

A dark, abstract background with a blue and black color palette. It features a silhouette of the African continent on the right side, overlaid on a textured, possibly metallic or crystalline surface. The overall aesthetic is high-tech and futuristic.

# PROTECTION OF INTELLECTUAL PROPERTY

## LEGISLATION ON EXPLOSIVES (MINING AND CONSTRUCTION)



# LEGISLATION ON EXPLOSIVES: TRANSPORT, USE AND STORAGE OF EXPLOSIVES BY MINES AND CONSTRUCTION COMPANIES IN SOUTH AFRICA

## 1. Introduction

The CEOs of various Mining/Construction Companies situated in Gauteng, South Africa attended a meeting, convened by the South African Police Service's Provincial Commissioner for Gauteng, South Africa, where they were informed in no uncertain terms that they would personally be held liable and charged, should criminals be apprehended who were found to be using explosives for criminal acts, e.g., ATM bombings, if these explosives had been sourced from their mines and mining operations.

The CEOs took a very serious view on this and requested their Legal Departments to investigate their Compliance and put Pro-Active measures in place.

**ADVANCED CORPORATE SOLUTIONS (ACS)** in conjunction with our legal advisor were requested to assist in this matter and have already set about developing pro-active measures in consultation with various parties.

## 2. Pro-Active Measures

### 2.1. LEGAL COMPLIANCE

ACS who has extensive experience in the field of South African mining and related legislation, were tasked to assist with this project. In addition to the Explosives ACT, 2003, various other legislative and regulatory instruments govern the transport, use and storage of explosives by Mining/Construction Companies in South Africa.

It was determined that the objective was to prevent criminal groupings from being able to obtain explosives from the various Mining/Construction Operations in the RSA. Investigations by the South African Police Services into ATM bombings have revealed that the criminals had generally obtained their explosives from underground blasting operations. The only conclusion one can reach is that the Blasting Teams are being negligent by not ensuring that proper compliance to legal procedures is performed or implemented.

### 2.2. THE ACS CHECKLIST INSPECTION AND PROFILING ROLE

To meet legal requirements ACS developed a Checklist Inspection as a proactive means of assisting Mining/Construction Companies to verify their compliance and security measures. Regular inspections by an independent party, coupled with proper profiling and screening of employees through the implementation of a Personnel Integrity Management Systems (PIMS), will assist in mitigating this problem.

During the inspection and profiling phase additional training requirements may be identified. Should a mining company's inspection reveal sub-standard adherence to legal requirements and the use of explosives additional training must be sourced to train the employees the required standard and levels of expertise.

### 2.3. ACS – TRAINING REQUIREMENTS

Certain Mining Companies and Explosive Manufacturing plants are the leading South African companies in this field, setting the benchmark for the legislation on Explosives Manufacturing, Transportation and Storage Industry. They have the expertise to assist with the training of identified parties should it be required.

## 3. Conclusion

The combination of legal expertise, compliance inspections and profiling and the provision of training to the correct standards by a reputable company will assist Mining and Construction Companies in ensuring compliance.

**ADVANCED CORPORATE SOLUTIONS** believe that the approach outlined above would assist in reducing Explosives Theft on the Mines and providing a safer and more secure environment.

**ADVANCED CORPORATE SOLUTIONS** and our Associates are specialists in the provision of crime prevention strategies and business intelligence to Corporate Clients and selected individuals. We are continuously involved in research and development, both locally and internationally to set the benchmark in our field of expertise.

## CONTACT US

Contact the following ACS executive to arrange a full briefing on these options to ensure your organisation's compliance and best practice in this critical area of Information Security:

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