artikel 10 van die Hoofwet word hierby deur die volgende artikel vervang:

“Voorsitter en [ondervoorsitter] adjunk-voorsitter van [Bestuursraad] nie-uitvoerende raad

10. (1) Die Minister stel 'n lid van die **[Bestuursraad]** nie-uitvoerende raad as **[ondervoorsitter]** adjunk-voorsitter aan om as voorsitter waar te neem indien die voorsitter nie in staat is om sy of haar werksaamhede as voorsitter te verrig nie.

(2) Die voorsitter of **[ondervoorsitter]** adjunk-voorsitter, of in hul afwesigheid 'n lid van die **[Bestuursraad]** nie-uitvoerende raad deur die aanwesige lede aangewys, sit voor op 'n vergadering van die **[Bestuursraad]** nie-uitvoerende raad.

(3) Die bepalings van hierdie Wet belet nie dat die **[uitvoerende beampte]** Hoof- uitvoerende Beampte deur die Minister as voorsitter van die **[Bestuursraad]** nie-uitvoerende raad aangestel word vir die tydperk wat die Minister bepaal nie.”.

Vervanging van artikel 11 van Wet 100 van 1993

11. Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang:

“Beperking van bevoegdhede van [Bestuursraad] nie-uitvoerende raad en [uitvoerende beampte] Hoof- uitvoerende Beampte

11. (1) Die Minister kan van tyd tot tyd enige aangeleentheid waarvoor daar in hierdie Wet voorsiening gemaak word, voorbehou as 'n aangeleentheid ten opsigte waarvan 'n besluit van die **[Bestuursraad]** nie-uitvoerende raad of die **[uitvoerende beampte]** Hoof- uitvoerende Beampte onderhewig is aan die goedkeuring van die Minister.

(2) Die Minister en die Minister van Finansies **[of die Minister en die Minister van Staatsbesteding]**, na gelang van wat vereis word, kan gesamentlik van tyd tot tyd enige finansiële aangeleentheid waarvoor daar in hierdie Wet voorsiening gemaak word, voorbehou as 'n aangeleentheid ten opsigte waarvan 'n besluit van die **[Bestuursraad]** nie-uitvoerende raad of die **[uitvoerende beampte]** Hoof- uitvoerende Beampte onderhewig is aan die toestemming van die Minister met die instemming van die Minister van Finansies **[of die Minister van Staatsbesteding, na gelang van die geval]**.”.

Amendment of section 12 of Act 100 of 1993

12. Section 12 of the principal Act is hereby amended—

- (a) by the substitution in paragraph (d) for subparagraphs (i) and (ii) of the following subparagraphs:
- “(i) is in terms of the provisions of the [Electoral Act, 1979 (Act No. 45 of 1979)] Electoral Act, 1998 (Act No. 73 of 1998), nominated as a candidate for election as a member of Parliament; or
- (ii) is in terms of the [Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983)] Constitution of the Republic of South Africa, 1996, designated or appointed as a member of Parliament or any other legislative or executive authority of the State.”.

Amendment of section 13 of Act 100 of 1993

13. Section 13 of the principal Act is hereby amended—

- (a) by the substitution for the words preceding paragraph (a) of the following words:
- “(1) A member or an alternate member of the [Management] Board, except the [executive officer] Chief Executive Officer, shall vacate his or her office if—”;
- (b) by the substitution for paragraph (c) of the following paragraph:
- “(c) (i) in the case of a member, he or she has been absent from more than two consecutive meetings of the [Management] Board without the leave of the [chairman] chairperson; [or]
- (ii) in the case of the [chairman] chairperson, he or she has been so absent without the leave of the [Management] Board; or
- (iii) in the case of an alternate member, he or she has without any reason acceptable to the [chairman] chairperson been so absent during the absence, or a vacancy in the office, of the member in whose stead he or she was appointed as a member or an alternate member,
- unless the [Management] Board condones his or her absence on good cause shown;”;
- (c) by the deletion of paragraph (d);
- (d) by the substitution for paragraph (e) of the following paragraph:
- “(e) he or she ceases to hold the qualification by virtue of which he or she was appointed as a member or an alternate member of the [Management] Board; or;” and
- (e) by the addition after paragraph (f) of the following subsections:
- “(2) The Minister may at any time terminate the period of office of a member of the Board if such member is unable to perform his or her duties or is guilty of misconduct as contemplated in section 12.
- (3) The Minister may on good cause shown dissolve the Board and appoint a new Board within 30 days in accordance with section 4.”.

Repeal of section 14 of Act 100 of 1993

14. Section 14 of the principal Act is hereby repealed.

Substitution of section 15 of Act 100 of 1993

15. The following section is hereby substituted for section 15 of the principal Act:

“[Executive Management] Board Committee

15. (1) The [Management] Board may [nominate an executive management committee] establish a Committee, which shall, subject to the directions of the [Management] Board, during the periods between meetings of the [Management] Board perform such functions of the [Management] Board as the [Management] Board may determine from time to time.

Wysiging van artikel 12 van Wet 100 van 1993

12. Artikel 12 van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (d) subparagrafe (i) en (ii) deur die volgende subparagrafe te vervang:

- “(i) ingevolge die bepalings van die [**Kieswet, 1979 (Wet 45 van 1979)**] Kieswet, 1998 (Wet No. 73 van 1998), as ’n kandidaat vir verkiesing tot lid van die Parlement genomineer word;
- (ii) ingevolge die bepalings van die [**Grondwet van die Republiek van Suid-Afrika, 1983 (Wet 110 van 1983)**] Grondwet van die Republiek van Suid-Afrika, 1996, as lid van die Parlement of enige ander wetgewende of uitvoerende gesag van die Staat aangewys of aangestel word.”.

