

NEL BRAVIOUS FENCING PTY (Ltd)

Occupational Health and Safety Act, No. 85 of 1993

APPOINTMENT AS CONSTRUCTION MANAGER

I, _____, representing _____, by the powers invested in me to appoint persons in terms of the Occupational Health and Safety Act, and in terms of Construction Regulation 8(1), hereby appoint you _____ as the Construction Manager.

In terms of section 34 of the National Environmental Management Act (No 107 of 1998) you are responsible for upholding the Environmental Legislative Requirements as required by Schedule 3 of this act.

Attached please find a copy of your duties as described by the Occupational Health and Safety Act (No 85 of 1993). (Appendix 1)

Attached please find Schedule 3 of the National Environmental Management Act (No107 of 1998) which describes the Environmental Legislation for which you are responsible. (Appendix 2)

Your appointment will be with effect from _____ until further notice and supercedes any appointments in terms of the same provision you may have.

In terms of this appointment, your area of responsibility will be as follows:

_____, at _____

You are to ensure that you are familiar with your responsibility, as outlined above, and if you have any queries in this regard, you are to bring it to the attention of the person you report to, or to myself. You will be provided with all the means necessary to enable you to fulfill your responsibilities in terms of this appointment.

You are to take all reasonably practicable measures, within your area of responsibility, to ensure the general safety and health of persons, and the enforcement of health and safety requirements as may be imposed by the Company, the applicable Government Department or the Act and Regulations. If you, for any reason, are unable to take such measures, you are to bring this to the attention of the person you report to, or to myself.

You are to maintain a good working knowledge of the provisions of the Act and Regulations made in terms of the Act, as well as other legislation which may have relevance to your responsibilities.

You are to ensure that you are familiar with all Company health and Safety standards. This will include, but is not limited to instructions, safe working procedures, general health and safety rules, and protective equipment and clothing requirements.

You are to ensure that you are familiar with all permits, permissions and exemptions as may be imposed by external authorities including, but not limited to, the Department of Labour. You shall assist in ensuring that, as may be applicable, the same documents are kept up to date at all times.

Kindly confirm the acceptance of this designation and understanding of the duties involved by signing this letter of designation and returning it to me. Please keep a copy for your records.

Signature of Appointor

Signature of Appointee

Date

Date

Appendix I

Occupational Health and Safety Act (No 85 of 1993).

In terms of the above act and regulations, your functions include ensuring that the Company, in terms of the definitions of "employer" and "user" as applicable,:

Provides and maintains, as far as is reasonably practicable, a working environment that is safe and
without risk to the health of the employees (Section 8(1)).

Provides and maintains systems of work, plant and machinery that, as far as is reasonably practicable
are safe and without risk to health. (Section 8 (2)(a))

hazard to the safety or health of the employees, before resorting to personal protective equipment.
(Section 8 (2)(b)).

Makes arrangements for ensuring, as far as is reasonably practicable, the safety and absence of risks
to health in connection with the production, processing, use, handling, storage or transport of articles
or substances. (Section 8 (2)(c)).

Establishes, as far as is reasonably practicable, what hazard to health or safety of persons are
attached to any work which is performed, any article or substance which is produced, processed, used
handled, stored or transported and any plant or machinery which is used in the employer's business,
and to assist the employer as far as is reasonably practicable, to further establish what precautionary
measures should be taken in respect to such work, article, substance, plant or machinery in order to
protect the health and safety of persons, and to assist the employer to provide the necessary means
to apply such precautionary measures. (Section 8(2)(d)).

as is reasonably practicable, the health and safety at work of the employer's employees. (Section 8(2)
(e)).

As far as is reasonably practicable, does not to permit any employee to do any work or to produce,
process, use, handle, store or transport any article or substance or to operate any plant or machinery,
unless the precautionary measures envisaged by the employer, and/or the Act and Regulations or any
other precautionary measures which may be prescribed, have been taken. (Section 8(2)(f)).

Takes all necessary measures to ensure that the requirements of the Occupational Health and Safety
Act and Regulations are complied with by every person in its employment or on the premises under its
control where plant and machinery is used. (Section 8(2)(g)).

Enforces such measures as may be necessary in the interests of health and safety (Section 8 (2)(h)).

Ensures that work is performed and that all plant and machinery is used under the general supervision
of a person trained to understand the hazards associated with it and you have the authority to ensure
that precautionary measures taken by the employer are implemented. (Section 8(2)(i)).

Informs all employees with regard to the scope of their authority as contemplated in Section 37(1b).
(Section 8(2)(j)).

Conducts its business in such a manner so as to ensure, as far as is reasonably practicable, that
people other than employees who may be directly affected by the employer's activities, are not
thereby exposed to hazards to their health and safety (Section 9(1)).

