

CHAPTER 2

APPOINTMENTS, DUTIES AND RESPONSIBILITIES

2.1 Definitions

“Banksman” means a person stationed at the shaft top, who is a holder of an onsetter’s certificate of competency issued by the **Chief Inspector of Mines** appointed by the Manager to supervise the loading and unloading of persons, material and explosives in the cage, skip or other means of conveyance and to give the necessary signals.

“Class of mine” means metalliferous or coal mine.

“Competent person” means a person who:

- (a)
 - (i) is qualified by virtue of his or her knowledge, training, skills and experience to organise the work and its performance;
 - (ii) is familiar with the provisions of the Act and the regulations which apply to the work to be performed; and
 - (iii) has been trained to recognise any potential or actual danger to health or safety in the performance of the work; or
- (b) is in possession of the appropriate certificate of competency where such certificate is required by these regulations;

“Engineer” means a person who is the holder of an appropriate mechanical or electrical engineer’s certificate of competency issued for mines and works by the **Chief Inspector of Mines**.

“Mine Environmental and Occupational Hygiene Engineer” for surface and underground operations means a person who is the holder of a certificate in mine environmental control or at least an NQF level 6 Qualification in mine environmental control recognised by the Chief Inspector of Mines; and for surface only operations means a person who is the holder of an intermediate certificate in mine environmental control or an NQF level 4 Qualification in mine environmental control recognised by the Chief Inspector of Mines

“Miner” means a person who is a holder of the following certificates recognized by the **Chief Inspector of Mines** for this purpose and valid for the class of **mine** to which the **mine** belongs:

- (a) blasting certificate issued by the **Principal Inspector of Mines** until 30 June 2009; or

- (b) rock breaker or equivalent certificate issued by the Mining Qualifications Authority from 01 July 2009 to 31 May 2017; or
- (c) Blasting certificate issued by the **Principal Inspector of Mines** with effect from 01 June 2017.

“Onsetter” means a person who:

- (a) is a holder of an onsetter’s certificate of competency issued by the **Chief Inspector of Mines**; or
- (b) has been assessed and found competent against either the skills programme issued for this purpose by the Mining Qualifications Authority or qualification by the Quality Council for Trades and Occupations and has been subsequently assessed, found competent and issued with the onsetter’s certificate of competency by the **Principal Inspector of Mines**.

“Shift Overseer” means a person who is the holder of a:

- (a) permanent blasting certificate of competency issued by the **Principal Inspector of Mines** and has a minimum of 2 years mining experience as a **Miner**; or
- (b) mining engineering degree or diploma recognized for this purpose by the **Chief Inspector of Mines** and has completed a mine manager’s certificate of competency structured training programme; or
- (c) rock breaker qualification issued by the Mining Qualifications Authority and recognized for this purpose by the **Chief Inspector of Mines** and has a minimum of 2 years mining experience as a **Miner**.

“Safety officer” means a person who is the holder of a:

- (a) relevant certificate in safety recognized for this purpose by the **Chief Inspector of Mines** or Safety Officer’s qualification issued by the Quality Council for Trades and Occupations and recognized for this purpose by the Chief Inspector of Mines; with at least the following:
 - (i) a permanent blasting certificate issued by the **Principal Inspector of Mines** and has a minimum of 2 years of relevant mining experience; or

- (ii) a rock breaker qualification issued by the Mining Qualifications Authority and recognized for this purpose by the **Chief Inspector of Mines** with a minimum of 2 years of relevant mining experience; or
 - (iii) a trade test certificate recognized for this purpose by the **Chief Inspector of Mines** and has a minimum of 2 years of relevant mining experience; or
 - (iv) Metallurgical learnership or metallurgical occupational qualification recognized for this purpose by the **Chief Inspector of Mines** with a minimum of 2 years of relevant mining experience;
- (b) relevant national qualification in health and safety management with a minimum of 2 years of relevant mining experience;
 - (c) health and safety representative qualification and a relevant certificate in safety recognized for this purpose by the Chief Inspector of Mines and with a minimum of 3 years of relevant mining experience as a Health and Safety Representative, coupled with the knowledge of the provisions of this Act and its regulations;
 - (d) relevant certificate in safety recognised for this purpose by the **Chief Inspector of Mines** with a minimum 5 years of relevant mining experience and is in possession of a relevant technical certificate of competency recognised for this purpose by the **Chief Inspector of Mines**, in case of a type 3 surface mine.

Type 1 Mine means a surface mine with an aggregate risk rating > 360(High)

Type 2 Mine means a surface mine with an aggregate risk rating ≥ 250 and ≤ 360 (Medium)

Type 3 Mine means a surface mine with an aggregate risk rating <250(Low)

“Winding Engine Driver” means a person who:

- (a) is a holder of a winding engine driver’s certificate of competency issued by the **Chief Inspector of Mines**; or
- (b) has been assessed and found competent against either a qualification issued for this purpose by the Mining Qualifications Authority or the Quality Council for Trades and Occupations and has been subsequently assessed, found competent and issued with the winding engine driver certificate by the **Chief Inspector of Mines**.

2.2 Employer

- 2.2(1) An Employer, who is not a body corporate who may be absent from the Republic of South Africa, must appoint a person resident in the Republic to be his or her agent or representative.

- 2.2(2) Such Employer must give a notice in writing to the Principal Inspector of Mines and such notice must include the following information:
- (a) the name and surname of the person;
 - (b) adequate contact details and business address; and
 - (c) any change in the name and surname, adequate contact details and business address, of such agent or representative.
- 2.2(3) The Employer must inform the Principal Inspector of Mines, in writing, within seven days of the appointments of the following persons:
- (a) Manager; and
 - (b) Rock engineer;
- 2.2(4) The information to the Principal Inspector of Mines must include the:
- (a) name and surname of the person;
 - (b) nature of such person's duties;
 - (c) copy of the prescribed qualification(s); and
 - (d) area(s) of responsibility;
- 2.2(5) In any surface mine, the employer must determine the type of mine by conducting a risk assessment using the following tables contemplated in regulation 2.20:
- (a) Table 1: Matrix to determine risk rating;
 - (b) Table 2: Risk rating model; and
 - (c) Table 3: Classification of surface mines.

2.3 Manager

- 2.3(1) No person must be appointed as a Manager of an underground mine, in terms of section 3(1)(a) of this Act, unless such person is a holder of a mine manager's certificate valid for the **class of mine** to which the mine belongs and issued by the Chief Inspector of Mines;
- 2.3(2) No person must be appointed as a Manager of a **type 1** surface mine, in terms of section 3(1) (a) of **this Act**, unless such person is a holder of:
- (a) a mine manager's certificate of competency issued by the Chief Inspector of Mines; or
 - (b) any relevant qualification recognised for this purpose by the Chief Inspector of Mines.

- 2.3(3) No person must be appointed as a Manager of a **type 2** surface mine, in terms of section 3(1) (a) of **this Act**, unless such person is a holder of a:
- (a) opencast blasting certificate issued by the Chief Inspector of Mines; or
 - (b) any relevant qualification recognised for this purpose by the Chief Inspector of Mines.
- 2.3(4) No person must be appointed as a Manager of a **type 3** surface mine which does not conduct blasting operations, in terms of section 3(1)(a) of this Act, unless such person is authorised in writing by the Principal Inspector of Mines who must consider such person's appropriate qualifications and experience.
- 2.3(5) The Manager must:
- (a) on taking over a mine or works acquaint himself or herself with notices as may have been issued to his or her predecessor by a Principal Inspector of Mines, who must on request supply copies of such notices;
 - (b) not permit any incompetent or inexperienced workers to be employed where there is dangerous work being undertaken, or work upon which the proper performance of such work ensures the safety of persons;
 - (c) not allow any **Miner** to be placed in charge of a gang or gangs of employees which, regard being had to the number of persons therein or to the nature or position of their working places, such miner is unable to supervise efficiently in accordance with the requirements of these regulations;
 - (d) in no case in a workplace, where primary blasting is conducted, allow the miner to have charge of workers scattered over more places than can be generally inspected, without due exertion, within the course of 40 minutes;
 - (e) in the case of a workplace, where no blasting is conducted, allow the **Miner** to have charge of employees deployed over more places than can be generally inspected without due exertion within the course of 30 minutes: Provided that the **Miner** inspects the workplace within 24 hours;
 - (f) not allow any **Miner** to have charge of more working places or machine drills or persons than may be determined or approved by the Principal Inspector of Mines at any mine or section of a mine where such determination or approval is in the opinion of the Principal Inspector of Mines is necessary in the interests of safety or health: provided that in an emergency he may allow the **Miner** to take charge of the employees of one other **Miner** for not more than three consecutive shifts;

