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31 July 2008

Hon. E Ngcobo
Chairperson: Portfolio Committee on Minerals and Energy
Parliament
PO Box 15
Cape Town
8000

Dear Sir

Submission on the Mine Health and Safety Amendment Bill [B54 – 2008]

I am writing to express my concern, as the manager responsible for mining research at the CSIR and as a mining researcher, over sections 8 to 10 of the Amendment Bill, dealing with amendments to sections 42 to 44 of Act 29 of 1996, as amended by sections 18 and 19 of Act 72 of 1997.

Sections 8 and 10 of the Bill do away the statutory permanent committees within the Mine Health and Safety Council and replace those with committees defined by the Council itself. One of the permanent committees that will lose statutory status is SIMRAC, the Safety in Mines Research Advisory Committee.

Section 9 of the Bill also pertains to safety research, replacing the explicit requirement for the Council to consider a programme for health and safety research with the broader requirement to “annually advise the Minister on relevant research relating to health and safety at mines”.

Sections 8 to 10 therefore allow the State to remove its support for mining research around health and safety issues. While there is no indication that the State intends to remove support, the removal of statutory backing for mining research is of grave concern.

Much of the 1996 Act was established as a consequence of the findings and recommendations of the Leon Commission. SIMRAC pre-dates the Act, and was substantially re-organised as a result of the Leon Commission, and of the provisions of the Act. The Commission was critical of much of the way that SIMRAC conducted itself prior to 1995, but was very supportive of the institution and

of the use of research in improving health and safety in the mining industry.

The 2003 Review of Mine Health and Safety, Post Leon Commission, conducted for the DME, also did not question the necessity for conducting research under SIMRAC, and expressed concern over the responsibility for its funding and recommended that “ legislative amendments should be made to clarify this position”.

I believe that the amendments to the act currently being considered do not assist in clarifying the position of funding for SIMRAC, and in fact suggest that its future may be in jeopardy. I therefore urge the committee to reconsider Section 9, either removing it (leaving Section 43 as it is), or replacing it with wording that indicates statutory support for a research agency tasked with mine health and safety.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Vogt', with a stylized flourish extending from the end.

Dr Declan Vogt
Competency Area Manager: Mining