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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF MINERALS AND ENERGY DEPARTEMENT VAN MINERALE EN ENERGIE

No. R. 1317

10 October 1997

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

Under section 97 (3) 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, add to the said Act, the Schedule.

P. M. MADUNA

Minister of Minerals and Energy

No. R. 1317

10 Oktober 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 (3) van die Wet op Gesondheid en Veiligheid in Myne, 1996 (Wet No. 29 van 1996), na oorlegpleging met die Raad op Gesondheid en Veiligheid in Myne, voeg hierby tot genoemde Wet, die Bylae.

P. M. MADUNA

Minister van Minerale en Energie

CONSTITUTION OF THE MINE HEALTH AND SAFETY COUNCIL

Establishment of Council and committees

An italicised word or phrase is defined in section 102 of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996), (*this Act*) and an italicised word or phrase in bold is defined in item 24 of this Constitution.

In this Constitution all references to sections are references to sections in *this Act* unless otherwise indicated.

1(2) - Ad hoc and subcommittees are distinguished between in the definition of "*other committee*".

1. (1) The *Council* and the permanent committees of the *Council*, the Mining Regulation Advisory Committee, the Mining Occupational Health Advisory Committee and the Safety in Mines Research Advisory Committee are established by section 41(1) and (2) of *this Act*.
- (2) The *Council* may establish ad hoc committees and subcommittees for such periods as the *Council* may consider necessary, to achieve the object or perform the functions of the *Council*.
- (3) Every permanent or ad hoc committee may, subject to such conditions as the *Council* may determine, establish subcommittees, for such periods as the committee may consider necessary, to perform any function of that committee.

Legal status

2. (1) The *Council* is a body corporate.
- (2) All actions, suits or other proceedings at law, by or against any *committee* must be brought by or against the *Council*.
- (3) The *Council* may authorise any person or persons to act on behalf of the *Council* and to sign all such documents and to take all such steps as may be necessary in connection with any proceedings at law brought by or against the *Council*.

Object of Council

3. The object of the *Council* is to advise the *Minister* on *health and safety at mines*.

3 - Section 41(1) prescribes the object of the *Council*.

Functions of Council

4 - Sections 43(a) to (f) determine the duties of the Council.

4. The Council must -

- (a) advise the *Minister on health and safety at mines* including, but not limited to, any legislation on *mine* rehabilitation in so far as it concerns *health and safety*;
- (b) co-ordinate the activities of the *committees*;
- (c) consider the reports of the *committees*;
- (d) liaise with the Mining Qualifications Authority on matters relating to *health and safety*;
- (e) liaise with any other statutory bodies concerned with matters relating to *health and safety*;
- (f) promote a culture of *health and safety* in the mining industry;
- (g) at least once every two years arrange and co-ordinate a tripartite summit to review the state of *health and safety at mines*;
- (h) for each year consider an overall programme for relevant *health and safety* for approval as *prescribed* and deliver a copy to the Minister of Finance for consideration; and
- (i) perform every duty imposed upon the *Council* in terms of *this Act*.

Functions of permanent committees

5(1) - Sections 44(1)(a) to (d) determine the duties of MRAC.

5. (1) The Mining Regulation Advisory Committee must advise the Council on -

- (a) proposed changes to legislation to improve *health or safety at mines*;
- (b) proposals for changes to legislation made by any committee;
- (c) guidelines for codes of practice; and
- (d) *standards* approved by the South African Bureau of Standards.

5(2) - Sections 44(2)(a) to (e) determine the duties of MOHAC.

(2) The Mining Occupational Health Advisory Committee must advise the Council on -

- (a) policy relating to *health*;
- (b) *standards, systems and procedures* for assessing, avoiding, eliminating, controlling and minimising *health risks*;
- (c) *regulations* on any aspect of *health*;
- (d) *health* research; and

(e) collecting, processing and distributing *health* data in the mining industry.

5(3) and 5(4) - Sections 44(3)(a) to (e) and 44(4)(a) to (d) determine the duties of SIMRAC.

(3) The Safety in Mines Research Advisory Committee must advise the *Council* on -

5(3)(a) - Section 98(1)(zJ) empowers the *Minister* to make regulations for the payment of levies for funding research and surveys and for the promotion of *health* and *safety* at mines.

(a) criteria for determining the funding of *health* and *safety* research;

(b) the need for research into *health* and *safety* at mines;

(c) research projects, including priorities of projects, cost, assessment, ratification and execution;

(d) communication and publication of research results; and

(e) the management of the cost of the overall programme.

5(4) - The *Council* considers the overall programme in terms of item 4(h).

(4) The Safety in Mines Research Advisory Committee must prepare the programme for relevant *health* and *safety* research for the *Council* to consider. The programme must include -

(a) a review of *health* and *safety* performance in the different mining sectors;

(b) an evaluation of the research proposals made by the *Council* or any *committee*;

(c) the focus of *health* and *safety* research and priorities for the different sectors of mining; and

(d) an estimate of the cost of the programme.

Functions of other committees

6. *Other committees* must perform the functions delegated or assigned to them in terms of item 7.

Delegation and assignment of functions

7 - Sections 42(4) and (5) enable the *Council* to delegate any of its powers of assign any of its duties by or under *this Act* to *committees*.

7. (1) The *Council* may delegate or assign any of the functions of the *Council* by or under *this Act* to any *committee*.

(2) Permanent and ad hoc committees may delegate or assign any of their functions to any of their subcommittees.

(3) A delegation or assignment under subitem (1) or (2) -

(a) must be in writing;

- (b) is subject to such conditions and restrictions as determined by the *Council*, a permanent or an ad hoc committee, as the case may be; and
- (c) does not prevent the performance of that function by the *Council*, a permanent or an ad hoc committee, as the case may be.

Composition of Council and committees

8(1) - Section 42(1) prescribes the membership of the *Council*.

8. (1) The *Council* consists of -
- (a) five members representing *owners* in the mining industry;
 - (b) five members representing *employees* in the mining industry;
 - (c) four members representing departments of State; and
 - (d) the *Chief Inspector*, who must chair the *Council*.
- (2) Every permanent committee consists of -
- (a) five members representing *owners* in the mining industry;
 - (b) five members representing *employees* in the mining industry;
 - (c) four members representing departments of State; and
 - (d) an *officer* of the Mine Health and Safety Inspectorate who must chair the committee.
- (3) Every *other committee* consists of the number of members determined by the relevant *establishing authority*.
- (4) The *parties* are entitled to equal representation on *other committees*.

Nomination and appointment of members

9(1) - Regulations 18.1 to 18.7 published by Government Notice No. R.93 in the Gazette of 15 January 1997.

9. (1) Members of the *Council* and permanent committees are nominated and appointed in accordance with the *regulations* and members of any *other committee* are nominated and appointed in accordance with this item.
- (2) Every *party* on the relevant *establishing authority* may nominate persons as members representing their *party* on any *other committee*.
- (3) The relevant *establishing authority* -
- (a) must appoint the members; and
 - (b) may appoint one of the members as chairperson.