- (g) ensure that when any person employed in or about the mine or works receives an injury by accident or otherwise, the same must be reported to him or her without delay;
- (h) cause all plant, material and other things necessary for compliance with the requirements of these regulations to be provided and maintained in good order;
- (i) provide or cause to be provided underground such waiting places as may be necessary for the use of persons prior to entering their working places, and must, by the means approved in writing by the Principal Inspector of Mines prevent such persons from proceeding to the working places until they have been instructed to do so by the responsible **Miner**;
- (j) provide adequate watch be kept on all reasonably accessible sources of danger from flooding of the mine or works, and that he or she be immediately informed of any possibility of such danger;
- (k) provide adequate watch to be kept on all artificial constructions at the mine or works for conserving water or which may cause water to converge or accumulate, and that he or she be immediately informed of flooding by reason of such constructions;
- (l) ensure that in the construction of any dump or slimes dam in the neighbourhood of any building, public thoroughfare or public road, railway or public place, no danger to life or limb or damage to property can result therefrom;
- (m) cause in a mill or treatment building all amalgamating plates, extractor boxes, and launders in which amalgam can collect to be covered with screens or other devices, and ensure that such screens or devices are kept under double lock and such plates or boxes and launders are not uncovered for any purpose except in the presence of at least two reliable persons appointed in writing for this purpose, each of whom must cause to be in possession of one of the keys;
- (n) cause or permit unwrought precious metal in the form of bullion, retorted gold, amalgam, zinc, gold slimes or shavings, lead strips or bars, untreated black sands, matte, or any other rich by-products only to be handled in the presence and under the direct supervision of at least two reliable persons appointed in writing for this purpose;
- (o) cause amalgam, untreated black sands, scrapings, retorted gold bullion and zinc gold slimes after the removal from the filter press if and when stored to be forthwith deposited in a safe, strong room, or other receptacle which he or she must cause to be kept under double lock and must not cause or permit such safe, strong room, or other receptacle to be opened for any purpose whatsoever except in the

presence of at least two reliable persons appointed in writing for this purpose, each of whom he must cause to be in possession of one of the key;

- (p) whenever considered necessary or desirable by him or her, cause any persons employed on the reduction works or a refinery to be searched by any person whom he or she has authorized in writing to do so; and
- (q) when the operations at any mine or works, or portion of any mine or works, are discontinued and such mine or works, or portion of such mine or works, are abandoned, the manager of such mine or works at the time of such discontinuance or abandonment must continue to be responsible for compliance with the provisions of these regulations until a closure certificate is issued in terms of the Minerals and Petroleum Resources Development Act No. 28 of 2002, as amended.

2.3(6) An underground mine where the appointment of the Manager in terms section 3.(1)(a) is required, may be worked without the services of a certificated manager for a period of not more than 60 days in a period of six consecutive months, or such greater period as determined by the Principal Inspector of Mines. The employer must in these circumstances appoint a person to act in the place of such certificate holder during such period of 60 days or portion thereof and such person must for the duration of his or her appointment have all the duties and responsibilities of the certificated manager under these regulations.

2.3(7) Where the appointment of a holder of a mine manager's certificate is required at an underground mine, no such person must be appointed to act in the place of the certificated manager unless such person:

- (a) is a holder of a mine overseer's certificate issued by the Chief Inspector of Mines;
- (b) must have had a minimum of two years of practical experience as a Mine Overseer in the same **class of mine**; and
- (c) has been accepted as a candidate for Part "C" of the mine manager's certificate of competency examination.

2.3(8) In the case of **a type 1 mine**, no such person must be appointed to act as a manager unless such person:

- (a) is a holder of a mine manager's certificate of competency issued by the Chief Inspector of Mines; or
- (b) is a holder of a mine overseer's certificate of competency issued by the Chief Inspector of Mines and must have had a minimum of two years of practical

experience as the Mine Overseer and has been accepted as a candidate for Part “C” of the mine manager’s certificate of competency examination.

- 2.3(9) The Manager of a mine or works must not in addition be appointed to hold office as Manager of any other mine or works, except with the written approval of the Principal Inspector of Mines.
- 2.3(10) The Manager of a mine appointed in terms of section 3(1)(a) must always be accessible during mine emergency.
- 2.3(11) The manager may as soon as practicable after the occurrence of a breach of any provision of these regulations report in writing such breach to the Principal Inspector of Mines or take such other disciplinary steps as such Principal Inspector of Mines may have directed or approved of and enter particulars of such breach and the disciplinary steps taken in a breach of regulations’ register.
- 2.3(12) The Manager must inform the Principal Inspector of Mines, in writing, within seven days of the appointments of the following persons:
 - (a) Subordinate Manager;
 - (b) Mine Overseer;
 - (c) Engineer;
 - (d) Safety officer; and
 - (e) Chief Safety officer.
- 2.3(13) The information to the Principal Inspector of Mines must include the:
 - (a) name and surname of the person;
 - (b) nature of such person’s functions.
 - (c) copy of the prescribed qualification(s);
 - (d) area(s) of responsibility; and
 - (e) Copy of an appointment letter

2.4 Subordinate Manager

- 2.4(1) The Manager may appoint one or more person(s), in writing, as Subordinate Manager(s) to assist him or her in the control, management and direction of the mine or works, and every such person’s area of responsibility must be clearly defined in his or her letter of appointment, have the same responsibilities under the regulations as the Manager: Provided that the appointment of such person(s) must not be taken to relieve the manager of any personal responsibility under these regulations.
- 2.4(2) Subject to regulation 2.4(1), no person must be appointed as a Subordinate Manager at an underground mine unless he or she is a holder of a mine manager’s certificate valid

for the **class of mine** to which the mine belongs and issued by the Chief Inspector of Mines;

- 2.4(3) Subject to regulation 2.4(1), no person must be appointed as a Subordinate Manager of a **type 1 mine** unless such person is the holder of a mine manager's:
- (a) certificate of competency issued by the Chief Inspector of Mines; or
 - (b) any relevant qualification recognised for this purpose by the Chief Inspector of Mines.
- 2.4(4) Any mine where the appointment of a Subordinate Manager in terms of regulation 2.4(1) is required, may be worked without the services of a certificated subordinate manager for a period of not more than 60 days in a period of six consecutive months, or such greater period as determined by the Principal Inspector of Mines. The Manager must in these circumstances appoint a person to act in the place of such certificate holder during such period of 60 days or portion thereof and such person must for the duration of his or her appointment have all the duties and responsibilities of the certificated Subordinate Manager under these regulations.
- 2.4(5) subject to regulation 2.4(4), no person must be appointed to act as a Subordinate Manager unless such person:
- (a) is a holder of a mine overseer's certificate issued by the Chief Inspector of Mines;
 - (b) must have had a minimum of two years of practical experience as a Mine Overseer in the same **class of mine**; and
 - (c) has been accepted as a candidate for Part "C" of the mine manager's certificate of competency examination.
- 2.4(6) The Principal Inspector of Mines may issue instructions to the Manager to appoint one or more Subordinate Manager(s), if such Principal Inspector of Mines has a reason to believe that the responsibilities of a Manager render such appointment necessary in the interest of health and safety.

2.5 Mine Overseer

- 2.5(1) At every mine where the number of persons employed in each underground working exceeding 300 or as per risk rating for surface operations, the manager must appoint one or more person(s), in writing, as Mine Overseer(s) to assist him or her in the control, management and direction of the workings of the mine or when instructed to do so by the Principal Inspector of Mines. Provided that:

- (a) no person must be appointed unless he or she is the holder of a Mine Manager's or a Mine Overseer's certificate of competency valid for the **class of mine** to which the mine belongs and issued in accordance with these regulations;
 - (b) every such Mine Overseer must have the duties and responsibilities of the Manager insofar as all workings of the mine or portion of the mine assigned to such Mine Overseer are concerned: Provided the appointment of such Mine Overseer must not be taken to relieve the Manager of any personal responsibilities under the regulations;
- 2.5(2) The workings of a mine or portion of a mine where a Mine Overseer is required to be appointed in terms of regulation 2.5(1) may be worked without such Mine Overseer for a period of not more than 60 days in any period of six consecutive months or such greater period as determined by the Principal Inspector of Mines. The Manager must appoint a person to act as the Mine Overseer during such period of 60 days or portion thereof as the case may be;
- 2.5(3) No person must be appointed to act as a Mine Overseer unless such person:
- (a) is the holder of a permanent blasting certificate; and
 - (b) has had not less than two years practical experience as a **Shift Overseer** in the same class of mine; and
 - (c) has been accepted as a candidate for Part "B" of the mine overseers certificate of competency examinations.
- 2.5(4) The person appointed to act as a Mine Overseer must have all the duties and responsibilities of a mine overseer under the regulations: Provided that the appointment of such person must not be taken to relieve the Mine Overseer in charge of any personal responsibility under the regulations.

2.6 Shift Overseer

- 2.6(1) The Manager or Subordinate Manager of a mine must appoint, in writing, one or more person(s) as **Shift Overseer(s)**.
- 2.6(2) Each **Shift Overseer** must during a shift be in charge of a section of the workings of the mine.
- 2.6(3) The section to which each **Shift Overseer** is appointed must be clearly defined in writing in a book termed the **Shift Overseers'** logbook or a **Shift Overseers'** recoverable

recordable system, provided for the purpose and kept in a place appointed by the Manager.

