

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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THE PRESIDENCY

No. 1155

3 December 2010

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 16 of 2010: Geoscience Amendment Act, 2010.



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GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 1 December 2010.)

ACT

To amend the Geoscience Act, 1993, so as to mandate the Council for Geoscience to be the custodians of geotechnical information, to be a national advisory authority in respect of geohazards related to infrastructure and development, and to undertake reconnaissance operations, prospecting research and other related activities in the mineral sector; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 100 of 1993

1. Section 1 of the Geoscience Act, 1993 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of “**chairman**” of the following definition:

“ [‘**chairman**’] ‘**chairperson**’ means the [‘**chairman**’] chairperson of the [‘**Management**’] Board appointed in terms of section 4;”;
- (b) by the insertion after the definition of “**chairman**” of the following definition:

“**Chief Executive Officer**” means the person appointed in terms of section 18 as the Chief Executive Officer of the Council;”;
- (c) by the substitution for the definition of “**discovery**” of the following definition:

“ ‘**discovery**’ means a technological or scientific discovery, [but **excluding**] including a discovery of a mineral deposit;”;
- (d) by the insertion after the definition of “discovery” of the following definitions:

“ ‘**economic geology**’ means the study of the distribution, formation, economics and application of earth materials for economic and industrial purposes;

“ ‘**environmental geology**’ means geology applied to the solving of conflicts, minimizing possible adverse environmental degradation or maximizing possible advantageous conditions resulting from the use of the natural and modified environment;”;

- (e) by the substitution for the definition of “**Executive Management Committee**” of the following definition:
 “**‘Executive Management Committee’** means the **Executive Management Committee** [‘**Executive Committee**’ means the **Executive Committee** of the Board referred to in section 15;”]; 5
- (f) by the deletion of the definition of “**executive officer**”;
- (g) by the insertion after the definition of “**executive officer**” of the following definitions:
 “**‘geochemistry’** means the study of the chemical composition of the earth and terrestrial bodies, and the chemical processes and reactions that govern the composition of rocks, water, and soils, and the cycles of matter and energy that transport the earth’s chemical components in time and space, and their interaction with the hydrosphere and the atmosphere; 10
‘geochronology’ means the science of determining the absolute age of rocks, fossils and sediments, by means of element decay within a certain degree of uncertainty inherent to the applied method; 15
‘geohazards’ means—
 (a) a geological state or an incipient geological condition that has the potential to develop further into a situation leading to harm, damage or uncontrolled risk; 20
 (b) phenomena that are related to geological and environmental conditions and involve long-term and short-term geological processes which range in magnitude from relatively small to large scale features and may affect the local and regional socio-economy; and 25
 (c) areas characterized by potential life-threatening geological conditions in South Africa, including dolomite land, undermined areas, areas of potential slope stability problems and areas prone to potential severe seismicity and flood-line areas;
‘geohydrology’ means the study area of geology that deals with the distribution, movement, extraction and quality of groundwater in the soil and rocks of the earth’s crust; 30
‘geohydrological aquifer systems’ means the study area of geology that deals with the study of the structures and pathways that control the movement of groundwater in the soil and rocks of the earth’s crust; 35
‘geomagnetism’ means the study of the earth’s magnetic field and phenomena related thereto;
‘geophysics’ means the study of the earth by the quantitative observation of its physical properties;
‘geoscientific information’ includes geotechnical information, mining, geohydrology, geochemistry, geophysics, engineering geology, economic geology, geochronology, palaeontology, geohydrological aquifer systems, geotechnical investigations, marine geology, geomagnetism, seismology, geohazards and environmental geology; 40
‘geotechnical information’ means information pertaining to the physical properties of rocks or soil with a view to designing earthworks and foundations for development of structures or for repair of distress to earthworks and structures caused by subsurface conditions; 45
‘geotechnical investigations’ means physical investigations pertaining to the physical properties of rocks or soil with a view to designing earthworks and foundations for development of structures or for repair of distress to earthworks and structures caused by subsurface conditions;”]; 50
- (h) by the substitution for the definition of “**Management Board**” of the following definition:
 “**‘[Management] Board’** means the **[Management] non-executive Board** referred to in section 4;”]; 55
- (i) by the substitution for the definition of “**mineral**” of the following definition:
 “**‘mineral’** means a mineral as defined in section 1 of the **[Minerals Act, 1991 (Act No. 50 of 1991)] Minerals and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);**”]; 60

- (j) by the substitution for the definition of “**Minister**” of the following definition:
 “**‘Minister’** means the Minister of Mineral **[and Energy Affairs] Resources**;”;
- (k) by the substitution for the definition of “**prospecting**” of the following definition: 5
 “**‘prospecting’** means prospecting as defined in section 1 of the **[Minerals Act, 1991 (Act No. 50 of 1991)] Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)**;”.
- (l) by the insertion after the definition of “prospecting” of the following definitions: 10
 “**‘reconnaissance operation’** means any operation carried out for or in connection with the search for a mineral by geological, geophysical and photogeological surveys and includes any remote sensing techniques, but does not include any prospecting operation; 15
‘seismology’ is the study of earthquakes and seismic waves that move through and around the earth.”.