9(5) - Regulation 18.5 published by Government Notice No. R.93 in the Gazette of 15 January 1997 determines the term of office of members of the *Council* and its permanent committees.

9(6) - Mine Health and Safety Regulation 18(6) deals with the filling of casual vacancies of the *Council* and permanent committees.

- (4) If the relevant *establishing authority* does not appoint a chairperson, the *members* of the committee may appoint a chairperson from among their number.
- (5) Members representing *employees* or *owners* on any *other committee* may hold office for such period as the relevant *establishing authority* may determine, which period may not exceed three years. A member whose period of office expires, may be reappointed.
- (6) If the office of a member of any *other committee* is vacated before the end of the period of office of such member, a person to replace such member must, subject to the provisions of this Constitution -
 - (a) be nominated by the *party* that was represented by the member; and
 - (b) be appointed by the relevant *establishing authority* for a period not exceeding the balance of the period of office of the member in whose place the person is appointed.
- (7) The appointment of any member of any *other committee* is subject to any condition that the relevant *establishing authority* determine.
- (8) The chairperson of the relevant *establishing authority* must in writing notify the members of their appointment.
- (9) If a member appointed in terms of this item does not accept such appointment, a person to replace such person must be appointed in accordance with this item.
- (10) Every *party* must appoint an *alternate* for each of its members on the *Council*, a permanent or ad hoc committee and must notify the chairperson of the *Council* or the relevant permanent or ad hoc committee, as the case may be, of such appointment.
- (11) The relevant *establishing authority* -
 - (a) may appoint *alternates* for members of subcommittees; and
 - (b) must notify -
 - (i) the *alternates* of their appointment; and
 - (ii) the members of their respective *alternates*.

Vacation of office

10. (1) A *member* vacates office -
 - (a) on expiry of the *member's* period of office;

- (b) if such *member* -
- (i) is absent from two consecutive meetings of the *Council* or *committee* for which such *member* is appointed without notifying the *chairperson* before the meeting that the *member* will be absent;
 - (ii) resigns as a *member*; or
 - (iii) is required to vacate office by the *party* or the organisation which that *member* represents;
- (c) if such *member* was nominated by an organisation and that organisation no longer meets the criteria allowing it to nominate *members*; or
- (d) if the *Council* or *committee* on which the *member* serves, is abolished.
- (2) If a member vacates office, the *alternate* appointed for such member ceases to hold office as *alternate*.

Functions of chairperson

11. (1) Every *chairperson* must with regard to the *Council* or *committee* which the person chairs -
- (a) allow each *party* to appoint from among its members a person to act as convener of such *party* for communication purposes. If a *party* does not appoint such convener, the *chairperson* may appoint any member of that *party* as convener of the *party*;
 - (b) cause meetings to be convened; and
 - (c) ensure the orderly conduct of meetings and that all resolutions are recorded.
- (2) If in the opinion of the *chairperson* the behaviour of any *member* is disruptive to the orderly conduct of the meeting, the *chairperson* may order that *member* to leave a meeting.

11(3) - If the chairperson of any *other committee* is unable to attend a meeting, a *member* of that committee may be elected in terms of item 16(3) to chair the meeting.

- (3) If the chairperson of the *Council* or a permanent committee is unable to attend a meeting, the chairperson may designate another *officer* of the Mine Health and Safety Inspectorate to chair the meeting.

Appointment and functions of secretary

12. (1) The *Chief Inspector* must appoint a secretary for -

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

(2) If a secretary is not appointed for a subcommittee, the *members* of that committee must keep a record of and report to the relevant *establishing authority* on their activities.

(3) A secretary must, with regard to the *Council* or *committee* for which the secretary is appointed -

- (a) prepare the agenda for every meeting;
- (b) prepare the minutes of every meeting;
- (c) record every resolution of such meeting and if so requested by a *member*, the views of that *member*;
- (d) keep general records, records of *members*, minutes, documents and files of the *Council* or such *committee*; and
- (e) serve every member with -
 - (i) a convening notice and the agenda of a meeting at least five *clear days* before the meeting or two *clear days* before an urgent meeting;
 - (ii) any reports or documentation to be considered at a meeting, a reasonable period before the meeting; and
 - (iii) the minutes of every meeting.

Rights and obligations of members

13. (1) Any *member* who is unable to attend a meeting of the *Council* or any *committee* -

- (a) may designate any *alternate* of that *member's party* on the *Council* or that committee as the case may be, to represent the *member* at the meeting; and
- (b) must before the meeting give notice of it to the *chairperson*.

(2) An *alternate* designated under subitem 1 has the rights and obligations of the member whom that *alternate* represents.

(3) Every *member* has the right to -

- (a) be heard on any matter considered at the meeting;
- (b) take part in the resolution of any matter before the meeting; and

13(3) - Section 42(6) entitles *members* to have their views reflected in any report of the *Council* or *committee*.

- (c) have their views, on any matter considered at the meeting, recorded in the minutes of the meeting and in any report or recommendation of the meeting.

Meetings

14. (1) The *Council* must meet at such intervals as required for the proper performance of the functions of the *Council*, but at least once every six months.
- (2) Every permanent and ad hoc committee must meet at such intervals as required for the proper performance of the functions of the committee, but at least once every three months.
- (3) Subcommittees must meet at such intervals as determined by their activities and the dates for the completion of their tasks.
- (4) An urgent meeting of the *Council* or any *committee* may be called by the *chairperson* at the written request of at least two *members* or when the *chairperson* deems it necessary.
- (5) The *Council* may direct any *committee* to call an urgent meeting to resolve any matter determined by the *Council*.
- (6) A permanent or ad hoc committee may direct any of its subcommittees to call an urgent meeting to resolve any matter determined by such committee.

Quorum

15. (1) Eight *members* form a quorum for any meeting of the *Council* or a permanent committee provided that at least two *members* of each *party* are present.
- (2) The quorum for any *other committee* must be determined by the relevant *establishing authority*.
- (3) Despite subitems (1) and (2), if the convenors of the *parties* in the *Council* or any *committee* so agree, a smaller number may constitute a quorum for an urgent meeting of the *Council* or that *committee*, as the case may be.
- (4) If a quorum is not present at a meeting, the meeting must be postponed to a date, time and place determined by the *chairperson*. The *members* present at the subsequent meeting form a quorum for that meeting.

Procedures at meetings

16. (1) Items may be added to the agenda of any meeting if the meeting so decides.
- (2) Any *member* who has a direct or personal financial interest in any matter before the meeting must, before the matter is discussed by the meeting, declare such interest to the meeting and the *chairperson* must determine whether such *member* may participate in the consideration of that matter.

- (3) If the designated *chairperson* is not present at a meeting the *members* may elect from among their number a *chairperson* for that meeting.