- 2.6(4) Where the number of persons employed in the workings exceeds 300, the appointment of a **Shift Overseer** during each working shift must be compulsory.
- 2.6(5) The Principal Inspector of Mines may issue instructions to the Manager to appoint additional **Shift Overseers** if such Principal Inspector of Mines has a reason to believe that such appointments are necessary in the interests of safety or health.
- 2.6(6) The Principal Inspector of Mines may, where the number of persons employed is 300 or less, issue instructions to the Manager to appoint a **Shift Overseer** or **Shift Overseers** if such Principal Inspector has a reason to believe that the conditions prevailing make such appointment necessary.
- 2.6(7) no person must be appointed as a **Shift Overseer** unless such person is the holder of a permanent blasting certificate valid for the **class of mine** issued in accordance with these regulations and has a minimum of two years practical experience as a **Miner** in the same class of mine.
- 2.6(8) The workings of a mine or portion of a mine where a **Shift Overseer** has been, or is required to be appointed in terms of regulation 2.6(1) may be worked without such **Shift Overseer** for a period of not more than 60 days in any period of six consecutive months or such greater period as determined by the Principal Inspector of Mines. The Manager must appoint a person to act as a **Shift Overseer** during such period of 60 days or portion thereof as the case may be.
- 2.6(9) Subject to regulation 2.6(8), no person must be appointed to act as a Shift Overseer, unless such person:
 - (a) is the holder of a permanent blasting certificate issued by the Principal Inspector of Mines or a rock-breaker qualification issued by the MQA and recognized by the Chief Inspector of Mines; and
 - (b) must have had a minimum of two years practical experience as a **Miner** in the same **class of mine**.
- 2.6(10) In no case must a **Shift Overseer** be placed in control of a section larger than he or she is able to control efficiently in accordance with the requirements of these regulations. The Manager must not impose such additional duties of a **Shift Overseer** as will prevent such **Shift Overseer** from carrying out his statutory duties efficiently;
- 2.6(11) Each **Shift Overseer** must take reasonable precautions to ensure proper observance of the regulations and compliance with any lawful order given in the interests of safety or

health, by every person employed in his section and must as soon as is practicable report to the Manager or Mine Overseer any contravention thereof.

- 2.6(12) Each **Shift Overseer** must inspect all workings in his or her section as such **Shift Overseer** may deem necessary in the interest of safety and health: Provided that such **Shift Overseer** inspects:
- (a) every working place which has been blasted and in which persons are working within two working days of each blast therein.
 - (b) all other working places at least once every week at intervals not exceeding 10 days.
- 2.6(13) Each **Shift Overseer** must examine the refuge bay at least once every 15 days, to ensure compliance with regulation 16.6(2)(a) to (l)-
- 2.6(14) The **Shift Overseer** must daily during his or her shift:
- (a) Inspect at least one working of each Miner under his charge who is directly concerned with current blasting operations: and
 - (b) Satisfy himself or herself by consultation with each **Miner**, or by personal inspection, that work is proceeding safely, to the set standard and in accordance with the regulations in every working of such **Miner**. Each such consultation must take place within the area for which the **Miner** is responsible; and
 - (c) Carry out a test for flammable gas of every part of every **Miner's** section in which employees work or travel or may be required to work or travel during that shift, in the case of every fiery mine, unless exempted in writing by the Principal Inspector of Mines,
- 2.6(15) The **Shift Overseer** must record a report on each flammable gas test at the end of his shift in the logbook or recoverable recordable system referred to in regulation 2.6(14)(c). For the purpose of this regulation "blasting operations" also means the actual breaking of mineral or rock on the previous shift by means of explosives and includes the removal of such broken mineral or rock and the operation of making safe.
- 2.6(16) During or at the conclusion of his or her shift, the **Shift Overseer** record in an indelible format in his or her electronic or manual logbook:
- (a) the designation of every working place and other workings inspected by him or her during his or her shift;

- (b) particulars of any unsatisfactory condition of working places, travelling ways or other workings in his or her section as found by him or her or reported to him or her by the Miner or any other person, especially with regards to ventilation and dust, the presence of harmful gases, the state of the hanging-wall or roof, foot-wall or floor and side-wall, sanitation and generally so far as safety and health of persons are concerned;
 - (c) such breaches of regulations and non-compliance with instructions issued in writing in the interests of safety and health of which such Shift Supervisor has become aware during his or her shift; and
 - (d) any instructions issued by him or her for securing the safety and health of employees or for the proper observance of the regulations.
- 2.6(17) Such records must be examined and countersigned on a weekly basis, by the Mine Overseer or Subordinate Manager. In an event that a situation has arisen that presents a risk or hazard to the health or safety of employees, the Mine Overseer or Subordinate Manager on the same shift, must be informed of the risk or hazard by the **Shift Overseer**, the Mine Overseer or Subordinate Manager must counter sign the logbook of the reporting **Shift Overseer**, after they have received the report.
- 2.6(18) A **Shift Overseer** must not take charge of employees at any working place in addition to such **Shift Overseer's** normal duties, except temporarily in the case of emergency.
- 2.6(19) Where blasting takes place at the end of shift, the **Shift Overseer** or other official of at least equal rank must be present at the mine at blasting time and such **Shift Overseer** is required to report daily in the logbook on the compliance with regulation 2.6(14)(c) and whether any person was exposed to dust or fumes arising from blasting.
- 2.6(20) The appointment of a **Shift Overseer** must not be taken to relieve the Manager, Subordinate Manager or Mine Overseer of any personal responsibility under these regulations.
- 2.6(21) The Manager, Subordinate Manager and Mine Overseer must not assume the duties of a **Shift Overseer** except temporarily in the case of emergency.

2.7 Miner

- 2.7(1) The Manager or Subordinate Manager or Mine Overseer or Shift Overseer must appoint a miner in writing to be in charge of persons at each designated working place at the mine.

Duties and responsibilities

The **Miner** must:

- 2.7(2) exercise control over all explosives to be used for blasting at those working places for which such miner is responsible for;
- 2.7(3) prepare primers;
- 2.7(4) examine any shot hole to be deepened to ensure it is safe to deepen;
- 2.7(5) examine for and deal with misfires and sockets, in accordance with the written procedure prepared in terms of regulation 4.11;
- 2.7(6) mark or indicate shot holes for drilling or to authorise the drilling of shot holes marked or indicated by another person authorised to do so by the employer, except where the shot holes were marked or indicated by means of electronic software system, including but not limited to Global Positioning System or Laser, such **Miner** must be required to over inspect and authorise the commencement of drilling of shot holes;
- 2.7(7) exercise control over any manufacturing at the working places for which such **Miner** is responsible for, of pourable or pumpable explosives to be used;
- 2.7(8) connect blasting rounds or circuits;
- 2.7(9) charge shot holes with explosives or place explosive charges;
- 2.7(10) make safe all hot holes in terms of the written procedure contemplated in regulation 4.16(5).
- 2.7(11) be present when employees are present at the bottom of an incline shaft in the course of being sunk.
- 2.7(12) take all reasonable precautions against injury to any person from the falling or rolling of timber, rock, tools or other articles.
- 2.7(13) not, at any time leave his or her working place or section if his or her employees are working in a vertical shaft or vertical winze being sunk, or in a main development drive in any underground mine, or on the extraction of pillars in a coal mine, unless such **Miner**;
 - (a) has withdrawn all employees from such working place; or
 - (b) is relieved by another Miner.

- 2.7(14) at the end of his or her shift withdraw all employees from the section or working place for which such Miner is responsible.
- 2.7(15) where coal pillars are being extracted, must not have charge of more than 12 working places or such lesser number of working places as the Principal Inspector of Mines may determine for the particular section of the mine and the said inspections must include all accessible portions of the goaf edge of each working place;
- 2.7(16) examine the refuge bay on a daily basis, to ensure compliance with regulation 16.6(2)(a) to (l);
- 2.7(17) not initiate any explosive charge at any underground mine, unless:
- (a) the portion of the shot hole between the explosive charge and the collar of the shot hole is stemmed and tamped in accordance with the requirements of regulation 4.14;
 - (b) all persons have been removed from the working place where explosive charges are to be initiated;
 - (c) all entrances to the working place(s) where explosive charges are to be initiated, or to the places where the safety of person(s) may be endangered by such initiation, are effectively guarded so as to prevent inadvertent access to such place(s) while such explosive charges are being initiated; and
 - (d) such **Miner** gives due warning in every direction and is satisfied that no person remains where they might be exposed to danger from the initiating of such explosive charges;
- 2.7(18) not initiate an explosive charge in any underground mine where a centralised blasting system is being used, unless all persons who may be endangered by such initiation of explosive charges have been moved to a safe area.
- 2.7(19) Ensure that, at any surface mine:
- (a) before the explosive charges are initiated, place an adequate number of guards at a safe distance determined by a risk assessment to prevent persons accessing the blasting area and that the guards remain at the safe distance until the initiation of explosive charges is completed and the guards are recalled by such miner in regulation 4.4(1); and

- (b) at least three minutes before an explosive charge is initiated, such miner must give due warning of the initiation of explosive charges.
- 2.7(20) After the explosives charges have been initiated or misfires have been re-initiated, not approach, or cause or permit any other person to approach, within the range of the exploding charges until he or she is satisfied that all the explosive charges have exploded or until a period of 30 minutes has expired, after the initiation of the charges.
- 2.7(21) After connecting the blasting cable to the detonator wires of any explosive charge or charges and before such explosive charge or charges have been initiated, does not-
- (a) remain or approach, or cause or permit any other person to remain or approach, within a distance where such person may be endangered by the initiating of such explosive charges, except for the purpose of examining the blasting circuit; and
 - (b) examine the blasting circuit, or cause or permit the blasting circuit to be examined, unless both leads are disconnected from any source of electricity, whether for initiating explosive charges or testing the blasting circuit.
- 2.7(22) at any mine, where initiation takes place by means of electricity, ensure that he or she:
- (a) only uses a blasting cable provided for that purpose and which is in good order and of sufficient length to ensure that the blasting cable cannot come into contact with any other cable or electrical apparatus;
 - (b) secures the initiating device of the blast in an adequate and reasonable manner so as to prevent unauthorised access or use of the blasting system;
 - (c) connects the blasting cable to the detonator wires of any explosive charge or charges or to the wires of the initiator or similar device only after completing all blasting precautions, other than those referred to in paragraphs (d), (e) and (g) of this regulation;
 - (d) does not apply any electrical test to the blasting circuit except through the blasting cable and from a place of safety;
 - (e) does not connect the blasting cable to the terminals of the initiating device until immediately before initiation of explosive charges or attempting to initiate the explosive charges;