Wysiging van artikel 13 van Wet 100 van 1993

13. Artikel 13 van die Hoofwet word hierby gewysig—

(a) deur die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“(1) ’n Lid of plaasvervangende lid van die [**Bestuursraad**] nie-uitvoerende raad, behalwe die [**uitvoerende beampste**] Hoof-uitvoerende Beampste, ontruim sy of haar amp indien—”;

(b) deur paragraaf (c) deur die volgende paragraaf te vervang:

- “(c) (i) in die geval van ’n lid, hy of sy sonder verlof van die voorsitter van meer as twee agtereenvolgende vergaderings van die [**Bestuursraad**] nie-uitvoerende raad afwesig is; [of]
- (ii) in die geval van die voorsitter, hy of sy sonder verlof van die [**Bestuursraad**] nie-uitvoerende raad aldus afwesig is; of
- (iii) in die geval van ’n plaasvervangende lid, hy of sy sonder ’n rede wat vir die voorsitter aanvaarbaar is, aldus afwesig is tydens die afwesigheid, of ’n vakature in die amp, van die lid in wie se plek hy as plaasvervangende lid aangestel is, tensy die [**Bestuursraad**] nie-uitvoerende raad by die aanvoer van goeie gronde sy of haar afwesigheid kondoneer;”;

(c) deur paragraaf (d) te skrap;

(d) deur paragraaf (e) deur die volgende paragraaf te vervang:

“(e) hy of sy nie langer oor die kwalifikasie op grond waarvan hy as ’n lid of plaasvervangende lid van die [**Bestuursraad**] nie-uitvoerende raad aangestel is, beskik nie;” en

(e) deur na paragraaf (f) die volgende subartikels by te voeg:

- “(2) Die Minister kan enige tyd die ampstermyn van ’n lid van die nie-uitvoerende raad beëindig indien sodanige lid sy of haar pligte nie kan uitvoer nie of skuldig is aan wangedrag soos in artikel 12 beoog.
- (3) Die Minister kan by aanvoering van gegronde redes die nie-uitvoerende raad ontbind en binne 30 dae ’n nuwe nie-uitvoerende raad ooreenkomstig artikel 4 aanstel.”.

Herroeping van artikel 14 van Wet 100 van 1993

14. Artikel 14 van die Hoofwet word hierby herroep.

Vervanging van artikel 15 van Wet 100 van 1993

15. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

“[**Uitvoerende bestuurskomitee**] Nie-uitvoerende raadskomitee

15. (1) Die [**Bestuursraad**] nie-uitvoerende raad kan ’n [**uitvoerende bestuurskomitee**] Komitee benoem, wat, onderworpe aan die voorskrifte van die [**Bestuursraad**] nie-uitvoerende raad, gedurende die tydperke tussen vergaderings van die [**Bestuursraad**] nie-uitvoerende raad dié werksaamhede van die [**Bestuursraad**] nie-uitvoerende raad verrig wat die [**Bestuursraad**] nie-uitvoerende raad van tyd tot tyd bepaal.

(2) The [Executive Management] Committee shall not be competent, except in so far as the [Management] Board may otherwise direct, to set aside or vary a decision of the [Management] Board.

(3) The [Executive Management] Committee shall consist of the [executive officer and the chairman] chairperson and [the vice-chairman] deputy chairperson of the [Management] Board, and as many, but not fewer than two, other members of the [Management] Board as the [Management] Board may determine. 5

(4) The [chairman] chairperson or in his or her absence the [vice-chairman] deputy chairperson of the [Management] Board shall be the [chairman] chairperson of the [Executive Management] Committee. 10

(5) The provisions of section 17 (3) and (4) shall *mutatis mutandis* apply in respect of meetings of the [Executive Management] Committee.

(6) The [Management] Board shall not be discharged from responsibility for the performance of any function entrusted to the [Executive Management] Committee in terms of this section. 15

(7) The [Management] Board may vary or set aside any decision of the [Executive Management] Committee [, except a decision in consequence of which a payment has been made or any other right has been granted to any person].” 20

Repeal of section 16 of Act 100 of 1993

16. Section 16 of the principal Act is hereby repealed.

Substitution of section 17 of Act 100 of 1993

17. The following section is hereby substituted for section 17 of the principal Act:

“Meetings of [Management] Board 25

17. (1) The meetings of the [Management] Board shall be held at such times and places as the [Management] Board may determine: Provided that the first meeting shall be held at such time and place as the [chairman] chairperson may determine.

(2) The [chairman] chairperson, or in his or her absence the [vice-chairman] deputy chairperson, may at any time in his or her discretion call a special meeting of the [Management] Board, which shall be held at such time and place as the [chairman or the vice-chairman] chairperson or the deputy chairperson, as the case may be, may direct. 30

(3) The quorum for a meeting of the [Management] Board shall be a majority of its members. 35

(4) A decision of the [Management] Board shall be taken by resolution of a majority of the members present at any meeting of the [Management] Board and, in the event of an equality of votes on any matter, the person presiding at such meeting shall have a casting vote in addition to his or her deliberative vote as a member of the [Management] Board. 40

(5) No decision taken by or act performed under the authority of the [Management] Board shall be invalid by reason only of a casual vacancy on the [Management] Board or of the fact that a person who was not entitled to sit as a member of the [Management] Board, sat as a member at the time when the decision was taken or that act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the [Management] Board who were present at the time and entitled to sit as members. 45

(6) For the purposes of this section “member” shall include an alternate member present at a particular meeting of the [Management] Board during 50

(2) Die [Uitvoerende Bestuurskomitee] Komitee is nie bevoeg, behalwe vir sover die [Bestuursraad] nie-uitvoerende raad anders gelas, om 'n besluit van die [Bestuursraad] nie-uitvoerende raad tersyde te stel of te wysig nie.

(3) Die [Uitvoerende Bestuurskomitee] Komitee bestaan uit die [uitvoerende beampte] Hoof- uitvoerende Beampte en die voorsitter en die [ondervoorsitter] adjunk-voorsitter van die [Bestuursraad] nie-uitvoerende raad en soveel, maar minstens twee, ander lede van die [Bestuursraad] nie-uitvoerende raad as wat die [Bestuursraad] nie-uitvoerende raad bepaal.