Resolution of meeting

17. (1) The *Council* or any *committee* must endeavour to reach *consensus* on any matter that requires resolution.

(2) If *consensus* cannot be reached on any matter after sincere endeavours to do so, a decision of the majority of *members* present and voting at a meeting constitutes the resolution on that matter by the *Council* or any *committee*, as the case may be.

(3) Any report or advice of the *Council* or any *committee* which reflects a resolution that was not reached by *consensus*, must reflect -

- (a) the different views of the *members* on the matter so resolved; and
- (b) which *members* supported each view.

(4) No resolution nor any act authorised by the *Council* or any *committee* is invalid merely because of a vacancy on the *Council* or that *committee* or because any person not entitled to sit as a *member* sat at such meeting at the time the resolution was taken or the act was authorised if a quorum was constituted by the rest of the *members* present at the meeting and entitled to sit as *members* at the meeting.

Funds of Council

18(1) - Section 42(7) empowers the Minister to provide funds for the administration of the Council and its committees from public funds.

18. (1) The funds of the *Council* consist of -

- (a) moneys appropriated by Parliament to perform the functions of the *Council*;
- (b) other moneys received in terms of *this Act*;
- (c) revenue obtained from investments;
- (d) fees or royalties obtained from intellectual property of the *Council*;
- (e) donations or contributions received from any person, body, government or administration; and
- (f) any other money received from any other source.

(2) Moneys appropriated by Parliament must be used for -

18(2)(a) and (b) - Section 42(7) requires the agreement of the Minister of Finance for the provision of funds for the administration of the *Council* and its *committees* from public funds.

- (a) the payment to *members* who are not in the full-time service of the State of such remuneration and allowances as the *Minister* may determine with the agreement of the Minister of Finance; and
 - (b) the payment for administrative functions of the *Council* and *committees*.
- (3) Moneys referred to in subitem (1)(b), (c), (d) or (f) may be -
- (a) used as contemplated in *this Act*;
 - (b) invested with any bank registered as such under the Banks Act, 1990 (Act No. 94 of 1990), or invested in such other manner as may be determined by the *Minister* with the agreement of the Minister of Finance; and
 - (c) used to register or utilise any intellectual property of the *Council*.
- (4) Moneys referred to in subitem (1)(e) must be utilised in accordance with the conditions, if any, imposed by the donor or contributor of such moneys.
- (5) The chairperson of the *Council* must for each financial year submit a statement of estimated income and expenditure during such financial year to the *Minister* who, with the agreement of the Minister of Finance, must approve the budget for -
- (a) the first financial year, before the first meeting of the *Council*; and
 - (b) every other financial year, before the beginning of such financial year.

Accountability

19. (1) The chairperson of the *Council* is the accounting officer of the *Council*.
- (2) The accounting officer is responsible for all moneys received and payments made by the *Council*.
 - (3) The financial year of the *Council* ends on 31 March in each year.
 - (4) The accounting officer must cause records to be kept in accordance with the Generally Accepted Accounting Principles that are necessary to represent fairly the state of affairs and business of the *Council* and to explain the transactions and financial position of the *Council*.
 - (5) Annual financial statements must be prepared in respect of every financial year. The statements must consist of -

- (a) a balance sheet dealing with the state of affairs of the *Council*;
 - (b) a return of income received and expenses incurred by the *Council*; and
 - (c) a statement of cash flow information.
- (6) The books of account, statements of account and annual financial statements of the *Council* must be audited annually by the Auditor-General. The Auditor-General must compile a report on the audit and submit a copy of it to the *Minister* and the chairperson of the *Council*.
- (7) The secretary of the *Council* must supply each member of the *Council* with a copy of the report of the Auditor-General.
- (8) As soon as practicable after the report of the Auditor-General has been submitted to the *Minister* in terms of subitem (6), the *Minister* must table it in Parliament.

Administrative functions

20. (1) The administrative functions of the *Council* and *committees* may with the approval of the *Minister* be rendered by -
- (a) any person contracted to perform such functions; and
 - (b) *officers* of the Mine Health and Safety Inspectorate.
- (2) The *Council* may with the approval of the *Minister* conclude a contract with any person to perform any administrative functions of the *Council* and *committees*.

Abolition of Council or committee

21. (1) The *Council* and the permanent committees may be abolished by an Act of Parliament.
- (2) The *Council* may at any time abolish any *other committee*.
- (3) A permanent or ad hoc committee may at any time abolish any subcommittee established by that committee.

Limitation of liability

22. (1) A *member* does not incur any civil liability only because of doing or failing to do something which such *member* may do or is required to do in terms of *this Act*.

21 - See item 1 for the establishment of the *Council* and *committees*.

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

Amendment of constitution

23 - Section 97(1) read with 97(3) of this Act authorises the Minister to add to, change or replace this Constitution, after consultation with the *Council*, by publication in the Gazette.

23. (1) (a) If the *Minister* wants to amend the constitution, the *Minister* must furnish a proposal containing such amendments to the chairperson of the *Council*, who must convene a meeting to consider the proposal.
- (b) At such meeting the *Council* must consider the proposal and resolve either to -
- (i) support the proposal as it is;
 - (ii) support the proposal with certain amendments; or
 - (iii) oppose the proposal.
- (c) The *Council* must submit its resolution to the *Minister*.
- (d) If the *Council* resolves to support the proposal with certain amendments or to oppose the proposal, the motivation for such resolution and the amendments, if any, must be included in the submission to the *Minister*.
- (2) (a) If the *Council* wants the constitution to be amended, the *Council* must submit a proposal regarding such amendment to the *Minister*.
- (b) Such proposal by the *Council* is deemed to be consultation by the *Minister* with the *Council* as contemplated in section 97(1).
- (c) If the *Minister* is not satisfied with the amendments or the motivation for the amendments, the *Minister* may refer the proposal back to the *Council* for further consideration.

DEFINITIONS

24. Unless the context otherwise indicates -

“alternate” means any person appointed as an alternate to a member under item 9(10);

“chairperson” means any person who chairs any meeting of the *Council* or a *committee*;

“clear day” means any day of the week except Sundays and public holidays;

“committee” means any permanent committee or *other committee*;

“consensus” means unanimous agreement;

“establishing authority” means -

- (i) in the case of the *Council* and a permanent committee, Parliament by legislation;
- (ii) in the case of an ad hoc committee, the *Council*; and
- (iii) in the case of a subcommittee, the *Council*, or any permanent or ad hoc committee that establishes the subcommittee;

“member” means any member of the *Council* or any *committee* and includes any *alternate* designated by a member to represent that member at a meeting of the *Council* or *committee*;

“other committee” means -

- (a) an ad hoc committee established for a limited term to perform any function of the *Council* which is not a function of any permanent committee; and
- (b) a subcommittee established by -
 - (i) the *Council* to perform any function of the *Council* which is not assigned by or under *this Act* to a permanent committee; and
 - (ii) a permanent or an ad hoc committee to perform any function of that committee; and

“party” means *owners, employees* or the State, as the case may be.