- (f) except in the case of a remotely operated centralised electric blasting system, immediately after initiating or attempting to initiate the explosive charges, disconnects both leads of the blasting cable from the initiating device and then-
 - (g) removes the operating handle or key of the initiating device; or
 - (h) secures the locking arrangement of the initiating device and removes the key;
 - (i) in the case of a remotely operated centralised electric blasting system, does not connect the blasting cable to the terminals of the blasting box until immediately before leaving such competent person's working place at the end of the shift; and
 - (j) in the case of a remotely operated centralised electric blasting system, disconnects immediately at the commencement of the shift any blasting cable from the terminals of the blasting box;
- 2.7(23) after the explosive charges have been initiated by means of electricity such miner must:
- (a) carefully examine for misfired holes where the charges have been initiated, before permitting any person to work there;
 - (b) instructs any person engaged in clearing the broken rock, mineral or ground to report immediately to such competent person the finding of any wires that may lead to a misfired hole; and
 - (c) carefully traces any such wires to determine whether or not a misfired hole has occurred.

2.8 Safety officer

- 2.8(1) At any mine or works where the number of employees exceeds 100, The Manager must appoint one or more persons as **Safety officer(s)**.
- 2.8(2) No person must be appointed as a **Safety Officer** unless such person is a holder of a:
- (a) relevant certificate in safety recognized by the Chief Inspector of Mines or Safety officer's qualification issued by the Quality Council for Trades and Occupations and recognized by the Chief Inspector of Mines; with the following:
 - (i). a permanent blasting certificate issued by the Chief Inspector of Mines and has a minimum of 2 years of relevant mining experience; or

- (ii). a rock breaker qualification issued by the Mining Qualifications Authority and recognized for this purpose by the Chief Inspector of Mines with 2 years of relevant mining experience; or
- (iii). a trade test certificate recognized for this purpose by the Chief Inspector of Mines and has a minimum of 2 years of relevant mining experience; or
- (iv). a metallurgical learnership or metallurgical occupational qualification recognized for this purpose by the Chief Inspector of Mines with a minimum of 2 years of relevant mining experience.

or

- (b) relevant national qualification in health and safety management with a minimum of 2 years of relevant mining experience; or
- (c) health and safety representative qualification and a relevant certificate in safety recognised for this purpose by the Chief Inspector of Mines and with a minimum of 3 years of relevant mining experience as a Health and Safety Representative, coupled with the knowledge of the provisions of this Act.

or

- (d) relevant certificate in safety recognised by the Chief Inspector of Mines with a minimum of 3 years of relevant mining experience and is in possession of a relevant technical certificate of competency recognised for this purpose by the Chief Inspector of Mines, in case of type 3 surface mine.

2.8(3) The Principal Inspector of Mines may issue instructions to the Manager to appoint one or more safety officers if such Principal Inspector of Mines has a reason to believe that such appointment is necessary in the interest of health and safety.

2.8(4) When:

- (a) two or more **Safety Officers** have been appointed at a mine or works, the manager of the mine or works must appoint at least one of those **Safety Officers** as a Chief Safety Officer; or
- (b) if only one **Safety Officer** has been appointed at a mine or works, such **Safety Officer** must, in addition to the functions of a **Safety Officer** under these regulations, be charged with the functions of a Chief Safety Officer.

- 2.8(5) The workings of a mine or portion of a mine where a **Safety Officer** is required to be appointed in terms of regulation 2.8(1) may be continued without such **Safety Officer** for a period of not more than 60 days in any period of six consecutive months, provided that the Manager appoints a person who meets the requirements of being a **Safety Officer**, to act in the position of the **Safety Officer** during such period thereof.
- 2.8(6) The person appointed to act as a **Safety Officer** must have all the duties and responsibilities of a safety officer under these regulations: Provided that the appointment of such person must not be taken to relieve the **Safety Officer** in charge of any personal responsibility under these regulations.
- 2.8(7) Every **Safety Officer** must:
- (a) at an interval prescribed by these regulations or at such intervals as the Chief Safety Officer or Principal Inspector of Mines may determine, inspect working places or machinery for which such **Safety Officer** has been appointed in or at the mine or works or part thereof in question;
 - (b) in the course of any such inspection satisfy himself or herself in particular that:
 - (i) all reasonable safety and health measures have been taken in respect of the use or handling of machines and the performance of other work;
 - (ii) safety equipment is maintained to a good condition and properly utilized;
 - (iii) the applicable requirements relating to the safety and health of employees, whether or not those requirements have the force of law, have been complied with;
 - (iv) employees have been properly trained or possess the necessary training or qualifications for the safe execution of their work;
 - (v) report any threat or potential threat to the safety or health of any employee to the person in immediate charge of the working place or machinery in question;
 - (vi) if the person in immediate charge is not readily available, take the necessary steps to avert any such immediate threat and report such matter as soon as practicable, but not later than the end of his shift, to an official responsible for that working place or machinery;
 - (vii) at the end of his or her shift record in an indelible format, as provided by the Manager for that purpose and kept at a place designated by the Manager:

- (a) a description of the working places or machinery inspected by him during the shift in question;
 - (b) the conditions or circumstances at such working places or machinery, including any failure to comply with the applicable requirements referred to in paragraph (b) above;
 - (c) any report made by such Safety Officer in terms of paragraph (c), subparagraph (vi) including the name of the person to whom such report was made; and
 - (d) any steps that have already been taken or which in his or her opinion ought to be taken to avert any threat or potential threat to the safety of health of any employee.
- (c) subject to the provisions of regulation 23 of this Act, investigate and report in writing to the Chief Safety Officer or Manager any accident or occurrence contemplated in regulation 23.1 (c), (d) and (e) or regulation 23.6;
- (d) investigate and report in writing to the Chief Safety Officer any accident or occurrence, for which an investigation is deemed necessary by such **Safety Officer** or Chief Safety Officer;
- (e) examine the refuge bay at least once every 15 days, to ensure compliance with regulation 16.6(2)(a) to (l)-

2.8(9) Any **Safety Officer** may:

- (a) hold meetings with the health and safety representatives of the mine or works or part thereof for which he has been appointed at such times and places as he may with the Manager of the mine or works: Provided that such meetings must be held at least once in every three months;
- (b) assist the Manager or Employer to compile an investigation report contemplated in section 11(5) (d) of this Act and submit such report to the Manager for delivery to the Principal Inspector of Mines.

2.9 Chief Safety officer

A Chief Safety Officer appointed in terms of 2.8(5)(a) must:

- 2.9(1) within a period of ten days, direct a **Safety Officer** to commence with an investigation into every accident or occurrence contemplated in regulation 23.1 (c), (d) and (e) or 23.6;

- 2.9(2) On completion of the investigation, compile a report as contemplated in section 11(5) (d) and transmit a copy of such report to the Chief Safety Officer or Manager;
- 2.9(3) assist the Employer to deliver a copy of the report as contemplated in section 11(5) (e) of this Act;
- 2.9(4) record every accident in which any employee has been injured or has become ill to such a degree that it resulted in the loss of at least one shift;
- 2.9(5) identify working places and machinery which in his or her opinion may represent critical areas regarding safety and health;
- 2.9(6) satisfy himself or herself:
 - (a) that the applicable requirements relating to the safety and health of employees, whether or not those requirements have the force of law, also provide sufficient protection to employees in or at working places or machinery referred to in regulation 2.9(5); and
 - (b) that all employees are properly trained regarding the applicable requirements of this Act.
- 2.9(7) ensure that a **Safety Officer**:
 - (a) inspects working places and machinery referred to in regulation 2.9(5) at such intervals as the Chief Safety Officer, or Principal Inspector of Mines may determine, which interval must not exceed 30 days; and
 - (b) inspects at intervals not exceeding 45 days any underground working place in which mineral production takes place and machinery which is used underground for mineral production, other than a working place or machinery referred to in regulation 2.9(5).
 - (c) Compile a report on the inspections contemplated in regulations 2.9(7) (a) and (b) within 7 days from the date of inspection; and
 - (d) Submit a copy of the report contemplated in regulation 2.9(7) (c) to the Chief Safety Officer, Mine Overseer, **Engineer** or other person in charge of the working place or machinery in question any matter contained in such indelible report and requiring in his opinion the immediate attention of such Mine Overseer, **Engineer** or other person in charge of the working place or machinery which was inspected.
- 2.9(8) within 15 days of the end of the month transmit a report to the Manager specifying:

- (a) the number of accidents and occurrences which took place during the month in question;
- (b) the causes of such accidents and occurrences;
- (c) any failure to comply with the applicable requirements of this Act;
- (d) any threat or potential threat to the safety or health of persons employed in or at the mine, works or machinery in question;
- (e) any steps which have already been taken or which in his opinion ought to be taken in order to avert any such threat or potential threat; and
- (f) hold a meeting with all **Safety Officers** under his control at least once in every three months: Provided that the Principal Inspector of Mines may direct the mine Manager in writing to instruct the Chief Safety Officer to hold a meeting within a period specified by the Principal Inspector of Mines, and such meeting may be with all the **Safety Officers** under his control or those **Safety Officers** specified by such Principal Inspector of Mines.

