



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 529.

31 March 1989

No. 529.

31 Maart 1989

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

Hierby word bekend gemaak dat die waarnemende Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 30 of 1989: Mineral Technology Act, 1989.

No. 30 van 1989: Wet op Minerale tegnologie, 1989.

Act No. 30, 1989

MINERAL TECHNOLOGY ACT, 1989

ACT

To provide for the continued existence of the Council for Mineral Technology and for the management thereof by a Board; and for matters connected therewith.

*(Afrikaans text signed by the acting State President.)
(Assented to 14 March 1989.)*

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

Definitions

1. In this Act, unless the context otherwise indicates—
 - (i) "Board" means the Board referred to in section 6; (vi) 5
 - (ii) "chairman" means the chairman of the Board appointed in terms of section 6; (ix)
 - (iii) "financial year" means the period from 1 April in any year to 31 March in the next succeeding year; (i)
 - (iv) "fixed date" means the date fixed in terms of section 21; (viii) 10
 - (v) "Minister" means the Minister to whom the administration of this Act has been assigned in terms of section 18; (iii)
 - (vi) "Mintek" means the Council for Mineral Technology referred to in section 2; (iv)
 - (vii) "president" means the person appointed in terms of section 9 as the chief 15 executive officer of Mintek; (v)
 - (viii) "regulation" means a regulation in force in terms of this Act; (vii)
 - (ix) "this Act" includes a regulation. (ii)

Continued existence of Council for Mineral Technology

2. (1) The Council for Mineral Technology established by section 2 of the Mineral 20 Technology Act, 1981 (Act No. 84 of 1981), shall, notwithstanding the repeal of that Act by this Act, continue to exist as a juristic person known as Mintek.

(2) The registrar of deeds concerned shall make the entries or endorsements in or on any relevant register, title deed or other document in his office or submitted to him which he may deem necessary in order to give effect to the provisions of 25 subsection (1), and no office fee or other charge shall be payable in respect of any such entry or endorsement.

Objects of Mintek

3. The objects of Mintek are through research, development and technology transfer, to promote mineral technology, and to foster the establishment and 30 expansion of industries in the field of minerals and products derived therefrom.

Functions, powers and duties of Mintek

4. (1) The functions of Mintek shall be to achieve its objects with the means at its disposal, and for the purposes of achieving those objects Mintek may—
 - (a) undertake research, development and technology transfer in connection 35 with—
 - (i) the better utilization of the mineral resources of the Republic;

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Om voorsiening te maak vir die voortbestaan van die Raad vir Mineraaltegnologie en vir die bestuur daarvan deur 'n Raad; en vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die waarnemende Staatspresident geteken.)
(Goedgekeur op 14 Maart 1989.)*

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—
- 5 (i) “boekjaar” die tydperk van 1 April in 'n jaar tot 31 Maart in die daaropvolgende jaar; (iii)
- (ii) “hierdie Wet” ook 'n regulasie; (ix)
- (iii) “Minister” die Minister aan wie die uitvoering van hierdie Wet ingevolge artikel 18 opgedra is; (v)
- 10 (iv) “Mintek” die Raad vir Mineraaltegnologie in artikel 2 vermeld; (vi)
- (v) “president” die persoon wat ingevolge artikel 9 as die hoof- uitvoerende beampte van Mintek aangestel is; (vii)
- (vi) “Raad” die Raad vermeld in artikel 6; (i)
- (vii) “regulasie” 'n regulasie wat ingevolge hierdie Wet van krag is; (viii)
- 15 (viii) “vasgestelde datum” die datum wat ingevolge artikel 21 vasgestel is; (iv)
- (ix) “voorsitter” die persoon wat ingevolge artikel 6 as voorsitter van die Raad aangestel is. (ii)

Voortbestaan van die Raad vir Mineraaltegnologie

2. (1) Die Raad vir Mineraaltegnologie ingestel by artikel 2 van die Wet op 20 Mineraaltegnologie, 1981 (Wet No. 84 van 1981), bly ondanks die herroeping van daardie Wet deur hierdie Wet voortbestaan as 'n regs persoon bekend as Mintek.

(2) Die betrokke registrateur van aktes moet die inskrywings of aantekeninge wat hy nodig ag ten einde aan die bepalings van subartikel (1) gevolg te gee, maak in of op enige betrokke register, titelbewys, of ander stuk in sy kantoor of aan hom 25 voorgelê, en geen kantoorgelde of ander gelde is ten opsigte van so 'n inskrywing of aantekening betaalbaar nie.

Oogmerke van Mintek

3. Die oogmerke van Mintek is om deur navorsing, ontwikkeling en tegnologie-oordrag mineraaltegnologie te bevorder, en die stigting en uitbreiding van nywer- 30 hede op die gebied van minerale en mineraleprodukte aan te moedig.

Werkzaamhede, bevoegdhede en pligte van Mintek

4. (1) Die werkzaamhede van Mintek is om met die middele tot sy beskikking sy oogmerke te bereik, en ten einde daardie oogmerke te bereik, kan Mintek—

- (a) navorsing, ontwikkeling en tegnologie-oordrag onderneem in verband met—
- 35 (i) die beter benutting van die minerale hulpbronne van die Republiek;

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- (ii) the improvement of technical processes and methods to improve mineral production; and
 - (iii) the promotion and expansion of existing, and the establishment of new, industries in the field of minerals and products derived therefrom; 5
 - (b) utilize the technological expertise in its possession or make it generally available;
 - (c) grant to any person bursaries and educational loans;
 - (d) publish information concerning its objects and functions, and establish facilities for the collection and dissemination of information in connection with research; 10
 - (e) establish and control facilities in those fields of research which the Board may from time to time approve;
 - (f) promote co-operation between the Republic and other countries in matters relating to research. 15
- (2) In order to promote relevant research Mintek may—
- (a) make grants to universities, technikons, colleges and other educational and scientific institutions in aid of research by their staff or for the establishment of facilities for such research;
 - (b) co-operate with departments of State, universities, technikons, colleges, 20 other educational and scientific institutions and other persons;
 - (c) co-operate with educational authorities and scientific or technical societies or industrial institutions representing employers and employees, respectively, for the promotion of—
 - (i) the instruction of researchers in schools, technikons, colleges and 25 universities;
 - (ii) the training of researchers and technical experts; and
 - (iii) the training of craftsmen;
 - (d) promote the training of research workers by means of the granting of bursaries or grants-in-aid for research and the making of monetary contributions for research programmes out of its funds; 30
 - (e) co-operate with persons and associations undertaking research in other countries.
- (3) Mintek may, in order to achieve any of its objects—
- (a) enter into agreements with any person or, subject to the provisions of section 5, any government or administration, on the conditions upon which Mintek and that person, government or administration may agree;
 - (b) with the approval of the Minister, acting with the concurrence of the Minister of Finance—
 - (i) purchase, hire, possess or otherwise acquire immovable property and 40 let, encumber or dispose of that property;
 - (ii) borrow money from time to time on the terms and conditions approved by the Board by way of loans from any source and against the security which the Board may deem fit;
 - (iii) establish any company, or in association with any person establish a 45 company, for the purpose of developing or exploiting in any manner any invention or technological expertise, and for this purpose acquire an interest in or control over a company or statutory body referred to in section 1 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975);
 - (c) (i) purchase, hire, possess or otherwise acquire movable property, and 50 let, pledge, encumber or dispose of that property;
 - (ii) hire or let services;
 - (d) as end-products of research, development and technology transfer undertaken by Mintek—
 - (i) produce and sell reports, computer programmes and other intellectual 55 property;
 - (ii) manufacture and sell instruments, equipment and similar items;
 - (iii) produce, process and sell minerals, metals, chemicals and related products;
 - (iv) conduct market research and sell the results thereof; 60
 - (v) provide, against payment, services not directly related to research, in order to create viable business opportunities in industry;
 - (e) perform or exercise any function or power entrusted to or conferred upon Mintek in terms of any other law; and
 - (f) in addition to the other things that Mintek is required or empowered to do 65 in terms of the other provisions of this Act or in terms of any other law, do