(4) Die voorsitter of in sy afwesigheid die [ondervoorsitter] adjunk-voorsitter van die [Bestuursraad] nie-uitvoerende raad is die voorsitter van die [Uitvoerende Bestuurskomitee] Komitee.

(5) Die bepalings van artikel 17 (3) en (4) is *mutatis mutandis* van toepassing ten opsigte van vergaderings van die [Uitvoerende Bestuurskomitee] Komitee.

(6) Die [Bestuursraad] nie-uitvoerende raad word nie onthef van verantwoordelikheid vir die verrigting van 'n werksaamheid wat ingevolge hierdie artikel aan die [Uitvoerende Bestuurskomitee] Komitee opgedra is nie.

(7) Die [Bestuursraad] nie-uitvoerende raad kan enige besluit van die [Uitvoerende Bestuurskomitee, uitgesonderd 'n besluit as gevolg waarvan aan iemand 'n betaling gedoen of 'n ander reg verleen is,] Komitee wysig of tersyde stel.”.

Herroeping van artikel 16 van Wet 100 van 1993

16. Artikel 16 van die Hoofwet word hierby herroep.

Vervanging van artikel 17 van Wet 100 van 1993

17. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

“Vergaderings van [Bestuursraad] nie-uitvoerende raad

17. (1) Die vergaderings van die [Bestuursraad] nie-uitvoerende raad word gehou op die tye en plekke wat die [Bestuursraad] nie-uitvoerende raad bepaal: Met dien verstande dat die eerste vergadering gehou word op die tyd en plek wat die voorsitter bepaal.

(2) Die voorsitter, of in sy of haar afwesigheid die [ondervoorsitter] adjunk-voorsitter, kan te eniger tyd na goeddunke 'n spesiale vergadering van die [Bestuursraad] nie-uitvoerende raad belê, wat gehou word op die tyd en plek wat die voorsitter of die [ondervoorsitter] adjunk-voorsitter, na gelang van die geval, gelas.

(3) Die kworum vir 'n vergadering van die [Bestuursraad] nie-uitvoerende raad is 'n meerderheid van sy lede.

(4) 'n Besluit van die [Bestuursraad] nie-uitvoerende raad word geneem by besluit van 'n meerderheid van die lede wat op 'n vergadering van die [Bestuursraad] nie-uitvoerende raad aanwesig is, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering as voorsitter optree, 'n beslissende stem benewens sy of haar beraadslagende stem as lid van die [Bestuursraad] nie-uitvoerende raad.

(5) Geen besluit van of handeling verrig op gesag van die [Bestuursraad] nie-uitvoerende raad is ongeldig nie bloot op grond van 'n toevallige vakature in die [Bestuursraad] nie-uitvoerende raad of die feit dat 'n persoon wat nie geregtig was om as 'n lid van die [Bestuursraad] nie-uitvoerende raad sitting te neem nie, as 'n lid sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die [Bestuursraad] nie-uitvoerende raad wat op die vergadering aanwesig was en geregtig was om as lede sitting te neem.

(6) By die toepassing van hierdie artikel beteken 'lid' ook 'n plaasvervangende lid wat op 'n bepaalde vergadering van die [Bestuursraad]

the absence, or a vacancy in the office, of the member for whom he or she has been appointed.

(7) The [Management] Board may with the approval of the Minister accord observer status at any meeting of the [Management] Board to designated representatives of any person, institution, government or administration on whose behalf the Council is doing or has done geoscientific research or is performing or has performed generic geological functions in terms of section 8.” 5

Substitution of section 18 of Act 100 of 1993

18. The following section is hereby substituted for section 18 of the principal Act: 10 -

“[Executive officer] Chief Executive Officer of Council

18. (1) (a) The [Management] Board shall with the concurrence of the Minister appoint [an employee of the Council as executive officer] a Chief Executive Officer of the Council.

(b) The [executive officer] Chief Executive Officer of the Council shall hold office for a period not exceeding five years, but shall be eligible for re-appointment. 15

(2) The [executive officer] Chief Executive Officer shall be responsible for the management and the performance of the functions of the Council by virtue of this Act and such functions as may be assigned to him or her by the [Management Council] Board or the Minister in terms of the provisions of this Act or by the provisions of this Act or any other law, and shall report on such matters as the [Management] Board or the Minister may determine. 20

(3) The [executive officer] Chief Executive Officer shall perform his or her functions contemplated in subsection (2) in accordance with the policy and goals determined by the [Management] Board and subject to the control of the said Board. 25

(4) Whenever the [executive officer] Chief Executive Officer is unable to carry out his or her duties or perform his or her functions for any reason, or whenever there is a vacancy in the office of [executive officer] Chief Executive Officer, the [Management] Board, after consulting the Minister, may appoint a person [designate an employee of the Council] to act as [executive officer] Chief Executive Officer during such inability, or until [an executive officer] a Chief Executive Officer has been appointed in terms of subsection (1), and that [employee] person shall, while so acting, have all the powers and perform all the functions of the [executive officer] Chief Executive Officer. 30 35

(5) The [executive officer] Chief Executive Officer shall be appointed on such conditions, including conditions relating to the payment of remuneration, allowances, subsidies and other benefits, as the [Management] Board may determine in accordance with a system approved from time to time by the Minister with the concurrence of the Minister of [State Expenditure] Finance.” 40

Amendment of section 19 of Act 100 of 1993

19. Section 19 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (a) of the following paragraph: 45

“(a) in addition to the employees referred to in subsection (1)(a), be assisted in the performance of his or her functions by officers and employees in the employment of the State who have been placed at the disposal of the Council in terms of the provisions of section 15(3)(a) of the Public Service Act, [1984 (Act No. 111 of 1984)] 1994 (Proclamation No. 103 of 1994).” 50

nie-uitvoerende raad aanwesig is tydens die afwesigheid, of 'n vakature in die amp, van die lid vir wie hy of sy aangestel is.