2.9(9) A Chief Safety Officer may perform any function assigned to a **Safety Officer** by or under these regulations.

2.10 Health and Safety Representative

2.10(1) The Manager must within 7 days of election, appoint in writing every *employee* elected as a Health and Safety Representative; in respect of each working place or group of working places, designated in terms of section 26 of this Act,

2.10(2) No person must be appointed as a Health and Safety Representative unless he or she:

- (a) has been assessed competent against a unit standard, skills programme or qualification issued by the MQA and recognized for this purpose by the Chief Inspector of Mines;
- (b) has been trained in the procedures to be followed in performing the functions of the Health and Safety Representative as contemplated in section 10(2) (c) of this Act;
- (c) has the training, knowledge and experience applicable to the working place or group of working places where such Health and Safety Representative is to be appointed; and

- (d) must have had a minimum of two years of practical mining experience for which six months must be in the workings of that mine.

Duties and Responsibilities of Health and Safety Representatives

The Health and Safety Representative must:

- 2.10(3) inspect working places with regard to the health and safety of employees at intervals agreed with the employer;
- 2.10(4) investigate complaints by any employee relating to health and safety at work;
- 2.10(5) direct any employee to leave any working place whenever circumstances arise at that working place which, with reasonable justification, appear to the health and safety representative to pose a serious danger to the health or safety of that employee;
- 2.10(6) assist any employee who has left a working place in terms of section 23;
- 2.10(7) co-operate with the employer in the conducting of investigations in terms of section 11 (5);
- 2.10(8) examine the causes of accidents and other dangerous occurrences in collaboration with the employer or person acting on behalf of the employer;
- 2.10(9) attend a post-accident inspection;
- 2.10(10) participate in an inquiry held in terms of section 65;
- 2.10(11) visit the site of an accident or dangerous occurrence at any reasonable time; and
- 2.10(12) accompany the Safety Officer, Chief Safety Officer, Shift Overseer, Mine Overseer, Engineer, Mine Manager and Inspector during the inspection of the working place(s) he or she is responsible for.

2.11 Rock Engineer

- 2.11(1) At every underground mine where a risk of rock bursts, rock falls or roof falls exists, and at every other mine where a significant risk of rock falls, subsidence and slope instability exists, the employer must appoint one or more Rock Engineers.
- 2.11(2) No person must be appointed as a Rock Engineer unless he or she is in possession of:
 - (a) either the Chamber of Mines Certificate in Rock Mechanics (Metalliferous Mines), or the Chamber of Mines Certificate in Rock Mechanics (Coal Mines), whichever is appropriate for the **class of mine** concerned; or

- (b) a Geotechnical Practitioner qualification issued by the Quality Council for Trades and Occupations Certificate together with a certificate issued by the Chief Inspector of Mines: Geotechnical Practitioner, and has at least 3 years mining or tunneling related geotechnical engineering and of which at least 6 months is geotechnical experience for the type of mine concerned; or
- (c) any other appropriate qualification recognised by the Chief Inspector of Mines and has at least 3 years mining or tunneling related geotechnical engineering experience and of which at least 6 months is geotechnical experience for the type of mine concerned.

Duties and Responsibilities

The Rock Engineer must:

- 2.11(3) properly and timeously give recommendations into mine design, planning and operations;
- 2.11(4) develop strategies regarding excavations stability, including but not limited to appropriate design criteria, layouts, mining sequence, and support design;
- 2.11(5) develop the micro-seismic monitoring strategy in conjunction with a Seismologist at every underground mine where a risk of rock bursts exists;
- 2.11(6) Establish monitoring, recording, and reporting systems which will ensure that relevant geotechnical information is provided to the planning and mining departments;
- 2.11(7) Investigate major rock related accidents and dangerous occurrences;
- 2.11(8) Analyse investigation results and statistics;
- 2.11(9) Conduct underground inspections and audits;
- 2.11(10) Establish a quality assurance system for support elements used in different mining environments;
- 2.11(11) Participate in the drafting of rock related Codes of Practice;
- 2.11(12) Participate in rock related risk assessments; and
- 2.11(13) Keep abreast of, and advise the employer of advances in technology, leading practice and new processes.

2.12 Strata Control Officer

- 2.12(1) At every underground mine where a risk of rock bursts, rock falls or roof falls exists, and at every other mine where a significant risk of rock falls, subsidence and slope instability exists, the employer may appoint one or more Strata Control Officers to assist the Rock Engineer in performing his or her duties contemplated in regulations 2.11(3) to 2.11(13).
- 2.12(2) No person must be appointed as a Strata Control Officer unless he or she is in possession of:
- (a) a Chamber of Mines Certificate in Strata Control or an appropriate Quality Council for Trades and Occupations Certificate in Strata Control, and has at least 1 year of geotechnical experience, of which a minimum of 6 months experience must be for the type of mine concerned; or
 - (b) a Further Education Training Certificate (Level 4) in Strata Control qualification issued by the Mining Qualifications Authority together with a Strata Control certificate issued by the Chief Inspector of Mines, and has at least 1 year of geotechnical experience of which a minimum of 6 months experience must be for the type of mine concerned; or
 - (c) a Quality Council for Trades and Occupations Certificate as a Mining Technician: Strata Control Practitioner together with a Strata Control certificate issued by the Chief Inspector of Mines, and has at least 1 year of geotechnical experience, of which a minimum of 6 months experience must be for the type of mine concerned; or
 - (d) any other appropriate qualification recognised by the Chief Inspector of Mines and has at least 1 year of geotechnical experience, of which a minimum of 6 months experience must be for the type of mine concerned.

2.13 Mine Surveyor

- 2.13(1) The employer must appoint a Mine Surveyor to be in charge of surveying, mapping and mine plans at the mine, and if the services of more than one **mine surveyor** are engaged, ensure that their functions do not overlap.
- 2.13(2) The Chief Inspector of Mines may issue instructions to the employer to appoint one or more Mine Surveyor(s) if such Chief Inspector of Mines has a reason to believe that such appointment is necessary in the interest of health and safety.

- 2.13(3) No person must be appointed as a Mine Surveyor in any underground mine or surface mine where blasting takes place unless such person is a holder of a Mine Surveyor's certificate of competency issued by the Chief Inspector of Mines.
- 2.13(4) No person must be appointed as a Mine Surveyor in any surface mine where blasting does not take place unless such person:
- (a) is a holder of a mine surveyor's certificate of competency issued by the Chief Inspector of Mines; or
 - (b) has passed the examination for mining legislation in the mine surveyor's certificate of competency and such person: -
 - (i). is a holder of an advanced certificate in mine surveying issued by the Chamber of Mines of South Africa and has at least three (3) years practical experience in mine surveying; or
 - (ii). Is a holder of a national diploma in mine surveying issued by a tertiary institution accredited by the Department of Education; or
 - (iii). has been assessed competent against a qualification recognised by the Mining Qualification Authority for this purpose.
- 2.13(5) In the case of mining at sea, no person must be appointed as a Mine Surveyor unless such person:
- (a) is a holder of a mine surveyor's certificate of competency issued by the Chief Inspector of Mines; or
 - (b) has passed the examination for mining legislation in the mine surveyor's certificate of competency and such person:
 - (i). is the holder of a qualification in hydrographic surveying recognised by the Council for Professional and Technical Surveyors of South Africa for registration in the category of Technician; or
 - (ii). has been assessed competent against a qualification recognised by the Mining Qualifications Authority for this purpose.
- 2.13(6) The employer must in writing inform the Director: Mine Surveying of the appointment of any Mine Surveyor in terms of regulation 2.13(1), within 7 days of the date of such appointment and such information must include:
- (a) the name of the Mine Surveyor;
 - (b) certified copies of all relevant qualifications of the Mine Surveyor;
 - (c) whether the appointment of the Mine Surveyor is full time or part time; and
 - (d) the area or responsibility of such Mine Surveyor.