If a function of the *Council* needs to be performed on a permanent basis by a *committee*, the *Council* may either delegate or assign the function to a permanent committee or request that a new permanent committee be established by legislation to perform the function.

KONSTITUSIE VAN DIE RAAD OP GESONDHEID EN VEILIGHEID IN MYNE

Instelling van Raad en komitees

'n Gekursiviseerde woord of uitdrukking word omskryf in artikel 102 van die Wet op Gesondheid en Veiligheid in Myne, 1996 (Wet No. 29 van 1996), (hierdie Wet) en 'n gekursiviseerde woord of uitdrukking in vet letters word omskryf in item 24 van hierdie Konstitusie.

In hierdie Konstitusie is alle verwysings na artikels verwysings na artikels in *hierdie Wet* tensy anders aangedui.

1(2) - Ad hoc en subkomitees word van mekaar onderskei in die woordomskrywing van "ander komitee".

1. (1) Die *Raad* en die permanente komitees van die *Raad*, die Adviserende Komitee oor Mynboueregulasies, die Adviserende Komitee oor Beroepsgesondheid in Mynbou en die Adviserende Navorsingskomitee oor Veiligheid in Myne, word deur artikel 41(1) en (2) van *hierdie Wet* ingestel.
- (2) Die *Raad* kan ad hoc komitees en subkomitees instel vir sodanige tydperke wat die *Raad* nodig mag ag om die oogmerk of werksaamhede van die *Raad* te bereik of te verrig.
- (3) Elke permanente of ad hoc komitee kan, behoudens die voorwaardes wat die *Raad* mag bepaal, subkomitees instel vir sodanige tydperke wat die komitee nodig mag ag om enige werksaamheid van daardie komitee te verrig.

Regstatus

2. (1) Die *Raad* is 'n regs persoon.
- (2) Alle aksies, hofsake of ander regsdinge, deur of teen enige *komitee* moet deur of teen die *Raad* ingestel word.
- (3) Die *Raad* kan enige persoon of persone magtig om namens die *Raad* op te tree en om alle sodanige dokumente te onderteken en om alle sodanige stappe te doen wat nodig mag wees in verband met enige regsdinge wat deur of teen die *Raad* ingestel word.

Oogmerk van Raad

3. - Artikel 41(1) bepaal die oogmerk van die Raad.
3. Die oogmerk van die Raad is om die Minister te adviseer oor *gesondheid* en *veiligheid* by myne.

Werkzaamhede van die Raad

- 4 - Artikels 43(a) tot (f) bepaal die pligte van die Raad.
4. Die Raad moet -
- (a) die Minister adviseer oor *gesondheid* en *veiligheid* by myne met inbegrip van, maar nie beperk nie tot, enige regulasies oor mynrehabilitasie sover dit betrekking het op *gesondheid* en *veiligheid*;
 - (b) die aktiwiteite van *komitees* koördineer;
 - (c) verslae van *komitees* oorweeg;
 - (d) met die Mynboukwalifikasie-owerheid betreffende *gesondheids-* en *veiligheidsaangeleenthede* skakel;
 - (e) met enige ander statutêre instellings wat betrokke is by *gesondheids-* en *veiligheidsaangeleenthede* skakel;
 - (f) 'n kultuur van *gesondheid* en *veiligheid* in die mynbedryf bevorder;
 - (g) minstens een keer elke twee jaar 'n drieledige spitsberaad reël en koördineer om die staat van *gesondheid* en *veiligheid* by myne te hersien;
 - (h) elke jaar 'n globale program vir toepaslike *gesondheid* en *veiligheid* navorsing oorweeg vir goedkeuring soos *voorgeskryf* en 'n afskrif vir oorweging aan die Minister van Finansies lewer; en
 - (i) elke plig verrig wat die Raad ingevolge *hierdie Wet* opgelê is.

Werkzaamhede van permanente komitees

- 5(1) - Artikels 44(1)(a) tot (d) bepaal die pligte van die AKMR.
5. (1) Die Adviserende Komitee oor Mynbouregulasies moet die Raad adviseer oor -
- (a) voorgestelde veranderinge aan wetgewing om *gesondheid* en *veiligheid* by myne te verbeter;
 - (b) voorstelle vir veranderinge aan wetgewing deur enige komitee;
 - (c) riglyne vir praktykkodes; en
 - (d) *standaarde* goedgekeur deur die Suid-Afrikaanse Buro van Standaarde.

5(2) - Artikels 44(2)(a) tot (e) bepaal die pligte van AKBM.

- (2) Die Adviserende Komitee oor Beroepsgesondheid in Mynbou moet die *Raad* adviseer oor -
- (a) beleid met betrekking tot *gesondheid*;
 - (b) *standaarde*, stelsels en prosedures vir beoordeling, vermyding, uitskakeling, beheer of beperking tot die minimum van *gesondheidsrisiko's*;
 - (c) *regulasies* oor enige aspek van *gesondheid*;
 - (d) *gesondheidsnavorsing*; en
 - (e) die insameling, verwerking en verspreiding van *gesondheidsdata* in die mynbedryf.

5(3) en 5(4) - Artikels 44(3)(a) tot (e) en 44(4)(a) tot (d) bepaal die pligte van ANKVM.

- (3) Die Adviserende Navorsingskomitee oor Veiligheid in Myne moet die *Raad* adviseer oor -

5(3)(a) - Artikel 98(1)(zJ) magtig die *Minister* om regulasies uit te vaardig vir die betaling van heffings ter befondsing van navorsing en opnames en vir die bevordering van *gesondheid en veiligheid* by myne.

- (a) kriteria vir die bepaling van die befondsing van navorsing oor *gesondheid en veiligheid*;
- (b) die behoefte aan navorsing oor *gesondheid en veiligheid* by myne;
- (c) navorsingsprojekte, met inbegrip van prioriteite van projekte, koste, beoordeling, bekragtiging en uitvoering;
- (d) kommunikasie en publikasie van navorsingsresultate; en
- (e) die bestuur van die koste van die totale program.

5(4) - Die *Raad* oorweeg die totale program ingevolge item 4(h).

- (4) Die Adviserende Navorsingskomitee oor Veiligheid in Myne moet die program opstel vir die *Raad* om toepaslike navorsing oor *gesondheid en veiligheid* te oorweeg. Die program moet insluit -

- (a) 'n oorsig van *gesondheids-* en *veiligheidsprestasie* in die verskillende mynbosektore;
- (b) 'n evaluering van die navorsingvoorstelle wat deur die *Raad* of enige *komitee* gemaak is;
- (c) die fokus van navorsing oor *gesondheid en veiligheid* en die prioriteite vir die verskillende mynbosektore; en
- (d) 'n raming van die koste van die program.

Werkzaamhede van ander komitees

6. *Ander komitees* moet die werkzaamhede verrig wat ingevolge item 7 aan hulle gedelegeer of toegewys word.

