

BEECH  VELTMAN

ANNUAL  
NEWSLETTER  
2024



# INTRODUCTION

As the year draws to a close, we would like to take a moment to extend our heartfelt gratitude to all our valued clients, friends, colleagues and business partners. Your support has been instrumental in our shared achievements over the past year.

In Warren Beech's most recent article published, he reflects on the challenges faced by the mining industry in 2024, in South Africa and throughout Africa. He also provides some views on the anticipated trends for 2025. You can read his full article [here](#).

The December period offers a chance to pause, reflect, and reconnect. This year, we are especially grateful for the partnerships and collaborations we have shared, even in the face of considerable challenges for both our industry and our country.

As the year winds down, we are mindful of many people who are facing significant financial and other challenges, and what each of us can do to assist in some way. Our heartfelt wishes for a peaceful and restful December.



**Warren Beech**  
**CEO**  
T: [+27 11 285 0011](tel:+27112850011)  
M: [+27 83 656 6584](tel:+27836566584)  
E: [warren@bv-inc.co.za](mailto:warren@bv-inc.co.za)



# MINING AND HEALTH & SAFETY

## **Trends in the extractives industry in 2024**

With Namibia, Zimbabwe and Ghana banning the export of unprocessed minerals, is this the signal of a wider trend across the continent? Warren Beech spoke to Africa Legal about likely trends in the extractives industry in 2024. [Read more](#)

## **Addressing illegal mining**

Investing in African Mining Indaba, taking place in Cape Town from 5 to 8 February 2024, is drawing a host of high-level attendees, among them renowned legal expert Stephen Nthite who will share strategies on combating the pervasive issue of illegal mining. [Read more](#)

## **The road ahead: Mining and extraction sector trends for 2024**

2023 was an extremely challenging year for the global mining industry. In South Africa, the challenges were so multi-faceted and far-reaching that the sector has been forced to adopt crisis-mode management, and this has become the normalised way of managing South African mines. Will this continue in 2024? [Read more](#)

## **SABC News Mining Indaba Interview**

With the Mining Indaba underway, Warren Beech speaks to SABC News about the mining sector in South Africa and delves into the green economy, power, energy, nuclear, and the impact of artisanal mining, technology and geopolitics on South Africa's economy. [Watch here](#)



### **WhyAfrica Mining Indaba Interview**

As Africa gears up for significant political shifts in 2024, with elections in 18 countries, Warren Beech highlights potential mining industry impacts. [Watch here](#)

### **Exploring matters relating to the Mineral and Petroleum Resources Development Act**

We engage in discussions with Chantal Murdock regarding matters related to the Mineral and Petroleum Resources Development Act. [Read more](#)

### **Illegal Mining Interview with WhyAfrica**

Stephen Nthite is interviewed by WhyAfrica at the Mining Indaba during which he addresses a critical concern facing the mining sector: illegal mining, a key topic discussed at the Mining Indaba. [Watch here](#)

### **Mining Review Africa - Mining Indaba Interview**

Warren Beech shares key insights at Mining Indaba with Mining Review Africa, reflecting on the challenges of 2023 for African mining, he examines what lies ahead for the African, and more specifically the South African, mining sector in 2024. [Watch here](#)

### **Illegal Mining - Criminal activity on a global scale**

Illegal mining poses significant consequences both within South Africa and beyond its borders. In an interview with Mining Review Africa the Mining Indaba, Stephen Nthite shares his insights gained from firsthand experience in addressing illegal mining. He provides valuable suggestions on the proactive measures stakeholders should consider to effectively combat and eradicate this dangerous and unlawful activity. [Watch here](#)

### **A 'Social License to Mine' with Stephen Nthite**

Stephen Nthite examines Environmental Social Governance (ESG) from a mining perspective. Specifically, he highlights the critical importance of community engagement within the mining ecosystem, focusing on the concept of 'social license to mine'. [Read more](#)

### **2024 elections: Are we finally on track to stability?**

No load shedding by the end of 2024. Is there finally light at the end of the tunnel or just cheap politicking? [Read more](#)

### **Is There a Requirement to Publish an Approved Social and Labour Plan?**

Chantal Murdock addresses a critical question: is there a requirement to publish an approved social and labour plan? [Read more](#)



## **Practical Do's and Don'ts to Ensure Health and Safety in the Workplace**

Sometimes, the simplest measures can lead to substantial enhancements in workplace health and safety. From our experience, a "back to basics" strategy has resulted in significant improvements. [Read more](#)

## **Lexology Mining Guide**

This comprehensive guide offers an in-depth exploration of the mining, natural resources, and environmental law landscape in South Africa, reflecting the latest legal perspectives. Notably, it has been the most read guide among all Lexology guides in South Africa over the past two years. Lexology Panoramic remains the leading source of international legal updates, analysis, and insights for corporates, law firms, and in-house counsel. [Read more](#)