- 2.13(7) In case the Mine Surveyor is appointed part time, the employer must provide a number and list of other mines such Mine Surveyor is responsible for, to the Director: Mine Surveying.
- 2.13(8) In the case of an underground mine, the Mine Surveyor appointed under regulation 2.13(1) must be able to reach the mine in the case of emergencies and within such time(s), as determined in terms of the mine's risk assessment. Such emergencies and time(s) must be included in the mine's mandatory Code of Practice for Emergency Preparedness and Response.
- 2.13(9) The Mine Surveyor appointed at any mine by the employer under regulation 2.13(1) may not in addition be appointed under regulation 2.13(1) as a Mine Surveyor at any other mine, except with the written approval of the Chief Inspector of Mines and subject to such terms and conditions as the Chief Inspector of Mines may determine.
- 2.13(10) The employer must take reasonable measures to ensure that no mine is worked without a Mine Surveyor appointed under regulation 2.13(1) for more than 60 days in any period of six consecutive months. The employer must in writing appoint a suitably qualified person to perform the functions of the Mine Surveyor under these regulations during such period of 60 days or portion thereof, as the case may be.
- 2.13(11) Any mine where the appointment of a Mine Surveyor in terms of regulation 2.13(1) is required, may be worked without the services of a certificated Mine Surveyor for a period of not more than 60 days in a period of six consecutive months, or such greater period as determined by the Principal Inspector of Mines. The Employer must in these circumstances appoint a person to act in the place of such certificate holder during such period of 60 days or portion thereof and such person must for the duration of his or her appointment have all the duties and responsibilities of the certificated Mine Surveyor under these regulations.
- 2.13(12) no person must be appointed to act in the place of the Mine Surveyor unless such person has passed the examination for mining legislation in the mine surveyor's certificate of competency and such person: -
- (a) is a holder of an advanced certificate in mine surveying issued by the Chamber of Mines of South Africa and has a minimum of three (3) years practical experience in mine surveying; or
 - (b) Is a holder of a national diploma in mine surveying issued by a tertiary institution accredited by the Department of Education; or
 - (c) has been assessed competent against a qualification recognised by the Mining Qualification Authority for this purpose.

Duties and responsibilities of the Mine Surveyor

The Mine Surveyor must:

- 2.13(13) ensure that all units of measure conform to the metric system, except angular measurements which must conform to the sexagesimal system;
- 2.13(14) ensure that all mine survey systems conform to the National Control Survey System as determined by the Chief Director: Surveys and Mapping as contemplated in the Land Survey Act, Act 8 of 1997. The projection origin may be changed to reduce the numerical values of the co-ordinates. Survey systems established on a mine prior to 1 January 1999 may be retained provided that a tabulation of the co-ordinates of at least 3 (three) survey stations, in both the existing mine survey system and the National Control Survey System, are shown on every sheet comprising a plan;
- 2.13(15) ensure that elevations determined above and below ground on mines established after 12 November 2004, refer to mean sea level, based on the South African Land Levelling Datum as determined by the Chief Director: Surveys and Mapping as contemplated in the Land Survey Act, Act 8 of 1997;
- 2.13(16) ensure that bathymetric elevations determined at sea refer to chart datum;
- 2.13(17) ensure that all plans conform to the conventional signs and colours provided by the Director: Mine Surveying;
- 2.13(18) ensure that if any plans required in terms of chapter 17 regulations of this Act are kept electronically, they are adequately backed up; and
- 2.13(19) ensure that all survey records are securely stored in a dry and fire proof place when not in use.
- 2.13(20) at all times be aware of:
 - (a) workings which are being advanced;
 - (b) surface structures or objects which may be affected by mining;
 - (c) workings which are being abandoned or closed down, in order to allow the final surveying thereof;
 - (d) all workings or any place or surface where there is, or is likely to be, a dangerous accumulation of fluid material, noxious or flammable gas; and
 - (e) safety pillars that are being or have been removed.
- 2.13(21) in writing notifies the employer, which notification must be dated, of any workings being advanced to come within:
 - (a) horizontal distance of 100 (one hundred) metres from reserve land, buildings, roads, railways, dams, waste dumps or any other structure whatsoever

including structures beyond the mining boundaries, or from any surface, which it may be necessary to protect in order to prevent any significant risk;

- (b) 50 (fifty) metres from any excavation, workings, restricted area or any other place where there is, or is likely to be a dangerous accumulation of fluid material, noxious or flammable gas. Such notification must include a sketch plan giving the distance to such place from the nearest survey station.

2.13(22) not withhold from the employer any survey records or plans prepared in terms of chapter 17 regulations of this Act.

2.14 Mine Environmental and Occupational Hygiene Engineer

2.14(1) At every mine or works, the employer must appoint a Mine Environmental and Occupational Hygiene Engineer to perform the functions as contemplated in section 12(1) read in conjunction with all applicable regulations related to the functions of this appointment. No mine or works or portion thereof, shall operate without an appointed Mine Environmental and Occupational Hygiene Engineer.

2.14(2) The employer must notify the Principal Inspector of Mines in writing, within seven (7) days of the appointment of the Mine Environmental and Occupational Hygiene Engineer, and the notice must include the following:

- (a) the name of the person;
- (b) a copy of appointment letter which includes area of responsibility;
- (c) all other mines or works where the person is appointed; and
- (d) copies of all relevant qualifications of the person;

2.14(3) At the time of the appointment of the Mine Environmental and Occupational Hygiene Engineer, the employer must assess the risks pertaining to this appointment and/or any other related appointments, considering the total number of Mines or works forming part of the Mine Environmental and Occupational Hygiene Engineer's responsibilities and submit all supporting documentation to the Principal Inspector of Mines.

2.14(4) Subject to the risk assessment submitted by the mine in relation to the functions that should be performed by the Mine Environmental and Occupational Hygiene Engineer, the Principal Inspector of Mines may issue an Instruction to the employer to appoint an additional Mine Environmental and Occupational Hygiene Engineer in the interest of health and safety of the employees.

2.14(5) No person must be appointed as the Mine Environmental and Occupational Hygiene Engineer at an underground mine unless he or she is the holder of a Chamber of Mines

Certificate in mine environmental control or at least an NQF level 6 Qualification in mine environmental control recognized by the Chief Inspector of Mines.

- 2.14(6) No person must be appointed as a Mine Environmental and Occupational Hygiene Engineer at a mine or works unless such person is a holder of:
- (a) Chamber of Mines Certificate in mine environmental control; or
 - (b) at least an NQF level 6 Qualification in mine environmental control recognized by the Chief Inspector of Mines; or
 - (c) a Chamber of Mines intermediate certificate in mine environmental control recognized by the Chief Inspector of Mines; or
 - (d) an NQF level 4 Qualification in mine environmental control recognised by the Chief Inspector of Mines.
- 2.14(7) The employer must ensure that the Mine Environmental and Occupational Hygiene Engineer has adequate resources to fulfil his/her obligations in terms of his/her appointments in terms of this Act”
- 2.14(8) The Mine Environmental and Occupational Hygiene Engineer appointed at a mine or works, must not concurrently be appointed at another mine or works except with an approval from the Principal Inspector of Mines.
- 2.14(9) In the event the appointed Mine Environmental and Occupational Hygiene Engineer is absent from the mine or works for a period of 3 days or more, the employer must appoint in writing a person with relevant qualifications as required by regulation 2.14(9) to act in the place of the appointed Mine Environmental and Occupational Hygiene Engineer in terms of regulation 2.14(1) during such period. Such competent person shall for the duration of his/her appointment have all the duties and responsibilities of the Mine Environmental and Occupational Hygiene Engineer under the regulations.
- 2.14(10) no person shall be appointed in terms of regulation 2.14(9) unless such person is in possession of the following:
- (a) where the competent person performs the obligations underground, a Chamber of Mines Certificate in mine environmental control or at least an NQF level 6 Qualification in mine environmental control or Chamber of Mines Certificate in mine environmental control;
 - (b) where the competent person performs the obligations on surface or works, a Chamber of Mines Certificate in mine environmental control or at least an NQF level 4 Qualification in mine environmental control or Chamber of Mines Intermediate Certificate in mine environmental control.

- 2.14(11) No person must be appointed in terms of regulation 2.14(9) for a period of more than 60 calendar days in a period of six consecutive months or such greater period as determined by the Principal Inspector of Mines.

Duties and responsibilities

The Mine Environmental and Occupational Hygiene Engineer must:

- 2.14(12) report to the *employer*, at appropriate intervals determined in accordance with the mine's *risk* assessment, on:
- (a) the effectiveness of the precautionary measures taken to prevent or suppress explosions of coal dust or flammable gas; and
 - (b) the adequacy of measures in place to prevent, detect and combat the start and spread of *mine* fires.
- 2.14(13) as part of the compliance with section 12(2)(b), report to the *employer* on:
- (a) the occupational hygiene risk assessment, with specific reference to planning, design, implementation and management of occupational hygiene at the mine;
 - (b) the occupational health hazards that may cause illness, adverse *health* effects or discomfort to persons, assess the results in terms of the implementation of control systems and the management thereof, and recommend remedial actions to the *employer*.
- 2.14(14) complete forms 21.9(2)(a), 21.9(2)(b), 21.9(2)(c), 21.9(2)(d), 21.9.2(e) and 21.9.2(f) prescribed in chapter 21, and submits the forms which contain information on the airborne pollutant, thermal stress and noise aspects of the system of occupational hygiene measurements, established and maintained in terms of regulation 9.2(2) to the Employer.
- 2.14(15) report to the Employer, at appropriate intervals determined in accordance with the mine's risk assessment, on the adequacy of escape and rescue procedures at the mine relating to explosions, fires and flooding.
- 2.14(16) inspect the escape route or second outlet, at appropriate intervals determined in accordance with the mine's risk assessment.