Delegasie en toewysing van Werkzaamhede

7 - Artikels 42(4) en (5) maak voorsiening vir die Raad om enige van sy bevoegdhede of pligte by of kragtens hierdie Wet aan komitees te deleger of op te dra.

7. (1) Die Raad kan enige van die werkzaamhede van die Raad by of kragtens hierdie Wet verleen aan enige komitee deleger of opdra.
- (2) Permanente en ad hoc komitees kan enige van hul werkzaamhede aan enige van hul subkomitees deleger of opdra.
- (3) 'n Delegasie of opdrag kragtens subitem (1) of (2) -
- (a) moet skriftelik wees;
- (b) is onderhewig aan sodanige voorwaardes en beperkings wat die Raad, 'n permanente of 'n ad hoc komitee, na gelang van die geval, bepaal; en
- (c) verhoed nie die verrigting van daardie werkzaamhede nie deur die Raad, 'n permanente of 'n ad hoc komitee, na gelang van die geval.

Samestelling van Raad en komitees

8(1) - Artikel 42(1) skryf die lidmaatskap van die Raad voor.

8. (1) Die Raad bestaan uit -
- (a) vyf lede wat *eienaars* in die mynbedryf verteenwoordig;
- (b) vyf lede wat *werknemers* in die mynbedryf verteenwoordig;
- (c) vier lede wat Staatsdepartemente verteenwoordig; en
- (d) die *Hoofinspekteur*, wat voorsit in die Raad.
- (2) Elke permanente komitee bestaan uit -
- (a) vyf lede wat *eienaars* in die mynbedryf verteenwoordig;
- (b) vyf lede wat *werknemers* in die mynbedryf verteenwoordig;
- (c) vier lede wat Staatsdepartemente verteenwoordig; en
- (d) 'n beampte van die Inspektoraat: Mynveiligheid en -gesondheid wat voorsit by die komitee.
- (3) Elke *ander komitee* bestaan uit die aantal lede wat die betrokke *instellingsowerheid* bepaal.

- (4) Die *party* is geregtig op gelyke verteenwoordiging in *ander komitees*.

Nominasie en aanstelling van lede

9(1) - Regulasies 18.1 tot 18.7 gepubliseer by Goewermentskennisgewing No. R.93 in die Staatskoerant van 15 Januarie 1997.

- (1) Lede van die *Raad* en permanente komitees word genomineer en aangestel ooreenkomstig die *regulasies* en lede van 'n *ander komitee* word genomineer en aangestel ooreenkomstig hierdie item.
- (2) Elke *party* op die betrokke *instellingsowerheid* kan persone nomineer as lede wat hul *party* op enige *ander komitee* verteenwoordig.
- (3) Die betrokke *instellingsowerheid* -
- (a) moet die lede aanstel; en
- (b) kan een van die lede aanstel as voorsitter.

- (4) Indien die betrokke *instellingsowerheid* nie 'n voorsitter aanstel nie, kan die *lede* van die komitee uit hul gelede 'n voorsitter aanstel.

9(5) - Regulasie 18.5 gepubliseer in Goewermentskennisgewing No. R93 in die Staatskoerant van 15 Januarie 1997 bepaal die ampstermyn van lede van die *Raad* en permanente komitees.

- (5) Lede wat *werknemers* of *eienaars* verteenwoordig kan hul ampte behou vir die termyn wat die betrokke *instellingsowerheid* bepaal, welke termyn nie drie jaar mag oorskry nie. 'n Lid wie se ampstermyn verstryk het, kan heraan gestel word.

9(6) - Myngesondheid en -veiligheid regulasie 18(6) handel met die vulling van toevallige vakatures van die *Raad* en permanente komitees.

- (6) Indien die amp van 'n lid van 'n *ander komitee* ontruim word voor die einde van die ampstermyn van sodanige lid, moet 'n persoon om sodanige lid te vervang, onderworpe aan die bepalings van hierdie konstitusie -

(a) genomineer word deur die *party* wat deur die lid verteenwoordig was; en

(b) aangestel word deur die betrokke *instellingsowerheid* vir 'n termyn wat nie die balans van die ampstermyn mag oorskry nie van die lid in wie se plek die persoon aangestel word.

- (7) Die aanstelling van 'n lid van 'n *ander komitee* is onderhewig aan enige voorwaarde wat die betrokke *instellingsowerheid* bepaal.

- (8) Die voorsitter van die betrokke *instellingsowerheid* moet die lede skriftelik in kennis stel van hul aanstelling.

- (9) Indien 'n lid wat aangestel is ingevolge hierdie item nie sodanige aanstelling aanvaar nie, moet 'n persoon in ooreenstemming met hierdie item aangestel word om sodanige persoon te vervang.

(10) Elke *party* moet 'n *alternatief* aanstel vir elk van sy lede in die *Raad*, 'n permanente of ad hoc komitee en moet die voorsitter van die *Raad* of die betrokke permanente of ad hoc komitee, na gelang van die geval, in kennis stel van sodanige aanstelling.

(11) Die betrokke *instellingsowerheid* -

- (a) kan *alternatiewe* aanstel vir lede van subkomitees; en
- (b) moet -
 - (i) die *alternatiewe* van hul aanstelling in kennis stel; en
 - (ii) die lede van hul onderskeie *alternatiewe* in kennis stel.

Ontruiming van amp

10. (1) 'n *Lid* ontruim die amp -

- (a) by verstryking van die *lid* se ampstermyn; of
- (b) indien sodanige *lid* -
 - (i) afwesig is van twee agtereenvolgende vergaderings van die *Raad* of *komitee* vir wie sodanige *lid* aangestel is, sonder om die *voorsitter* voor die vergadering in kennis te stel dat die *lid* afwesig sal wees;
 - (ii) as *lid* bedank; of
 - (iii) deur die *party* of organisasie wat daardie *lid* verteenwoordig, versoek word om die amp te ontruim;
- (c) indien sodanige *lid* genomineer was deur 'n organisasie en daardie organisasie nie meer voldoen aan die vereistes wat dit toelaat om *lede* te nomineer nie; of
- (d) indien die *Raad* of *komitee* waarop die *lid* dien, afgeskaf word.

(2) Indien 'n *lid* 'n amp ontruim, hou die *alternatief* wat vir sodanige *lid* aangestel is op om die amp van *alternatief* te beklee.

Werkzaamhede van voorsitter

11. (1) Elke *voorsitter* moet, met betrekking tot die *Raad* of *komitee* wat die persoon voorsit -

- (a) elke *party* toelaat om uit hulle geledere 'n persoon aan te stel om vir kommunikasiedoeleindes as saamroeper van sodanige *party* op te tree. Indien 'n *party* nie sodanige saamroeper aanstel nie, kan die *voorsitter* 'n lid van daardie *party* as saamroeper van die *party* aanstel;
 - (b) vergaderings laat belê; en
 - (c) verseker dat vergaderings ordelik verloop en alle besluite genotuleer word.
- (2) Indien die *voorsitter* van mening is dat die gedrag van enige *lid* ontwrigtend is vir die ordelike verloop van die vergadering, kan die *voorsitter* daardie *lid* aansê om die vergadering te verlaat.