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- (ii) die verbetering van tegniese prosesse en metodes om mineraalproduksie te verbeter; en
- (iii) die bevordering en uitbreiding van bestaande, en die stigting van nuwe, nywerhede op die gebied van minerale en mineraleprodukte;
- 5 (b) die tegnologiese kundigheid in sy besit benut of algemeen beskikbaar stel;
- (c) studiebeurse en -lenings aan enige persoon toeken;
- (d) inligting oor sy oogmerke en werksaamhede publiseer, en fasiliteite vir die insameling en verspreiding van inligting oor navorsing skep;
- 10 (e) fasiliteite skep en beheer op daardie gebiede van navorsing wat die Raad van tyd tot tyd goedkeur;
- (f) samewerking tussen die Republiek en ander lande in navorsingsaangeleenthede bevorder.
- (2) Ter bevordering van toepaslike navorsing kan Mintek—
- 15 (a) toekennings aan universiteite, teknikons, kolleges en ander opvoedkundige en wetenskaplike instellings toestaan ten bate van navorsing deur hul personeel of vir die oprigting van fasiliteite vir sodanige navorsing;
- (b) met Staatsdepartemente, universiteite, teknikons, kolleges, ander opvoedkundige en wetenskaplike instellings en ander persone saamwerk;
- 20 (c) met onderwysowerhede en wetenskaplike of tegniese verenigings of nywerheidsinstellings wat onderskeidelik werkgewers en werknemers verteenwoordig, saamwerk ter bevordering van—
- (i) die onderrig van navorsers in skole, teknikons, kolleges en universiteite;
- 25 (ii) die opleiding van navorsers en tegniese deskundiges; en
- (iii) die opleiding van vakmanne;
- (d) die opleiding van navorsingswerkers by wyse van die toekenning van navorsingsbeurse of hulptoelae en die maak van geldelike bydraes tot navorsingsprogramme uit sy fondse bevorder;
- 30 (e) met persone en verenigings wat in ander lande navorsing onderneem, saamwerk.
- (3) Mintek kan, ten einde enige van sy oogmerke te bereik—
- 35 (a) ooreenkomste sluit met enige persoon of, behoudens die bepalings van artikel 5, enige regering of administrasie, op die voorwaardes waarvoor Mintek en daardie persoon, regering of administrasie ooreenkom;
- (b) met die goedkeuring van die Minister, wat met die instemming van die Minister van Finansies optree—
- 40 (i) onroerende goed koop, huur, besit of andersins verkry en daardie goed verhuur, beswaar of vervreem;
- (ii) van tyd tot tyd op die voorwaardes wat die Raad goedkeur geld by wyse van lenings uit enige bron en teen die sekuriteit wat die Raad goedvind, opneem;
- 45 (iii) 'n maatskappy oprig, of in medewerking met enige persoon 'n maatskappy oprig, met die doel om enige uitvinding of tegnologiese kundigheid te ontwikkel of op enige wyse te benut, en vir dié doel 'n belang in of beheer oor 'n maatskappy of 'n statutêre liggaam bedoel in artikel 1 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), verkry;
- (c) (i) roerende goed koop, huur, besit of andersins verkry en daardie goed verhuur, verpand, beswaar of vervreem;
- 50 (ii) dienste huur of verhuur;
- (d) as eindprodukte van navorsing, ontwikkeling en tegnologie-oordrag wat Mintek onderneem het—
- 55 (i) verslae, rekenaarprogramme en ander intellektuele eiendom produseer en verkoop;
- (ii) instrumente, toerusting en dergelike items vervaardig en verkoop;
- (iii) minerale, metale, chemikalieë en verwante produkte produseer, verwerk en verkoop;
- (iv) marknavorsing doen en die resultate daarvan verkoop;
- 60 (v) dienste wat nie regstreeks met navorsing verband hou nie, teen betaling verskaf,
- ten einde lewensvatbare sakegeleenthede in die nywerheid te skep;
- (e) enige werksaamheid of bevoegdheid wat ingevolge enige ander wet aan Mintek opgedra of verleen word, verrig of uitoefen; en
- 65 (f) benewens die ander dinge wat Mintek ingevolge die ander bepalings van hierdie Wet of ingevolge enige ander wet moet of kan doen, alles doen wat

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everything that is conducive to the achievement of its objects or is calculated, directly or indirectly, to enhance the value of or render profitable the property or rights of Mintek.

(4) Mintek shall, subject to its other functions in terms of this Act or any other law—

- (a) undertake the investigations or research that the Minister may assign to it; and
- (b) advise the Minister on research in the field of mineral technology.

Exercise of powers of Mintek outside Republic

5. (1) Mintek may at the request or with the prior approval of the Minister undertake research, development and technology transfer in any territory outside the Republic on behalf of any person (including any government or administration).

(2) Subject to the provisions of subsection (3) the provisions of this Act shall, in so far as they can be applied, apply *mutatis mutandis* to the exercising by Mintek of its powers in terms of this section as if the territory in which it so exercises its powers were within the Republic.

(3) Notwithstanding anything to the contrary in this Act contained, research, development and technology transfer under subsection (1) shall be undertaken on such conditions as may be agreed upon between Mintek and the person (including any government or administration) on whose behalf the research, development and technology transfer are to be undertaken, and as may be approved by the Minister.

(4) The Minister may with the concurrence of the Minister of Finance indemnify Mintek against any losses which it may incur consequent on any act or omission of the government or administration of any territory outside the Republic.

Control over, and management of affairs of, Mintek

6. (1) The affairs of Mintek shall, subject to the provisions of this Act, be managed and controlled by a Board, which shall—

- (a) determine the policy and objectives of Mintek and shall exercise control generally over the performance of its functions, the exercise of its powers and the execution of its duties; and
- (b) have the same powers and authority as are conferred upon Mintek in terms of this Act to achieve its objects and to fulfil its functions and perform its duties.

(2) The Board shall consist of—

- (a) a chairman, appointed by the Minister after consultation with the Board: Provided that in the case of the first Board, only the Minister shall appoint such chairman;
- (b) not fewer than six but not more than nine other members appointed by the Minister; and
- (c) the president, who shall serve on the Board by virtue of his office.

(3) A member of the Board, excluding the president, shall hold office for a period not exceeding three years, but shall be eligible for reappointment.

(4) The chairman and the members of the Board, excluding a chairman or member who is in the full-time employment of the State, shall be appointed on such conditions, including conditions relating to the payment of remuneration and allowances, as the Minister may determine with the concurrence of the Minister of Finance.

(5) The members of the Board, including the chairman, shall all be persons who have achieved distinction in science, engineering or industry or who have special knowledge or experience in relation to one or other aspect of Mintek's functions.

(6) The Minister shall appoint a member of the Board as vice-chairman to act as chairman whenever the chairman is unable to perform his functions as chairman.

(7) The chairman or vice-chairman, or in their absence a member of the Board elected by the members present, shall preside at any meeting of the Board.

(8) Nothing contained in this Act shall preclude the president from also being appointed by the Minister as chairman of the Board, and serving as such for the period stated by the Minister.

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bevorderlik is vir die bereiking van sy oogmerke of wat bereken is om regstreeks of onregstreeks die waarde van die goed of regte van Mintek te verhoog of winsgewend te maak.

(4) Mintek moet, behoudens sy ander werksaamhede ingevolge hierdie Wet of 5 enige ander wet—

- (a) die ondersoek of navorsing onderneem wat die Minister aan hom opdra; en
- (b) die Minister van raad dien oor navorsing op die gebied van mineraaltegnologie.

10 Uitoefening van bevoegdhede van Mintek buite Republiek

5. (1) Mintek kan op versoek van of met die voorafverkreë goedkeuring van die Minister navorsing, ontwikkeling en tegnologie-oordrag in enige gebied buite die Republiek onderneem namens enige persoon (met inbegrip van enige regering of administrasie).

