



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 442

Pretoria, 24 April 2002

No. 23354



9771682584003



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

CONTENTS • INHOUD

No.		Page No.	Gazette No.
	GOVERNMENT NOTICE		
	Minerals and Energy, Department of		
	<i>Government Notice</i>		
518	National Nuclear Regulator Act (47/1999): Draft Regulations: Co-operative governance in respect of the monitoring and control of radioactive material or exposure to ionizing radiation	3	23354

GOVERNMENT NOTICE

DEPARTMENT OF MINERALS AND ENERGY

No. 518

24 April 2002

The Minister of Minerals and Energy hereby publishes the draft regulations on Co-operative Governance in respect of the monitoring and control of radioactive material or exposure to ionizing radiation in accordance with the provisions of section 6(3) of the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999), for comment.

All interested parties are invited to comment in writing on the said draft regulations and to direct the comments to:

The Director-General, Department of Minerals and Energy, Private Bag X59, PRETORIA, 0001, for attention: Dr S de Waal: Director: Nuclear, Fax No (012) 317 9539 or e-mail: sdw@mepta.pwv.gov.za

The comments must reach the Department of Minerals and Energy within 14 days of the date of the publication of this notice.

PHUMZILE MLAMBO-NGCUKA
MINISTER OF MINERALS AND ENERGY

DRAFT REGULATIONS

NATIONAL NUCLEAR REGULATOR ACT, 1999 (ACT NO. 47 OF 1999)

DRAFT REGULATIONS IN TERMS OF SECTION 6(3), OF THE NATIONAL NUCLEAR REGULATOR ACT, 1999 (ACT NO. 47 OF 1999), ON CO-OPERATIVE GOVERNANCE IN RESPECT OF THE MONITORING AND CONTROL OF RADIOACTIVE MATERIAL OR EXPOSURE TO IONIZING RADIATION

Under section 47 of the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999), I Phumzile Mlambo-Ngcuka, Minister of Minerals and Energy, after consultation with the Board of Directors of the National Nuclear Regulator and in consultation with the Ministers of Health, Environmental Affairs and Tourism, Water Affairs and Forestry, Labour and Transport, hereby make the regulations in the Schedule.

PHUMZILE MLAMBO-NGCUKA
MINISTER OF MINERALS AND ENERGY

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned.

Time period for the conclusion of co-operative agreements

2. The regulator shall, within 6 months of these regulations coming into effect, conclude a co-operative agreement in respect of the monitoring and control of radioactive material or exposure to ionizing radiation with every relevant organ of state, including but not limited to the following: Department of Health (Directorate Radiation Control), Department of Minerals and Energy (Chief Inspector of Mines; Deputy Director-General: Mineral Development; Deputy Director-General: Energy), Department of Environmental Affairs and Tourism, Department of Water Affairs and Forestry, Department of Labour, Department of Transport.

Procedures, including procedures for public participation

3. The regulator and each relevant organ of state, shall, within 6 months of these regulations coming into effect, and after consultation with any relevant statutory stakeholder body, produce a draft co-operative agreement in respect of each of the following objectives of co-operative governance—

- (a) ensuring the effective monitoring and control of the nuclear hazard;
- (b) co-ordinating the exercise of such functions;
- (c) minimising the duplication of such functions and procedures regarding the exercise of such functions; and
- (d) promoting consistency in the exercise of such functions.

The regulator shall make available such draft co-operative agreement for public comment over a period of 30 days and shall, in consultation with the relevant organ of state, consider such comment and finalize the agreement for submission to the Minister of Minerals and Energy for publication in the *Gazette* in terms of section 6(4) of the National Nuclear Regulator Act, 1999.

Mechanisms for Dispute Resolution in respect of the conclusion of co-operative agreements:

4. Any dispute between the Regulator and another relevant organ of state that cannot be resolved by the parties must be referred to the Minister of Minerals and Energy for determination in consultation with the Minister responsible for the other organ of state.

Matters that must be provided for in co-operative agreements**5. Co-operative agreements must contain the following as a minimum —**

- (1) the time period for the implementation of co-operative agreements which shall be within 4 months of it being concluded;
 - (2) a description of how the functions in respect of the monitoring and control of radioactive material or exposure to ionizing radiation will be co-ordinated in a manner that will avoid unnecessary duplication and omissions regarding safety requirements and the issuing of conflicting instructions;
 - (3) measures to resolve non-compliance with a co-operative agreement, which when remaining unresolved shall be reported forthwith to the Minister for determination;
 - (4) a description of how any dispute in respect of the interpretation or application of co-operative agreements will be resolved, which when remaining unresolved shall be reported forthwith to the Minister for determination;
 - (9) a description of the mechanisms and procedures for co-operation between the parties.
 - (5) provision to use the same set of safety standards;
 - (6) a description of how the monitoring and compliance enforcement functions will be co-ordinated and allocated;
 - (7) a record of any delegations, assignments or agency arrangements agreed upon in terms of section 238 of the Constitution or any other law;
 - (8) provision for expert assistance and support by one organ of state to the other, as and when required;
 - (10) a description of how relevant information will be shared;
 - (11) a description of co-ordinated response to incidents/accidents;
 - (12) a description of the manner in which the co-operative agreement may be amended.
-

Dog ate your Gazette? ... read it online



www.SA Gazettes.co.za

A new information Portal keeping you up to date with news, legislation, the Parliamentary programme and which is the largest pool of SA Gazette information available on the Web.

- Easily accessible through the www!
 - Government Gazettes - from January 1994
 - Compilations of all Indexes pertaining to the past week's Government Gazettes
 - All Provincial Gazettes - from September 1995
 - Parliamentary Bills - as of January 1999
- Available in full-text, with keyword searching
- Sabinet Online scans, formats, edits and organize information for you. Diagrams and forms included as images.
- No stacks of printed gazettes - all on computer. Think of the storage space you save.
- Offer Bill Tracker - complementing the SA Gazettes products.

For easy electronic access to full-text gazette info, subscribe to the SA Gazettes from Sabinet Online. Please visit us at www.sagazettes.co.za





*Looking for back copies and out of print issues of
the Government Gazette and Provincial Gazettes?*

The National Library of SA has them!

Let us make your day with the information you need ...

National Library of SA, Pretoria Division

PO Box 397

0001 PRETORIA

Tel.:(012) 321-8931, Fax: (012) 325-5984

E-mail: infodesk@nlsa.ac.za



*Soek u ou kopieë en uit druk uitgawes van die
Staatiskoerant en Provinsiale Koerante?*

Die Nasionale Biblioteek van SA het hulle!

Met ons hoef u nie te sukkel om inligting te bekom nie ...

Nasionale Biblioteek van SA, Pretoria Divisie

Posbus 397

0001 PRETORIA

Tel.:(012) 321-8931, Faks: (012) 325-5984

E-pos: infodesk@nlsa.ac.za

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001

Publications: Tel: (012) 334-4508, 334-4509, 334-4510

Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504

Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737

Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510

Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504

Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737

Kaapstad-tak: Tel: (021) 465-7531