- 2.14(17) examine every refuge bay at least once every 90 days, to ensure compliance with regulation 16.6(2)(a) to (l)-
- 2.14(18) ensure that a written report on the inspection contemplated in regulation 16.6(3)(b) is provided within 7 days to the Manager appointed in terms of section 3(1)(a) of this Act.
- 2.14(19) Conduct the mines environmental survey at appropriate intervals determined by the mines risk assessment.
- 2.14(20) Determine positioning of the refuge bay together with the Manager appointed in terms of section 3(1)(a) of this Act.
- 2.14(21) Update Mine Ventilation and Rescue Plan as stipulated in Regulation 17.19 on intervals not exceeding 3 (three) months

2.15 Occupational Medical Practitioner

- 2.15(1) At every mine or works, the employer must appoint an Occupational Medical Practitioner to perform the functions as contemplated in section 13 of this Act read in conjunction with all applicable regulations related to the functions of this appointment. No mine or works or portion thereof, shall operate without an appointed Occupational Medical Practitioner.
- 2.15(2) The Employer must within 7 days after the date of appointment of any person as an Occupational Medical Practitioner required in terms of section 13(3) (a) (1) of this Act, notify the Principal Inspector of Mines, in writing of the appointment and the notice must include the following:
 - (a) the name of the Occupational Medical Practitioner;
 - (b) his or her professional registration number;
 - (c) a copy of the appointment letter; and
 - (d) the area of responsibility;
- 2.15(3) At the time of the appointment of the Occupational Medical Practitioner, the employer must assess the risks pertaining to this appointment and/or any other related appointments, considering the total number of Mines and employees or works forming part of the Occupational Medical Practitioner's responsibilities, the professional support staff and technology available within the Medical Surveillance System. The employer should submit all supporting documentation to the Principal Inspector of Mines.
- 2.15(4) No person must be appointed as an Occupational Medical Practitioner at any mine unless he or she is the holder of:

- (a) an MBChB/MBBS degree in Medicine; and
- (b) an additional Diploma in Occupational Health
- (c) has valid registration with the Health Professions Council of South Africa

2.15(5) In the event the appointed Occupational Medical Practitioner is unavailable or unable to fulfil their responsibility for a period of 3 days or more, the employer must appoint in writing a person with relevant qualifications as required by regulation 2.15(4) to act in the place of the appointed Occupational Medical Practitioner in terms of regulation 2.15(1) during such period. Such competent person shall for the duration of his/her appointment have all the duties and responsibilities of the Occupational Medical Practitioner under the regulations.

2.15(6) No person must be appointed in terms of regulation 2.15(5) for a period of more than 60 calendar days in a period of six consecutive months or such greater period as determined by the Principal Inspector of Mines.

Duties and responsibilities of the Occupational Medical Practitioner

The Occupational Medical Practitioner (OMP) must:

2.15(7) take every measure that is reasonably practicable to-

- (a) promote the health of employees at the mine;
- (b) assist employees in matters related to occupational medicine;
- (c) Establish and maintain an appropriate system of medical surveillance, considering the health hazards to which the employees are or may be exposed to, providing information that the employer can use in determining measures to:
 - (i) Eliminate, control and minimise the health risks and hazards to which employees are or may be exposed; or
 - (ii) Prevent, detect and manage occupational diseases; and
 - (iii) Ensure that records of medical surveillance are kept in accordance with this Act for each employee exposed to a health hazard.
- (d) The appointed OMP should oversee initial medical examinations, and other medical examinations at appropriate intervals based on the employees' occupational risk exposure profile (OREP).

2.15(8) The appointed OMP should take accountability for every issued Certificate of Fitness (COF) to declare an employee fit/unfit to perform a particular category of work in accordance with the Code of Practice on Minimum Standards of Fitness to Perform Work on a Mine.

- 2.15(9) Report all occupational diseases as contemplated in regulation 11.8 of this Act to the Employer.
- 2.15(10) If an employee is temporarily unfit to perform work as a result of any occupational disease, but there is a reasonable expectation that the employee's health will improve so that the employee can return to work, the occupational medical practitioner must record that fact and notify both the employer and employee of it.
- 2.15(11) Ensure that appropriate professional assessment, investigations and diagnosis of employees undergoing medical surveillance takes place.
- 2.15(12) Any employee declared unfit for own occupation, the Occupational Medical Practitioner must notify the Employer and make recommendations for suitable alternative placement.
- 2.15(13) If an alternative placement is not found, it is not the duty of the Occupational Medical Practitioner to change his/her decision based on the outcomes of HR and Incapacity Committee processes.
- 2.15(14) If any employee is diagnosed with an occupational disease, the Occupational Medical Practitioner (OMP) must notify the employer to conduct an investigation in terms of Section 11(5) (a) of this Act and report on the Health Incident Report, DMR 231 Form to the Principal Inspector of Mines within 30 days of diagnosis of such an occupational disease.
- 2.15(15) If an employee was subject to medical surveillance and such employee's employment is terminated at a mine for any reason, the OMP must, before or within 30 days after termination of employment, conduct an exit examination on an employee. For such employee, the OMP must:
- (a) produce an exit certificate with respect to the employee undergoing exit examination, indicating the results of medical surveillance and the presence and absence of any occupational disease.
 - (b) enter a copy of the exit certificate into the employee's record of medical surveillance and provide the employee with a copy of the exit certificate.
- 2.15(16) Where appropriate, assists with the workplace evaluations, in conjunction with Occupational Health Nursing Practitioners.
- 2.15(17) Advise the Employer on legal and regulatory compliance on occupational medicine and health issues where applicable.
- 2.15(18) Ensure medico-legal and regulatory compliance for all occupational medicine and health issues that the Occupational Medical Practitioner is directly responsible for.
- 2.15(19) compile an annual report covering employees at that mine, giving an analysis of the employees' health based on the employees' records of medical surveillance, without disclosing the names of the employees.

2.15(20) Furnish the Employer with the annual report compiled in terms section 16(1) of this Act.

Occupational Medical Practitioner

2.15(21) The employer may appoint one or more Occupational Health Nursing Practitioners to assist the Occupational Medical Practitioner in performing his or her duties.

2.15(22) The Occupational Health Nursing Practitioner contemplated in regulation 2.15(21) must:

- (a) be registered with the South African Nursing Council in terms of the Nursing Act No.33 of 2005, and
- (b) have qualifications required for registration including a diploma or degree in occupational health nursing.

2.15(23) The Occupational Health Nursing Practitioner contemplated in regulation 2.15(21), under the guidance of the Occupational Medical Practitioner must:

- (a) Conduct physical assessments and screening tests on employees based on parameters as stipulated in the mine's code of practice on Minimum Standards of Fitness to Perform Work on a Mine; and also guided by the Scope of Practice outlined by the South African Nursing Council (SANC) on the competencies of Occupational Health Nurse Specialist (OHN).
- (b) Refer any health conditions requiring further interventions that impact on fitness for duty to the Occupational Medical Practitioner for further management and determination of fitness;
- (c) Refer an Employee with non-occupational condition(s) to the relevant health care worker for further management;
- (d) Follow-up on referred cases with conditions that impact/or have the potential to impact on fitness to work of employees (e.g. monitoring of patients' progress on treatment);
- (e) Assist in conducting health risk assessments and risk management in conjunction with other relevant professionals;
- (f) Engage in health promotion programs to encourage workers to take responsibility for their own health; and
- (g) Advise the employer on legal and regulatory compliance on occupational medicine and health issues where applicable.

2.16 Engineer

- 2.16(1) The manager must appoint one or more **Engineer(s)** to be in charge of machinery, at any mine or works where:
- (a) the designed rating of installed machinery used in the generation of power, together with the power supplied from outside sources, is equal to or exceeding the equivalent of 2 500 kilowatts; or
 - (b) any winding plant intended for the conveyance of persons is installed.
- 2.16(2) No person must be appointed to as an **Engineer** unless such person is the holder of a government certificate of competency for mines or works (electrical or mechanical engineering)
- 2.16(3) The Principal Inspector of Mines may issue instructions to the Manager to appoint one or more **Engineer(s)** if such Principal Inspector of Mines has a reason to believe that such appointment is necessary in the interest of health and safety.
- 2.16(4) An any mine where the appointment of the engineer in terms of regulation 2.16(1) is required, may be worked without the services of a certificated engineer for a period of not more than 60 days in a period of six consecutive months, or such greater period as determined by the Principal Inspector of Mines. The Manager must in these circumstances appoint a person to act in the place of such certificate holder during such period of 60 days or portion thereof and such person must for the duration of his or her appointment have all the duties and responsibilities of the certificated engineer under these regulations.
- 2.16(5) Where the appointment of a holder of a certificate of competency for mines or works (electrical or mechanical engineering) is required at any mine, no such person must be appointed to act in the place of the certificated engineer unless:
- (a) such person has a minimum of two years practical experience as an Engineer in Training; and
 - (b) has been accepted as a candidate for the certificate of competency for mines or works (electrical or mechanical engineering) examination; or
 - (c) such person is a **Competent Person** with a minimum of five (5) years of relevant experience, of which three (3) years must be in the operation where he is to be appointed by the Manager with approval from the Principal Inspector of Mines.

2.16(6) At every mine or works where the designed rating of installed machinery used in the generation of power, together with the power supplied from outside sources, is less than the equivalent of 2 500 kilowatts, all machinery must be under the charge of a **Competent Person** or persons, who must be appointed by the manager, to the extent defined in every such person's letter of appointment: Provided that a certificated **Engineer** may be appointed in terms of this regulation to be in general charge of such machinery.