15 (2) Behoudens die bepalings van subartikel (3) is die bepalings van hierdie Wet, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing op die uitoefening deur Mintek van sy bevoegdhede ingevolge hierdie artikel asof die gebied waarin hy sy bevoegdhede aldus uitoefen binne die Republiek is.

(3) Ondanks andersluidende bepalings van hierdie Wet, word navorsing, ontwikkeling en tegnologie-oordrag kragtens subartikel (1) onderneem op die voorwaardes waaromtrent daar tussen Mintek en die persoon (met inbegrip van enige regering of administrasie) namens wie die navorsing, ontwikkeling en tegnologie-oordrag gedoen gaan word, ooreengekom word en wat deur die Minister goedgekeur word.

25 (4) Die Minister kan met die instemming van die Minister van Finansies Mintek teen verliese wat hy mag ly as gevolg van 'n handeling of versuim van die regering of administrasie van 'n gebied buite die Republiek.

Beheer oor, en bestuur van sake van, Mintek

6. (1) Die sake van Mintek word, behoudens die bepalings van hierdie Wet, bestuur en beheer deur 'n Raad, wat—

- 30 (a) die beleid en doelstellings van Mintek bepaal en in die algemeen beheer uitoefen oor die verrigting van sy werksaamhede, die uitoefening van sy bevoegdhede en die nakoming van sy pligte; en
- (b) dieselfde bevoegdhede en gesag het as wat ingevolge hierdie Wet aan Mintek verleen word om sy oogmerke te bereik, sy werksaamhede te verrig en sy pligte na te kom.

35 (2) Die Raad bestaan uit—

- (a) 'n voorsitter, wat deur die Minister na oorleg met die Raad aangestel word: Met dien verstande dat in die geval van die eerste Raad, slegs die Minister so 'n voorsitter aanstel;
- 40 (b) minstens ses maar nie meer as nege ander lede wat deur die Minister aangestel word; en
- (c) die president, wat ampshalwe in die Raad dien.

(3) 'n Lid van die Raad, met uitsondering van die president, beklee sy amp vir 'n tydperk van hoogstens drie jaar, maar kan weer aangestel word.

45 (4) Die voorsitter en die lede van die Raad, met uitsondering van 'n voorsitter of lid wat in die heeltydse diens van die Staat is, word aangestel op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van besoldiging en toelaes, wat die Minister met die instemming van die Minister van Finansies bepaal.

(5) Die lede van die Raad, met inbegrip van die voorsitter, moet almal persone 50 wees wat onderskeiding in die wetenskap, die ingenieurswese of die nywerheidswese behaal het of oor besondere kennis of ondervinding met betrekking tot een of ander aspek van Mintek se werksaamhede beskik.

(6) Die Minister stel 'n lid van die Raad as vise-voorsitter aan om as voorsitter 55 te verrig nie.

(7) Die voorsitter of vise-voorsitter, of in hul afwesigheid 'n lid van die Raad deur die aanwesige lede aangewys, sit voor op 'n vergadering van die Raad.

(8) Niks in hierdie Wet vervat, verhinder dat die president ook deur die Minister as voorsitter van die Raad aangestel word en vir die tydperk deur die Minister bepaal 60 as sodanig dien nie.

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- (9) (a) The Minister may from time to time reserve any matter provided for in this Act, as a matter in respect of which a decision of the Board shall be subject to the consent of the Minister.
- (b) The Minister and the Minister of Finance may jointly from time to time reserve any financial matter provided for in this Act as a matter in respect of which a decision of the Board shall be subject to the consent of the Minister with the concurrence of the Minister of Finance. 5

Committees for specific purposes

7. (1) The Board may nominate one or more committees, which shall, subject to the instructions of the Board, perform those functions of the Board that the Board may determine. 10

(2) Such a committee shall consist of such number of persons, including employees of Mintek, as the Board deems necessary, and the Board may at any time dissolve or reconstitute a committee.

(3) If a committee referred to in subsection (1) consists of more than one member, the Board shall designate a member of the committee as chairman thereof. 15

(4) Mintek may pay the members of a committee referred to in subsection (1) who are not in the full-time service of the State, not members of the Board, and not employees of Mintek, the remuneration and allowances determined by the Minister, with the concurrence of the Minister of Finance. 20

(5) The Board shall not be discharged from any function performed in terms of the provisions of this section by any committee of the Board.

Meetings of Board

8. (1) The meetings of the Board shall be held at such times and places as the Board may fix: Provided that the first meeting shall be held at such time and place as the chairman may fix. 25

(2) The chairman, or in his absence the vice-chairman, may at any time call a special meeting of the Board, which shall be held at such time and place as the chairman or the vice-chairman, as the case may be, may direct.

(3) The quorum for a meeting of the Board shall be a majority of its members. 30

(4) A decision of the Board shall be taken by resolution of the majority of the members present at any meeting of the Board and, in the event of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote as a member of the Board.

(5) No decision taken by or act performed under the authority of the Board shall be invalid by reason only of a casual vacancy on the Board or of the fact that a person who was not entitled to sit as a member of the Board, sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the Board who were present at the time and entitled to sit as members. 40

President of Mintek

9. (1) The Board shall appoint the chief executive officer of Mintek, who shall occupy the post of president of Mintek.

(2) The president shall be responsible for and shall exercise control over the performance of the functions and the execution of the duties of Mintek and shall report on the affairs of Mintek to the Board as may be required of him by the Board. 45

(3) Whenever for any reason the president is absent or unable to carry out his duties, or whenever there is a vacancy in the office of the president, the Board may appoint an employee of Mintek to act as president during such absence or inability, or until a president has been appointed in terms of subsection (1), and that employee shall, while so acting, have all the powers and perform all the duties of the president. 50

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- (9) (a) Die Minister kan van tyd tot tyd enige aangeleentheid waarvoor daar in hierdie Wet voorsiening gemaak word, voorbehou as 'n aangeleentheid ten opsigte waarvan 'n besluit van die Raad onderhewig is aan die toestemming van die Minister.
- 5 (b) Die Minister en die Minister van Finansies kan gesamentlik van tyd tot tyd enige finansiële aangeleentheid waarvoor daar in hierdie Wet voorsiening gemaak word, voorbehou as 'n aangeleentheid ten opsigte waarvan 'n besluit van die Raad onderhewig is aan die toestemming van die Minister met die instemming van die Minister van Finansies.

10 Komitees vir bepaalde doeleindes

7. (1) Die Raad kan een of meer komitees benoem, wat, onderworpe aan die voorskrifte van die Raad, dié werksaamhede van die Raad verrig wat dié Raad bepaal.
- (2) So 'n komitee bestaan uit die getal persone, met inbegrip van werknemers van 15 Mintek, wat die Raad nodig ag, en die Raad kan te eniger tyd 'n komitee ontbind of hersaamstel.
- (3) Indien 'n komitee in subartikel (1) bedoel uit meer as een lid bestaan, wys die Raad 'n lid van die komitee as voorsitter daarvan aan.
- (4) Mintek kan aan die lede van 'n komitee in subartikel (1) bedoel wat nie in die 20 heelytse diens van die Staat is nie, nie lede van die Raad is nie en nie werknemers van Mintek is nie, die besoldiging en toelaes betaal wat die Minister met die instemming van die Minister van Finansies bepaal.
- (5) Die Raad word nie onthef van 'n werksaamheid wat uit hoofde van die bepalings van hierdie artikel deur 'n komitee van die Raad verrig word nie.

25 Vergaderings van Raad

8. (1) Die vergaderings van die Raad word gehou op die tye en plekke wat die Raad bepaal: Met dien verstande dat die eerste vergadering gehou word op die tyd en plek wat die voorsitter bepaal.
- (2) Die voorsitter, of in sy afwesigheid die vise-voorsitter, kan te eniger tyd 'n 30 spesiale vergadering van die Raad belê, wat gehou word op die tyd en plek wat die voorsitter of die vise-voorsitter, na gelang van die geval, gelas.
- (3) Die kworum vir 'n vergadering van die Raad is 'n meerderheid van sy lede.
- (4) 'n Besluit van die Raad word geneem by besluit van die meerderheid van die lede wat op 'n vergadering van die Raad aanwesig is, en by 'n staking van stemme 35 oor enige aangeleentheid het die persoon wat op die betrokke vergadering as voorsitter optree, 'n beslissende stem benewens sy beraadslagende stem as lid van die Raad.
- (5) Geen besluit van of handeling verrig op gesag van die Raad is ongeldig nie bloot op grond van 'n toevallige vakature in die Raad of die feit dat 'n persoon wat 40 nie geregtig was om as 'n lid van die Raad sitting te neem nie, as 'n lid sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die Raad wat op die vergadering aanwesig was en geregtig was om as lede sitting te neem.