11(3) - Indien die *voorsitter* van 'n *ander komitee* nie in staat is om 'n vergadering by te woon nie, word 'n *lid* van daardie komitee ingevolge item 16(3) gekies om by die vergadering voor te sit.

- (3) Indien die *voorsitter* van die *Raad* of 'n permanente komitee nie in staat is om 'n vergadering by te woon nie, kan die *voorsitter* 'n *ander beampte* van die Inspektoraat: Myngesondheid en -veiligheid aanwys om by die vergadering voor te sit.

Aanstelling en werksaamhede van sekretaris

12. (1) Die *Hoofinspekteur* moet 'n sekretaris aanstel vir -
- (a) die *Raad* en elke permanente en ad hoc komitee; en
 - (b) 'n subkomitee indien die instellingsowerheid dit vereis.
- (2) Indien 'n sekretaris nie vir 'n subkomitee aangestel is nie, moet die lede van daardie komitee 'n notule byhou van hul aktiwiteite en verslag daarvoor doen aan die *instellingsowerheid*.
- (3) 'n Sekretaris moet, met betrekking tot die *Raad* of *komitee* waarvoor die sekretaris aangestel is -
- (a) die agenda vir elke vergadering voorberei;
 - (b) die notule van elke vergadering voorberei;
 - (c) elke besluit van sodanige vergadering notuleer, en indien 'n *lid* so versoek, die mening van daardie *lid*;
 - (d) algemene rekords, rekords van *lede*, notules, dokumente en lêers van die *Raad* of sodanige *komitee* byhou; en

- (e) elke lid dien met -
 - (i) 'n saamroepkennisgewing en die agenda van 'n vergadering ten minste vyf *oop dae* voor die vergadering of twee *oop dae* voor 'n dringende vergadering;
 - (ii) enige verslag of dokumentasie wat by 'n vergadering oorweeg moet word, 'n redelike tydperk voor die vergadering; en
 - (iii) die notule van elke vergadering.

Regte en verpligtinge van lede

- 13. (1) Enige *lid* wat nie in staat is om 'n vergadering van die *Raad* of 'n *komitee* by te woon nie -
 - (a) kan 'n *alternatief* van daardie *lid* se *party* vir die *Raad* of *komitee*, na gelang die geval, aanwys om die *lid* by die vergadering te verteenwoordig; en
 - (b) moet die *voorsitter* voor die vergadering daarvan in kennis stel.
- (2) 'n *Alternatief* aangewys kragtens subitem (1) het die regte en verpligtinge van die lid wat die *alternatief* verteenwoordig.
- (3) Elke *lid* het die reg om -
 - (a) aangehoor te word oor enige saak wat by die vergadering oorweeg word;
 - (b) deel te neem aan die besluitneming oor elke saak wat voor die vergadering dien; en
 - (c) hul menings oor enige saak wat by die vergadering oorweeg word, te laat aanteken in die notule van die vergadering en in enige verslag of aanbeveling van die vergadering.

13(3) - Artikel 42(6) gee aan *lede* die reg om hul menings in enige verslag van die *Raad* of *komitee* weergegee te hê.

Vergaderings

- 14. (1) Die *Raad* moet so dikwels vergader soos nodig vir die behoorlike uitoefening van die werksaamhede van die *Raad*, maar minstens een keer elke ses maande.
- (2) Elke permanente en ad hoc *komitee* moet so dikwels vergader soos nodig vir die behoorlike uitvoering van die werksaamhede van die *komitee* maar minstens een keer elke drie maande.

- (3) Subkomitees moet so dikwels vergader soos bepaal deur hulle aktiwiteite en die datums vir die voltooiing van hul take.
- (4) 'n Dringende vergadering van die *Raad* of *komitee* kan deur die *voorsitter* belê word op die skriftelike versoek van minstens twee lede of wanneer die *voorsitter* dit nodig ag.
- (5) Die *Raad* kan enige *komitee* gelas om 'n dringende vergadering te belê ten einde enige saak te besleg wat die *Raad* bepaal.
- (6) 'n Permanente of ad hoc komitee kan enige van hul subkomitees gelas om 'n dringende vergadering te belê ten einde enige saak te besleg wat sodanige komitee bepaal.

KWORUM

15. (1) Agt *lede* vorm 'n kworum vir enige vergadering van die *Raad* of 'n permanente komitee mits minstens twee *lede* van elke *party* teenwoordig is.
- (2) Die kworum vir enige *ander komitee* moet deur die betrokke *instellingsowerheid* bepaal word.
- (3) Ondanks subiteme (1) en (2), indien die saamroepers van die *partye* in die *Raad* of 'n *komitee* so ooreenkom, kan 'n kleiner getal 'n kworum vorm vir 'n dringende vergadering van die *Raad* of daardie *komitee*, na gelang van die geval.
- (4) Indien 'n kworum nie by 'n vergadering teenwoordig is nie, moet die vergadering uitgestel word na 'n datum, tyd en plek deur die *voorsitter* bepaal. Die *lede* teenwoordig by die daaropvolgende vergadering vorm 'n kworum vir daardie vergadering.

PROSEDURES BY VERGADERING

16. (1) Items mag by die agenda van enige vergadering gevoeg word indien die vergadering so besluit.
- (2) Enige *lid* wat 'n direkte of persoonlike finansiële belang by enige saak voor die vergadering het, moet sodanige belang aan die vergadering bekend maak voordat die saak deur die vergadering bespreek word en die *voorsitter* moet bepaal of sodanige persoon aan die oorweging van daardie saak mag deelneem.
- (3) Indien die aangewese *voorsitter* nie by 'n vergadering aanwesig is nie, kan die *lede* vanuit hul geledere iemand kies as *voorsitter* vir daardie vergadering.

BESLUIT VAN VERGADERING

17. (1) Die *Raad* of 'n komitee moet daarna streef om konsensus te bereik oor 'n saak waarvoor besluit moet word.
- (2) Indien konsensus, na werklike pogings, nie oor 'n saak bereik kan word nie, stel 'n besluit van die meerderheid van lede teenwoordig en stem by 'n vergadering stel 'n besluit daar van die *Raad* of 'n *komitee*, na gelang van die geval.
- (3) Enige verslag of advies van die *Raad* of 'n *komitee* wat 'n besluit bevat wat nie deur konsensus bereik is nie, moet -
- (a) dié verskillende sienings bevat van die *lede* oor die aangeleentheid wat so besleg is; en
- (b) watter *lede* elke siening ondersteun het.
- (4) Geen besluit of enige handeling gemagtig deur die *Raad* of enige *komitee* is ongeldig nie bloot as gevolg van 'n vakature op die *Raad* of daardie *komitee* of omdat 'n persoon wat nie geregtig was om as *lid* sitting te neem nie as *lid* aan sodanige vergadering sitting geneem het toe die besluit geneem of die handeling gemagtig is indien 'n kworum daargestel is deur die res van die *lede* teenwoordig by die vergadering en geregtig om as *lede* sitting te neem by die vergadering.

