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MINE HEALTH AND SAFETY ACT, 1996 (ACT NO 29 OF 1996)**SCHEDULE****CHAPTER 16****RESCUE, FIRST AID AND EMERGENCY PREPAREDNESS AND RESPONSE****16.5 Emergency Preparedness and Response****Definitions**

For purposes of regulation 16.5, unless the context indicates otherwise -

"emergency" means a situation, event or set of circumstances at a mine that could threaten the health or safety of persons at or off the mine, and which requires immediate remedial action, such as the evacuation, rescue or recovery of persons, to prevent serious injury or harm, or further serious injury or harm, to persons;

"breathing apparatus" means an apparatus, which renders the user independent from breathing from the atmosphere for a minimum of two (2) hours.

16.5(1) The employer at every underground mine must-

- (a) provide and maintain, readily available at the mine, mine rescue teams, consisting of at least five competent persons, per mine rescue team, in the following minimum proportions determined by the maximum number of persons who could be underground at any one time-
 - (i) where there could be between 100 and 1100 persons underground, at least 1 mine rescue team;
 - (ii) where there could be between 1101 and 3600 persons underground at least 2 mine rescue teams;

Side note: Reference is made to the Guideline for the Compilation of a Code of Practice on Emergency Preparedness and Response. Reference 16/3/2/1-A5, as issued by the Chief Inspector of Mines, in terms of section 9.2 of the Mine Health and Safety Act.

- (iii) where there could be between 3601 and 8100 persons underground at least 3 mine rescue teams; and
 - (iv) where there could be more than 8100 persons underground at least 3 mine rescue teams and at least 1 additional mine rescue team for every additional 6300 persons who could be underground;
- (b) have readily available, at the mine for use by the rescue team members contemplated in regulation 16.5(1)(a), sufficient *breathing apparatus* that may be required in any *emergency* and which *breathing apparatus* must continually comply with SANS 50145:1997/EN 145:1997 "Respiratory protective devices - Self-contained closed-circuit breathing apparatus - Compressed oxygen or compressed oxygen-nitrogen type - Requirements, testing, marking";
 - (c) enter into a contract with a mines rescue service provider to coordinate and facilitate the provision of mines rescue teams and other services, relating to an *emergency*, on a cooperative basis; and
 - (d) immediately notify such mines rescue service provider should any *emergency* occur at the mine that may require the use of rescue team members, contemplated in 16.5(1)(a), or the use of the services of such mines rescue service provider.
- 16.5(2) For the purposes of regulation 16.5(1)(c) and (d), a mines rescue service provider must-
- (a) be an organisation/institution which has personnel with specialist knowledge and experience in mines rescue and emergencies and which has access to rescue equipment and training facilities, including facilities for Heat Tolerance Testing, Workload Testing and Simulated Training;
 - (b) render an *emergency* rescue service on a co-operative basis;
 - (c) provide mines rescue services with emphasis on mobilisation of mine rescue teams, quantity or access to rescue teams, emergency communication, additional emergency resources, back up facilities and transport;
 - (d) ensure that any *breathing apparatus* that may be used by mine rescue teams continually complies with SANS 50145:1997/EN 145:1997 "Respiratory protective devices - Self-contained closed-circuit breathing apparatus - Compressed oxygen or compressed oxygen-nitrogen type - Requirements, testing, marking";
 - (e) ensure that their personnel is competent to check and maintain any rescue equipment used by it in accordance with the Original Equipment Manufacturer's specifications;
 - (f) test and maintain the functional performance of any other rescue equipment used by it in accordance with the Original Equipment Manufacturer's specifications; and

- (g) ensure that the rescue team members used by them to provide mines rescue services meet the qualification requirements as prescribed in Chapter 22.
- 16.5(3) Every mines rescue service provider, referred to in regulation 16.5(2), must-
- (a) keep a register of all persons who have been found competent to practice as a rescue team member by that mines rescue service provider;
 - (b) implement and maintain a system to issue licences to practice to persons contemplated in 16.5(3)(a) and who meet such criteria as determined by the rescue service provider, which criteria must include at least the following-
 - (i) the person has not attained the age of 46 years;
 - (ii) the person has been declared medically fit in terms of the requirements of the mine's "Code of Practice on Minimum Standards of Fitness to Perform Work at the Mine" as may be amended from time to time. prepared in accordance with the : Guideline for the Compilation of a Mandatory Code of Practice on Minimum Standards of Fitness to Perform Work at a Mine;
 - (iii) the person has undergone and passed the Heat Tolerance Test, conducted in terms of Chamber of Mines of South Africa Research Organization Research Report No. 29/87 – "A guide to the selection and classification of rescue brigadesmen on the basis of Heat tolerance", initially and thereafter at intervals not exceeding 24 months;
 - (iv) the person has undergone refresher-training sessions as determined by the mines rescue service provider at intervals of not more than 3 months. At least 2 of these trainings per annum must be in a mine or simulated mine, in an atmosphere filled with smoke, whilst using a breathing apparatus; and
 - (v) the person has undergone and passed the Work Load Test, conducted in terms of the Chamber of Mines of South Africa S & TS Circular No. 39/93 dated 5 April 1993, initially and thereafter at intervals not exceeding 12 months.
 - (c) monitor compliance by persons, issued with a licence to practice by it, with the requirements contemplated in regulation 16.5(3)(b) and suspend or revoke any such licence if the person no longer meets any of those requirements, and re-issue a licence when the person again meets the requirements.
- 16.5(4) Whenever an *emergency* occurs at a mine that requires the deployment of mine rescue teams, the employer and any mines rescue service provider notified in terms of regulation 16.5(1)(d) and whose assistance has been requested, must take reasonable measures to ensure that the required mine rescue teams are deployed as soon as possible.

- 16.5(5) No employer or mines rescue service provider may allow any rescue team member contemplated in regulation 16.5(1)(a) to be deployed as a member of a mine rescue team during an emergency unless such rescue team member is in possession of a valid licence to practice, as contemplated in regulation 16.5(3) and has passed a pre-operational medical examination, determined by the mines rescue service provider, to ensure that the rescue team member is medically fit at the time to be so deployed.

CHAPTER 22

22.15(16)(a) For purposes of Regulation 16.5(1)(a), competent person means a person who-

- (i) has passed a course of training approved for this purpose by the Chief Inspector of Mines;

OR

- (ii) has been assessed and found competent against applicable unit standards, skills programme and/or a qualification recognised for this purpose by the Mining Qualifications Authority (MQA).