President van Mintek

- 45 9. (1) Die Raad stel die hoof- uitvoerende beampte van Mintek aan, wat die pos van president van Mintek beklee.
- (2) Die president is verantwoordelik vir en oefen beheer uit oor die verrigting van die werksaamhede en die nakoming van die pligte van Mintek en doen aan die Raad verslag oor die sake van Mintek soos deur die Raad van hom verlang word.
- 50 (3) Wanneer die president om die een of ander rede afwesig is of nie in staat is om sy pligte uit te voer nie, of wanneer die amp van president vakant is, kan die Raad 'n werknemer van Mintek aanstel om as president waar te neem tydens sodanige afwesigheid of onvermoë, of totdat 'n president ingevolge subartikel (1) aangestel is, en terwyl daardie werknemer aldus waarneem, het hy al die bevoegdhede en verrig 55 hy al die pligte van die president.

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(4) The president shall be appointed for a period of not more than five years on the conditions, including conditions relating to the payment of remuneration and allowances, that the Board may determine in accordance with a system approved from time to time by the Minister, with the concurrence of the Minister of Finance.

Staff of Mintek and conditions of service

5

10. (1) (a) The Board may on the conditions which it may determine appoint the employees of Mintek whom it deems necessary to assist Mintek in the performance of its functions.
- (b) Mintek shall pay to its employees such remuneration, allowances, subsidies and other benefits as the Board may determine in accordance with a system 10 approved from time to time by the Minister, with the concurrence of the Minister of Finance.
- (c) Mintek may, in addition to employees referred to in subsection (1) (a), be assisted in the performance of its functions by officers and employees in the public service who have been placed at the disposal of Mintek in terms of 15 the provisions of section 14 (3) (a) of the Public Service Act, 1984 (Act No. 111 of 1984).
- (d) The Board may, on such conditions as it may deem fit, second an employee of Mintek, either for a particular service or for a period of time, to the service of a department of State, the government of any other country or 20 territory, or a person in or outside the Republic: Provided that such an employee's rights, privileges and benefits by virtue of his conditions of service as an employee of Mintek are not adversely affected by such secondment: Provided further that an employee shall not be seconded to the service of the government of such other country or territory, or such 25 person outside the Republic, unless the employee consents thereto.
- (e) Any person who, immediately prior to the fixed date, was an officer or employee appointed or deemed to have been appointed as such in terms of section 9 (1) of the Mineral Technology Act, 1981, shall as from that date 30 be deemed to have been appointed in terms of paragraph (a) of this subsection on such conditions of service as may be determined from time to time in terms of the said paragraph.
- (f) Mintek shall for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), be deemed to be an associated institution, except in relation to any person referred to in paragraph (e) who 35 immediately prior to the fixed date was not a member of the "fund" as defined in that Act.
- (g) Any person referred to in paragraph (e) who immediately prior to the fixed date was a member of "the university institutions provident fund" as defined in section 1 of the Associated Institutions Pension Fund Act, 1963, 40 shall continue to be such a member, and in relation to any such person Mintek shall be deemed to be a "council" as defined in the regulations governing that fund and Mintek shall, notwithstanding anything to the contrary in any law contained, pay to the said fund or contribute towards any additional annuity or gratuity such contributions as would otherwise 45 have been payable by the State.
- (2) Mintek may from time to time, on the conditions and against the security it deems fit—
- (a) provide collateral security, including guarantees, to a registered financial institution in respect of a loan granted to an employee by that financial 50 institution, to enable the employee to acquire, improve or enlarge immovable property for residential purposes;
- (b) build, cause to be built, purchase or rent houses, flats or flat buildings for occupation by employees, and may sell or let those houses or flats to employees, or otherwise dispose of, let or otherwise deal with those houses, 55 flats or flat buildings;
- (c) establish, institute, erect or maintain sports or recreational societies, social clubs, social and health services, restaurants, hostels, bursary schemes for purposes of study or other similar undertakings or schemes which in its opinion may be beneficial to its employees. 60

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(4) Die president word aangestel vir 'n tydperk van hoogstens vyf jaar op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van besoldiging en toelaes, wat die Raad bepaal ooreenkomstig 'n stelsel wat van tyd tot tyd deur die Minister met die instemming van die Minister van Finansies goedgekeur word.

Personeel van Mintek en diensvoorwaardes

10. (1) (a) Die Raad kan op die voorwaardes wat hy bepaal die werknemers van Mintek aanstel wat hy nodig ag om Mintek behulpsaam te wees by die verrigting van sy werksaamhede.
- 10 (b) Mintek moet aan sy werknemers die besoldiging, toelaes, subsidies en ander voordele betaal wat die Raad bepaal, ooreenkomstig 'n stelsel wat van tyd tot tyd deur die Minister met die instemming van die Minister van Finansies goedgekeur word.
- 15 (c) Mintek kan benewens die werknemers in subartikel (1) (a) bedoel, in die verrigting van sy werksaamhede bygestaan word deur beamptes en werknemers in die staatsdiens wat ingevolge die bepaling van artikel 14 (3) (a) van die Staatsdienswet, 1984 (Wet No. 111 van 1984), tot beskikking van Mintek gestel is.
- 20 (d) Die Raad kan op die voorwaardes wat hy goedvind 'n werknemer van Mintek, hetsy vir 'n besondere diens of vir 'n tydperk, afstaan aan die diens van 'n Staatsdepartement, die regering van 'n ander land of gebied, of 'n persoon binne of buite die Republiek: Met dien verstande dat so 'n werknemer se regte, voorregte en voordele uit hoofde van sy diensvoorwaardes as werknemer van Mintek nie deur sodanige afstand nadelig geraak word nie: Met dien verstande verder dat 'n werknemer nie aan die diens van die regering van sodanige ander land of gebied, of van 'n persoon buite die Republiek, afgestaan word tensy die werknemer daartoe instem nie.
- 25 (e) Iemand wat onmiddellik voor die vasgestelde datum 'n beampte of werknemer was wat ingevolge artikel 9 (1) van die Wet op Mineraletegnologie, 1981, as sodanig aangestel was of geag word as sodanig aangestel te wees, word vanaf daardie datum geag aangestel te wees ingevolge paragraaf (a) van hierdie subartikel op die diensvoorwaardes wat van tyd tot tyd ingevolge genoemde paragraaf bepaal word.
- 30 (f) Mintek word vir die doeleindes van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), geag 'n geassosieerde inrigting te wees, behalwe met betrekking tot enige persoon in paragraaf (e) bedoel wat onmiddellik voor die vasgestelde datum nie 'n lid van die "fonds" soos in daardie Wet omskryf, was nie.
- 35 (g) 'n Persoon in paragraaf (e) bedoel wat onmiddellik voor die vasgestelde datum 'n lid was van "die voorsorgfonds vir universiteitsinrigtings" soos omskryf in artikel 1 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, bly so 'n lid, en met betrekking tot so iemand word Mintek geag 'n "raad" te wees soos omskryf in die regulasies wat daardie fonds reël, en ondanks andersluidende bepalinge van enige Wet betaal Mintek aan die genoemde fonds, of dra hy by tot enige bykomende jaargeld of gratifikasie, dié bydraes wat andersins deur die Staat betaalbaar sou wees.
- (2) Mintek kan van tyd tot tyd op die voorwaardes en met die sekerheid wat hy goedvind—
- 50 (a) kollaterale sekerheid, met inbegrip van waarborge, aan 'n geregistreerde finansiële instelling gee ten opsigte van 'n lening wat deur daardie finansiële instelling aan 'n werknemer toegestaan is ten einde die werknemer in staat te stel om onroerende eiendom vir die doeleindes van bewoning te verkry, te verbeter of te vergroot;
- 55 (b) woonhuise, woonstelle of woonstelgeboue vir bewoning deur werknemers bou, laat bou, koop of huur, en kan daardie woonhuise of woonstelle aan werknemers verkoop of verhuur, of daardie woonhuise, woonstelle of woonstelgeboue andersins vervreem, verhuur of andersins daarmee handel;
- 60 (c) sport- en vermaaklikheidsverenigings, sosiale klubs, sosiale en gesondheidsdienste, restaurante, tehuse, beursskemas vir studiedoelindes of ander dergelike ondernemings of skemas wat na sy oordeel vir sy werknemers voordelig kan wees, instel, stig, oprig of bedryf.

