
GOVERNMENT NOTICE

DEPARTMENT OF MINERALS AND ENERGY

No. 1015

2 November 2007

NATIONAL NUCLEAR REGULATOR ACT, 1999 (ACT NO. 47 OF 1999)

**CO-OPERATIVE AGREEMENTS CONCLUDED IN TERMS OF SECTIONS 6 (2) AND
PUBLISHED IN TERMS OF SECTION 6(4) OF THE NATIONAL NUCLEAR
REGULATOR ACT, 1999 (ACT NO. 47 OF 1999)**

Under section 6(4) of the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999), I, Buyelwa Sonjica, Minister of Minerals and Energy, I hereby publish co-operative agreements signed between the National Nuclear Regulator and the following: Department of Minerals and Energy (Mine Health Safety Inspectorate; Electricity and Nuclear), Department of Health (Directorate Radiation Control), Department of Water Affairs and Forestry and the South African Maritime Safety Authority.

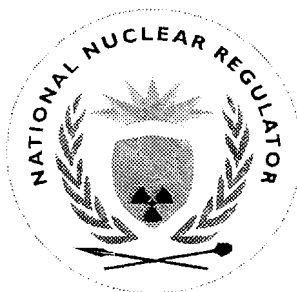

B P SONJICA**MINISTER OF MINERALS AND ENERGY**

**CO-OPERATIVE AGREEMENT IN RESPECT OF THE
MONITORING AND CONTROL OF RADIOACTIVE
MATERIAL AND EXPOSURE TO IONISING RADIATION**

In terms of the provisions of section 6 of the National Nuclear Regulator Act, 1996
(Act No. 47 of 1999) and Regulation No. 709 of 24 May 2002

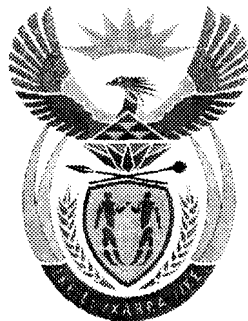
between

**THE NATIONAL NUCLEAR
REGULATOR**



and

**THE DEPARTMENT OF MINERALS AND ENERGY
MINE HEALTH SAFETY INSPECTORATE**



**MEMORANDUM OF
CO-OPERATIVE AGREEMENT IN RESPECT OF THE MONITORING AND
CONTROL OF RADIOACTIVE MATERIAL OR EXPOSURE TO IONISING
RADIATION**

In terms of the provisions of section 6 of the National Nuclear Regulator Act (Act No. 47 of 1999) and Regulation No 709 of 24 May 2002

between

The National Nuclear Regulator

and

Department of Minerals and Energy (Chief Inspector of Mines)

(Hereinafter referred to as “the parties”)

PREAMBLE

Whereas: The National Nuclear Regulator (hereinafter referred to as the NNR) has responsibilities with regard to the regulation of radiation hazards in terms of the National Nuclear Regulator Act (Act no 47 of 1999);

And whereas: The Department of Minerals and Energy (Mine Health and Safety Inspectorate) (hereinafter referred to as the MHSI) also has responsibilities with regard to the regulation of radiation hazards in terms of Mine Health and Safety Act (Act No 29 of 1996);

And whereas: The parties acknowledge and respect each others’ autonomy and statutory responsibilities whilst recognizing the National Nuclear Regulator as the lead authority in the regulation of radiation hazards with a view to protecting persons, property and the environment against nuclear damage; and the MHSI responsibility for safeguarding the health and safety of mine employees and other affected by mining activities;

And whereas: The National Nuclear Regulator and the Department of Minerals and Energy (Mine Health and Safety Inspectorate) have concluded an agreement in terms of the requirements for co-operative governance as provided for in terms of the provision of section 6 of the National Nuclear Regulator Act;

Now therefore the parties record the following-

SCOPE

This agreement provides for the working relationship at mines, between the Department of Minerals and Energy (Chief Inspector of Mines) and the National Nuclear Regulator with regard to:

- i. ensuring the effective monitoring and control of hazards/risks associated with ionising radiation;
- ii. co-ordinating, harmonising, aligning and integrating the exercise of such functions;
- iii. minimising the duplication of monitoring and control of the regulatory functions of each party as set out in the preamble and also the functions and procedures regarding the exercise of such functions; and
- iv. Promoting consistency in the exercise of such functions.

ARTICLE ITime period for implementation of this agreement

The parties agree that the provisions of this agreement will be implemented within 4 (four) months from the date of signature of this agreement.

ARTICLE IICoordination of functions with respect to the monitoring and control of radioactive material and exposure to ionising radiation

Specific Activity	Lead responsibility	Support responsibility	Mechanisms & procedures for co-operation
Develop legislation safety standards and regulatory practice including conditions of authorisation (where applicable) and guidelines.	The NNR to develop according to the NNRA	The MHSI to provide input	The NNR must involve the MHSI to participate in the development process.
	The MHSI to develop according to MHSA	The NNR to provide input on radiation matters	The MHSI must involve the NNR to participate in the development process
	Review codes of practice in terms of MHSA	The NNR	The MHSI must involve the NNR in the review process of codes of practice
Issue nuclear authorisations and authorisation change requests in terms of NNRA	The NNR	The MHSI	The NNR shall notify the MHSI in writing of authorisations and status.
Investigate accidents, incidents	The NNR	The MHSI	Joint investigation shall be conducted

and other occurrences which impact on the public			
Conduct inspections and audits	The NNR	The MHSI	The NNR communicates findings to the MHSI. The MHSI will communicate any radiation anomalies identified during their general inspections to the NNR for action.
Review routine health reports (Occupational Hygiene and Occupational Medicine)	The NNR	The MHSI	The NNR provides the MHSI with the results
Conduct occupational health and safety research and development	The NNR	The MHSI	The NNR would invite participation from the MHSI and elicit support from SIMRAC process
Enforcement of legislation	The NNR	The MHSI	The NNR will deal with radiation related offences and non-compliances under the NNRA and communicate to the MHSI on the necessary action to be taken after consultation between the parties.

ARTICLE III

Measures to resolve non-compliance with this agreement

In the event of either of the parties failing to comply with any provision of this agreement every reasonable effort shall be made to ensure compliance. Where the parties are unable to reach agreement on compliance within 90 days, the details of such non-compliance shall be referred to the Minister of Minerals and Energy for determination.

ARTICLE IV

Resolution of disputes in respect of the interpretation or application of this agreement