Substitution of section 3 of Act 100 of 1993

2. The following section is hereby substituted for section 3 of the principal Act:

“**Objects of Council**” 20

3. The objects of the Council are to—
- (a) promote the search for, and exploitation of, any mineral in the Republic;
 - (b) undertake research in the field of geoscience;
 - (c) act as a national advisory authority in respect of— 25
 - (i) geohazards related to infrastructure and development; and
 - (ii) geo-environmental pollution brought about by mineral exploitation and by other activities; and
 - (d) provide specialized geoscientific services.”.

Substitution of section 4 of Act 100 of 1993 30

3. The following section is hereby substituted for section 4 of the principal Act:

“**[Management] Board**”

4. (1) With a view to the achievement of the objects of the Council its affairs shall be managed by a **[Management] Board**, which shall, subject to the provisions of this Act, determine the policy and goals of the Council and exercise control over the performance of the functions of the Council. 35
- (2) The **[Management] Board** shall consist of—
- (a) the **[chairman] chairperson**, who shall be appointed by the Minister;
 - (b) at least **[eight] nine** but not more than **[ten] 13** other members appointed by the Minister **[, of whom—]** as follows: 40
 - (i) **[one shall be]** an official of the Department of Mineral **[and Energy Affairs] Resources** nominated by the Director-General: Mineral **[and Energy Affairs] Resources**;
 - (ii) **[one shall be]** an official of the Department of **[Environment] Water and Environmental Affairs** nominated by the Director-General: **[Environment] Water and Environmental Affairs**; 45
 - (iii) **[one shall be]** an official of the Department of **[Regional and Land Affairs] Rural Development and Land Reform** nominated by the Director-General: **[Regional and Land Affairs] Rural Development and Land Reform**; 50

- (iv) ~~[one shall be an official of the Department of Water Affairs and Forestry nominated by the Director-General: Water Affairs and Forestry;]~~ an official of the Department of Human Settlements nominated by the Director-General: Human Settlements; 5
- (v) ~~[one shall be]~~ a person who is involved in the mining industry ~~[and was nominated by the Chamber of Mines];~~
- (vi) ~~one shall be a person who is involved in geoscientific education or training and was nominated by the Geological Society of South Africa;]~~ 10
- (vii) ~~[one shall be]~~ a person who is involved in commerce; ~~[and~~
- (viii) ~~one shall be a person with knowledge or experience of mineral activities who is involved in industrial development and was nominated by the Industrial Development Corporation; and]~~ 15
- (ix) ~~an official of the Department of Science and Technology nominated by the Director-General: Science and Technology;~~
- (x) ~~two persons with appropriate experience, expertise or skills to enhance the Board's capability in performing its functions effectively; and~~ 20
- (xi) ~~an official of the National Treasury nominated by the Director General: National Treasury; and~~
- (c) ~~the [executive officer] Chief Executive Officer, who shall serve *ex officio* as a member of the [Management] Board.~~
- [(3) After the expiry of the term of office of the first chairman the Minister shall appoint the chairman after consultation with the other members of the Management Board.]** 25
- (4) The Minister may, whenever he or she deems it necessary or expedient, subject to the provisions of subsection (1), appoint an alternate member for any member of the ~~[Management]~~ Board. 30
- (5) The members or alternate members of the ~~[Management]~~ Board shall be persons who—
- (a) have special knowledge of or experience in any aspect of the Council's functions; or
- (b) by virtue of the offices occupied by them are able to make a 35 contribution to the achievement of the objects of the Council.”.

Substitution of section 5 of Act 100 of 1993

4. The following section is hereby substituted for section 5 of the principal Act:

“Functions of Council

5. (1) For the purpose of achieving its objects, the Council may perform the following functions: 40
- (a) Undertake geoscientific research and related technological development;
 - (b) compile and develop a comprehensive and integrated collection of knowledge and information of geology, geochemistry, geophysics, 45 engineering geology, economic geology, geochronology, palaeontology, geohydrological aquifer systems, geotechnical investigations, marine geology [and], geomagnetism [;], seismology, geohazards, environmental geology and other related disciplines;
 - (bA) promote the search for, and the exploitation of, any minerals in the Republic; 50
 - (bB) bring to the notice of the Minister any information in relation to the prospecting for and mining of mineral resources which is likely to be of use or benefit to the Republic;