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(3) If a person who is employed in any capacity by or on behalf of Mintek suffers an injury or contracts a disease while engaged in, and which is directly attributable to, any activity in the course of such employment, the Minister may with the concurrence of the Minister of Finance authorize Mintek to pay compensation to such person, or, in the event of his death, to his dependants. 5

(4) The provisions of subsection (3) shall not affect the right of any person to damages in respect of any injury or disease referred to in that subsection.

Discoveries, inventions and improvements by employees of Mintek and other persons

11. (1) Subject to the provisions of subsections (5) and (6) the rights in all discoveries and inventions and in all improvements in respect of processes, apparatus 10 and machines made by—

- (a) employees of Mintek or officers and employees in the public service who have been placed at the disposal of Mintek under section 10 (1) (c);
- (b) persons assisting Mintek with any investigation or research; or
- (c) persons to whom bursaries or grants-in-aid have been granted by Mintek, 15 shall vest in Mintek.

(2) Mintek may make the discoveries, inventions and improvements referred to in subsection (1) available for use in the public interest subject to the conditions and the payment of fees or royalties that Mintek may determine.

(3) If the rights in any discovery, invention or improvement are vested in Mintek 20 in terms of subsection (1), the Board may award to the person responsible for the discovery, invention or improvement such bonus as it deems fit, or make provision for financial participation by him in the profits derived from such discovery, invention or improvement to such extent as the Minister may determine with the concurrence of the Minister of Finance. 25

(4) Mintek may apply for a patent in respect of any discovery, invention or improvement contemplated in subsection (1), and shall for the purposes of the Patents Act, 1978 (Act No. 57 of 1978), be regarded as the assignee of the discoverer or inventor in question.

(5) Unless it is otherwise agreed, the rights in a discovery, invention or 30 improvement made by Mintek in the course of an investigation for or on behalf of another person, government or administration shall vest in Mintek.

(6) The provisions of this section shall not apply in respect of a discovery or an invention or improvement referred to in subsection (1) which, in the opinion of the Minister, was made by the person concerned otherwise than— 35

- (a) in the course of his employment as an employee of Mintek;
- (b) during the performance of functions in respect of which he has been placed at the disposal of Mintek in terms of section 10 (1) (c);
- (c) in the course of any investigation or research while assisting Mintek; or
- (d) in the course of any research in respect of which he receives a bursary or 40 grant-in-aid from Mintek,

and which is not connected with such employment, investigation or research.

Accounting, auditing and annual report

12. (1) The accounting and compilation of annual financial statements of a company referred to in section 4 (3) (b) (iii) shall be done in accordance with the 45 provisions of the Companies Act, 1973 (Act No. 61 of 1973).

(2) (a) The Auditor-General shall audit the annual financial statements of Mintek and shall submit a copy of his report on the audit of the said statements to Mintek.

(b) Notwithstanding anything to the contrary contained in any law, the 50 Auditor-General shall audit the annual financial statements of a company referred to in section 4 (3) (b) (iii), and shall submit, within six months after the end of the financial year concerned, copies of such annual financial statements to the Minister.

(3) Indien 'n persoon wat in enige hoedanigheid in diens van Mintek of ten behoeve van Mintek in diens is, 'n besering of siekte opdoen terwyl hy besig is met, en wat regstreeks toegeskryf kan word aan, enige werksaamheid in die loop van sodanige diens, kan die Minister met die instemming van die Minister van Finansies 5 Mintek magtig om vergoeding aan sodanige persoon, of, in geval van sy dood, aan sy afhanklikes, te betaal.

(4) Die bepalings van subartikel (3) raak nie die reg van enige persoon op skadevergoeding ten opsigte van enige besering of siekte in daardie subartikel bedoel nie.

10 Ontdekkings, uitvindings en verbeterings deur werknemers van Mintek en ander persone

11. (1) Behoudens die bepalings van subartikels (5) en (6) berus die regte op alle ontdekkings en uitvindings en op alle verbeterings ten opsigte van prosesse, apparaat en masjiene wat gedoen word deur—

15 (a) werknemers van Mintek of beamptes en werknemers in die staatsdiens wat kragtens artikel 10 (1) (c) tot beskikking van Mintek gestel is;

(b) persone wat Mintek met enige ondersoek of navorsing behulpsaam is; of

(c) persone aan wie beurse of hulptoelae deur Mintek toegeken is,

by Mintek.

20 (2) Mintek kan die ontdekkings, uitvindings en verbeterings in subartikel (1) bedoel, beskikbaar stel vir gebruik in openbare belang op die voorwaardes en onderworpe aan die betaling van dié gelde of tantième wat Mintek bepaal.

(3) Indien die regte op 'n ontdekking, uitvinding of verbetering ingevolge subartikel (1) by Mintek berus, kan die Raad aan die persoon wat vir die ontdekking, 25 uitvinding of verbetering verantwoordelik is die bonus toeken wat die Raad goedvind, of voorsiening maak vir geldelike deelname, in die mate wat die Minister met die instemming van die Minister van Finansies bepaal, deur so iemand in die winste uit dié ontdekking, uitvinding of verbetering verkry.

(4) Mintek kan aansoek doen om 'n patent ten opsigte van enige ontdekking, 30 uitvinding of verbetering in subartikel (1) bedoel, en by die toepassing van die Wet op Patente, 1978 (Wet No. 57 van 1978), word Mintek as die sessionaris van die betrokke ontdekker of uitvinder beskou.

(5) Die regte op 'n ontdekking, uitvinding of verbetering deur Mintek gemaak in die loop van 'n ondersoek namens of ten behoeve van 'n ander persoon, regering of 35 administrasie berus, tensy anders ooreengekom, by Mintek.

(6) Die bepalings van hierdie artikel is nie van toepassing nie ten opsigte van 'n ontdekking, uitvinding of verbetering in subartikel (1) bedoel wat, volgens die oordeel van die Minister, deur die betrokke persoon gedoen is behalwe—

(a) in die loop van sy werk as werknemer van Mintek;

40 (b) tydens die verrigting van werksaamhede ten opsigte waarvan hy kragtens artikel 10 (1) (c) tot beskikking van Mintek gestel is;

(c) in die loop van enige ondersoek of navorsing waarmee hy Mintek behulpsaam was; of

(d) in die loop van navorsing ten opsigte waarvan hy 'n beurs of hulptoelae van 45 Mintek ontvang,

en wat geen verband met sodanige werk, ondersoek of navorsing hou nie.

Boekhouding, ouditering en jaarverslag

12. (1) Die boekhouding en opstel van finansiële jaarstate van 'n maatskappy bedoel in artikel 4 (3) (b) (iii) geskied volgens die bepalings van die Maatskappywet, 50 1973 (Wet No. 61 van 1973).

(2) (a) Die Ouditeur-generaal ouditeer die finansiële jaarstate van Mintek en lê 'n afskrif van sy verslag oor die ouditering van bedoelde state aan Mintek voor.

(b) Ondanks andersluidende bepalings van die een of ander wet, moet die 55 Ouditeer-generaal die finansiële jaarstate van 'n maatskappy bedoel in artikel 4 (3) (b) (iii) ouditeer, en moet afskrifte van sodanige finansiële jaarstate binne ses maande na die einde van die betrokke boekjaar aan die Minister voorlê.

