

<b>SAMREC</b> <b>MINUTES OF THE SAMREC WORKING GROUP MEETING</b> <b>HELD ON 30 JANUARY 2014 AT 09:30</b> <b>IN THE DELVILLE WOOD ROOM, MILITARY MUSEUM</b>
---

<b>Present:</b>	<b>K Lomberg (Chairman)</b>	
	<b>M Austin</b>	<b>S Mathuray</b>
	<b>J Botha</b>	<b>S M Rupprecht</b>
	<b>T Flitton</b>	<b>J A Sullivan</b>
	<b>P G Obermeyer</b>	<b>E Swindell</b>
	<b>A Macfarlane</b>	<b>M R Tlala</b>
	<b>T Marshall</b>	<b>D J van Niekerk</b>
<b>Apologies:</b>	<b>A Clay</b>	<b>B Mills</b>
	<b>R Davel</b>	<b>J Nel</b>
	<b>A de Bruyn</b>	<b>G Njowa</b>
	<b>S Foya</b>	<b>J Odendaal</b>
	<b>M Lynne</b>	<b>D Young</b>
<b>In Attendance:</b>	<b>S Moolla</b>	<b>Manager, SAIMM</b>
	<b>J Carpenter</b>	<b>Recordist and minutes</b>

---

#### 1. Welcome

The Chairman welcomed everyone to the meeting.

#### 2. Acceptance of previous minutes with reference to actions noted

The minutes of the meeting held on 30 January 2014 meeting were accepted as a true reflection of proceedings.

#### 3. Matters Arising

This item was not dealt with and the action items are therefore held over.

#### 4. Discussion on CPs with regard to SAMREC

Mr Macfarlane informed the meeting that confusion has arisen over the use of SAMREC's Competent Person (CP) term and connotations as referenced to SAMVAL. CP is a generic term applicable across a range of professions. In terms of SAMVAL, it is important to register Competent Valuers (separate to the meaning of Competent Person in terms of SAMREC's understanding).

Mr van Niekerk took the meeting through the background of SAMVAL's motivations for its particular requirement of the registration of CVs. The following points were noted:

1. Professional societies (SAIMM/GSSA) do not want to be exposed to litigation should a member, deemed to be a CP/CV, be charged with indiscretions.
2. The term Competent is generic. In terms of SAMVAL, a Competent Valuator has specific qualifications and experience.
3. In principle SAMVAL is looking at registering CVs into a specific category within a statutorily registered body (as is practised by ECSA). Such registration with a statutory body allows for disciplinary action to be taken as and when required.
4. Registration also allows for better governance in terms of the competency and qualifications of CVs as these will be prescribed.

5. There are numerous regulatory models, one of which is membership of a professional association. In terms of membership of the SAIMM and GSSA, neither association can litigate because neither is statutorily established. Currently there are two cases of complaints which are being investigated but little disciplinary action can be taken against those under investigation as neither the SAIMM or the GSSA are statutory bodies. Statutory registration will automatically invoke proper legislation, where required, for the purposes of litigation.
6. In terms of RPOS, there is no statutory legislation in place to govern their practices and this is an issue which must be investigated by both the SAIMM and GSSA.

Mr Macfarlane stated that there are two aspects, from SAMVAL's perspective, which must be considered:

- a. Some statutory bodies have been engaged with and those deemed unsuitable have not been considered.
- b. SACNASP is able to accommodate the registration of CVs under a specialised category, which would be managed by peers within the SAIMM and GSSA.
- c. The South African Council for the Property Valuers Professions (SACPVP) has informed SAMVAL that it is already in the process of establishing a category for valuers, governed by an Act of Parliament. This would mean that CVs would fall under this body and would be governed by the Act.

#### **5. CP membership aspects in relation to the SAIMM**

Mr Rupprecht stated that the SAIMM is still very much in favour of registration being done through its organisation and does not want to lose this aspect. It further wants to keep the statement that membership of the SAIMM qualifies a CP/CV.

Mr van Niekerk pointed out that in all statutory bodies regulation is carried out by professionals and the SAIMM/GSSA will not lose control over registration or the governance thereof as they are the professional bodies to which peers belong; the professional society will provide the people and the control over the registration of a CV.

Mr van Niekerk stated that SAMVAL has defined within itself where it wants to be in terms of registration. However, he acknowledged that there will have to be a transitional arrangement in place between now and the end point envisaged.

#### **6. CP membership in relation to GSSA**

Mr Swindell presented the view of the GSSA in terms of CP membership.

The GSSA has three legs in terms of professionalism of its members:

- Confirmation of qualifications
- Maintenance of registration and right to work
- Continuous professional development

Statutory registration of earth scientists is housed in SACNASP. Both SANASP and the GSSA regulate professional behaviour. The GSSA is a formally constituted association formally aligned with SACNASP in terms of its status as a voluntary association of SACNASP as defined in the Act. The GSSA assists SACNASP with their application and vetting processes.

The presentation went on to deal with the history and background of the GSSA and its role within the profession of the earth sciences and SACNASP.

Up to the end of last year complaints and disciplinary measures were run on an *ad hoc* basis by VP Professional Affairs (GSSA) as cases were extremely rare. This has, however, now changed due to an ever increasing number of disturbing cases. A formal call to all Fellows went out at the end of 2013 for volunteers for a disciplinary committee. This committee should be in place by end March 2014.

The GSSA is opposed to the registration of CPs. It feels it is not necessary. The JSE is free to maintain its own register, if it so requires.

Mr Swindell stated that the GSSA is able to regulate complaints received against its members in the mineral resource space. In Canada if a professional is found guilty of misconduct, the name of that person is kept on a register where he/she is designated as incompetent. If the GSSA strikes off a member from its roll, it informs its international counterparts accordingly and, in some cases, even the security commissions are informed. The presentation is attached to the minutes

After vigorous, but inconclusive debate, Mr van Niekerk thanked the SAMREC Working Group for the opportunity for SAMVAL to put forward its views on CV registration. He asked for, and was given, assurance that SAMVAL's stance in respect of registration is clearly understood by SAMREC, the SAIMM and the GSSA.

Dr Rupprecht stated that from the point of view of the SAIMM further discussion and debate will be had

#### **7. Training**

This item was not dealt with due to time constraints.

#### **8. Press release and GSSA/SAIMM road-show**

This item was not dealt with.

#### **9. Table 1**

This item was not dealt with.

#### **10. General**

There was no discussion.

The meeting ended at 11:30.

### **SUMMARY OF KEY ACTION ITEMS**

**None noted.**