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DEPARTMENT OF MINERALS AND ENERGY

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

REGULATIONS IN TERMS OF SECTION 6(3), OF THE NATIONAL NUCLEAR REGULATOR ACT, 1999 (ACT NO 47 OF 1999), ON CO-OPERATIVE GOVERNANCE IN RESPECT OF THE MONITORING AND CONTROL OF RADIOACTIVE MATERIAL OR EXPOSURE TO IONISING RADIATION

Under section 47 of the National Nuclear Regulator Act, 1999 (Act No 47 of 1999), I Phumzile Mlambo-Ngcuka, Minister of Minerals and Energy, after consultation with the Board of Directors of the National Nuclear Regulator and in consultation with the Ministers of Health, Environmental Affairs and Tourism, Water Affairs and Forestry, Labour and Transport, hereby make the regulations in the Schedule.

**PHUMZILE MLAMBO-NGCUKA
MINISTER OF MINERALS AND ENERGY**

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned.

Time period for the conclusion of co-operative agreements

2. The regulator shall, within 6 months of these regulations coming into effect, conclude a co-operative agreement in respect of the monitoring and control of radioactive material or exposure to ionising radiation with every relevant organ of state, including but not limited to the following: Department of Health (Directorate Radiation Control), Department of Minerals and Energy (Chief Inspector of Mines; Deputy Director-General: Mineral Development; Deputy Director-General: Energy), Department of Environmental Affairs and Tourism, Department of Water Affairs and Forestry, Department of Labour, Department of Transport.

Procedures, including procedures for public participation

3. The regulator and each relevant organ of state, shall, within 6 months of these regulations coming into effect, and after consultation with any relevant statutory stakeholder body, product a draft co-operative agreement in respect of each of the following objectives of co-operative governance –

- (a) ensuring the effective monitoring and control of the nuclear hazard;
- (b) co-ordinating the exercise of such functions;
- (c) minimising the duplication of such functions and procedures regarding the exercise of such functions; and
- (d) promoting consistency in the exercise of such functions.

The regulator shall make available such draft co-operative agreement for public comment over a period of 30 days and shall, in consultation with the relevant organ of state, consider such comment and finalise the agreement for submission to the Minister of Minerals and Energy for publication in the Gazette in terms of section 6(4) of the National Nuclear Regulator Act, 1999.

Mechanisms for Dispute Resolution in respect of the conclusion of co-operative agreements

4. Any dispute between the Regulator and another relevant organ of state that cannot be resolved by the parties must be referred to the Minister of Minerals and Energy for determination in consultation with the Minister responsible for the other organ of state.

Matters that must be provided for in co-operation agreements

5. Co-operative agreements must contain the following as a minimum –

- (1) the time period for the implementation of co-operative agreements which shall be within 4 months of it being concluded;
- (2) a description of how the functions in respect of the monitoring and control of radioactive material or exposure to ionising radiation will be co-ordinated in a manner that will avoid unnecessary duplication and omissions regarding safety requirements and the issuing of conflicting instructions;
- (3) measures to resolve non-compliance with a co-operative agreement, which when remaining unresolved shall be reported forthwith to the Minister for determination;
- (4) a description of how any dispute in respect of the interpretation or application of co-operative agreements will be resolved, which when remaining unresolved shall be reported forthwith to the Minister for determination;
- (5) provision to use the same set of safety standards;
- (6) a description of how the monitoring and compliance enforcement functions will be co-ordinated and allocated;
- (7) a record of any delegations, assignments or agency arrangements agreed upon in terms of section 238 of the Constitution or any other law;
- (8) provision for expert assistance and support by one organ of state to the other, as and when required;
- (9) a description of the mechanisms and procedures for co-operation between the parties;
- (10) a description of how relevant information will be shared;
- (11) a description of co-ordinated response to incidents/accidents;
- (12) a description of the manner in which the co-operative agreement may be amended.