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DEPARTMENT OF MINERALS AND ENERGY DEPARTEMENT VAN MINERALE EN ENERGIE

No. R. 846

21 June 1997

MINE HEALTH AND SAFETY ACT, 1996 (ACT No. 29 OF 1996)

AMENDMENT OF MINE HEALTH AND SAFETY REGULATIONS

Under section 98 of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996), I, Penuell Mpapa Maduna, Minister of Minerals and Energy, hereby make the regulations in the Schedule.

P. M. MADUNA

Minister of Minerals and Energy

SCHEDULE

DEFINITIONS

1. In these regulations "the Mine Health and Safety Regulations" means the regulations published by Government Notice No. R. 93 of 15 January 1997.

AMENDMENT OF REGULATIONS

2. The Mine Health and Safety Regulations are hereby amended by the substitution for Chapter 6 of the following chapter:

“CHAPTER 6**HEALTH AND SAFETY REPRESENTATIVES AND COMMITTEES****Prescribed period for negotiations and consultations**

A italicised word or phrase is defined in section 102 of *this Act* and such word or phrase in bold is defined in Chapter 20 of these regulations.

Unless otherwise indicated all references to sections are references to sections of *this Act*.

6.1(1)—The obligation to negotiate arises when there is a *representative trade union* at a *mine* and when there are 20 or more, or 100 or more, *employees* at the mine in the case of sections 26(1) and 33(1), as the case may be.

6.1(1)—In terms of section 33(8) the negotiations and consultations contemplated in sections 26(1) and 33(1) may be held at the same time.

- 6.1(1) The *owner* of a *mine* required to enter into negotiations in terms of sections 26(1) and 33(1), must commence negotiations within one month of the obligation to do so arising.
- 6.1(2) The *manager* of a *mine* required to enter into consultations in terms of section 26(6) or (7) and 33(6) or (7), must commence consultations within one month of the obligations to do so arising.
- 6.1(3) If no collective agreement is concluded on the number of full-time *health and safety representatives* within three months of negotiations commencing in terms of regulation 6.1(1), any party to a dispute in terms of section 26(8)(a) may refer the dispute to the *Commission*.
- 6.1(4) If no agreement is concluded on the number of full-time *health and safety representatives* within three months of consultations commencing in terms of regulation 6.1(2), any party to a dispute in terms of section 26(8)(b) may refer the dispute to the *Commission*.

Application of regulations

6.2—Section 33(4) authorises this regulation.

- 6.2 If a collective agreement dealing with the election of *health and safety representatives*, full-time *health and safety representatives* or *employee* representatives on *health and safety committees* is concluded in terms of Chapter 3 of *this Act*, the regulations in this Chapter dealing with such election do not apply.

Establishment of election committee

- 6.3(1) The *manager* must establish an election committee.
- 6.3(2) The election committee—
- (a) must include an appropriate number of *employee* representatives; and
 - (b) may include a number of management representatives.
- 6.3(3) If the election committee includes management representatives, their number must be equal to or less than the number of *employee* representatives.
- 6.3(4) The *employee* representatives on the election committee must be appointed—
- (a) by the *representative trade union* at the *mine*;
 - (b) if there is no *representative trade union* at the *mine*, by the *registered trade unions* with members at the *mine*; or
 - (c) if there is no *registered trade union* with members at the *mine*, by the *employees* at the *mine*.

Duties of election committee

- 6.4 The election committee must—
- (a) determine fair and reasonable procedures for the nomination and election of *health and safety representatives*;
 - (b) ensure that elections are conducted in terms of such procedures;
 - (c) appoint an election officer and one or more counting officers for each election; and
 - (d) after consulting the *manager*, determine the date, time and place of each election.

Duties of manager

- 6.5(1) The *manager* must—
- (a) as far as practicable, ensure that every *employee* is made familiar with the nomination and election procedures;
 - (b) give reasonable and understandable notice to the *employees* of the date, time and place of each election;
 - (c) provide the facilities and assistance reasonably necessary for the election committee to perform its functions;
 - (d) provide the facilities reasonably necessary for—
 - (i) the election of *health and safety representatives*; and
 - (ii) the appointment of *employee* representatives on any *health and safety committee*; and
 - (e) provide reasonable time off from work, without loss of remuneration, for *employees* to participate in the elections of *health and safety representatives*.
- 6.5(2) The *Chief Inspector* may issue guidelines regarding the facilities and assistance to be provided in terms of regulation 6.5(1).

6.6(1)—Section 28(1) prescribes the qualifications of *health and safety representatives*.

6.6(2)—Section 28(2) prescribes the qualifications of full-time *health and safety representatives*.

Nomination of health and safety representatives

- 6.6(1) Every candidate for election as a *health and safety representative* for a shift and designated *working place* must be nominated for election by an *employee* who works on the same shift at the designated *working place*.
- 6.6(2) Every candidate for election as full-time *health and safety representative* for a mine must be nominated for election by an *employee*.

Procedures for the election of health and safety representatives

- 6.7(1) (a) If only one candidate is nominated for election as a *health and safety representative* for a shift at a designated *working place*, the election officer must declare the candidate elected.
- (b) If two or more candidates are nominated for election as a *health and safety representative* for a shift at a designated *working place*, the election officer must hold an election.
- 6.7(2) Every election for a *health and safety representative*—
- (a) must be under the control of the election officer; and
- (b) is only valid if 50% or more of the *employees* who work on the same shift at the designated *working place* concerned vote in the election.
- 6.7(3) (a) If less than 50% of the *employees* who work on the same shift at the designated *working place* concerned vote in an election, the election officer must, after consulting the *manager*, determine a date, time and place for a subsequent election.
- (b) Regulation 6.7(2)(b) does not apply to such subsequent election.
- 6.7(4) Every *employee* on a shift at a designated *working place* has one vote in the election of every *health and safety representative* for that shift and designated *working place*.
- 6.7(5) The counting officers must, under the supervision of the election officer, count all valid votes.
- 6.7(6) The election officer must announce the results of the count to the *employees* concerned.
- 6.7(7) If an election for an alternate *health and safety representative* is held, it must be conducted in the same manner as an election for a *health and safety representative*.

Procedures for the election of full-time health and safety representatives

- 6.8(1) If the number of candidates nominated for election as full-time *health and safety representatives* at a mine is—
- (a) not more than the number that must be elected, the election officer must declare the candidates elected; or
- (b) more than the number that must be elected, the election officer must hold an election.

- 6.8(2) Every election for a full-time *health and safety representative*—
- (a) must be under the control of the election officer; and
 - (b) is only valid if 50% or more of the *employees* vote in the election.
- 6.8(3) (a) If less than 50% of the *employees* vote in an election, the election officer must after consulting the *manager*, determine a date, time and place for a subsequent election.
- (b) Regulation 6.8(2)(b) does not apply to the subsequent election.
- 6.8(4) Every *employee* has one vote in the election of every full-time *health and safety representative*.
- 6.8(5) The counting officers must, under the supervision of the election officer, count all valid votes.
- 6.8(6) The election officer must announce the results of the count to the *employees*.

