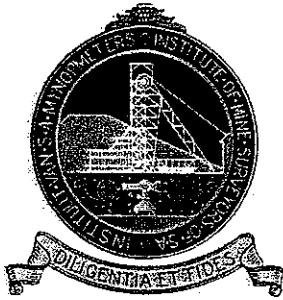


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27 March 2013

Sent by email to pnvamza@parliament.gov.za

Ms Phumla Nyamza
Chairperson of the Portfolio Committee on Rural Development and Land Reform

**COMMENT ON THE GEOMATICS PROFESSION BILL [B4 – 2013]
BY THE INSTITUTE OF MINE SURVEYORS OF SOUTH AFRICA (IMSSA)**

Your advertised request for comments on the Draft Geomatics Profession Bill (the Bill hereafter) refers.

IMSSA convened a special Council Meeting for this purpose, during which concern was expressed should the Bill be promulgated in its current form.

Our main concerns with the Bill itself, which are fundamental to the mine surveying profession and our role in the mining industry, are as follows:

1. The Bill does not adequately describe the mine surveying profession in its statement regarding the "Geomatics profession principles" [Chapter 1, Definitions, 2(a)] and for that matter does not adequately describe any geomatics professions other than land surveying;
2. The Bill excludes mine surveyors from duties performed in terms of our current mine survey competence, in favour of professional land surveyors. This is done by: -
 - (a) The very specific inclusion of professional land surveyors under the Definitions in contrast to the very general reference to geomatics practitioners in the same section;
 - (b) The reservation of "*any survey for the purpose of preparing a diagram or general plan to be filed or registered in terms of any law governing the registration of any land or rights in land or mentioned in any manner whatsoever in any other document to be so filed or registered*" [Chapter 3 Section 13(2)(b)] is written exclusively in favour of professional land surveyors;

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- (c) The lack of recognition of the Department of Mineral Resources (DMR) and the Mining Laws administered by the DMR in the Definitions section. Currently only a mine surveyor may prepare and sign mine plans under the Mine Health and Safety Act and either a land or mine surveyor, or both, may prepare plans required in terms of the Mining Titles Registration Act.

We believe that the exclusive **reference to the professional land surveyor must either be withdrawn or professional mine surveyor must be included** in the Bill so that there is a clear definition in the boundary of responsibility between the two branches;

3. There is a disproportionate representation in favour of professional land surveyors on Council. Better representation will be achieved by incorporating one geomatics professional from each of the recognised voluntary associations [Chapter 2 Section 4(1)(b)(ii)]; and for this purpose 4(1)(b)(i) should be amended to exclude the reference to professional land surveyors;
4. In addition to the abovementioned fundamental concerns the Council of IMSSA have listed a multitude of specific comments, which are contained in an edited pdf version of the Bill, which document will be e-mailed to you today, along with the electronic version of this letter.

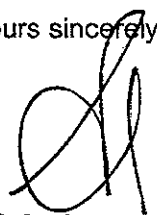
Further we wish to express our concerns with the consultation process followed by the Department:

5. The members of Council of IMSSA received Mr Riba's communique sent to the South African Council for Professional and Technical Surveyors (PLATO) on 20 March 2013, effectively giving us nine calendar or six working days to comment in writing;
6. Notwithstanding this short notice, which is an exact repetition of the process followed during the Christmas period in 2005-2006, we take exception to the fact that despite our submissions made on 16 January and 6 February 2006, as well as on 17 June 2011, none of our contributions appear to have been considered in any revisions of the draft Bills.

Considering the above-mentioned concerns, IMSSA object to the Geomatics Profession Bill as it stands.

Further, we hereby wish to inform you that IMSSA would like to make a verbal presentation.

Yours sincerely



DC Andersen
President: IMSSA
28 March 2013

Copied by email to: Chief Surveyor-General, Mr M Riba
President of PLATO, Mr P Marshall
President of SAGI, Mr P Newmarch
President of GISSA, Mr H Booysen
President of HSSA, Mr S Horwood