2.16(7) No person must be appointed as a **Competent Person** unless such person:

- (a) is qualified by virtue of his or her knowledge, training, skills and experience to organise the work and its performance;
- (b) is familiar with the provisions of the Act and the regulations which apply to the work to be performed; and
- (c) has been trained to recognise any potential or actual danger to health or safety in the performance of the work; or
- (d) is in possession of the appropriate certificate of competency where such certificate is required by these regulations;

2.16(8) The Manager may appoint one or more person(s), in writing, as Subordinate Engineer(s) to assist the **Engineer** appointed in terms of regulation 2.16(1): Provided that the appointment of such persons does not relieve the engineer of any duty imposed on the engineer by these regulations.

Duties and responsibilities of the Engineer

An **Engineer** appointed in terms of regulation 2.16(1) or a **Competent Person** appointed in terms of regulation 2.16(6) must:

2.16(9) subject to regulation 2.16(14), be responsible for the safe installation and the proper operation, running and maintenance of all machinery;

2.16(10) be responsible for the safe erection and proper maintenance of all buildings, structures and tanks;

2.16(11) take all reasonable measures to ensure that:

- (a) all safety appliances, mechanisms and guards are maintained in good condition;

- (b) the provisions of the regulations relating to machinery are fully complied with; and
- (c) the working of any apparatus or machine, the using of which may constitute a danger to any person, is stopped.

2.16(12) The **Engineer** or **Competent Person** in charge of machinery at a mine or at a works must not in addition be appointed in charge of any other machinery at another mine or works except with an approval from the Principal Inspector of Mines.

2.16(13) The Manager of a mine or works must not appoint himself as **Engineer** or **Competent Person** in charge of machinery except with the written approval from the Principal Inspector of Mines.

2.16(14) Notwithstanding other provisions in these regulations, any person or class of persons may be granted approval in writing by the Principal Inspector of Mines, subject to such conditions as the Principal Inspector of Mines may specify, to exercise control over:

- (a) the proper operation and running of machinery;
- (b) the erection, re-erection, moving or removal of machinery not used for the conveyance of persons; and
- (c) Such persons must comply with the standards, procedures and work practices as prescribed by the responsible **Engineer** or **Competent person**.

2.17 Winding Engine Driver

2.17(1) The Manager of a mine must appoint in writing one or more person(s) as **Winding Engine Driver(s)**.

Duties and responsibilities of the Winding Engine Driver

The **Winding Engine Driver** must:

- 2.17(2) directly control the operation of a winder;
- 2.17(3) only set a winder in motion when it is safe to do so or after receiving a distinct signal or after receiving an instruction by an **Engineer** to do so;
- 2.17(4) only set the winder in motion after satisfying himself or herself that conditions have not changed since receiving the signal to commence winding and actual commencement of winding;

- 2.17(5) not operate the winder at speeds exceeding the limits determined by the **Engineer**;
- 2.17(6) not accelerate or retard the winder beyond the acceleration and retardation limits determined by the **Engineer**;
- 2.17(7) apply every device and means at his or her disposal to prevent the conveyance over-running its destination;
- 2.17(8) apply every device and means at his or her disposal to prevent the conveyance moving in the opposite direction to the signal given;
- 2.17(9) not, when raising or lowering persons, move the winder until at least 10 seconds have elapsed after receiving the signal to do so;
- 2.17(10) react to emergency signals when alerted of an emergency by a signal on the call bell;
- 2.17(11) only perform clutching operations after assuring themselves, every time immediately before performing any clutching operations, that the winder motor has sufficient power to hold the load suspended from the drum to be unclutched, by testing the brake of the drum to be unclutched;
- 2.17(12) not attempt to move an unclutched drum;
- 2.17(13) not perform clutching operations whilst persons are in a conveyance, except with persons on a stage during sinking operations when blasting;
- 2.17(14) not give the signal that clutching has been completed until he has assured himself that the clutches are fully engaged and locked in position;
- 2.17(15) transport persons in the conveyance in a safe manner;
- 2.17(16) not be disturbed by any person while operating a winder, except:
 - (a) that a **Winding Engine Driver** may be required, while operating a winder, let any other **Winding Engine Driver** familiarise themselves with the winder or train a learner **Winding Engine Driver**;
 - (b) when being assessed for competency purposes; or
 - (c) when being instructed in the operation of the winder; and
- 2.17(17) when winding in any compartment or compartments of a shaft, winze or headgear has been stopped for repairs or blasting operations or when winding has been stopped for any other purpose for a period exceeding one hour in duration or when a conveyance has been changed:
 - (a) the winding engine serving such compartment or compartments must not be used for the raising or lowering of persons until the cage, skip or other means

of conveyance has been run at least one complete trip up and down such compartment or compartments;

- (b) Provided that this regulation must not apply to the use of the winding engine for the raising or lowering of persons conducting an examination or effecting repairs; and
- (c) provided further that where such stoppage is confined to a portion of any compartment or compartments, the requirements of this regulation must only apply to such portion.

2.18 Learner Winding Engine Driver

- 2.18(1) The **Engineer** must ensure that a learner **Winding Engine Driver** only operates a winder under the direct supervision of a **Winding Engine Driver** for the purposes of training.

2.19 Banksman and Onsetter

- 2.19(1) The Manager of an underground mine must appoint one or more persons as a banksman or Onsetter.

Duties and Responsibilities of a Banksman and Onsetter

The **Banksman** and **Onsetter** must:

- 2.19(2) control the access of a conveyance by persons and permit such access only after having received the required signal from the **Winding Engine Driver**;
- 2.19(3) not give any signal, other than contemplated in regulations, until all persons are in the conveyance and all safety barriers provided are secured.
- 2.19(4) control the exit from a conveyance by persons and permit such exit only after having received the required signal from the **Winding Engine Driver** and after having ensured that the conveyance is positioned correctly and does not give any further signals, except emergency signals, until all persons wishing to exit the conveyance have done so and are clear of the conveyance;
- 2.19(5) only convey persons in or on any conveyance when a roof or cover is provided and is in place prior to any movement of the conveyance;
- 2.19(6) make use of safety barriers to prevent un-authorised access to a shaft system;
- 2.19(7) always be aware of the list of material approved by the manager, with which persons are allowed to travel;

- 2.19(8) always be aware of persons and the conditions under which those persons are allowed to travel, when mineral is being hoisted in the counter conveyance of a double drum winder;
- 2.19(9) always be aware of persons that have been authorised by the manager to travel with explosives;
- 2.19(10) not allow any person to travel on or in a conveyance or its attachments from an exposed position unless authorised to do so by an **Engineer**;
- 2.19(11) not allow more persons, than the maximum permitted number of persons determined by the **Engineer**, to be loaded into or travel in any conveyance or deck;
- 2.19(12) only use the locked bell signaling system to exchange signals between him or her and the winding engine driver;
- 2.19(13) not exchange any signal allowing movement of the conveyance unless it is safe to do so;
- 2.19(14) not exchange any signal to clutch whilst persons are in the conveyance, except in a shaft being sunk;
- 2.19(15) whilst clutching, restricts the number of persons on the stage to only those persons who are required to guide the stage; and
- 2.19(16) not allow any person to enter or have access to the conveyance until the **Winding Engine Driver** has given the signal that the clutching operation has been completed.

2.20 Determination of Types of Mines

Table 1: Matrix to determine risk rating

		More than 100 events per year	10-100 events per year	1-10 events per year	1 event per year - 1 event in 10 years	1 event per year - 1 event in 100 years	Less than 1 event in 100 years
		Probable events more than 100 per year	Probable events between 10 and 100 per year	Probable events between 1 and 10 per year	Probable events between 1 per year and 1 in 10 years	Probable events between 1 in 10 years and 1 in 100 years	Probable event less than 1 in a 100 years
Severity	Frequency	6	5	4	3	2	1
Multiple Fatalities or > 6000 Shifts Lost	8	48	47	45	42	38	33
1 Fatality or 6000 Shifts Lost	7	46	44	41	37	32	27
600 ~ 5999 Shifts Lost	6	43	40	36	31	26	21
60 ~ 599 Shifts Lost	5	39	35	30	25	20	15
6 ~ 59 Shifts Lost	4	34	29	24	19	14	10
1~5 Shifts Lost	3	28	23	18	13	9	6
No Time Loss	2	22	17	12	8	5	3
"Near Miss"	1	16	11	7	4	2	1

Table 2: Risk Rating Model

Risk Rating Model		
	Hazards	Risk Rating
A.1	Earthquake(s)	
A.2	Electricity	
A.3	Events/Emergencies/Disasters	
A.4	Falls of Ground-Gravity	
A.5	Falls of Ground-Strain bursts	
A.6	Falls of Ground-Seismic	
A.7	Horizontal Transport	
A.8	Inclined Transport	
A.9	Mine Access/Exit	
A.10	Process Plant	
A.11	Slip and Fall	
A.12	Stationary Machinery	
A.13	Stored Energy (Compressed air etc.)	
A.14	Uncontrolled Explosions	
A.15	Use of Explosives	
A.16	Vertical Transport (Shafts)	
B.1	Airborne Pollutants	
B.2	Bare Trauma Induced Illness	
B.3	Ergonomic Inadequacies	
B.4	Hazardous Substances	
B.5	Inundation of Liquids and Fluids	
B.6	Infectious Diseases	
B.7	Thermal Stress	
B.8	Type of System	
Aggregate Risk Rating		

Table 3: Classification of Surface Mines

Type of Surface Mine	Aggregate Risk Rating
Type 1 Surface Mine	> 360(High)
Type 2 Surface Mine	≥ 250 and ≤ 360(Medium)
Type 3 Surface Mine	<250(Low)