Ensures that every employee, as far as is reasonably practicable, is made conversant with the hazards to his or her health and safety attached to any work which he or she has to perform, any article or substance which he or she has to produce, process, use, handle, store or transport and any plant or machinery which he or she is required or permitted to use, as well as the precautionary measures
which should be taken and observed with respect to those hazards (Section 13(a)).

Informs a health and safety representative, as soon as reasonably practicable, of the occurrence of an incident in the workplace or section of the workplace, for which such representative has been
designated. (Section 13(c)).

Discharges its duty to report issues and events described below in connection with the activities of the
company to the inspector in terms of Section 24 of the Act:

Any person dies, becomes unconscious or is likely to die or to suffer permanent physical defects:

15.2 A major incident occurs; or

15.3 The health or safety of any person was endangered, and where:

- (i) a dangerous substance spilled;
- (ii) the uncontrolled release of any substance under pressure took place;
- (iii) machinery or any part thereof fractured or failed resulting in flying, falling or uncontrolled moving objects, or
- (iv) machinery ran out of control (section 24 (1))

General Administrative Regulations

Keeps a record in the form of Annexure 2 to the General Administrative Regulations to the Occupational Health and Safety Act in which it is recorded the incidents described in section 24 of the Act and also any other incident which resulted in the person concerned having to receive medical
treatment other than first aid (Regulation 8(1)).

Investigates incidents of the nature described in regulation 8(1) and records the findings of the investigation, and to allow the record to be examined by the Health and Safety Committee.
(Regulation 8(3)).

General Safety Regulations

Makes an evaluation of the risk attached to any condition or situation which may arise from the company's activities, and to which people in the workplace or in the course of their employment are exposed, and takes steps as may under the circumstances be necessary to make an identified
condition or situation safe. (Regulation 2(1)).

Ensures that first aid workers are trained in first aid procedures that are necessary for the treatment of injuries that may result from activities at the workplace where a high risk substance or toxic, corrosive
or similar hazardous substances are used. (Regulation 3(5)).

Ensures that no person is required or authorised to work in a place where the vapour or any flammable liquid is generated to such an extent that it constitutes an actual potential fire or explosion hazard or endangers the safety of any person unless requirements of Regulation 4(2) to 4(12) are
complied with. (Regulation 4(1)).

Ensures that the various safety standards incorporated into the General Safety Regulations and
schedules attached thereto are complied with.

General Machinery Regulations

Appoints and empowers suitably qualified person(s) to ensure the safe selection, installation,
maintenance and operation of machinery in accordance with the General Machinery Regulations.

Asbestos Regulations

In terms of the Asbestos Regulations, where the demolition or alteration of any structure at the plant containing asbestos lagging or insulation is undertaken, identifying, before the commencement of such work, all asbestos and materials containing asbestos liable to become airborne. Furthermore # during and after the completion of such work, ensuring that:

- (i) all asbestos and asbestos containing material are handled and disposed of in a safe manner;
- (ii) all employees exposed or likely to be exposed are issued with appropriate protective equipment; and
- (iii) the premises and structure are thoroughly checked to ensure that all asbestos waste has been removed. (Regulation 16)

In terms of the Asbestos Regulations in regard to the disposal of asbestos waste if applicable, to:

- (i) Ensures as far as is reasonably practicable, that all waste containing asbestos is recycled; Takes steps to ensure that all collected asbestos dust, swarf and other asbestos wastes are placed in two impermeable bags, one inside the other or in similarly effective containers,
- (ii) which are properly sealed to prevent the escape of dust during handling;
- (iii) Takes steps to ensure that all asbestos sludge not intended for recycling is placed in properly sealed containers to prevent spillage and drying out of the sludge; for this purpose in terms of the Environment Conservation Act 73 of 1989, in such a manner that it does not cause a hazard inside or outside the industry and will not cause a hazard in the future; and
- (iv) Ensures that if a contractor is employed to dispose of the asbestos waste, that it is incorporated into the contract of the contractor that it shall also comply with the provisions of this regulation. (Regulation 17)
- (v)

Facilities Regulations

In terms of the Facilities Regulations,

- (i) Provides sanitary facilities at the workplace in accordance with the provisions of Parts F, P and Q of the National Building regulations. (Regulation 2)
- (ii) Provides every employee in his service, excluding office workers, with a personal facility for safekeeping in which clothes and other personal items of the employee can be kept safely and in good condition. (Regulation 3)
- (iii) Provides showers and change-rooms in accordance with Regulation 4.
- (iv) Provides dining rooms in accordance with Regulation 5.
- (v) Prohibits smoking and the consumption of food and drink except at clearly designated areas where the use of respiratory personal protection is not required for the protection of the person's health (Regulation 6)
- (vi) Makes available for its employees at their work place, an adequate supply of drinking water is and ensures that clearly and conspicuously marked taps and pipes containing water which is fit for human consumption are available. (Regulation 7)
- (vii) clean, hygienic, safe, whole and leak-free condition, and in a good state of repair. (Regulation 9)

Vessels Under Pressure Regulations

Complies with its duties prescribed under the Vessels Under Pressure Regulations, as applicable.