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- (3) The Board shall furnish the Minister with such information as he may call for from time to time in connection with the activities and financial position of Mintek, and shall as soon as practicable after the end of each financial year submit to the Minister an annual report on Mintek's affairs and functions in respect of that financial year, which shall, *inter alia*, include the following: 5
- (a) An audited balance sheet, including any notes thereon or document annexed thereto providing information required by this Act;
 - (b) a audited income statement, including any similar financial statement where such form is appropriate and including any notes thereon or document annexed thereto providing information required by this Act; 10
 - (c) a statement of cash flow information; and
 - (d) the report of the auditors.
- (4) The financial statements referred to in subsection 3 (a), (b) and (c) shall—
- (a) be in conformity with generally accepted accounting practice;
 - (b) fairly present the state of affairs and functions of Mintek and the results 15 thereof; and
 - (c) refer to any material matters not specifically prescribed by this Act which have affected or are likely to affect the affairs of Mintek, both by way of figures and by descriptive report, amplifying and explaining, where necessary, figures in financial statements. 20
- (5) A report referred to in subsection (2) shall be printed in both official languages.
- (6) As soon as practicable after a report has been submitted to the Minister in terms of subsection (3), he shall table it in Parliament.

Financing of Mintek

13. (1) The funds of Mintek shall consist of— 25
- (a) money appropriated by Parliament to enable Mintek to perform its functions;
 - (b) revenue obtained by virtue of the provisions of subsections (4) and (5);
 - (c) money borrowed by Mintek in terms of section 4 (3) (b) (ii);
 - (d) fees or royalties referred to in section 11 (2) which are paid to Mintek; 30
 - (e) the proceeds from the sale of shares, and from dividends on shares held by Mintek in any company referred to in section 4 (3) (b) (iii);
 - (f) donations or contributions which Mintek may receive from any person, body, government or administration;
 - (g) money received from any other source. 35
- (2) (a) Mintek shall utilize its funds for defraying expenses in connection with the performance of its functions or the exercise of its powers.
- (b) Mintek shall utilize any money contemplated in subsection (1) (a) in accordance with the statement of its estimated income and expenditure referred to in subsection (3), as approved by the Minister: Provided that, 40 subject to the provisions of paragraph (a), Mintek may utilize any amount or portion of any amount required to be so utilized for a particular purpose in connection with a specified matter, for any other purpose in connection with that matter: Provided further that Mintek may utilize any balance of the money remaining at the end of Mintek's financial year in question, for 45 any expenses in connection with the exercise of its powers or the performance of its functions with the concurrence of the Minister.
- (c) Mintek shall utilize any donations or contributions contemplated in subsection (1) (f) in accordance with the conditions, if any, imposed by the donor or contributor concerned. 50
- (3) The Board shall in each financial year, at a time determined by the Minister, submit a statement of Mintek's estimated income and expenditure during the following financial year to the Minister for his approval, granted with the concurrence of the Minister of Finance.
- (4) Mintek may, in respect of any work performed or services rendered by it under 55 this Act, or for the use of its facilities or rights resulting from any discoveries, inventions or improvements, charge such fees or make such other financial arrangements as it may deem fit.

(3) Die Raad moet aan die Minister die inligting verstrek wat hy van tyd tot tyd in verband met die bedrywighede en geldelike gesteldheid van Mintek aanvra, en moet so gou doenlik na die einde van elke boekjaar 'n jaarverslag oor Mintek se sake en werksaamhede ten opsigte van daardie boekjaar aan die Minister voorlê, wat onder 5 meer die volgende insluit:

- (a) 'n Geouditeerde balansstaat, met inbegrip van aantekeninge daarop of 'n dokument daarby aangeheg wat inligting deur hierdie Wet vereis, verstrek;
 - (b) 'n geouditeerde inkomstestaat, met inbegrip van 'n soortgelyke finansiële staat waar sodanige vorm gepas is en met inbegrip van aantekeninge daarop of 'n dokument daarby aangeheg wat die inligting deur hierdie Wet vereis, 10 verstrek;
 - (c) 'n staat van kontantvloei-inligting; en
 - (d) die verslag van die ouditeurs.
- (4) Die finansiële state bedoel in subartikel (3) (a), (b) en (c) moet—
- (a) in ooreenstemming wees met algemeen aanvaarde rekeningkundige prak- 15 tyk;
 - (b) die toestand van die sake en werksaamhede van Mintek en die resultate daarvan, redelik weergee; en
 - (c) enige tersaaklike aangeleenthede wat nie uitdruklik deur hierdie Wet 20 voorgeskryf word nie en wat die sake van Mintek raak of waarskynlik sal raak, sowel by wyse van syfers as by wyse van beskrywende verslag vermeld, wat, waar nodig, uitbrei op syfers in finansiële state en dit verduidelik.
- (5) 'n Verslag in subartikel (2) bedoel, word in beide amptelike tale gedruk.
- 25 (6) Die Minister lê 'n verslag wat ingevolge subartikel (3) aan hom voorgelê is, so spoedig doenlik daarna in die Parlement ter tafel.

Finansiering van Mintek

13. (1) Die fondse van Mintek bestaan uit—
- (a) geld wat die Parlement bewillig ten einde Mintek in staat te stel om sy 30 werksaamhede te verrig;
 - (b) inkomste verkry uit hoofde van die bepalings van subartikels (4) en (5);
 - (c) geld ingevolge artikel 4 (3) (b) (ii) deur Mintek geleen;
 - (d) gelde of tantième in artikel 11 (2) bedoel wat aan Mintek betaal word;
 - (e) die opbrengs van die verkoop van aandele, en van diwidende op aandele 35 deur Mintek gehou in enige maatskappy in artikel 4 (3) (b) (iii) bedoel;
 - (f) skenkings of bydraes wat Mintek van enige persoon, liggaam, regering of administrasie ontvang;
 - (g) geld uit enige ander bron ontvang.
- (2) (a) Mintek moet sy fondse aanwend om uitgawes in verband met die verrigting 40 van sy werksaamhede of die uitoefening van sy bevoegdhede te bestry.
- (b) Mintek moet geld in subartikel (1) (a) beoog, aanwend ooreenkomstig die staat van sy geraamde inkomste en uitgawes in subartikel (3) bedoel, soos deur die Minister goedgekeur: Met dien verstande dat, behoudens die bepalings van paragraaf (a), Mintek enige bedrag of gedeelte van 'n bedrag 45 wat vir 'n besondere doel in verband met 'n bepaalde aangeleentheid aangewend moet word, vir enige ander doel in verband met daardie aangeleentheid kan aanwend: Met dien verstande voorts dat Mintek enige saldo van die geld wat aan die einde van die betrokke boekjaar van Mintek oorbly, vir enige uitgawes in verband met die uitoefening van sy bevoegd- 50 hede of die verrigting van sy werksaamhede met die instemming van die Minister kan aanwend.
- (c) Mintek moet skenkings of bydraes in subartikel (1) (f) bedoel, aanwend ooreenkomstig die voorwaardes, as daar is, wat die betrokke skenker of bydraer opgelê het.
- 55 (3) Die Raad moet in elke boekjaar, op 'n tydstip deur die Minister bepaal, 'n staat van Mintek se geraamde inkomste en uitgawes gedurende die daaropvolgende boekjaar aan die Minister voorlê vir sy goedkeuring, wat met die instemming van die Minister van Finansies verleen word.

(4) Mintek kan, ten opsigte van werk of dienste wat hy kragtens hierdie Wet 60 voltooi of gelewer het, of vir die benutting van sy fasiliteite of regte voortspruitende uit enige ontdekkings, uitvindings of verbeterings, die gelde vorder of die ander geldelike reëlings tref wat hy goetvind.

