



CHAMBER OF MINES  
of South Africa

# MEDIA STATEMENT

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## **Chamber responds to Minister of Mineral Resources' safety statement**

### ***Concerned about inappropriate application of regulations***

**Johannesburg, 27 January 2017:** The Chamber of Mines is perplexed by the statement on Wednesday 25 January, by Mineral Resources Minister Mosebenzi Zwane, directed against two of its members, and indeed in reference to the industry as a whole. In particular, the Chamber is concerned about Minister Zwane's allegation that companies are flouting safety laws and regulations, and that their actions "cheapen lives of mineworkers".

The Chamber and its members view safety as their most significant priority, and prioritise safety above production at all times. The extensive efforts displayed by companies at the most senior levels, the significant resources applied to safety, and the substantial progress made in reducing fatal accidents and injuries is, we believe, ample evidence of this. We and all our members are aware that, notwithstanding significant improvements in safety outcomes over the past two decades, much more remains to be done to achieve the goal of zero harm.

The Chamber and its members *are* concerned about the inappropriate application of regulations where section 54s, for example, are applied in such a way that is not proportionate to the context of the alleged infraction. A recent court judgment noted that the law requires an inspector objectively to establish that a state of affairs exists which would lead a reasonable person to believe that it may endanger the health or safety of any person at the mine, and then to contemplate an instruction that is proportionate to the infraction and the risk that it poses to health and safety.

The industry's goal is to ensure that regulations are properly implemented by all parties, including the inspectorate. We would expect that the Minister would share that objective. No doubt the courts will continue to provide clarity on these matters, and we would hope that all parties would welcome and accept such clarity, in the interests of the industry and our collective futures.





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