(7) Die **[Bestuursraad]** nie-uitvoerende raad kan met die goedkeuring van die Minister op enige vergadering van die **[Bestuursraad]** nie-uitvoerende raad waarnemerstatus verleen aan aangewese verteenwoordigers van enige persoon, instelling, regering of administrasie namens wie die Raad ingevolge artikel 8 geowetenskaplike navorsing doen of gedoen het of generiese geologiese funksies verrig of verrig het.” 5

Vervanging van artikel 18 van Wet 100 van 1993

18. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang: 10

“**[Uitvoerende beampte]** Hoof- uitvoerende Beampte van Raad

18. (1) (a) Die **[Bestuursraad]** nie-uitvoerende raad stel met die instemming van die Minister 'n **[werknemer van die Raad as uitvoerende beampte]** Hoof- uitvoerende Beampte van die Raad aan.

(b) Die **[uitvoerende beampte]** Hoof- uitvoerende Beampte van die Raad beklee sy amp vir 'n tydperk van hoogstens vyf jaar, maar kan weer aangestel word. 15

(2) Die **[uitvoerende beampte]** Hoof- uitvoerende Beampte is verantwoordelik vir die bestuur en die verrigting van die werksaamhede van die Raad uit hoofde van hierdie Wet en die werksaamhede wat deur die **[Bestuursraad]** nie-uitvoerende raad of die Minister ingevolge die bepalings van hierdie Wet of deur die bepalings van hierdie Wet of enige ander wet aan hom of haar opgedra word, en doen verslag oor die sake wat die **[Bestuursraad]** nie-uitvoerende raad of die Minister bepaal. 20

(3) Die **[uitvoerende beampte]** Hoof- uitvoerende Beampte moet sy werksaamhede in subartikel (2) beoog, verrig ooreenkomstig die beleid en doelstellings wat die **[Bestuursraad]** nie-uitvoerende raad bepaal en onderworpe aan die beheer van genoemde Raad. 25

(4) Wanneer die **[uitvoerende beampte]** Hoof- uitvoerende Beampte om die een of ander rede nie in staat is om sy of haar pligte uit te voer of sy of haar werksaamhede te verrig nie, of wanneer die amp van die **[uitvoerende beampte]** Hoof- uitvoerende Beampte vakant is, kan die **[Bestuursraad]** nie-uitvoerende raad, na oorleg met die Minister, 'n persoon aanstel **[’n werknemer van die Raad aanwys]** om as uitvoerende beampte waar te neem tydens sodanige onvermoë, of totdat 'n **[uitvoerende beampte]** Hoof- uitvoerende Beampte ingevolge subartikel (1) aangestel is, en terwyl daardie **[werknemer]** aldus waarneem, het hy al die bevoegdhede en verrig hy al die werksaamhede van die **[uitvoerende beampte]** Hoof- uitvoerende Beampte. 30 35

(5) Die **[uitvoerende beampte]** Hoof- uitvoerende Beampte word aangestel op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van besoldiging, toelaes, subsidies en ander voordele, wat die **[Bestuursraad]** nie-uitvoerende raad bepaal ooreenkomstig 'n stelsel wat van tyd tot tyd deur die Minister met die instemming van die Minister van **[Staatsbesteding]** Finansies goedgekeur word.”. 40 45

Wysiging van artikel 19 van Wet 100 van 1993

19. Artikel 19 van die Hoofwet word hierby gewysig deur in subartikel (2) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) benewens die werknemers in subartikel (1)(a) bedoel, by die verrigting van sy of haar werksaamhede bygestaan word deur beamptes en werknemers in diens van die Staat wat ingevolge die bepalings van artikel 14(3)(a) van die Staatsdienswet, **[1984 (Wet 111 van 1984),]** **1994 (Proklamasie No. 103 van 1994)**, aan die diens van die Raad afgestaan is;” 50

Amendment of section 20 of Act 100 of 1993

20. Section 20 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) (a) The **[executive officer]** Chief Executive Officer shall utilize the funds of the Council for defraying expenses in connection with the performance of its functions. 5

(b) The **[executive officer]** Chief Executive Officer shall utilize any money contemplated in subsection (1)(a) in accordance with the approved statement of its estimated income and expenditure referred to in subsection (6): Provided that, subject to the provisions of paragraph 10 (a), the **[executive officer]** Chief Executive Officer may with the approval of the **[Management]** Board, granted with the concurrence of the Minister, utilize any amount or portion of any amount required to be utilized for a particular purpose in connection with that matter: Provided further that the **[executive officer]** Chief Executive Officer may, with the approval of the **[Management]** Board, granted with the concurrence of the Minister, utilize any balance of the money remaining at the end of the Council’s financial year in question for any expenses in connection with the performance of its functions. 15

(c) The **[executive officer]** Chief Executive Officer shall utilize any donations or contributions contemplated in subsection (1)(e) for such purposes and in accordance with such conditions, if any, as may be specified by the donor or contributor in question.”; 20

(b) by the substitution for subsection (3) of the following subsection:

“(3) The **[executive officer]** Chief Executive Officer may in respect of any work performed or services rendered by him or her under this Act, or for the use of the facilities of the Council or rights resulting from any discoveries, inventions or improvements made by employees of the Council, charge such fees or make such other financial arrangements as the **[Management]** Board may deem fit.”; 25 30

(c) by the substitution for subsection (4) of the following subsection:

“(4) The **[executive officer]** Chief Executive Officer shall open an account in the name of the Council with an institution registered as a bank in terms of the **[Deposit-taking Institutions Act]** Banks Act, 1990 (Act No. 94 of 1990), and shall deposit therein all money received in terms of this section.”; 35

(d) by the substitution for subsection (5) of the following subsection:

“(5) (a) The **[executive officer]** Chief Executive Officer may invest any unexpended portion of the Council’s funds with the Corporation for Public Deposits established by section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984), or, subject to the approval of the Minister acting with the concurrence of the Minister of **[State Expenditure]** Finance, dispose thereof in any other manner. 40

(b) The **[Management]** Board may with the approval of the Minister, granted with the concurrence of the Minister of **[State of Expenditure]** Finance, establish such reserve funds and deposit therein such amounts as it may deem necessary or expedient.”; and 45

(e) by the substitution in subsection (6) for paragraph (a) of the following paragraph:

“(a) The **[Management]** Board— 50

(i) shall in each financial year, at a time determined by the Minister, submit a statement of the Council’s estimated income and expenditure during the following financial year;

(ii) may at any stage in any financial year submit supplementary statements of the Council’s estimated expenditure for that financial year, 55

to the Minister for his or her approval, granted with the concurrence of the Minister of **[State Expenditure]** Finance.”.