## **Mine Health and Safety – Blasting, Noise, Dust, and Vibrations**

Living near South Africa's mining operations poses potential challenges like vibrations, noise, and dust, leading to potential structural damage and health concerns. On 2 August 2024, the Mine Health and Safety Inspectorate published a new mandatory code of practice to address these issues, focusing on ground vibrations, noise, air blasts, and fly rock near surface structures. [Read more](#)

## **Africa Mining – Republic of Mali: Local Content Laws Applicable to the Mining Industry**

The Republic of Mali, like many African countries with significant mineral resources, has introduced laws aimed at enhancing participation by Malian citizens in ownership, supply of goods and services, and employment in the mining industry, including through service providers. [Read more](#)

## **Why Is the African Mining Industry Facing Challenges?**

South Africa's Mining and Natural Resources Sector has, for decades, been the largest employer, and the backbone of South Africa's economy. [Read more](#)

## **Health and Safety – The Responsibility to Carry Out Proper Risk Assessments and Identify the True Cause of an Accident to Prevent Recurrences**

Warren Beech examines the Sulzer Judgement from a health and safety perspective, focusing on the responsibility to conduct proper risk assessments and accurately identify the true cause of an accident to prevent future occurrences. [Read more](#)



## **New Code of Practice for the Performance of Mining Engineering Work**

On 11 October 2024, the Engineering Council of South Africa published a revised Code of Practice (COP), providing updated guidance for mining engineers. The COP defines work categories by complexity and details registration and competency requirements, aligning the Engineering Profession Act and Mine Health and Safety Act regulations. Jason Hunter highlights the key takeaways in this newsflash. [Read more](#)

## **Mine Health and Safety Act, No. 29 of 1996 – Proposed Amendments That Will Significantly Change the Health and Safety Landscape in the Mining Sector**

On 14 October 2024, the Minister of Mineral and Petroleum Resources issued a notice of intention to introduce the Mine Health and Safety Amendment Bill, 2024, in the National Assembly. The Bill proposes significant changes to the Mine Health and Safety Act, with potentially far-reaching consequences for the mining sector. Warren Beech unpacks the key amendments and explore why the proposed changes cannot be ignored. [Read more](#)

## **2024 Insights with Eben van Zyl: Health and Safety in the South African Mining Industry**

Eben discusses key topics such as the current challenges facing South Africa's mining sector, critical takeaways from legal liability awareness training, strategies for mitigating operational risks, and the essential role of leadership in fostering a strong safety culture. He also explores how companies can enhance compliance with the Mine Health and Safety Act (MHSA) amidst operational pressures. [Read more](#)

## **Mine Health and Safety Alert – Mine Health and Safety Amendment Bill 2024 Set to Change South Africa's Mining Health and Safety Laws**

The Mine Health and Safety Amendment Bill 2024 introduces pivotal changes affecting mining companies and industry stakeholders. Warren Beech highlights the most significant amendments and their implications directly from the Bill. [Read more](#)

## **Changes coming for SA's mining health and safety laws**

Gwede Mantashe's Mine Health and Safety Amendment Bill, 2024 will have a number of implications for those involved in the industry. Warren Beech, CEO of Beech Veltman Incorporated unpacked some of the amendments. [Read more](#)

## **Trump's re-election - What does this mean for the mining & natural resources sector?**

Africa has large deposits of critical minerals and with the anticipated decoupling from China and increased tariffs of imported goods from China, Africa's Mining and Natural Resources Sector may benefit from increased United States investment. [Read more](#)

# EMPLOYMENT

## **Basic Conditions of Employment Act: Increase in the earnings threshold**

On 5 March 2024, the Minister of Employment and Labour published a determination of a new annual earnings threshold in terms of the Basic Conditions of Employment Act. Melanie Hart unpacks the new threshold below. [Read more](#)

## **Zero-tolerance dismissal for handling or using a cellular phone while driving in a workplace**

Most employers enforce stringent rules prohibiting the use of mobile phones while operating vehicles or equipment, aiming to safeguard the wellbeing of employees and other individuals within the workplace. Warren Beech examines a recent Labour Court ruling, reconfirming the 'zero tolerance' approach towards mobile phone use while driving or operating machinery in work environments. [Read more](#)

## **2024 Insights with the Team: Restraints of Trade – How and When Can They Be Enforced**

Melanie Hart delves into the intricacies of Restraints of Trade - exploring how and when they can be enforced. [Read more](#)

## **When Does Moral Indignation or Vengeance Justify Dismissal?**

We delve into a pertinent issue that has surfaced in the Labour Court: When does moral indignation or vengeance warrant dismissal? Warren Beech examines this issue in conjunction with crucial factors such as the health and safety culture within a specific workplace. [Read more](#)

## **Does a Zero-Tolerance Policy on the Use of Alcohol or Drugs Mean That Employees Should Be Dismissed?**

Warren Beech looks at a landmark Labour Court Judgment which challenges workplace zero-tolerance policies, specifically on cannabis use. The judgment gives rise to key learnings when reviewing or implementing policies and procedures around alcohol and intoxicating substances.