FONDSE VAN RAAD

18(1) - Artikel 42(7)
 magtig die *Minister* om
 fondse te voorsien vir
 die administrasie van die
Raad en *komitees* uit
 openbare fondse.

18. (1) Die fondse van die *Raad* bestaan uit -
- (a) geld bewillig deur die Parlement vir die verrigting van die werksaamhede van die *Raad*;
- (b) ander geld ontvang ingevolge *hierdie Wet*;
- (c) inkomste verkry uit beleggings;
- (d) vergoeding of tantièmes verkry van intellektuele eiendom van die *Raad*;
- (e) skenkings of bydraes ontvang van enige persoon, liggaam, regering of administrasie; en
- (f) enige ander geld ontvang van enige ander bron.
- (2) Geld bewillig deur die Parlement moet gebruik word vir -

18(2)(a) en (b) - Artikel 42(7) vereis dat die Minister van Finansies akkoord gaan met die voorsiening van fondse vir die administrasie van die Raad en sy komitees uit openbare fondse.

- (a) die betaling aan *lede* wat nie voltyds in diens van die Staat is nie van sodanige vergoeding en toelaes wat die *Minister* met die instemming van die Minister van Finansies kan bepaal; en
 - (b) die betaling vir administratiewe werksaamhede van die *Raad* en *komitees*.
- (3) Geld verwys na in subitem (1)(b), (c), (d) of (f) kan -
- (a) gebruik word soos beoog in *hierdie Wet*;
 - (b) belê word by enige bank wat as sulks geregistreer is kragtens die Wet op Banke, 1990 (Wet No. 94 van 1990), of op sodanige ander wyse belê word wat die *Minister* met die instemming van die Minister van Finansies bepaal; en
 - (c) gebruik word om enige intellektuele eiendom van die *Raad* te registreer of te benut.
- (4) Geld waarna in subitem (1)(e) verwys word, moet aangewend word in ooreenstemming met die voorwaardes, indien enige, gestel deur die skenker of bydraer van sodanige geld.
- (5) Die voorsitter van die *Raad* moet vir elke finansiële jaar 'n staat van beraamde inkomste en uitgawes gedurende sodanige boekjaar aan die *Minister* voorlê, wie met die instemming van die Minister van Finansies moet die begroting goedkeur vir -
- (a) die eerste finansiële jaar, voor die eerste vergadering van die *Raad*; en
 - (b) elke ander finansiële jaar, voor die begin van sodanige finansiële jaar..

REKENPLIGTIGHEID

19. (1) Die voorsitter van die *Raad* is die rekenpligtige beampte van die *Raad*.
- (2) Die rekenpligtige beampte is verantwoordelik vir alle geld ontvang en betalings gedoen deur die *Raad*.
 - (3) Die boekjaar van die *Raad* eindig op 31 Maart van elke jaar.
 - (4) Die rekenpligtige beampte moet rekords laat byhou in ooreenstemming met die Algemene Aanvaarde Rekenkundige Beginsels wat nodig is om die stand van sake en besigheid van die *Raad* getrou weer te gee en om die transaksies en finansiële posisie van die *Raad* te verduidelik.

- (5) Jaarlikse finansiële state moet opgestel word ten opsigte van elke finansiële jaar. Die state moet bestaan uit -
- (a) 'n balansstaat wat die stand van sake van die *Raad* weergee;
 - (b) 'n opgawe van inkomste verkry en uitgawes aangegaan deur die *Raad*; en
 - (c) 'n staat van kontantvloei inligting.
- (6) Die rekeningboeke, rekeningstate en jaarlikse finansiële state van die *Raad* moet jaarliks deur die Ouditeur-generaal geaudit word. Die Ouditeur-generaal moet 'n afskrif van sy verslag rakende die oudit saamstel en 'n afskrif daarvan aan die *Minister* en die voorsitter van die *Raad* voorlê. Die sekretaris van die *Raad* moet aan elke lid van die *Raad* 'n afskrif van die verslag van die Ouditeur-generaal verskaf.
- (7) So gou doenlik nadat die verslag van die Ouditeur-generaal aan die *Minister* voorgelê is ingevolge subitem (6), moet die *Minister* dit in die Parlement ter tafel lê.

ADMINISTRATIEWE WERKSAMHEDE

20. (1) Die administratiewe werksamhede van die *Raad* en *komitees* kan met die goedkeuring van die *Minister* gelewer word deur -
- (a) enige persoon gekontrakteer om sodanige werksaamheid te verrig; en
 - (b) *beampies* van die Inspektoraat: Myngesondheid en -veiligheid.
- (2) Die *Raad* kan met die goedkeuring van die *Minister* 'n kontrak met enige persoon sluit om enige administratiewe werksamhede van die *Raad* en *komitees* te verrig.

ONTBINDING VAN RAAD OF KOMITEE

21(1) - Sien item 1 vir die instelling van die *Raad* en *komitees*.

21. (1) Die *Raad* en die permanente komitees kan deur 'n Wet van die Parlement ontbind word.
- (2) Die *Raad* kan te enige tyd enige *ander komitee* ontbind.
- (3) 'n Permanente of ad hoc komitee kan te enige tyd enige subkomitee deur daardie komitee ingestel, ontbind.

BEPERKING VAN AANSPREEKLIKHEID

22. (1) 'n *Lid* loop geen siviele aanspreeklikheid op nie slegs vanweë die doen van iets of versuim om iets te doen wat 'n *lid* ingevolge *hierdie Wet* mag doen of verplig is om te doen.
- (2) Die *Raad* loop geen siviele aanspreeklikheid op nie slegs omdat 'n *lid* of enige persoon gekontrakteer om 'n werksaamheid van die *Raad* of 'n *komitee* te verrig of 'n *beampte* van die Inspektoraat: Myngesondheid en -veiligheid aangewys om sodanige werksaamhede te verrig, 'n handeling uitgevoer het of versuim het om 'n handeling uit te voer kragtens of ingevolge *hierdie Wet* mag uitvoer of verplig is om uit te voer, en sonder nalatigheid en te goeder trou opgetree het in die uitvoering van die handeling of versuim om die handeling uit te voer.

WYSIGINGS VAN KONSTITUSIE

23 - Artikel 97(1) van *hierdie Wet* saamgelees met artikel 97(3) magtig die *Minister* om die konstitusie na raadpleging met die *Raad* by publikasie in die *Staatskoerant* te wysig of te herroep.