Appointment of health and safety representatives

- 6.9 The *manager* must—
- (a) within 7 days of election, appoint in writing every *employee* elected as a *health and safety representative*;
 - (b) provide every *health and safety representative* with suitable means of identification as a *health and safety representative*; and
 - (c) prominently and conspicuously display the photograph and name of the *health and safety representative* at an appropriate place at the *mine*.

Appointment of employee representatives on health and safety committee

- 6.10 Every *employee* representative on a *health and safety committee* at a *mine* must be appointed by a majority of the *health and safety representatives* at the *mine*.

6.10—Section 34(4) requires the *employee* representatives on *health and safety committees* to be appointed by the *health and safety representatives*.

Period of office

- 6.11(1) The period of office of any *health and safety representative* or *employee* representative on a *health and safety committee* is three years.
- 6.11(2) Despite regulation 6.11(1) the *health and safety committee* may determine shorter periods of office for—
- (a) *health and safety representatives*;
 - (b) full-time *health and safety representatives*; and
 - (c) *employee* representatives on a *health and safety committee*.

- 6.11(3) Every *health and safety representative* and *employee* representative on a *health and safety committee* may be reappointed in accordance with the provisions of these regulations after the expiry of their periods of office.

Vacation of office and filling of vacancies

- 6.12(1) A *health and safety representative* must vacate office on expiry of that representative's period of office or if—
- (a) the representative—
 - (i) no longer satisfies the qualifications contemplated in section 28(1); or
 - (ii) resigns as a *health and safety representative*; or
 - (b) so required in writing on the grounds that the representative has not properly performed the functions of a *health and safety representative* by—
 - (i) at least 50% of the *employee* representatives on the *health and safety committee*; or
 - (ii) at least 50% of the *employees* who work on the same shift at the designated *working place* as the *health and safety representative*.
- 6.12(2) A full-time *health and safety representative* must vacate office on expiry of that representative's period of office or if—
- (a) the representative—
 - (i) no longer satisfies the qualifications contemplated in section 28(2); or
 - (ii) resigns as full-time *health and safety representative*; or
 - (b) so required in writing on the grounds that the representative has not properly performed the functions of a full-time *health and safety representative* by—
 - (i) at least 50% of the *employee* representatives on the *health and safety committee*; or
 - (ii) at least 50% of the *employees*.
- 6.12(3) The *manager* must within 7 days from the time when a *health and safety representative* must vacate office in terms of regulation 6.12(1) or (2), terminate the *health and safety representative's* appointment and in writing notify the *health and safety representative* of it.
- 6.12(4) A vacancy contemplated in regulation 6.12(1) or (2) must be filled by a *health and safety representative* elected in a by-election held in terms of regulation 6.7 or 6.8, as the case may be.
- 6.12(5) An *employee* representative on a *health and safety committee* must vacate office on the committee on expiry of such representative's period of office of it that representative—
- (a) is removed from office by a majority vote of *employee* representatives on the *health and safety committee* on grounds that the representative has not properly performed the functions of an *employee* representative on the *health and safety committee*; or

(b) resigns as *employee* representative on the *health and safety committee*.

6.12(6) A vacancy contemplated in regulation 6.12(5) must be filled by an *employee* appointed in terms of regulation 6.10.”.

3. The Mine Health and Safety Regulations are hereby amended by the substitution for Chapter 7 of the following chapter:

“CHAPTER 7

INSPECTORATE OF MINE HEALTH AND SAFETY

Qualifications of inspectors

7.1 An *officer* must comply with the appointment requirements of the Personnel Administration Standard for the Occupational Class: Inspector: Mines or the Occupational Class: Inspector: Mining Machinery approved by the Public Service Commission read in conjunction with Public Service Staff Code K.II/I to be appointed as an *inspector* on the establishment of the Mine Health and Safety Inspectorate.

Authorisation certificate

7.2(1)—Section 49(2) requires the *Chief Inspector* to issue a *prescribed* certificate to each *inspector*:

7.2(1) (a) The *Chief Inspector* must issue each *inspector* appointed in terms of section 49(1) with a certificate DME 34 signed by the *Chief Inspector*.

(b) The certificate which must include the names, identification number and a photograph of the *inspector*, must indicate—

- (i) the position in which the *inspector* is employed; and
- (ii) that the *inspector* may, in terms of section 50(1), enter any *mine* for the purposes of monitoring or enforcing compliance with *this Act*.

7.2(2)—Section 49(5) requires the *Chief Inspector* to issue a *prescribed* certificate to each person authorised to perform the functions of an *inspector*.

7.2.(2) (a) The *Chief Inspector* must issue each person authorised under section 49(4)(b) with a letter of authorisation and a certificate DME 35 signed by the *Chief Inspector*.

(b) The letter of authorisation must include—

- (i) the names of the person;
- (ii) the functions to be performed by the person;
- (iii) the area in which the functions will be performed; and
- (iv) the period for which the person is authorised.

(c) The certificate, which must include the names, identification number and a photograph of the authorised person, must indicate that the person—

- (i) is appointed to perform the functions of an *inspector* as indicated in the letter of authorisation; and
- (ii) may, in terms of section 50, enter any *mine* to perform such functions.

- 7.2(3) Every *inspector* appointed or person authorised under section 49(1) or 49(4) as the case may be, must at all times when entering, or performing any function at any *mine*—
- (a) carry on their person, certificates DME 34 or 35 and the letter of authorisation issued in terms of regulation 7.2(2), as the case may be; and
 - (b) must show such certificate and letter to the *manager* of the *mine* or the person in charge of any *working place* at the *mine*, if requested to do so.
- 7.2(4) (a) Despite regulations 7.2(1) to (3) the **Principal Inspector of Mines** may issue a letter, signed by the **Principal Inspector of Mines** to any *inspector* appointed or person authorised under section 49(1) or 49(4), as the case may be, who for any reason is not in possession of a certificate DME 34 or 35.
- (b) The letter issued under regulation 7.2(4)(a) must include the names of the *inspector* or person and the official stamp of the office of the **Principal Inspector of Mines** and must state that the *inspector* or person is duly appointed or authorised under section 49(1) or 49(4), as the case may be.
 - (c) Regulation 7.2(3) is applicable to a letter issued under regulation 7.2(4).
- 7.2(5) A certificate DME 34 or 35 or a letter contemplated in regulation 7.2(4) is deemed to be adequate proof of an appointment or authorisation under section 49(1) or 49(4), as the case may be.”.

4. The Mine Health and Safety Regulations are hereby amended by the substitution for Chapter 20 of the following chapter:

“CHAPTER 20

DEFINITIONS

20. In these regulations a word or phrase to which a meaning has been assigned in *this Act* has that meaning and, unless the context otherwise indicates—

‘Principal Inspector of Mines’ means the *officer* appointed by the *Chief Inspector* to be in charge of *health* and *safety* in any region established by Government Notice No. R. 92 of 15 January 1997; and ‘tripartite institution’ means the *Council* and its permanent committees and the Mining Qualifications Authority.”.