[Read more](#)

## **Zero Tolerance and Being Under the Influence of Alcohol in the Workplace**

Eben van Zyl continues with the theme of 'zero tolerance' towards the influence of intoxicating substances in the workplace. This case study examines special circumstances within specific workplace operations, as well as associated policies. [Read more](#)

## **The Commencement of the New Labour Appeal Court and Labour Court Rules**

Melanie Hart and Bryan White unpack the new Labour Appeal Court and Labour Court Rules which will come into effect on 17 July 2024. [Read more](#)

### **Guidance for Employers – What Constitutes a Valid Medical Certificate?**

As an employer, a key question is: what constitutes a valid medical certificate for taking sick leave? Melanie Hart breaks down the requirements according to South African law to clarify these questions. [Read more](#)

### **When Is Compensation Over Reinstatement Justified?**

The remedy for a substantively unfair dismissal is typically reinstatement. However, there are situations where reinstatement is unsuitable. In today's Top Tip Tuesday, we look at the recent Sulzer Judgment which highlights the exceptions in this scenario. [Read more](#)

### **Guidance Tips for Employers in Relation to a Contract of Employment**

Employers: Are your contracts of employment up to date? We often find common oversights when reviewing these agreements. Melanie Hart highlights key points to ensure your contracts align with best practices and protect your business. Take a moment to review and refine your approach. [Read more](#)





# GENERAL

## **Celebrating women: Chantal Murdock's path to success**

We are not only privileged to have Chantal Murdock as one of our directors, but also honoured to see her featured in Mining Review Africa as a woman making her mark in the mining industry. This is an incredibly well-deserved recognition for a woman who is at the top of her game in the legal space within the mining sector. [Read more](#)

## **Celebrating women: Melanie Hart's inspiring journey in employment law**

has been featured in Mining Review Africa as one of South Africa's foremost employment lawyers. Melanie's contributions to the field are truly commendable. We are deeply appreciative of the recognition she has received in this publication, as well as in several leading directories across the globe. [Read more](#)

## **Virtual Administration of an Oath or Affirmation by Means of Live Electronic Communication**

Can a Commissioner of Oaths administer an oath or affirmation virtually using a video call platform? [Read more](#)

**So, You Are a Lawyer – Can I Ask You Something? "So, you're a lawyer? Can I ask you something?"** A familiar question many lawyers face in social settings, often leading to requests for informal advice. Warren Beech explores this timeless query and the potential risks that come with offering off-the-cuff legal advice. [Read more](#)

# AWARDS

## **Chambers and Partners**

Beech Veltman has been recognised by Chambers and Partners as a leading authority in Energy & Natural Resources - Mining. Warren Beech and Melanie Hart have also been honoured as top lawyers for 2024/2025, with Warren recognised in Mining - Energy & Natural Resources and Mining - Health & Safety, and Melanie in Employment Law. This prestigious recognition reflects their exceptional expertise and dedication. [Read more](#)

## **Legal 500**

Warren Beech has been recognised by The Legal 500 as a leading lawyer in Mining Law and Melanie Hart in Employment Law, South Africa 2024. Bryan White has been recognised as a Rising Star in Mining, 2024. Our Mining & Infrastructure team has been acknowledged as a Top Tier Firm for Mining in South Africa. [Read more](#)

## Africa Legal Awards

Beech Veltman was shortlisted as a finalist in the African Legal Awards 2024 for the category of 'Specialist Law Firm of the Year'. [Read more](#)

## Who's Who Legal

Warren Beech and Eben van Zyl have been recognised by Who's Who Legal as Global Leaders in Mining, 2024, with Warren also featured in WWL: Thought Leaders Mining, Africa 2024 and ranked among the top lawyers in WWL: Environment 2024. Melanie Hart is recognised as a leading lawyer in Employment Law. [Read more](#)

## IFLR1000

Warren Beech has been acknowledged by IFLR1000, as a 'Highly Regarded' lawyer in the field of Mining for the year 2024 in South Africa. Our law firm, Beech Veltman has earned a further recognition by IFLR1000 and has been acknowledged as a notable law firm in the field of mining in South Africa for 2024. [Read more](#)

## Best Lawyers

Warren Beech is again recognised in Mining Law and Occupational Health and Safety Law and Melanie Hart in Labour and Employment Law, while Chantal Murdock and Stephen Nthite receive inaugural recognition in Projects & Infrastructure and Employment Law, respectively. [Read more](#)