23. (1) (a) Indien die *Minister* die konstitusie wil wysig, moet die *Minister* 'n voorstel wat sodanige wysigings bevat aan die voorsitter van die *Raad* voorsien, wat 'n vergadering moet belê om die voorstel te oorweeg.
- (b) By sodanige vergadering moet die *Raad* die voorstel oorweeg en besluit om of -
- (i) die voorstel te ondersteun soos dit is;
- (ii) die voorstel met sekere wysigings te ondersteun; of
- (iii) die voorstel teen te staan.
- (c) Die voorsitter van die *Raad* moet die besluit van die *Raad* aan die *Minister* voorlê.
- (d) Indien die *Raad* besluit om die voorstel met sekere wysigings te ondersteun of om die voorstel teen te staan, moet die motivering vir sodanige besluit en die wysigings indien enige, ingesluit word in die voorlegging aan die *Minister*.
- (2) (a) Indien die *Raad* verlang dat die konstitusie gewysig word, moet die *Raad* 'n voorstel rakende sodanige wysiging aan die *Minister* voorlê.
- (b) Sodanige voorstel deur die *Raad* word geag oorlegpleging bedoel in artikel 97(1) van *hierdie Wet* deur die *Minister* met die *Raad* te wees.
- (c) Indien die *Minister* nie tevrede is met die voorgestelde wysigings of die motivering vir die wysigings nie, kan die *Minister* die voorstel na die *Raad* terugverwys vir verdere oorweging.

WOORDOMSKRYWING

24. Tensy die samehang anders aandui beteken -

“alternatief” ‘n persoon kragtens item 9(10) aangestel as ‘n alternatief vir ‘n lid;

“ander komitee” -

(a) ‘n ad hoc komitee ingestel vir ‘n beperkte tydperk om ‘n werksaamheid van die Raad te verrig wat nie ‘n werksaamheid van ‘n permanente komitee is nie; en

(b) ‘n subkomitee ingestel deur -

(i) die Raad om ‘n werksaamheid van die Raad te verrig wat nie by of ingevolge *hierdie Wet* opgedra is aan ‘n permanente komitee nie; en

(ii) ‘n permanente of ad hoc komitee om ‘n werksaamheid van daardie komitee te verrig.

“instellingsowerheid” -

(i) in die geval van die Raad en ‘n permanente komitee, die Parlement deur wetgewing;

(ii) in die geval van ‘n ad hoc komitee, die Raad; en

(iii) in die geval van ‘n subkomitee, die Raad, of enige permanente of ad hoc komitee wat die subkomitee instel.

“komitee” enige permanente komitee of *ander komitee*;

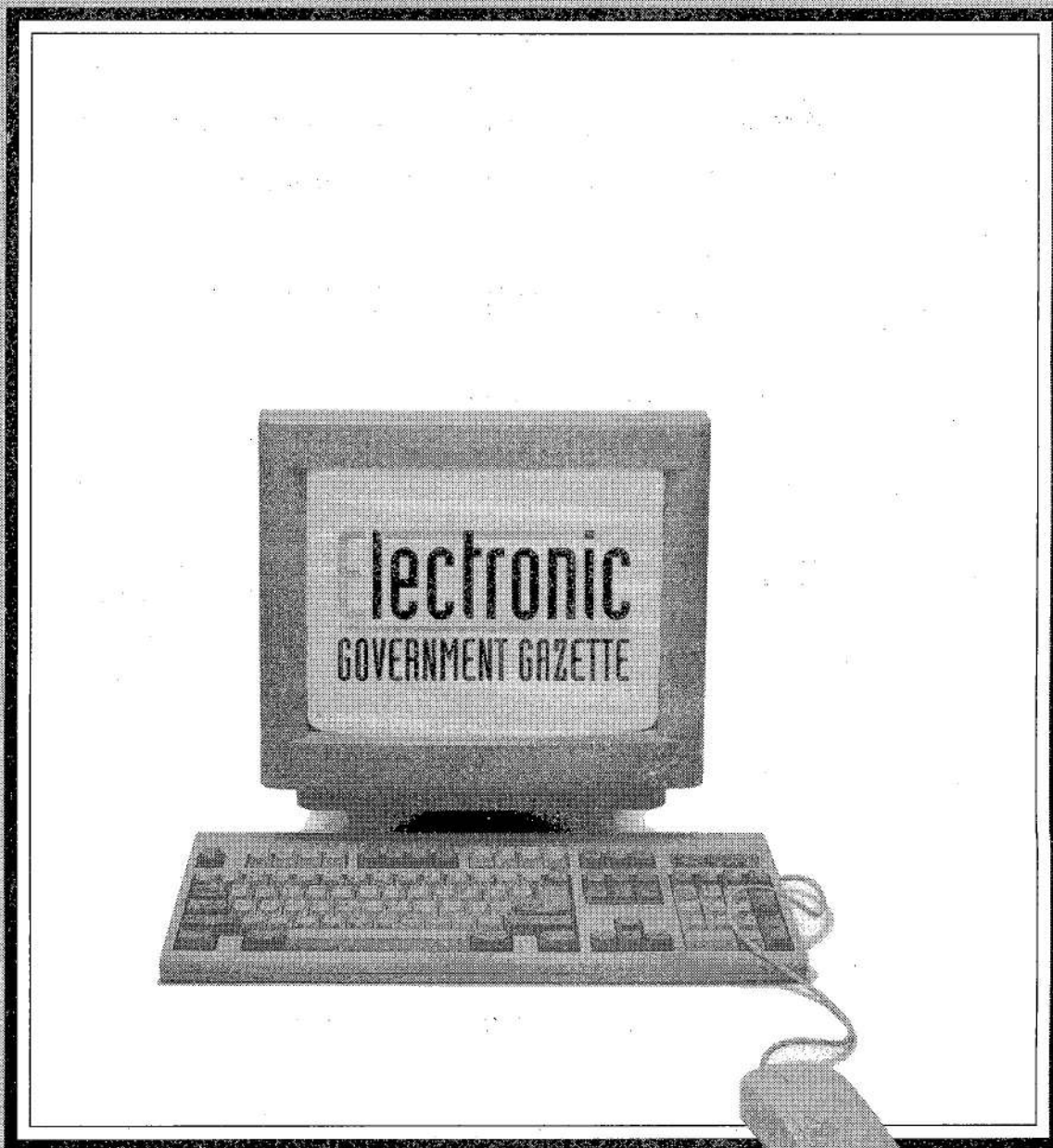
“konsensus” eenparige ooreenstemming.

“lid” ‘n lid van die Raad of komitee en sluit in enige *alternatief* aangewys deur ‘n lid om daardie lid op ‘n vergadering van die Raad of komitee te verteenwoordig;

“oop dag” enige dag van die week behalwe Sondag en openbare vakansiedae;

“party” *eienaars*, *werknemers* of die Staat, na gelang die geval.

“voorsitter” enige persoon wat voorsit by enige vergadering van die Raad of ‘n komitee.



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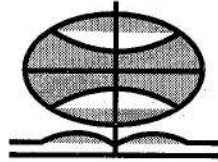
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