No. R. 846

21 Junie 1997

WET OP GESONDHEID EN VEILIGHEID IN MYNE, 1996 (WET No. 29 VAN 1996)

WYSIGING VAN MYNGESONDHEIDS- EN VEILIGHEIDSREGULASIES

Ek, Penuell Mpapa Maduna, Minister van Minerale en Energie, handelende kragtens die bevoegdheid my verleen by artikel 98 van die Wet op Gesondheid en Veiligheid in Myne, 1996 (Wet No. 29 van 1996), vaardig hierby die regulasies in die Bylae uit.

P. M. MADUNA

Minister van Minerale en Energie

BYLAE**OMSKRYWINGS**

1. In hierdie regulasies beteken "die Myngesondheids- en Veiligheidsregulasies" die regulasies gepubliseer by Goewermentskennisgewing No. R.93 van 15 Januarie 1997.

WYSIGING VAN REGULASIES

2. Die Myngesondheids- en Veiligheidsregulasies word hierby gewysig deur Hoofstuk 6 deur die volgende hoofstuk te vervang:

"HOOFSTUK 6**GESONDHEIDS- EN VEILIGHEIDSVERTREENWOORDIGERS EN -KOMITEES****Voorgeskrewe tydperk vir onderhandelinge en oorlegpleging**

- 'n Gekursifiseerde woord of uitdrukking is omskryf in artikel 102 van hierdie Wet en sodanige woord of uitdrukking in vet letters is omskryf in Hoofstuk 20 van hierdie regulasies.
- Tensy anders aangetoon is alle verwysing na artikels verwysings na artikels van hierdie Wet.
- 6.1(1)—Die verpligting om te onderhandel ontstaan wanneer daar 'n *verteenvoordingende vakkond* by 'n *myn* is en daar 20 of meer of 100 of meer *werknemers* is in die geval van artikels 26(1) en 33(1), na gelang van die geval.
- 6.1(1)—Ingevolge artikel 33(8) kan die onderhandelinge en oorlegpleging bedoel in artikels 26(1) en 33(1) terselfdertyd plaasvind.
- 6.1(1) Die *eienaar* van 'n *myn* van wie ingevolge artikel 26(1) en 33(1) vereis word om onderhandelinge 'n aanvang maak binne een maand na die ontstaan van die verpligting om dit te doen.
- 6.1(2) Die *bestuurder* van 'n *myn* van wie ingevolge artikel 26(6) of (7) en 33(6) of (7) verwag word om in oorlegpleging te tree, moet met oorlegpleging 'n aanvang maak binne een maand na die ontstaan van die verpligting om dit te doen.
- 6.1(3) Indien geen kollektiewe ooreenkoms oor die aantal voltydse *gesondheids- en veiligheidsverteenvoordingers* bereik is binne drie maande nadat ingevolge regulasie 6.1(1) met onderhandelinge 'n aanvang gemaak is nie, kan enige party tot die geskil ingevolge artikel 26(8) (a) die dispuut na die *Kommissie* verwys.
- 6.1(4) Indien geen ooreenkoms bereik is oor die aantal *gesondheids- en veiligheidsverteenvoordingers* binne drie maande nadat met oorlegpleging ingevolge regulasie 6.1(2) 'n aanvang gemaak is nie, kan enige party tot die geskil ingevolge artikel 26(8)(b), die dispuut na die *Kommissie* verwys.

Toepassing van regulasies

6.2—Artikel 33(4)
magtig hierdie
regulasie.

- 6.2 Indien 'n kollektiewe ooreenkoms wat die aanstelling van *gesondheids- en veiligheidsverteenwoordigers*, voltydse *gesondheids- en veiligheidsverteenwoordigers* of *werknemersverteenwoordigers* op *gesondheids- en veiligheidskomitees* reël ingevolge Hoofstuk 3 van hierdie Wet gesluit is, is die regulasies van hierdie Hoofstuk wat sodanige verkiesing reël, nie van toepassing nie.

Instelling van kieskomitee

- 6.3(1) Die *bestuurder* moet 'n kieskomitee instel.
- 6.3(2) 'n Kieskomitee—
- (a) moet 'n gepaste aantal *werknemersverteenwoordigers* insluit; en
 - (b) kan 'n aantal verteenwoordigers van bestuur insluit.
- 6.3(3) Indien die kieskomitee verteenwoordigers van bestuur insluit, moet hulle getal gelyk aan of minder wees as die getal *werknemersverteenwoordigers*.
- 6.3(4) Die *werknemersverteenwoordigers* op die kieskomitee moet aangestel word—
- (a) deur die *verteenwoordigende vakbond* by die *myn*;
 - (b) indien daar geen *verteenwoordigende vakbond* by die *myn* is nie, deur *geregistreeerde vakbonde* met lede by die *myn*; of
 - (c) indien daar geen *geregistreeerde vakbond* met lede by die *myn* is nie, deur die *werknemers* by die *myn*.

Pligte van kieskomitee

- 6.4 Die kieskomitee moet—
- (a) redelike en regverdigte prosedures bepaal vir die nominasie en verkiesing van *gesondheids- en veiligheidsverteenwoordigers*;
 - (b) verseker dat verkiesings geskied ooreenkomstig sodanige prosedures;
 - (c) 'n kiesbeampte en een of meer telbeamptes aanstel vir elke verkiesing; en
 - (d) na oorlegpleging met die *bestuurder*, die datum, tyd en plek van elke verkiesing bepaal.

Pligte van bestuurder

- 6.5(1) Die *bestuurder* moet—
- (a) sover dit uitvoerbaar is, verseker dat elke *werknemer* vertrouwd gemaak word met die nominasie- en verkiesingsprosedures;
 - (b) aan *werknemers* redelike en verstaanbare kennis gee van die datum, tyd en plek van elke verkiesing;
 - (c) die fasiliteite voorsien en bystand verleen wat redelikerwys nodig is vir die kieskomitee om die funksies daarvan te verrig;

- (d) die fasiliteite voorsien wat redelikerwys nodig is vir—
 - (i) die verkiesing van *gesondheids- en veiligheidsverteenvoordigers*; en
 - (ii) die aanstelling van *werknemersverteenvoordigers* op 'n *gesondheids- en veiligheidskomitee*; en
 - (e) redelike tyd afgee van werk, sonder verlies van vergoeding vir *werknemers* om deel te neem aan 'n verkiesing van *gesondheids- en veiligheidsverteenvoordigers*.
- 6.5(2) Die *Hoofinspekteur* kan riglyne uitreik met betrekking tot die fasiliteite en bystand wat ingevolge regulasie 6.5(1) voorsien en verleen moet word.