Hazardous Chemical Substances Regulations

Performs its duties in terms of the Regulations for Hazardous Chemical Substances, and in particular the following:

- (i) prevented or, where this is not reasonably practicable, adequately controlled. (Regulation 10(1)).
- (ii) Implements the prescribed method by which it may control the exposure of an employee where such methods are reasonably practicable as set out in Regulation 10(2); Ensures that the emission of a hazardous chemical substance into the atmosphere complies with the provision of the Atmospheric Pollution Prevention Act 45 of 1965. (Regulation 10(3)).
- (iii) 10(3)).

Major Hazard Installation Regulations

Major Hazard Installation as defined, and in particular:

- (i) Brings to the notice of the relevant authority the fact that the plant or the conversion of the existing plant or an increase of the installation, storage or production capacity, the altering of the processes or by effecting any other change that may significantly increase the risk of an existing major hazard installation, is a major hazard installation. (Regulation 3(1)).
- (ii) Carries out a risk assessment at intervals not exceeding three years and to submit the assessment to the relevant local emergency services (Regulation 5(1)); Establishes an on-site emergency plan and to assist the employer to perform its duty to notify relevant authorities in writing within 7 days of the occurrence of an incident that may have resulted in a major incident and have brought into operation the emergency plan (Regulation 6 and 7);
- (iii) Notifies the relevant authority in writing within 21 days of the plant ceasing to be a major hazard installation. (Regulation 11)
- (iv)

Appendix II

The environmental responsibilities and liabilities are defined in terms of the acts quoted below:

National Environmental Management Act No. 107 of 1998.

Section 30: Control of Emergency Incidents

- 1 (a) In this section-
incident" means an unexpected sudden occurrence, including a major emission, fire or explosion leading to serious danger to the public or potentially serious pollution of or detriment to the environment, whether immediate or delayed.
- (b) responsible person includes any person who-
 - (i) is responsible for the incident;
 - (ii) owns any substance involved in the incident; or
 - (iii) was in control of any substance involved in the incident at the time of the incident;"

Section 34:

Criminal Proceedings

(6) Whenever any manager, agent or employee does or omits to do an act which it had been his or her task to do or to refrain from doing on behalf of the employer and which would be an offence under any provision listed in Schedule 3 for the employer to do or omit to do, he or she shall be liable to be convicted or sentenced in respect thereof as if he or she were the employer.

Schedule 3:

No and year of Law	Short Title
Act No 36 of 1947	Fertilisers, Farm Feeds, Agricultural Remedies And Stock Remedies
Act No. 71 of 1962	Animal Protection
Act No. 45 of 1965	Atmospheric Pollution Prevention
Act No. 15 of 1973	Hazardous substances
Act No. 57 of 1976	National Parks
Act No. 63 of 1976	Mountain Catchment Areas
Act No. 63 of 1977	Health
Act No. 73 of 1980	Dumping at Sea Control
Act no. 6 o 1981	Marine Pollution (Control and Civil Liability)
Act No. 43 of 1983	Conservation of Agricultural resources
Act No. 2 of 1986	Marine Pollution (Prevention of Pollution from ships)
Act No. 73 of 1989	Environment Conservation
Act No. 18 of 1998	Marine Living Resources
Act No. 36 of 1998	National Water

Section 19:

Prevention and remedying effects of pollution

- 1
 - (a) any activity or process is or was performed or undertaken; or
 - (b) any other situation exists,
- 2 The measures referred to in subsection (1) may include measures to-
 - (a) cease, modify or control any act or process causing the pollution;
 - (b) comply with any prescribed waste standard or management practice;
 - (c) contain or prevent the movement of pollutants;
 - (d) eliminate any source of the pollution;
 - (e) remedy the effects of the pollution; and
 - (f) remedy the effects of any disturbance to the bed or banks of a watercourse.

Section 20:

Control of emergency incidents

- 1 In this section incident" includes any incident or accident in which a substance-
which causes, has caused or is likely to cause pollution of a water resource must take all reasonable
measures to prevent such pollution from occurring, continuing or recurring
 - (a) pollutes or has the potential to pollute a water resource; or
 - (b) has, or is likely to have, a detrimental effect on a water resource.
- 2 In this section, "responsible person" includes any person who-
 - (a) is responsible for the incident;
 - (b) owns the substance involved in the incident; or
 - (c) was in control of the substance involved in the incident at the time of the incident."

ABBREVIATED CV

Name: _____	Surname: _____
Address: _____	Qualifications: _____
_____	_____
_____	_____
_____	_____
_____	_____
I.D Number: _____	_____
Number of years in industry: _____	_____

Year	Time Period	Contract	Company	Position

With my signature below I declare that the supplied information is the truth.

Signature: _____	Date: _____
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