Wysiging van artikel 20 van Wet 100 van 1993

20. Artikel 20 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) (a) Die **[uitvoerende beampte]** Hoof- uitvoerende Beampte moet die fondse van die Raad aanwend om uitgawes in verband met die verrigting van sy werksaamhede te bestry. 5

(b) Die **[uitvoerende beampte]** Hoof- uitvoerende Beampte moet geld in subartikel (1)(a) beoog, aanwend ooreenkomstig die goedgekeurde staat van geraamde inkomste en uitgawes in subartikel (6) bedoel: Met dien verstande dat, behoudens die bepaling van paragraaf (a), die uitvoerende beampte met die goedkeuring van die **[Bestuursraad]** nie-uitvoerende raad, verleen met die instemming van die Minister, enige bedrag of gedeelte van ’n bedrag wat vir ’n besondere doel in verband met ’n bepaalde aangeleentheid aangewend moet word, vir enige ander doel in verband met daardie aangeleentheid kan aanwend: Met dien verstande voorts dat die **[uitvoerende beampte]** Hoof- uitvoerende Beampte met die goedkeuring van die **[Bestuursraad]** nie-uitvoerende raad, verleen met die instemming van die Minister, enige saldo van sodanige geld wat aan die einde van die betrokke boekjaar van die Raad oorbly, vir enige uitgawes in verband met die verrigting van sy werksaamhede kan aanwend. 10 15 20

(c) Die **[uitvoerende beampte]** Hoof- uitvoerende Beampte moet skenkings of bydraes in subartikel (1)(e) bedoel, aanwend vir die doeleindes en ooreenkomstig die voorwaardes, as daar is, wat die betrokke skenker of bydraer bepaal.”; 25

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die **[uitvoerende beampte]** Hoof- uitvoerende Beampte kan ten opsigte van werk of dienste wat hy of sy kragtens hierdie Wet voltooi of gelever het, of vir die benutting van die fasiliteite van die Raad of regte voortspruitende uit enige ontdekkings, uitvindings of verbeterings gedoen deur werknemers van die Raad, die gelde vorder of die ander geldelike reëlings tref wat die **[Bestuursraad]** nie-uitvoerende raad goedvind.”; 30

(c) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Die **[uitvoerende beampte]** Hoof- uitvoerende Beampte moet ’n rekening in die naam van die Raad by ’n instelling wat ingevolge die **[Wet op Depositonemende Instellings]** Bankwet, 1990 (Wet 94 van 1990), as ’n bank geregistreer is, open, en moet daarin alle geld stort wat ingevolge hierdie artikel ontvang is.”; 35

(d) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) (a) Die **[uitvoerende beampte]** Hoof- uitvoerende Beampte kan enige onbestede gedeelte van die Raad se fondse belê by die Korporasie vir Openbare Deposito’s ingestel by artikel 2 van die Wet op die Korporasie vir Openbare Deposito’s, 1984 (Wet No. 46 van 1984), of, onderhewig aan die goedkeuring van die Minister handelende met die instemming van die Minister van **[Staatsbesteding]** Finansies, op ’n ander wyse daarvoor beskik. 40 45

(b) Die **[Bestuursraad]** nie-uitvoerende raad kan met die goedkeuring van die Minister, verleen met die instemming van die Minister van **[Staatsbesteding]** Finansies, die reserwefondse instel en die bedrae daarin stort wat hy nodig of wenslik ag.”; en 50

(e) deur in subartikel (6) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) Die **[Bestuursraad]** nie-uitvoerende raad—

(i) moet in elke boekjaar, en wel op ’n tydstip deur die Minister bepaal, ’n staat van die Raad se geraamde inkomste en uitgawes gedurende die daaropvolgende boekjaar; 55

(ii) kan gedurende enige boekjaar op enige tydstip aanvullende state van die Raad se geraamde uitgawes vir daardie boekjaar, aan die Minister voorlê vir sy goedkeuring, wat met die instemming van die Minister van **[Staatsbesteding]** Finansies wat met die instemming van die Minister van Staatsbesteding verleen word.”. 60

Amendment of section 21 of Act 100 of 1993

21. Section 21 of the principal Act is hereby amended—

- (a) by the substitution for subsections (1) and (2) of the following subsections:
- “(1) The **[executive officer]** Chief Executive Officer shall be the accounting officer charged with the responsibility of accounting for all money received and all payments made by the Council.
- (2) The accounting officer and the **[Management]** Board shall comply with the provisions of the **[Reporting by Public Entities Act, 1992 (Act No. 93 of 1992)]** Public Finance Management Act, 1999 (Act No. 1 of 1999).”.