Nominasie van *gesondheids- en veiligheidsverteenvoordigers*

6.6(1)—Artikel 28(1) skryf die kwalifikasies van *gesondheids- en veiligheidsverteenvoordigers* voor.

- 6.6(1) Elke kandidaat vir verkiesing as 'n *gesondheids- en veiligheidsverteenvoordiger* vir 'n skof by 'n aangewese *werksplek* moet genomineer word vir verkiesing deur 'n *werknemer* wat op dieselfde skof en in dieselfde aangewese *werksplek* werk.

6.6(2)—Artikel 28(2) skryf die kwalifikasies van voltydse *gesondheids- en veiligheidsverteenvoordigers* voor.

- 6.6(2) Elke kandidaat vir verkiesing as voltydse *gesondheids- en veiligheidsverteenvoordiger* vir 'n myn moet genomineer word vir verkiesing deur 'n *werknemer*.

Prosedure vir verkiesing van *gesondheids- en veiligheidsverteenvoordigers*

- 6.7(1) (a) Indien slegs een kandidaat genomineer is vir verkiesing as *gesondheids- en veiligheidsverteenvoordiger* vir 'n skof by 'n aangewese *werksplek*, moet die kiesbeampte die kandidaat as verkose verklaar.
- (b) Indien twee of meer kandidate genomineer is vir verkiesing as *gesondheids- en veiligheidsverteenvoordiger* vir 'n skof by 'n aangewese *werksplek*, moet die kiesbeampte 'n verkiesing hou.
- 6.7(2) Elke verkiesing van 'n *gesondheids- en veiligheidsverteenvoordiger*—
- (a) moet geskied onder die beheer van 'n kiesbeampte; en
 - (b) is slegs geldig indien 50% of meer van die *werknemers*, wat op dieselfde skof by die betrokke aangewese *werksplek* werk in die verkiesing stem.
- 6.7(3) (a) Indien minder as 50% van die *werknemers* wat op dieselfde skof by die betrokke aangewese *werksplek* werk in die verkiesing stem, moet die kiesbeampte na oorlegpleging met die *bestuurder* 'n datum, tyd en plek vir 'n volgende verkiesing bepaal.
- (b) Regulasie 6.7(2)(b) is nie op sodanige volgende verkiesing van toepassing nie.

- 6.7(4) Elke *werknemer* op 'n skof by 'n aangewese *werksplek* het een stem in die verkiesing van elke *gesondheids- en veiligheidsverteenvoordiger* vir daardie skof by die aangewese *werksplek*.
- 6.7(5) Die telbeampes moet al die geldige stemme onder toesig van die telbeampte tel.
- 6.7(6) Die kiesbeampte moet die uitslag van die telling bekend maak aan die *werknemers* op daardie skof by die aangewese *werksplek*.
- 6.7(7) Indien 'n verkiesing vir 'n alternatiewe *gesondheids- en veiligheidsverteenvoordiger* gehou word, moet dit op dieselfde wyse geskied as 'n verkiesing van 'n *gesondheids- en veiligheidsverteenvoordiger*.

Prosedure vir verkiesing van voltydse gesondheids- en veiligheidsverteenvoordigers

- 6.8(1) Indien die getal kandidate wat genomineer is vir verkiesing as voltydse *gesondheids- en veiligheidsverteenvoordigers* by 'n *myn*—
- (a) nie meer is as die getal wat verkies moet word nie, moet die kiesbeampte die kandidate as verkose verklaar; of
- (b) meer is as die getal wat verkies moet word, moet die kiesbeampte 'n verkiesing hou.
- 6.8(2) Elke verkiesing van 'n voltydse *gesondheids- en veiligheidsverteenvoordiger*;
- (a) moet geskied onder die beheer van 'n kiesbeampte; en
- (b) is slegs geldig indien 50% of meer van die *werknemers* in die verkiesing stem.
- 6.8(3) (a) Indien minder as 50% van die *werknemers* in 'n verkiesing stem, moet die kiesbeampte na oorlegpleging met die *bestuurder*, 'n datum, tyd en plek vir 'n volgende verkiesing bepaal.
- (b) Regulasie 6.8(2)(b) geld nie vir sodanige volgende verkiesing nie.
- 6.8(4) Elke *werknemer* het een stem in die verkiesing van elke voltydse *gesondheids- en veiligheidsverteenvoordiger*.
- 6.8(5) Die telbeampes moet al die geldige stemme onder toesig van die telbeampte tel.
- 6.8(6) Die kiesbeampte moet die uitslag van die telling bekend maak aan die *werknemers*.

Aanstelling van gesondheids- en veiligheidsverteenvoordigers

- 6.9 Die *bestuurder* moet—
- (a) binne 7 dae na die verkiesing, elke *werknemer* wat verkies is as *gesondheids- en veiligheidsverteenvoordiger* skriftelik aanstel;
- (b) elke *gesondheids- en veiligheidsverteenvoordiger* voorsien van 'n gepaste identifikasie as *gesondheids- en veiligheidsverteenvoordiger*; en

- (c) die foto en naam van elke *gesondheids- en veiligheidsverteenvoordiger* op 'n gepaste plek by die myn treffend en opsigtelik vertoon.

Aanstelling van werknemersverteenvoordigers op die *gesondheids- en veiligheidskomitee*

6.10—Artikel 34(4) vereis dat die *werknemersverteenvoordigers* op *gesondheids- en veiligheidskomitees* aangestel word deur *gesondheids- en veiligheidsverteenvoordigers*.

- 6.10 Elke *werknemersverteenvoordiger* op die *gesondheids- en veiligheidskomitee* by 'n myn moet deur die meerderheid van die *gesondheids- en veiligheidsverteenvoordigers* aangestel word.

Ampstermyn

- 6.11(1) Die ampstermyn van enige *gesondheids- en veiligheidsverteenvoordiger* of *werknemersverteenvoordiger* op 'n *gesondheids- en veiligheidskomitee* is 3 jaar.
- 6.11(2) Ongeag regulasie 6.11(1) kan die *gesondheids- en veiligheidskomitee* korter ampstermyne bepaal vir—
- (a) *gesondheids- en veiligheidsverteenvoordigers*;
 - (b) voltydse *gesondheids- en veiligheidsverteenvoordigers*; en
 - (c) *werknemersverteenvoordigers* op *gesondheids- en veiligheidskomitees*.
- 6.11(3) Elke *gesondheids- en veiligheidsverteenvoordiger* en *werknemersverteenvoordiger* op 'n *gesondheids- en veiligheidskomitee* kan na verstryking van hul ampstermyn heraan gestel word ooreenkomstig die bepalings van hierdie regulasies.