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- (5) (a) The Board may invest any unexpended portion of Mintek's funds with the Corporation for Public Deposits, or, subject to the approval of the Minister acting with the concurrence of the Minister of Finance, dispose thereof in any other manner.
- (b) The Board may establish such reserve funds and deposit therein such amounts as the Minister, acting with the concurrence of the Minister of Finance, may approve.

Accounting officer

14. (1) The president shall be the accounting officer charged with the responsibility of accounting for all money received, and for all payments made, by Mintek. 10
- (2) The accounting officer shall cause such records of account to be kept as are necessary to represent fairly the state of affairs and business of Mintek and to explain the transactions and financial position of the business of Mintek.

Recovery of losses and damage

15. (1) If a person who is or was in the employment of Mintek caused Mintek any loss or damage because he— 15

- (a) failed to collect money due to Mintek and for the collection of which he is or was responsible;
- (b) is or was responsible for an irregular payment of money of Mintek or for a payment of such money not supported by a proper voucher; 20
- (c) is or was responsible for fruitless expenditure of money of Mintek owing to an omission to carry out his duties;
- (d) is or was responsible for a deficiency in, or for the destruction of, or any damage to, money of Mintek, stamps, face value documents and forms having potential value, securities, equipment, stores or any other property 25 of Mintek;
- (e) is or was responsible for a claim against Mintek owing to an omission to carry out his duties,

the accounting officer shall determine the amount of such loss or damage, and may order that person, by notice in writing, to pay to Mintek, within 30 days from the date of such notice, the whole or any part of the amounts so determined. 30

(2) If a person who is in the employment of Mintek and who has in terms of subsection (1) been ordered to pay an amount, fails to pay the amount within the period stipulated in the notice in question, the amount shall, subject to the provisions of subsections (4), (5) and (6), be deducted from his monthly salary: 35 Provided that such deduction shall not in any month exceed a fourth of his monthly salary.

(3) If a person who was in the employment of Mintek and who has in terms of subsection (1) been ordered to pay an amount, fails to pay the amount within the period stipulated in the notice in question, the accounting officer shall, subject to the provisions of subsections (4), (5) and (6), recover the amount from the person concerned by legal process. 40

(4) If a person who has in terms of subsection (1) been ordered to pay an amount offers, within the period stipulated in the notice in question, to pay the amount in instalments, the accounting officer may allow payment in such instalments as he may 45 deem reasonable.

(5) A person who has in terms of subsection (1) been ordered to pay an amount may within a period of 30 days from the date of such order appeal in writing against such order to the Board, stating the grounds for his appeal, and the Board may, after such investigation as it may deem necessary, dismiss the appeal, or order that the appellant be exempted, either wholly or partly, as the Board may deem fair and reasonable, from the payment of such amount. 50

(6) A person who has in terms of subsection (1) been ordered to pay an amount may, instead of appealing to the Board under subsection (5), apply within a period of 30 days from the date of such order, or within such further period as the court may 55 allow, to a competent court for an order setting aside such first-mentioned order or

- (5) (a) Die Raad kan enige onbestede gedeelte van Mintek se fondse by die Korporasie vir Openbare Deposito's belê, of onderhewig aan die goedkeuring van die Minister handelende met die instemming van die Minister van Finansies, op 'n ander wyse daarvoor beskik.
- 5 (b) Die Raad kan die reserwefondse instel en sodanige bedrae daarin stort wat die Minister handelende met die instemming van die Minister van Finansies, goedkeur.

Rekenpligtige beampte

14. (1) Die president is die rekenpligtige beampte belas met die verantwoording van al die geld ontvang, en van al die betalings gedoen, deur Mintek.

(2) Die rekenpligtige beampte moet die rekeningkundige aantekeninge laat hou wat nodig is om die toestand van die sake en besigheid van Mintek redelik weer te gee en om die transaksies en finansiële toestand van die besigheid van Mintek te verduidelik.

15 Verhaling van verliese en skade

15. (1) Indien iemand wat in diens van Mintek is of was Mintek enige verlies of skade berokken het deurdat hy—

- (a) versuim het om geld verskuldig aan Mintek vir die invordering waarvan hy verantwoordelik is of was, in te vorder;
- 20 (b) vir 'n onreëlmatige uitbetaling van geld van Mintek of vir 'n uitbetaling van sodanige geld wat nie deur 'n behoorlike bewysstuk gestaaf word nie, verantwoordelik is of was;
- (c) weens versuim om sy pligte uit te voer, vir 'n vrugtelose uitgawe van geld van Mintek verantwoordelik is of was;
- 25 (d) vir 'n tekort in, of die vernietiging of beskadiging van, Mintek se geld, seëls, sigwaardestukke en vorms wat 'n potensiële waarde het, sekuriteite, uitrusting, voorrade of enige ander goed van Mintek verantwoordelik is of was;
- 30 (e) weens versuim om sy pligte uit te voer, vir 'n eis teen Mintek verantwoordelik is of was,

moet die rekenpligtige beampte die bedrag van sodanige verlies of skade vasstel, en kan hy daardie persoon by skriftelike kennisgewing gelas om die geheel of 'n gedeelte van die bedrag wat aldus vasgestel is, binne 30 dae vanaf die datum van die kennisgewing aan Mintek te betaal.

35 (2) Indien iemand wat in diens van Mintek is en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag binne die tydperk in die betrokke kennisgewing bepaal, te betaal, word die bedrag, behoudens die bepalings van subartikels (4), (5) en (6), van sy maandelikse salaris afgetrek: Met dien verstande dat so 'n aftrekking nie in een maand meer as 'n vierde van sy maandelikse salaris

40 beloop nie.

(3) Indien iemand wat in diens van Mintek was en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag binne die tydperk in die betrokke kennisgewing bepaal, te betaal, moet die rekenpligtige beampte, behoudens die bepalings van subartikels (4), (5) en (6), die bedrag deur middel van

45 geregtelike proses op die betrokke persoon verhaal.

(4) Indien iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, binne die tydperk in die betrokke kennisgewing bepaal, aanbied om die bedrag in paaiemente te betaal, kan die rekenpligtige beampte hom toelaat om in die paaiemente wat hy redelik ag, te betaal.

50 (5) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan binne 'n tydperk van 30 dae vanaf die datum van daardie lasgewing skriftelik by die Raad teen so 'n lasgewing appèl aanteken, met opgaaf van die gronde van sy appèl, en die Raad kan, na die ondersoek wat hy nodig ag, die appèl verwerp of gelas dat die appellant geheel en al of ten dele, na gelang van wat die Raad billik en redelik ag,

55 van die betaling van daardie bedrag kwytgeskeld word.

(6) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan, in plaas van kragtens subartikel (5) by die Raad appèl aan te teken, binne 'n tydperk van 30 dae vanaf die datum van die lasgewing, of binne die verdere tydperk wat die hof toelaat, by 'n bevoegde hof aansoek doen om 'n bevel waarby die lasgewing ter-

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reducing such amount, and the court may upon such an application, if it is not convinced by the accounting officer on the merits of the case that the order was rightly made or that the amount is correct, make an order setting aside such first-mentioned order or reducing that amount, as the case may be.

Regulations

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16. The Minister may make regulations as to—

(a) the circumstances under which a member of the Board shall vacate his office;

(b) the filling of casual vacancies on the Board and the appointment of persons to act on behalf of absent members;

(c) the matters in respect of which fees shall be payable to Mintek, the amount of such fees and the persons who shall be liable for the payment thereof and the circumstances in which any fees so paid shall be refunded;

(d) the procedure at meetings of the Board;

(e) the preservation of secrecy in respect of the affairs of Mintek,

and, generally, as to any matter in respect of which the Minister considers it necessary or expedient to make regulations in order to achieve the objects of this Act.

Transfer of functions

17. (1) The Board may—

(a) delegate to the chairman or any other member of the Board, the president or any other employee of, or holder of an office with, Mintek or to a committee established under section 7 any power conferred upon the Board by or under this Act, on such conditions as the Board may determine; or

(b) authorize the chairman or any other member of the Board, the president or any other employee of, or holder of an office with, Mintek or a committee established under section 7 to perform any duty assigned to the Board by or under this Act.