Amendment of section 22 of Act 100 of 1993

22. Section 22 of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:
- “(2) If a person who is in the employment of the Council and who has in terms of subsection (1) been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the amount may, subject to the provisions of subsections (4), (5) and (6), be deducted from his or her monthly salary: Provided that such deduction shall not in any month exceed a fourth of his or her monthly salary.”;
- (b) by the substitution for subsection (5) of the following subsection:
- “(5) A person who has in terms of subsection (1) been ordered to pay an amount, may within a period of 30 days from the date of such order appeal in writing against such order to the **[Management]** Board, stating the grounds for his or her appeal, and the **[Management]** Board may, after such investigation as it may deem necessary, dismiss the appeal, or order that the appellant be exempted, either wholly or partly, as the **[Management]** Board may deem fair and reasonable, from the payment of such amount.”; and
- (c) by the substitution for subsection (6) of the following subsection:
- “(6) A person who has in terms of subsection (1) been ordered to pay an amount may, instead of appealing to the **[Management]** Board under subsection (5), apply within a period of 30 days from the date of such order, or within such further period as the court may allow, to a competent court for an order setting aside such first-mentioned order or reducing such amount, and the court may upon such an application, if it is not convinced by the accounting officer on the merits of the case that the order was rightly made or that the amount is correct, make an order setting aside such first-mentioned order or reducing that amount, as the case may be.”.

Substitution of section 23 of Act 100 of 1993

23. The following section is hereby substituted for section 23 of the principal Act:

“Delegation of powers and assignment of functions

23. (1) The **[Management]** Board may—

- (a) on such conditions as it may determine, in writing delegate to the **[chairman]** chairperson or any other member of the **[Management]** Board, the **[executive officer]** Chief Executive Officer or any other employee of, or holder of an office with, the Council or to a committee established under section 15 [or 16], any power conferred upon the **[Management]** Board by or under this Act;
- (b) in writing assign to the **[chairman]** chairperson or any other member of the **[Management]** Board, the **[executive officer]** Chief Executive Officer or any other employee of, or holder of an office with, the

Wysiging van artikel 21 van Wet 100 van 1993

21. Artikel 21 van die Hoofwet word hierby gewysig—

(a) deur subartikels (1) en (2) deur die volgende subartikels te vervang:

“(1) Die [uitvoerende beampte] Hoof- uitvoerende Beampte is die rekenpligtige beampte belas met die verantwoording van alle geld ontvang, en alle betalings gedoen, deur die Raad. 5

(2) Die rekenpligtige beampte en die [Bestuursraad] nie-uitvoerende raad moet voldoen aan die bepalinge van die Wet op [Verslagdoening deur Openbare Entiteite, 1992 (Wet 93 van 1992)] Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).”. 10

Wysiging van artikel 22 van Wet 100 van 1993

22. Artikel 22 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien iemand wat in diens van die Raad is en wat ingevolge subartikel (1) gelas is om ’n bedrag te betaal, versuim om die bedrag binne die tydperk in die betrokke kennisgewing bepaal, te betaal, word die bedrag, behoudens die bepalinge van subartikels (4), (5) en (6), van sy of haar maandelikse salaris afgetrek: Met dien verstande dat so ’n aftrekking nie in een maand meer as ’n vierde van sy of haar maandelikse salaris beloop nie.”; 15 20

(b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Iemand wat ingevolge subartikel (1) gelas is om ’n bedrag te betaal, kan binne ’n tydperk van 30 dae vanaf die datum van daardie lasgewing skriftelik by die [Bestuursraad] nie-uitvoerende raad teen so ’n lasgewing appèl aanteken, met verstrekking van die gronde vir sy of haar appèl, en die [Bestuursraad] nie-uitvoerende raad kan, na die ondersoek wat dit nodig ag, die appèl van die hand wys of gelas dat die appellant geheel en al of ten dele, na gelang van wat die [Bestuursraad] nie-uitvoerende raad billik en redelik ag, van die betaling van daardie bedrag kwytskeld word.”; en 25 30

(c) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) Iemand wat ingevolge subartikel (1) gelas is om ’n bedrag te betaal, kan, in plaas van kragtens subartikel (5) by die [Bestuursraad] nie-uitvoerende raad appèl aan te teken, binne ’n tydperk van 30 dae vanaf die datum van die lasgewing, of binne die verdere tydperk wat die hof toelaat, by ’n bevoegde hof aansoek doen om ’n bevel waarby die lasgewing tersyde gestel of daardie bedrag verminder word, en die hof kan op so ’n aansoek, indien hy nie deur die rekenpligtige beampte aan die hand van die omstandighede van die geval oortuig word nie dat die lasgewing tereg gegee is of dat die bedrag juis is, ’n bevel uitreik waarby die lasgewing tersyde gestel word of daardie bedrag verminder word, na gelang van die geval.”. 35 40

Vervanging van artikel 23 van Wet 100 van 1993

23. Artikel 23 van die Hoofwet word hierby deur die volgende artikel vervang:

“Delegering van bevoegdhede en opdra van werksaamhede 45

23. (1) Die [Bestuursraad] nie-uitvoerende raad kan—

(a) op die voorwaardes wat hy bepaal, ’n bevoegdheid by of kragtens hierdie Wet aan hom verleen, skriftelik aan die voorsitter of enige ander lid van die [Bestuursraad] nie-uitvoerende raad, die [uitvoerende beampte] Hoof- uitvoerende Beampte of enige ander werknemer van, of ampsbekleër by, die Raad of aan ’n komitee wat ingevolge artikel 15 [of 16] ingestel is, delegeer; 50

(b) ’n werksaamheid wat by of kragtens hierdie Wet aan die [Bestuursraad] nie-uitvoerende raad opgedra is, skriftelik aan die voorsitter of enige ander lid van die [Bestuursraad] nie-uitvoerende raad, die [uitvoerende beampte] Hoof- uitvoerende Beampte of enige 55

Council or a committee established under section 15 [or 16], any function assigned to the [Management] Board by or under this Act.

(2) The [executive officer] Chief Executive Officer may—

- (a) in writing delegate to an employee of, or the holder of an office with, the Council any power conferred upon him or her by or under this Act in his or her capacity as [executive officer] Chief Executive Officer; or
 (b) in writing assign to such employee or holder of an office any function assigned to him or her by or under this Act in the said capacity.

(3) Any delegation or assignment under subsection (1) or (2) may be made subject to such conditions and restrictions as may be determined by the [Management] Board or by the [executive officer] Chief Executive Officer, as the case may be, and may be rescinded or amended by the [Management] Board or the [executive officer] Chief Executive Officer, as the case may be.

