

# MEMORANDUM OF UNDERSTANDING

ENTERED INTO BY AND BETWEEN

THE DEPARTMENT OF MINERALS AND ENERGY  
(hereinafter referred to as the DME)

Duly represented by Adv Sandile Nogxina in his capacity as  
the Director-General : DME

AND

THE DEPARTMENT OF LABOUR  
(hereinafter referred to as the DoL)

Duly represented by Adv Rams Ramashia in his capacity as  
the Director-General : DoL

hereinafter referred to as the Parties

**WHEREAS** the parties have recognised their mutual duty towards ensuring the health and safety of employees and other persons at mines;

**RECOGNISING** the need to harmonise the health and safety legislation and policies of the parties in order to effectively ensure the health and safety of persons at mines;

**TAKING** into cognisance the ongoing initiatives by the parties towards ensuring overall health and safety of employees at the work place;

**PLEDGING** commitment towards co-operative governance as entrenched in the Constitution of the Republic of South Africa;

**NOW THEREFORE THE PARTIES RECORD THE FOLLOWING**

### **SCOPE**

This agreement provides for a working relationship between the Department of Minerals and Energy (DME), in its Inspectorate of Mine Health and Safety, and the Department of Labour (DoL), in its Directorate of Occupational Health and Safety, with regard to:

- a) Co-ordinating the exercise of statutory duties and functions of the respective parties;
- b) Minimizing duplication regarding the exercise of such duties and functions;
- c) Promoting consistency in the exercise of such duties and functions; and
- d) Provision of expert assistance necessary for the exercise of statutory functions by the parties.

### **ARTICLE I Implementation Period**

The parties agree that the mechanisms for the implementation of the provisions of this agreement will be in place within ~~30 months~~ days from the date of signature of this agreement.

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## ARTICLE II

### Mechanisms and procedures for co-ordination of functions

The parties agree to the following procedure regarding the co-ordination of their respective duties and functions:

| FUNCTION  | LEAD RESPONSIBILITY | PROCEDURE FOR CO-ORDINATION  |
|---|---------------------|--|
| Licensing of explosives manufacturing equipment   | DoL                 | DoL to issue licenses and provide licensing information to DME on request                      |
| Non-mining concerns on a mining area (hostels, schools, hospitals and other businesses) | DoL                 | DoL to enforce its Health and Safety legislation   |
| Making, repairing, re-opening or closing of subterranean tunnels <u>NB</u>              | DME                 | DoL to oversee activity. DME to assist where DoL requires their expertise                      |
| Underwater diving   | DoL                 | Assistance to be provided to DME on request. DoL to regulate diving training and registration. |
| Inquiries and Inspections   | DME/DoL             | Parties to render assistance to one another on request   |
| Construction of roads and non-mining related buildings                                  | DoL                 | DoL to enforce its Health and Safety legislation   |

**ARTICLE III**  
**Expert assistance and training**

In order to effectively implement the provisions of their respective legislation, the parties agree to provide one another with the necessary expertise and make available their officials for training where such a need arises.

**ARTICLE IV**  
**Mechanisms for implementation of agreement**

The parties agree that the inter-departmental committee of the DME and DoL, established to oversee the harmonization of legislation of the two Departments, shall be responsible for the implementation of the provisions of this agreement.

**ARTICLE V**  
**Resolution of disputes regarding interpretation and implementation**

The parties agree that, in the event of any dispute relating to the interpretation or implementation of any provision contained in this agreement, every effort shall be made to resolve such dispute. Where the parties are unable to resolve the dispute, the details of such dispute shall separately be referred to the parties respective Directors-General for determination.

**ARTICLE VI**  
**Sharing of information**

The parties undertake to share relevant information pertaining to occupational health and safety through the most expedient means of communication.

**ARTICLE VII**  
**Amendments to the agreement**

This agreement constitutes the entire agreement between the parties and any amendment thereto shall only be effective when reduced to writing after agreement by the committee contemplated in Article IV, and signed by the parties.

**ARTICLE VIII**  
**Domicilium and notices**

The parties choose domicilium citandi et executandi for the purposes of giving of any notice the serving of any process and for any other purpose arising from this agreement as follows:

The Department of Labour  
Laboria House  
215 Schoeman Street  
Pretoria  
0001

The Department of Minerals and Energy  
391 Andries Street  
Mineralia Centre  
Pretoria  
0001

SIGNED AT.....*Pretoria*.....ON THIS.....*08*.....DAY OF.....*April*.....200*8*

Witnesses:

1.....*[Signature]*.....  
2.....*[Signature]*.....

.....*[Signature]*.....  
~~ADAM~~  
A & FOR THE DEPARTMENT OF  
MINERALS AND ENERGY

Witnesses:

1.

2.

*Rams Ramashia*  
.....  
Adv. Rams Ramashia  
FOR THE DEPARTMENT OF  
LABOUR