Ontruiming van amp en vul van vakatures

- 6.12(1) 'n *Gesondheids- en veiligheidsverteenvoordiger* moet die amp ontruim by die verstryking van die *verteenvoordiger* se ampstermyn of indien—
- (a) die *verteenvoordiger*—
 - (i) nie meer voldoen nie aan die vereistes bedoel in artikel 28(1); of
 - (ii) bedank as *gesondheids- en veiligheidsverteenvoordiger*; of
 - (b) skriftelik so versoek word op grond daarvan dat die *verteenvoordiger* nie die funksies van 'n *gesondheids- en veiligheidsverteenvoordiger* behoorlik verrig het nie deur—
 - (i) ten minste 50% van die *werknemersverteenvoordigers* op die *gesondheids- en veiligheidskomitee*; of
 - (ii) ten minste 50% van die *werknemers* wat op dieselfde skof in die aangewese *werksplek* as die *gesondheids- en veiligheidsverteenvoordiger* werk.

- 6.12(2) 'n Voltydse *gesondheids- en veiligheidsverteenwoordiger* moet die amp ontruim by die verstryking van die verteenwoordiger se ampstermyn of indien—
- (a) die verteenwoordiger—
 - (i) nie meer voldoen nie aan die vereistes bedoel in artikel 28(2); of
 - (ii) bedank as voltydse *gesondheids- en veiligheidsverteenwoordiger*; of
 - (b) skriftelik so versoek word op grond daarvan dat die verteenwoordiger nie die funksies van 'n voltydse *gesondheids- en veiligheidsverteenwoordiger* behoorlik verrig het nie deur—
 - (i) ten minste 50% van die *werknemersverteenwoordigers* op die *gesondheids- en veiligheidskomitee*; of
 - (ii) ten minste 50% van die *werknemers*.
- 6.12(3) Die *bestuurder* moet binne 7 dae vanaf die tydstip wanneer die *gesondheids- en veiligheidsverteenwoordiger* die amp moet ontruim ingevolge regulasie 6.11(1) of (2), die *gesondheids- en veiligheidsverteenwoordiger* se aanstelling beëindig en die *gesondheids- en veiligheidsverteenwoordiger* skriftelik daarvan in kennis stel.
- 6.12(4) 'n Vakature bedoel in regulasie 6.12(1) of (2) moet gevul word deur 'n *gesondheids- en veiligheidsverteenwoordiger* wat verkies is in 'n tussentydse verkiesing gehou ingevolge regulasie 6.7 of 6.8 na gelang van die geval.
- 6.12(5) 'n *Werknemersverteenwoordiger* op 'n *gesondheids- en veiligheidskomitee* moet die amp ontruim by die verstryking van sodanige verteenwoordiger se ampstermyn of indien daardie verteenwoordiger—
- (a) uit die amp gestel word deur 'n meerderheidstem van die *werknemersverteenwoordigers* op die *gesondheids- en veiligheidskomitee* op grond daarvan dat die verteenwoordiger nie die funksies van 'n *werknemersverteenwoordiger* op 'n *gesondheids- en veiligheidskomitee* behoorlik verrig het nie; of
 - (b) bedank as *werknemersverteenwoordiger* op die *gesondheids- en veiligheidskomitee*.
- 6.12(6) 'n Vakature bedoel in regulasie 6.12(5) moet gevul word deur 'n *werknemer* wat ingevolge regulasie 6.10 aangestel word.”.

3. Die Myngesondheids- en Veiligheidsregulasies word hierby gewysig deur Hoofstuk 7 deur die volgende hoofstuk te vervang:

“HOOFSTUK 7

INSPEKTORAAT: MYNGESONDHEID EN -VEILIGHEID

Kwalifikasies van inspekteurs

- 7.1 'n *Beampte* moet voldoen aan die aanstellingsvereistes van die Personeel Administratiewe Standaard vir die Beroepsklas: Inspekteur: Myne of die Beroepsklas: Inspekteur: Mynmasjinerie goedgekeur deur die Staatsdienskommissie saamgelees met Staatsdienspersoneelkode K.II/1 om aangestel te word as *inspekteur* op die diensstaat van die Inspektoraat: Myngesondheid en -veiligheid.

Magtigingsertifikaat

- 7.2(1)—Artikel 49(2) vereis dat die *Hoofinspekteur* 'n voorgeskrewe sertifikaat uitreik aan elke *inspekteur*.
- 7.2(1) (a) Die *Hoofinspekteur* moet aan elke *inspekteur* aangestel ingevolge artikel 49 (1) 'n sertifikaat DME 34 geteken deur die *Hoofinspekteur*, uitreik.
- (b) Die sertifikaat wat die name, identiteitsnommer en 'n foto van die *inspekteur* moet bevat, moet—
- (i) die hoedanigheid aantoon waarin die *inspekteur* aangestel is; en
 - (ii) aantoon dat die *inspekteur* ingevolge artikel 50 enige *myn* mag betree vir die doeleindes van monitering en afdwinging van *hierdie Wet*.
- 7.2(2)—Artikel 49(5) vereis dat die *Hoofinspekteur* 'n voorgeskrewe sertifikaat uitreik aan elke persoon wat geregtig is om die werksaamhede van 'n *inspekteur* te verrig.
- 7.2(2) (a) Die *Hoofinspekteur* moet aan elke persoon gemagtig kragtens artikel 49 (4) 'n magtigingsbrief en 'n sertifikaat DME 35 geteken deur die *Hoofinspekteur* uitreik.
- (b) Die magtigingsbrief moet—
- (i) die name van die persoon insluit;
 - (ii) die funksies insluit wat deur die persoon verrig moet word;
 - (iii) die gebied waarin die funksies verrig gaan word, insluit; en
 - (iv) die tydperk waarvoor die persoon gemagtig is, insluit.
- (c) Die sertifikaat wat die name, identiteitsnommer en 'n foto van die gemagtigde persoon moet bevat, moet aantoon dat die persoon—
- (i) aangestel is om die funksies te verrig van 'n *inspekteur* soos aangedui op die magtigingsbrief; en
 - (ii) ingevolge artikel 50 enige *myn* mag betree vir die verrigting van daardie funksies.
- 7.2(3) Elke *inspekteur* aangestel of persoon gemagtig kragtens artikel 49(1) of 49(4) na gelang van die geval, moet te alle tye wanneer 'n *myn* betree of enige werksaamheid by enige *myn* verrig word—
- (a) die sertifikate DME 34 of 35 en die magtigingsbrief uitgereik ingevolge regulasie 7.2(2), na gelang van die geval, aan hulle persoon dra; en
 - (b) moet sodanige sertifikate en brief aan die *bestuurder* van die *myn* of die persoon in beheer van enige *werksplek* by die *myn* toon, indien versoek word om dit te doen.
- 7.2(4) (a) Ondanks regulasies 7.2(1) tot (3) kan die **Eerste Inspekteur van Myne** 'n brief, geteken deur die **Eerste Inspekteur van Myne** uitreik aan enige *inspekteur* aangestel of persoon gemagtig kragtens artikel 49(1) of 49(4), na gelang van die geval, wat om enige rede nie in besit is nie van 'n sertifikaat DME 34 of 35.