(4) The [Management] Board and the [executive officer] Chief Executive Officer shall not be divested of any power or function delegated or assigned under subsection (1) or (2) by [it or him] the Board or the Chief Executive Officer, and may [subject to the provisions of subsection (5),] amend or withdraw any decision made in the exercise of such delegated power or in the performance of a function so assigned.

[(5) A decision made in the exercise of a power so delegated and in consequence of which a payment has been made or any right has been conferred upon any person, shall not be amended or withdrawn.]

(6) Where a power or function is delegated or assigned under subsection (1) or (2) to the holder of an office, such power or function shall be deemed to have been delegated or assigned to the serving holder of such office or to any person acting in his or her stead.

(7) The Minister may issue a directive to authorize Council officials to enter any land within the borders of the Republic of South Africa in order to execute the Council's mandate, save where there is prohibition under any other law.

(8) The Council official referred to in subsection (7) must, before entering the land in question notify and consult with the land owner or lawful occupier of the land.”.

Amendment of section 24 of Act 100 of 1993

24. Section 24 of the principal Act is hereby amended—

- (a) by the substitution for subsections (2), (3), (4), (5), and (6) of the following subsections:

“(2) The [Management] Board may make the discoveries, inventions and improvements referred to in subsection (1) and the rights which are vested in the Council available for use in the public interest subject to such conditions and the payment of such fees or royalties as the [Management] Board may determine.

(3) If the rights in any discovery, invention or improvement are vested in the Council in terms of subsection (1), the [Management] Board may award to the person responsible for the discovery, invention or improvement such bonus as it deems fit and make provision for financial participation by him or her in the profits derived from such discovery, invention or improvement to such extent as the Minister may determine with the concurrence of the Minister of [State Expenditure] Finance.

(4) The [Management] Board may on behalf of the Council apply for a patent in respect of any discovery, invention or improvement contemplated in subsection (1) and the Council shall for the purposes of the Patents Act, 1978 (Act No. 57 of 1978), be regarded as the assignee of the discoverer or inventor in question.

ander werknemer van, of ampsbekleër by, die Raad of 'n komitee wat ingevolge artikel 15 [of 16] ingestel is, opdra.

(2) Die [uitvoerende beampte] Hoof- uitvoerende Beampte kan—

- (a) 'n bevoegdheid wat by of kragtens hierdie Wet aan hom of haar in sy of haar hoedanigheid van [uitvoerende beampte] Hoof- uitvoerende Beampte verleen word, skriftelik aan 'n werknemer van, of 'n ampsbekleër by, die Raad deleger; of
- (b) 'n werksaamheid wat by of kragtens hierdie Wet in genoemde hoedanigheid aan hom of haar opgedra is, skriftelik aan so 'n werknemer of ampsbekleër opdra.

(3) 'n Delegering of opdrag kragtens subartikel (1) of (2) kan geskied onderworpe aan die voorwaardes en die beperkings wat die [Bestuursraad] nie-uitvoerende raad of die [uitvoerende beampte] Hoof- uitvoerende Beampte, na gelang van die geval, bepaal, en kan deur die [Bestuursraad] nie-uitvoerende raad of die [uitvoerende beampte] Hoof- uitvoerende Beampte, na gelang van die geval, herroep of gewysig word.

(4) Die [Bestuursraad] nie-uitvoerende raad of die [uitvoerende beampte] Hoof- uitvoerende Beampte is nie ontdoen van 'n bevoegdheid of werksaamheid deur [hom] die nie-uitvoerende raad of die Hoof- uitvoerende Beampte kragtens subartikel (1) of (2) gedelegeer of opgedra nie, en kan[, behoudens die bepalinge van subartikel (5),] 'n beslissing gegee by die uitoefening van sodanige gedelegeerde bevoegdheid of die verrigting van 'n werksaamheid aldus opgedra, wysig of intrek.

[(5) 'n Beslissing gegee by die uitoefening van 'n bevoegdheid wat aldus gedelegeer is en as gevolg waarvan aan 'n persoon 'n betaling gedoen of 'n reg verleen is, word nie gewysig of ingetrek nie.]

(6) Waar 'n bevoegdheid of werksaamheid kragtens subartikel (1) of (2) aan die bekleër van 'n amp gedelegeer of opgedra word, word sodanige bevoegdheid of werksaamheid geag gedelegeer of opgedra te wees aan die dienende bekleër van die amp of aan die persoon wat in sy of haar plek waarneem.

(7) Die Minister kan 'n lasgewing uitreik om beamptes van die Raad te magtig om enige grond binne die grense van die Republiek van Suid-Afrika te betree ten einde die Raad se mandaat uit te voer, buiten waar daar 'n verbod onder enige ander wet is.

(8) Die beampte van die Raad in subartikel (7) bedoel moet, voordat hy of sy die betrokke grond betree, die grondeienaar of wettige bewoner van die grond in kennis stel en raadpleeg.”.

Wysiging van artikel 24 van Wet 100 van 1993

24. Artikel 24 van die Hoofwet word hierby gewysig—

- (a) deur subartikels (2), (3), (4), (5) en (6) deur die volgende subartikels te vervang:

“(2) Die [Bestuursraad] nie-uitvoerende raad kan die ontdekkings, uitvindings en verbeterings in subartikel (1) bedoel en waarvan die regte by die Raad berus, beskikbaar stel vir gebruik in die openbare belang op die voorwaardes en onderworpe aan die betalings van die gelde of tantième wat die [Bestuursraad] nie-uitvoerende raad bepaal.

(3) Indien die regte op 'n ontdekking, uitvinding of verbetering ingevolge subartikel (1) by die Raad berus, kan die [Bestuursraad] nie-uitvoerende raad aan die persoon wat vir die ontdekking, uitvinding of verbetering verantwoordelik is die bonus toeken wat die [Bestuursraad] nie-uitvoerende raad goedgevind en voorsiening maak vir geldelike deelname deur so iemand in die winste uit dié ontdekking, uitvinding of verbetering verkry, in die mate wat die Minister met die instemming van die Minister van [Staatsbesteding] Finansies bepaal.

