



PROGRAM : **BET - MINING ENGINEERING**

SUBJECT : **MINING LEGISLATION 3A**

CODE: **MLEMNA3**

DATE : **FINAL EXAMINATION**
12TH JUNE 2019

DURATION : **08:30 TO 11:30 HOURS**

TOTAL MARKS : **100**

EXAMINER : **MR N NDIWENI**

MODERATOR : **MR K HEWITSON**

NUMBER OF PAGES : **3 PAGES (incl. cover page)**

INSTRUCTIONS :
1. ANSWER ALL QUESTIONS
2. THIS IS AN OPEN BOOK EXAMINATION. (ONLY A TAG INDEXING SYSTEM IS ALLOWED ON THE MHSAct WITH REGULATIONS, NO OTHER NOTES OR LEGISLATION ALLOWED).
3. THE USE OF COMPUTERS, LAPTOPS/ PALMTOPS/ELECTRONIC DEVICES IS PROHIBITED

QUESTION 1

- 1.1 One of the main objectives of the Mine Health and Safety Act is to provide for investigations and inquiries to improve health and safety on the mines.

- 1.2 When must investigations required in terms of the Act be conducted and when may investigations required in terms of the Act be conducted? Also state who is legally responsible for conducting these investigations? State relevant sections of the Act and key words. (12) S 60(6)
 S 11(5)(a)(i)(ii)(iii), S 11(5)(c), S 60(1)
 MR 2.19.1(a), S 30(1)(a), S 60(2)(a), S 60(2)(b), MR 2.19.1, S 30(i)
- 1.3 When an investigation is completed, what must be the content of the report or issues that must be addressed in the report? State relevant sections of the Act and key words. (4)
- 1.4 Who must have access to the reports? State relevant sections of the Act and key words. (3)
 S 64(2)(a)(b), MR 2.19.3
- 1.5 Who may be involved in the investigations? State relevant sections of the Act and key words. (4)
 S 2(1)(c), S 16(1), S 49(1)(j), S 64(1)
 S 30(1), S 61, MR 2.19.3(c), S 30(1)(c) [23]
 MR 2.19.2(g) - SO

QUESTION 2

In monitoring health and safety conditions on the mines, certain information which eventually forms part of legally required annual reports must be collected by the mines.

- 2.1 What are the required annual reports? State the relevant sections of the Act or Regulations and key words. (6)
 S 2(1)(c), S 16(1), S 49(1)(j), S 64(1)
 Forms 2.19.2(a), S 10(5)
- 2.2 Who is responsible for compilation of reports? (3)
 S 2(1)(c) Employer, S 16(1) O.M.P., S 49(1)(j) CIOM
- 2.3 Who is responsible for submission of the reports and to whom must the reports be submitted? (3)
 S 49(1)(j) CIOM -> Minister
 S 16(2) OMP -> Employer

QUESTION 3

- 3.1 A winze and a shaft are both used to access underground workings, is there any difference between the two words? Motivate your answer. (3)
 Defⁿ
- 3.2 Reference is being made in the Mine Health and Safety Act to the following words: Chief Executive Officer, Owner, Employer and Employee. (5)
 S 102
- 3.3 Employers are required to prepare and implement Codes of Practice which must comply with guidelines issued by the Chief Inspector of Mines. When can the Chief Inspector of Mines issue guidelines relating to Health and Safety on the mines? State the relevant sections of the Act or Regulations and key words. (2)
 S 49(1)(f)

QUESTION 4

What is an administrative fine? Explain.

[10]

Fine issued to an employer by an IOM

QUESTION 5

What are the Inspectors powers in terms of the MHSAct; (a) to monitor and enforce compliance (b) to deal with dangerous conditions and to order compliance or recommend a fine? For each point in the Act, give relevancy by use of a mining related example.

[30]

*850(1) to (8)
854(1) to (7)*

QUESTION 6

What are the rights granted under the MPRDA (a) for a reconnaissance permission and (b) for a prospecting right?

[10]

*Non Exclusive
Exclusive*

QUESTION 7

7.1 Buildings, roads, railway lines and other structures located on mineralized areas can result in the sterilization of such areas. Is it permissible for mining to be conducted under such structures? Motivate your answer using legislation references.

(3)

7.2 What are the legal requirements in shafts and winzes when the height to ascend exceeds 150m measured vertically?

(2)

MR 16.8 MK 6.4 ✓ MK 6.5.1 MR 16.50?

State the relevant sections of the Act or Regulations and key words.

[5]

TOTAL=100