- (b) Die brief uitgereik kragtens regulasie 7.2(4)(a) moet die name van die *inspekteur* of die gemagtigde persoon en die amptelike stempel van die kantoor van die **Eerste Inspekteur van Myne** insluit en aantoon dat die *inspekteur* of persoon behoorlik aangestel en gemagtig is kragtens artikel 49(1) of 49(4), na gelang van die geval.
- (c) Regulasie 7.2(3) is van toepassing op 'n brief uitgereik kragtens regulasie 7.2(4).
- 7.2(5) 'n Sertifikaat DME-34 of 35 of 'n brief bedoel in regulasie 7.2(4) word geag genoegsaam bewys te wees van 'n aanstelling of magtiging kragtens artikel 49(1) of 49(3) onderskeidelik."
4. Die Myngesondheids- en Veiligheidsregulasies word hierby gewysig deur Hoofstuk 20 deur die volgende hoofstuk te vervang:

"HOOFSTUK 20

OMSKRYWINGS

20. In hierdie regulasies het 'n woord of uitdrukking waaraan 'n betekenis in *hierdie Wet* toegeken is daardie betekenis, en tensy uit die samehang anders blyk, beteken—

'drieledige instelling' die Raad en die permanente komitees van die Raad en die Mynboukwalifikasie-owerheid; en

'Eerste Inspekteur van Myne' die beampte aangestel deur die Hoofinspekteur om in bevel te wees van gesondheid en veiligheid in 'n streek daargestel deur Goewermentskennisgewing No. R. 92 van 15 Januarie 1997."

No. R. 847

21 June 1997

MINERALS ACT, 1991 (ACT No. 50 OF 1991)

AMENDMENT OF REGULATIONS

Under section 63 of the Minerals Act, 1991 (Act No. 50 of 1991), I, Penuell Mpapa Maduna, Minister of Minerals and Energy, hereby make the regulations in the Schedule.

P. M. MADUNA

Minister of Minerals and Energy

SCHEDULE

Definitions

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R. 992 of 26 June 1970, as amended by Government Notices Nos. R. 303, R. 304 and R. 305 of 1 March 1972, R. 1346 of 4 August 1972, R. 2101, R. 2102 and R. 2103 of 15 November 1974, R. 513 of 1 April 1977, R. 1189 of 8 June 1979, R. 537 of 21 March 1980, R. 227 and R. 228 of 31 October 1980, R. 2703 of 11 December 1981, R. 2264 of 31 October 1986, R. 367 of 27 February 1987, R. 2566 of 20 November 1987, R. 1352 of 8 July 1988, R. 1899 of 16 September 1988, R. 1130 of 2 June 1989, R. 1339 of 22 June 1990, R. 1644 of 13 July 1990, R. 2706 of 23 November 1990, R. 2923 of 10 December 1990, R. 398 of 1 March 1991, R. 1263 of 7 June 1991, R. 2026 of 23 August 1991, R. 3083 of 20 December 1991, R. 814 of 13 March 1992, R. 110 of 16 April 1992, R. 2223 of 7 August 1992, R. 1556 of 20 August 1993, R. 2449 of 24 December 1993, R. 31 of 13 January 1995, R. 530 of 13 April 1995 and R. 94 of 15 January 1997 and Notice 160 of 1 February 1991.

Amendment of Regulations

2. The Regulations are hereby amended by the substitution for the expression "regional director" wherever it occurs in the following regulations of the expression "Director: Mineral Development":

5.12.3, 5.15, 33.1(c), Form 1, Form 2, Form 3, Form 4 and Form 5.

No. R. 847

21 Junie 1997

MINERAALWET, 1991 (WET No. 50 VAN 1991)

WYSIGING VAN REGULASIES

Ek, Penuell Mpapa Maduna, Minister van Minerale en Energie, handelende kragtens artikel 63 van die Mineraalwet, 1991 (Wet No. 50 van 1991), vaardig hierby die regulasies in die Bylae uit.

P. M. MADUNA

Minister van Minerale en Energie

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Regulasies" die regulasies gepubliseer by Goewermmentskennisgewing No. R. 992 van 26 Junie 1970, soos gewysig by Goewermmentskennisgewing Nos. R. 303, R. 304 en R. 305 van 1 Maart 1972, R. 1346 van 4 Augustus 1972, R. 2101, R. 2102 en R. 2103 van 15 November 1974, R. 513 van 1 April 1977, R. 1189 van 8 Junie 1979, R. 537 van 21 Maart 1980, R. 227 en R. 228 van 31 Oktober 1980, R. 2703 van 11 Desember 1981, R. 2264 van 31 Oktober 1986, R. 367 van 27 Februarie 1987, R. 2566 van 20 November 1987, R. 1352 van 8 Julie 1988, R. 1899 van 16 September 1988, R. 1130 van 2 Junie 1989, R. 1339 van 22 Junie 1990, R. 1644 van 13 Julie 1990, R. 2706 van 23 November 1990, R. 2923 van 10 Desember 1990, R. 398 van 1 Maart 1991, R. 1263 van 7 Junie 1991, R. 2026 van 23 Augustus 1991, R. 3083 van 20 Desember 1991, R. 814 van 13 Maart 1992, R. 110 van 16 April 1992, R. 2223 van 7 Augustus 1992, R. 1556 van 20 Augustus 1993, R. 2449 van 24 Desember 1993, R. 31 van 13 Januarie 1995, R. 530 van 13 April 1995 en R. 94 van 15 Januarie 1997 en Kennisgewing 160 van 1 Februarie 1991.

Wysiging van Regulasies

2. Die Regulasies word hierby gewysig deur die vervanging van die uitdrukking "streekdirekteur" oral waar dit in die volgende regulasies voorkom deur die uitdrukking "Direkteur: Mineraalontwikkeling" te vervang:

5.12.3, 5.15, 33.1(c), Vorm 1, Vorm 2, Vorm 3, Vorm 4 en Vorm 5.

No. R. 848**21 June 1997****MINE HEALTH AND SAFETY ACT, 1996 (ACT No. 29 OF 1996)**

Under section 97(6) of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996), I, Penuell Mpapa Maduna, Minister of Minerals and Energy, after consulting the Mine Health and Safety Council, hereby in consultation with the Minister of Health add to the said Act, the Schedule.

P. M. MADUNA**Minister of Minerals and Energy****SCHEDULE 5**

**SUSPENSION AND VARIATION OF APPLICATION OF OCCUPATIONAL DISEASES
IN MINES AND WORKS ACT, 1973 (ACT No. 78 OF 1973)**

A. SUSPENSION OF APPLICATION OF ACT No. 78 of 1973

The application of the following sections of the Occupational Diseases in Mines and Works Act, 1973 (in this Schedule referred to as the 1973 Act) is hereby suspended:

- (a) Section 4(2)(b).
- (b) Section 15.
- (c) Section 16(1)(b) and (c).
- (d) Section 23.
- (e) Section 24.
- (f) Section 25.
- (g) Section 26.
- (h) Section 27(2), (3), (4) and (5).
- (i) Section 28.
- (j) Section 29.
- (k) Section 30.
- (l) Section 37(2)(a).
- (m) Section 121(1)(b), (h) and (i).
- (n) Section 124(3)(g) and (h).
- (o) Section 125.
- (p) Section 126(1), (2)(a) and (b) and (3)(a) and (b)(i).