(2) The president may—

(a) delegate to an employee of, or the holder of an office with, Mintek any power conferred upon the president by or under this Act in his capacity as president or accounting officer; or

(b) authorize that employee or holder of an office to perform any duty assigned to the president by or under this Act in the said capacities.

(3) Any delegation under subsection (2) may be made subject to such conditions and restrictions as may be determined by the president and may be withdrawn by him.

(4) The Board and the president shall not be divested of any power delegated under subsection (1) or (2) by it or him, and may amend or withdraw any decision made in the exercise of such delegated power.

Administration of Act

18. The State President may by proclamation in the *Gazette* assign the administration of this Act to any Minister, and may determine that any power or duty conferred or imposed by this Act on such Minister, shall be exercised or carried out by that Minister after consultation with one or more other Ministers.

Savings

19. (1) At the fixed date anything done in terms of the provisions of the Mineral Technology Act, 1981, prior to such date and which may be done in terms of the provisions of this Act, shall be deemed to have been done in terms of the latter provisions.

(2) If at the fixed date any matter has not been disposed of by the Council for Mineral Technology established by section 2 of the Mineral Technology Act, 1981, or a committee thereof, the Board established in terms of this Act may continue with the disposal of the matter in accordance with the provisions of this Act, and anything

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syde gestel of daardie bedrag verminder word, en die hof kan op so 'n aansoek, indien hy nie deur die rekenpligtige beampte aan die hand van die omstandighede van die geval oortuig word nie dat die lasgewing tereg gegee is of dat die bedrag juis is, 'n bevel uitreik waarby die lasgewing tersyde gestel word of daardie bedrag 5 verminder word, na gelang van die geval.

Regulasies

16. Die Minister kan regulasies uitvaardig betreffende—

- (a) die omstandighede waaronder 'n lid van die Raad sy amp ontruim;
 - 10 (b) die vul van toevallige vakatures in die Raad en die aanstelling van persone om namens afwesige lede op te tree;
 - (c) die aangeleenthede ten opsigte waarvan gelde aan Mintek betaalbaar is, die bedrag van sodanige gelde, die persone wat vir die betaling daarvan aanspreeklik is en die omstandighede waaronder gelde wat aldus betaal is, terugbetaal moet word;
 - 15 (d) die prosedure op vergaderings van die Raad;
 - (e) geheimhouding ten opsigte van die sake van Mintek,
- en, in die algemeen, betreffende enige aangeleentheid ten opsigte waarvan die Minister dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.

20 Oordrag van werksaamhede

17. (1) Die Raad kan—

- (a) aan die voorsitter of enige ander lid van die Raad, die president of enige ander werknemer van, of ampsbekleër by, Mintek of aan 'n komitee ingevolge artikel 7 ingestel, 'n bevoegdheid by of kragtens hierdie Wet aan 25 die Raad verleen, delegeer op die voorwaardes wat die Raad bepaal; of
 - (b) die voorsitter of enige ander lid van die Raad, die president of enige ander werknemer van, of ampsbekleër by, Mintek of 'n komitee ingevolge artikel 7 ingestel, magtig om 'n plig by of kragtens hierdie Wet aan die Raad opgedra, te verrig.
- 30 (2) Die president kan—
- (a) aan 'n werknemer van, of 'n ampsbekleër by, Mintek 'n bevoegdheid by of kragtens hierdie Wet aan die president verleen in sy hoedanigheid van president of rekenpligtige beampte, delegeer; of
 - 35 (b) daardie werknemer of ampsbekleër magtig om 'n plig wat by of kragtens hierdie Wet aan die president in genoemde hoedanighede opgedra is, te verrig.
- (3) 'n Delegering kragtens subartikel (2) kan geskied onderworpe aan die voorwaardes en beperkinge wat die president bepaal en kan deur hom herroep word.
- (4) Die president en die Raad is nie ontdoen van 'n bevoegdheid deur hom 40 kragtens subartikel (1) of (2) gedelegeer nie, en kan 'n beslissing in die uitoefening van sodanige gedelegeerde bevoegdheid gegee, wysig of intrek.

Uitvoering van Wet

18. Die Staatspresident kan by proklamasie in die *Staatskoerant* die uitvoering van hierdie Wet aan enige Minister opdra, en kan bepaal dat 'n bevoegdheid of plig by 45 hierdie Wet aan die Minister verleen of hom opgelê, uitgeoefen of verrig moet word deur daardie Minister na oorleg met een of meer ander Ministers.

Voorbehoudsbepalings

19. (1) Op die vasgestelde datum word enigiets wat voor daardie datum ingevolge die bepalinge van die Wet op Mineraletegnologie, 1981, gedoen is en wat ingevolge 50 die bepalinge van hierdie Wet gedoen kan word, geag ingevolge laasgenoemde bepalinge gedoen te wees.

(2) Indien 'n aangeleentheid nie op die vasgestelde datum deur die Raad vir Mineraletegnologie deur artikel 2 van die Wet op Mineraletegnologie, 1981, ingestel of 'n komitee daarvan afgehandel is nie, kan die Raad ingevolge hierdie Wet 55 aangestel met die afhandeling van daardie aangeleentheid ooreenkomstig die

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done by the Council in connection with that matter shall be deemed to have been done by the Board established in terms of this Act.

(3) Any regulation made by the Minister under section 18 of the Mineral Technology Act, 1981, and in force at the repeal of that Act by section 20 of this Act shall, notwithstanding such repeal, remain in force after the fixed date in so far as it deals with any matter in respect of which the Minister may make regulations under section 16, until it is replaced by a regulation made under section 16. 5

(4) The person who, immediately prior to the fixed date held the office of president of the Council for Mineral Technology established by section 2 of the Mineral Technology Act, 1981, shall as from the said date be deemed to have been appointed 10 in terms of section 9 (1) of this Act, and he shall be deemed to have been so appointed on the conditions of service and at the remuneration applicable to him immediately prior to the said date.

(5) The conditions of service and remuneration referred to in subsection (4) shall, subject to the provisions of section 9 (4), not be altered without the consent of the 15 person concerned.

Repeal of Act 84 of 1981

20. The Mineral Technology Act, 1981, is hereby repealed.

Short title and commencement

21. This Act shall be called the Mineral Technology Act, 1989, and shall come into 20 operation on a date to be fixed by the State President by proclamation in the *Gazette*.

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voorskrifte van hierdie Wet voortgaan, en enigiets deur eersgenoemde Raad in verband met daardie aangeleentheid gedoen, word geag gedoen te wees deur die Raad ingevolge hierdie Wet aangestel.

(3) 'n Regulasie deur die Minister kragtens artikel 18 van die Wet op Minerale-
5 tegnologie, 1981, uitgevaardig, en van krag by die herroeping van daardie Wet deur
artikel 20 van hierdie Wet, bly ondanks sodanige herroeping van krag na die
vasgestelde datum vir sover dit handel oor 'n aangeleentheid ten opsigte waarvan die
Minister kragtens artikel 16 regulasies kan uitvaardig, totdat dit deur 'n regulasie
kragtens artikel 16 uitgevaardig, vervang word.

10 (4) Die persoon wat onmiddellik voor die vasgestelde datum die pos van president
van die Raad vir Mineraletegnologie deur artikel 2 van die Wet op Mineraletegnolo-
gie, 1981, ingestel, beklee het, word vanaf genoemde datum geag ingevolge artikel
9 (1) van hierdie Wet aangestel te wees, en hy word geag aangestel te wees op die
diensvoorwaardes en met die besoldiging wat onmiddellik voor genoemde datum op
15 hom van toepassing was.

(5) Die diensvoorwaardes en besoldiging in subartikel (4) bedoel, mag behoudens
artikel 9 (4) nie sonder die toestemming van die betrokke persoon gewysig word nie.

Herroeping van Wet 84 van 1981

20. Die Wet op Mineraletegnologie, 1981, word hierby herroep.

20 Kort titel en inwerkingtreding

21. Hierdie Wet heet die Wet op Mineraletegnologie, 1989, en tree in werking op
'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

