

MHSA: PUBLICATION OF EXPLANATORY SUMMARY OF THE MINE HEALTH AND SAFETY AMENDMENT BILL, 2024

Hi there

Notice was given in terms of Rule 273(1) of the Rules of the National Assembly that the Minister of Mineral and Petroleum Resources intends to introduce the Mine Health and Safety Amendment Bill, 2024, in the National Assembly shortly. The explanatory summary of the Bill was published in accordance with Rule 276(1)(c) of the Rules of the National Assembly.

More Information

The Mine Health and Safety Amendment Bill, 2023 (the "Bill"), seeks to-

- amend the MHSA so as to substitute, amend and add certain definitions and expressions to remove ambiguities;
- to effect certain amendments to ensure consistency with other laws, particularly the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);
- to amend and review the enforcement provisions,
- to strengthen offences and penalties to ensure that they serve as deterrent for non-compliance;
- to harmonise the administrative processes in the MHSA with sound administrative practices, taking into consideration the objects of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

SUMMARY OF BILL

Occupational health and safety policy, prevention, research and enforcement arrangements within the mining industry in South Africa are regulated under the MHSA. The MHSA is administered by the DMRE through the MHSI.

The MHSA was published in the Government Gazette No. 17242 of June 1996, commenced on 15 January 1997 and has been in place for a period of over 10 years. Over the years, with the developments in the industry, some challenges and shortcomings relating to the enforcement of the MHSA had been identified.

The Bill is of high priority to the DMRE and Government in general, especially in light of the challenges relating to health and safety and the urgent need to improve health and safety standards in order to curb the high number of fatalities that the industry experiences from time to time. The amendment is essential to ensure the effective implementation, enforcement and improvement of health and safety standards at mines, thereby reducing fatality rates and occupational diseases.

The purpose of the Bill is therefore to address not only the provisions relating to offences and penalties, but to align the MHSA to other pieces of legislation enacted post 1996 and that impact on the implementation of the MHSA, such as the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) and the Companies Act, 2008 (Act No. 71 of 2008), to name a few.

Publication details:

Published under Government Notices 5424, Government Gazette 51390, dated 14 October 2024.

Where do I access this information?

<https://implex.co.za/library-mhs-mhsa/>

How can I find out more about these changes?

Join us for the Implex Online Workshop, where we'll be discussing important updates on this Bill. The workshop is scheduled for Friday 15 November 2024. For more information on this, and registration forms, contact Lebo Sedupane by email on lebo@implex.co.za or you can call or WhatsApp Lebo on +27716098977. Space is limited, so make sure that you do not miss out on this online update workshop.

We trust that this information will serve to be of some assistance to you and look forward to your positive feedback!

Implex regards,
Marlize