B. VARIATION OF APPLICATION OF ACT No. 78 of 1973

1. The application of the following sections of the 1973 Act is hereby limited to medical examinations for the purpose of determining benefits:
 - (a) Section 4(1) and (2)(a).
 - (b) Section 5.
 - (c) Section 31(1).
 - (d) Section 36, subject to item 3(b).
 - (e) Section 37(1), (2)(b) and (3).
2. The application of section 27(1) of the 1973 Act is hereby limited to instances where the director receives a communication as contemplated in section 33(1).

3. The application of the following sections of the 1973 Act is hereby limited to persons employed at mines or works:

- (a) Section 31(1).
- (b) Section 36(1)(a).

No. R. 848

21 Junie 1997

WET OP GESONDHEID EN VEILIGHEID IN MYNE, 1996 (WET No. 29 VAN 1996)

Ek, Penuell Mpapa Maduna, Minister van Minerale en Energie, handelende kragtens artikel 97(6) van die Wet op Gesondheid en Veiligheid in Myne, 1996 (Wet No. 29 van 1996), na oorlegging met die Raad op Gesondheid en Veiligheid in Myne en in oorleg met die Minister van Gesondheid, voeg hierby tot genoemde Wet, die Bylae.

P. M. MADUNA

Minister van Minerale en Energie

BYLAE 5

OPSKORTING EN WYSIGING VAN DIE TOEPASSING VAN DIE WET OP BEDRYFSIEKTES IN MYNE EN BEDRYWE, 1993 (WET No. 78 VAN 1973)

A. OPSKORTING VAN TOEPASSING VAN WET No. 78 VAN 1973

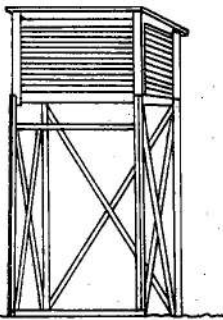
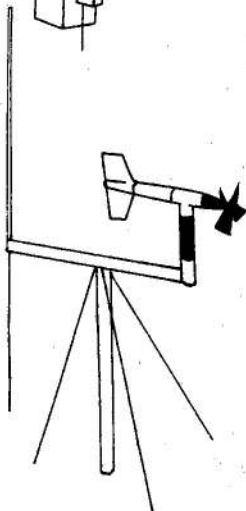
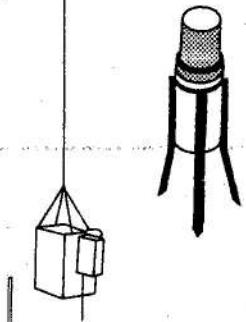
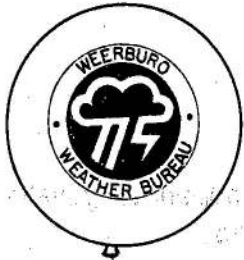
Die toepassing van die volgende artikels van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973 (in hierdie Bylae die 1973 Wet genoem), word hierby opgeskort:

- (a) Artikel 4(2)(b).
- (b) Artikel 15.
- (c) Artikel 16(1)(b) en (c).
- (d) Artikel 23.
- (e) Artikel 24.
- (f) Artikel 25.
- (g) Artikel 26.
- (h) Artikel 27(2), (3), (4) en (5).
- (i) Artikel 28.
- (j) Artikel 29.
- (k) Artikel 30.
- (l) Artikel 37(2)(a).
- (m) Artikel 121(1)(b), (h) en (i).
- (n) Artikel 124(3)(g) en (h).
- (o) Artikel 125.
- (p) Artikel 126(1), (2)(a) en (b) en (3)(a) en (b)(i).

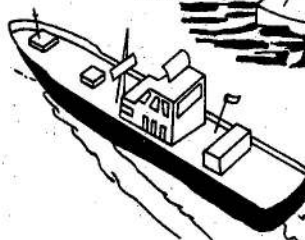
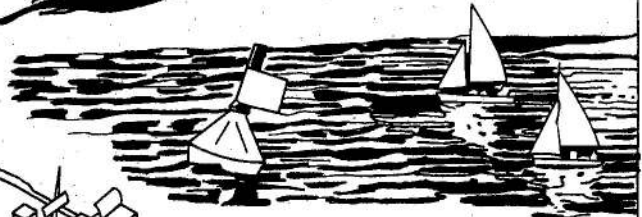
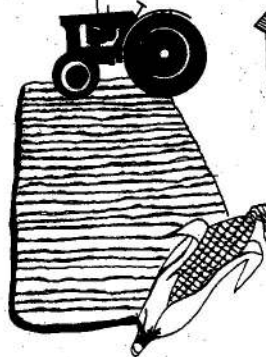
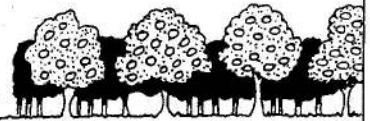
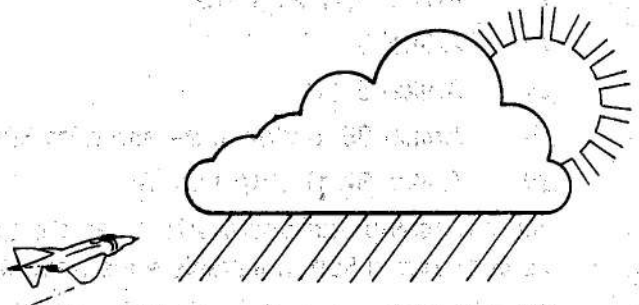
B. WYSIGING VAN TOEPASSING VAN WET No. 78 VAN 1973