(4) Die [Bestuursraad] nie-uitvoerende raad kan namens die Raad aansoek doen om 'n patent ten opsigte van enige ontdekking, uitvinding of verbetering in subartikel (1) bedoel, en by die toepassing van die Wet op Patente, 1978 (Wet No. 57 van 1978), word die Raad as die sessionaris van die betrokke ontdekker of uitvinder beskou.

(5) The rights in a discovery, invention or improvement made by the employees of the Council in the course of an investigation for or on behalf of another person, government or administration shall vest in the Council, unless otherwise agreed upon between the **[Management]** Board and the person, government or administration concerned. 5

(6) The provisions of this section shall not apply in respect of a discovery or an invention or improvement contemplated in subsection (1) if, in the opinion of the **[Management]** Board, such discovery, invention or improvement was made by the person concerned otherwise than—

- (a) in the course of his or her employment as an employee of the Council; 10
- (b) during the performance of functions in respect of which he or she has been placed at the disposal of the Council in terms of section 19(2);
- (c) in the course of any investigation or research with which he or she assisted the Council; or
- (d) in the course of any research in respect of which he or she receives a 15 bursary or grant-in-aid from the Council, and which is not connected with such employment, investigation or research.”.

Amendment of section 25 of Act 100 of 1993

25. Section 25 of the principal Act is hereby amended— 20

- (a) by the substitution for the words preceding paragraph (a) in subsection (1) of the following words:
“(1) The Minister may, after consultation with the **[Management]** Board, make regulations as to—”; and
- (b) by the substitution in subsection (1) for paragraph (c) of the following 25 paragraph:
“(c) The procedure at meetings of the **[Management]** Board;”.

Amendment of section 26 of Act 100 of 1993, as amended by section 1 of Act 11 of 2003

26. Section 26 of the principal Act is hereby amended— 30

- (a) by the substitution in subsection (1) for paragraphs (b) and (c) of the following paragraphs:
“(b) which immediately prior to the commencement of this Act was being utilised by the Geological Survey Branch of the Department of Mineral **[and Energy Affairs]** Resources; and 35
- (c) which the Minister, with concurrence of the Minister of **[State Expenditure]** Finance, and where applicable, the Minister of Public Works, may designate,”; and
- (b) by the substitution for subsection (5) of the following subsection:
“(5) The Council may, with the approval of the Minister, granted with 40 the concurrence of the Minister of **[State Expenditure]** Finance and the Minister of public Works, alienate immovable property that has passed to the Council in terms of subsection (1).”.

Short title and commencement

27. This Act is called the Geoscience Amendment Act, 2010, and comes into 45 operation on a date fixed by the President by proclamation in the *Gazette*.

(5) Die regte op 'n ontdekking, uitvinding of verbetering wat deur werknemers van die Raad in die loop van 'n ondersoek namens of ten behoeve van 'n ander persoon, regering of administrasie gedoen is, berus, tensy anders ooreengekom tussen die **[Bestuursraad] nie-uitvoerende raad** en die betrokke persoon, regering of administrasie, by die Raad. 5

(6) Die bepaling van hierdie artikel is nie van toepassing nie ten opsigte van 'n ontdekking, uitvinding of verbetering in subartikel (1) beoog, indien so 'n ontdekking, uitvinding of verbetering na die oordeel van die **[Bestuursraad] nie-uitvoerende raad** nie deur die betrokke persoon gedoen is nie— 10

- (a) in die loop van sy of haar werk as werknemer van die Raad;
 - (b) tydens die verrigting van werksaamhede ten opsigte waarvan hy of sy kragtens artikel 19(2) tot beskikking van die Raad gestel is;
 - (c) in die loop van enige ondersoek of navorsing waarmee hy of sy die Raad behulpsaam was; of 15
 - (d) in die loop van enige ondersoek of navorsing waarmee hy of sy die Raad behulpsaam was,
- en wat nie met sodanige werk, ondersoek of navorsing verband hou nie.”.

Wysiging van artikel 25 van Wet 100 van 1993 20

25. Artikel 25 van die Hoofwet word hierby gewysig—

- (a) deur die woorde wat paragraaf (a) in subartikel (1) voorafgaan deur die volgende te vervang: 25

“(1) Die Minister kan, na oorlegpleging met die **[Bestuursraad] nie-uitvoerende raad**, regulasies uitvaardig betreffende—”; en
- (b) deur in subartikel (1) paragraaf (c) deur die volgende paragraaf te vervang:

“(c) die prosedures by vergaderings van die **[Bestuursraad] nie-uitvoerende raad**;”.

Wysiging van artikel 26 van Wet 100 van 1993, soos gewysig deur artikel 1 van Wet 11 van 2003 30

26. Artikel 26 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) paragrafe (b) en (c) deur die volgende paragrafe te vervang:
 - “(b) onmiddellik voor die datum van inwerkingtreding van hierdie Wet deur die Tak Geologiese Opname van die Departement van **[Mineraal- en Energiesake] Minerale Hulpbronne** benut is; en 35
 - (c) deur die Minister aangewys word met die instemming van die Minister van **[Staatsbesteding] Finansies** en, waar van toepassing, die Minister van Openbare Werke,”; en
- (b) deur subartikel (5) deur die volgende subartikel te vervang: 40

“(5) Die Raad kan, met die goedkeuring van die Minister, verleen met die instemming van die Minister van **[Staatsbesteding] Finansies** en die Minister van Openbare Werke, onroerende goed vervreem wat ingevolge subartikel (1) op die Raad oorgegaan het.”.

Kort titel en inwerkingtreding 45

27. Hierdie Wet heet die Wysigingswet op Geowetenskap, 2010, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.