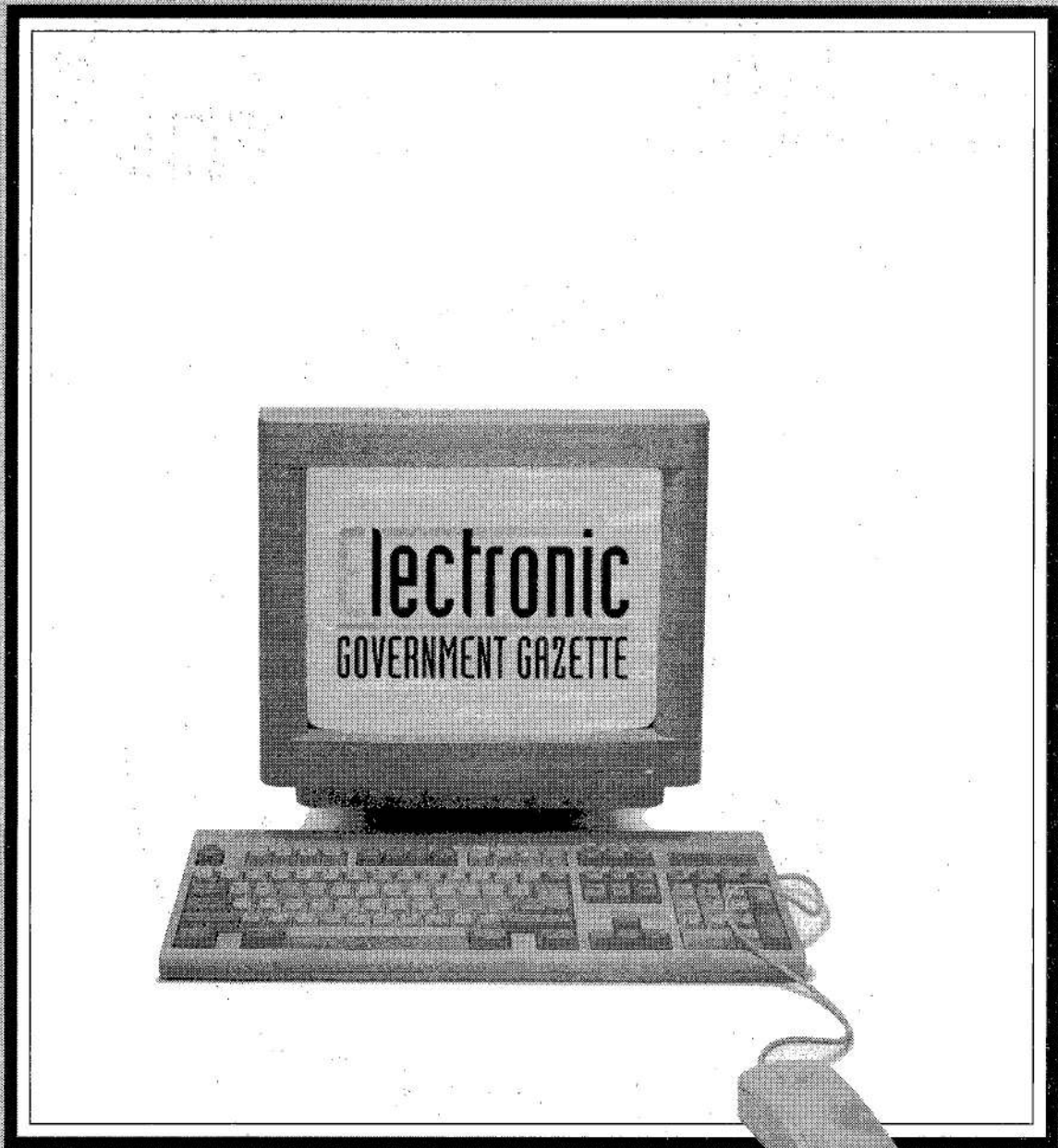
1. Die toepassing van die volgende artikels van die 1973 Wet word hierby beperk tot mediese ondersoeke vir die bepaling van vergoeding:
 - (a) Artikel 4(1) en (2)(a).
 - (b) Artikel 5.
 - (c) Artikel 31(1).
 - (d) Artikel 36, onderworpe aan item 3(b).
 - (e) Artikel 37(1), (2)(b) en (3).
 2. Die toepassing van artikel 27(1) van die 1973 Wet word hierby beperk tot gevalle waar die direkteur 'n kommunikasie soos bedoel in artikel 33(1) ontvang.
 3. Die toepassing van die volgende artikels van die 1973 Wet word hierby beperk tot persone in diens van myne en bedrywe:
 - (a) Artikel 31(1).
 - (b) Artikel 36(1)(a).
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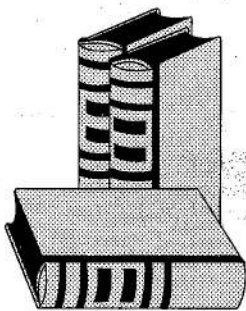
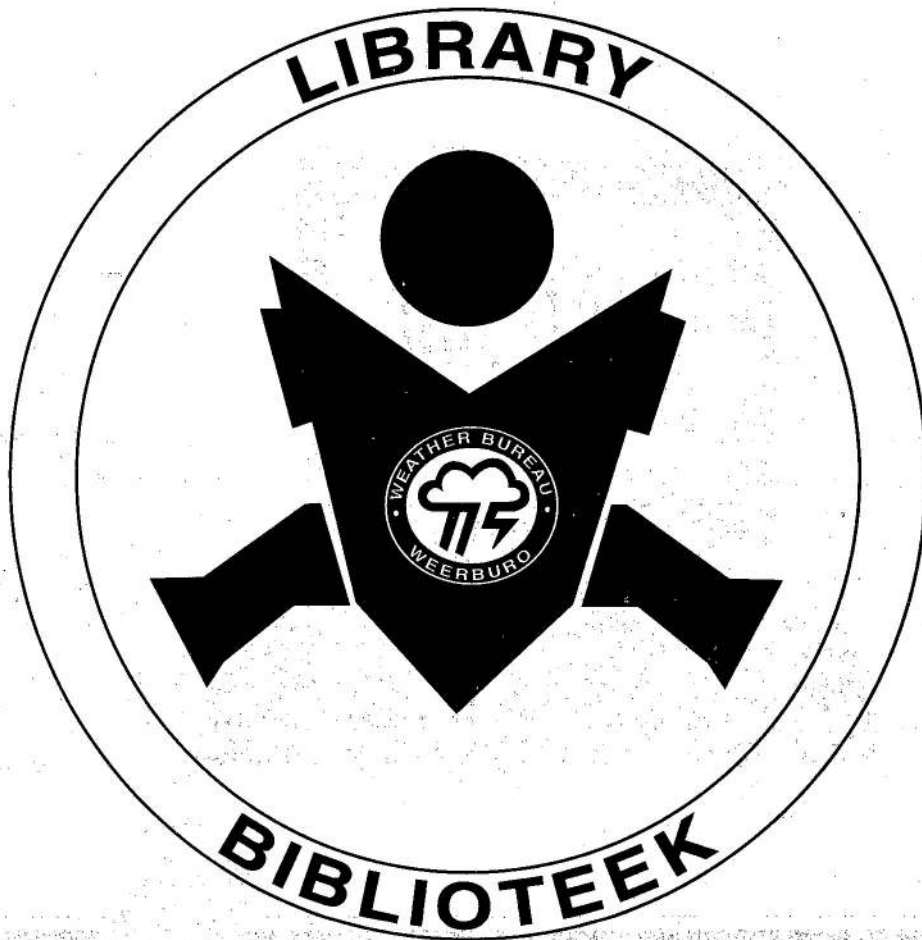
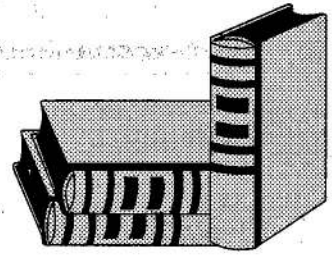
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