

[AS REPORTED FROM THE GOLDFIELDS AND MINES
COMMITTEE]

House of Representatives, 5th October, 1944

Hon. Mr. Webb

QUARRIES

ANALYSIS

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A BILL INTITULED

AN ACT to make Better Provision for the Regulation of Title.
Quarries.

No. 23—2

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Quarries Act, 1944.

Interpretation.

2. (1) In this Act, unless the context otherwise requires,—

“Crushing-plant” means any works, machinery, or plant used for the crushing, screening, or pulverizing of material taken from a quarry, or for the treatment of any such material; and includes any tramway, belt, chute, or other similar appliance used in the conveyance of material from a quarry to a crushing-plant, and any motor-vehicle that is so used otherwise than on a road or street

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; but does not include any factory within the meaning of the Factories Act, 1921–22:

“Inspector” means an Inspector appointed under this Act:

“Minister” means the Minister of Mines:

“Occupier”, in relation to a quarry, includes any person who is liable for the payment of wages of men employed in the quarry or who would be so liable if men were so employed:

“Quarry” means any place in which persons work in excavating any kind of material from the earth; and includes works, machinery, and plant used in connection with quarrying operations in a quarry; but does not include—

(a) Any place in which mining or searching for coal, gold, scheelite, or petroleum is carried on:

(b) Any road-cutting or railway-cutting:

(c) Any tunnel in the construction of which explosives are not used and which is less than *fifty* feet long:

(d) Any excavation within the meaning of the Scaffolding and Excavation Act, 1922.

(2) Except where otherwise specially provided, nothing in this Act shall apply with respect to any quarry of which no part has a face more than *fifteen* feet deep.

See Reprint
of Statutes,
Vol. III,
p. 198

See Reprint
of Statutes,
Vol. VIII,
p. 1241

Struck out

5 3. (1) Where any crushing-plant is worked by the occupier of a quarry supplying material to that plant for crushing, screening, pulverizing, or treatment, the crushing-plant shall for the purposes of this Act be deemed to be part of the quarry and shall be under the control and management of the manager or other person in charge of the quarry. Crushing-plants.

10 (2) If a crushing-plant is worked by the occupier of more quarries than one supplying material to that plant for crushing, screening, pulverizing, or treatment, the crushing-plant shall be under the control and management of the manager or other person in charge of one of the quarries nominated in that behalf in the prescribed manner by the occupier of the quarries, and shall for the purposes of this Act be deemed to be part of that quarry.

20 (3) If any crushing-plant is not worked by the occupier of any quarry supplying material to that plant for crushing, screening, pulverizing, or treatment, the crushing-plant shall for the purposes of this Act be deemed to be a quarry, and the provisions of this Act shall, so far as they are applicable and with the necessary modifications, apply to the crushing-plant accordingly:

25 Provided that it shall not be necessary for the manager of any such crushing-plant to be the holder of a quarry-manager's certificate.

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30 3A. (1) Where any crushing-plant is worked by the occupier of any quarry supplying material to that plant for crushing, screening, pulverizing, or treatment, and is under the control and management of a manager appointed for that quarry in accordance with this Act, the crushing-plant shall for the purposes of this Act be deemed to be part of the quarry. Crushing-plants.

35 (2) Every crushing-plant that is not under the control and management of the manager of a quarry shall for the purposes of this Act be deemed to be a quarry, and the provisions of this Act shall, so far as they are applicable and with the necessary modifications, apply to the crushing-plant accordingly:

40 Provided that it shall not be necessary for the manager or any deputy manager of any such crushing-plant to be the holder of a quarry-manager's certificate.

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INSPECTORS

Appointment
of Inspectors.

4. There may from time to time be appointed as officers of the Public Service such Inspectors as may be required for the purposes of this Act.

Powers of
Inspectors.

5. (1) Every Inspector may, at all reasonable times by day or by night, but so as not to impede or obstruct the working of the quarry, enter and inspect any quarry, and may from time to time make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are being complied with and whether sufficient steps are being taken to ensure the safety of the persons employed in or about the quarry.

(2) Inspectors shall have such other powers as may be necessary to carry into effect the provisions of this Act, or as may be prescribed by regulations under this Act.

See Reprint
of Statutes,
Vol. V, p. 527

(3) Every Inspector shall, with respect to the machinery (other than steam-engines and boilers) in a quarry, have all the powers of an Inspector under the Inspection of Machinery Act, 1928; but nothing in this Act shall be deemed to abridge or annul any of the provisions of the Inspection of Machinery Act, 1928, or to affect the duties of any Inspectors appointed under that Act in relation to the inspection in quarries of machinery and boilers coming within the operation of that Act.

Obstruction of
Inspector.

6. Every person commits an offence against this Act who obstructs or interferes with an Inspector in the exercise or performance of his powers and duties under this Act.

QUARRY-MANAGERS

Application of
next four
sections.

7. Subject to the provisions of section *twelve* hereof, sections *eight to eleven* of this Act shall apply only with respect to quarries in which three or more men (including the manager and any owner or occupier who may work in the quarry) are employed at any one time, or in which explosives are used.

Quarry-
manager.

8. (1) On and after the *first* day of *April*, nineteen hundred and forty-five, there shall be for every quarry to which this section applies a manager, who shall be responsible for the control, management, and direction of the quarry. The manager shall exercise daily personal supervision of the quarry.

(2) If any quarry is worked for more than *three* days without there being a manager for that quarry as required by this section, the occupier of the quarry shall be deemed to have committed an offence against
5 this Act.

9. (1) Except as provided in section *ten* hereof, no person shall be employed or shall act in the capacity of manager or have charge of any blasting operations in a quarry to which this section applies,
10 unless he is the holder of a quarry-manager's certificate granted by an Inspector in accordance with this Act.

Quarry-
manager to
hold certificate.

(2) If any of the workings of the quarry are underground the certificate shall be an underground certificate, and if all the workings are above ground the
15 certificate need only be a surface certificate.

(3) Every person commits an offence against this Act who, not being the holder of a certificate as aforesaid or a deputy-manager acting pursuant to section *ten* hereof, acts in the capacity of manager or is in
20 charge of blasting operations in a quarry to which this section applies.

(4) Every person commits an offence against this Act who, contrary to the provisions of this Act, employs any other person, not being the holder of
25 a certificate as aforesaid, in the capacity of manager or in charge of blasting operations in a quarry to which this section applies.

10. (1) If at any time the manager of a quarry to which this section applies is incapacitated from performing his duties or is about to be absent from the quarry for more than *five* working-days, he or the occupier of the quarry shall appoint some person to act as deputy manager during such incapacity or absence.
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Deputy
manager.

(2) No person who is not the holder of a quarry-manager's certificate granted under this Act—

(a) Shall be appointed as deputy manager under this section unless the appointment of that person is first approved in writing by an
40 Inspector:

(b) Shall act as deputy manager under this section for more than *fifteen* working-days at any one time unless authorized to do so by an Inspector.

(3) If at any time the manager of a quarry to which this section applies is incapacitated from performing his duties or is absent from the quarry for more than *five* working-days, and quarrying operations are carried on without a deputy manager having been appointed in his stead in accordance with this section, the said manager and the occupier of the quarry shall each be deemed to have committed an offence against this Act: 5

Provided that the manager of a quarry shall not be liable under this section if his incapacity is of such a nature as to render impossible his compliance with the requirements of this section. 10

(4) Any person (not being the holder of a certificate as aforesaid) commits an offence against this Act who, without the authority of an Inspector, acts for more than *fifteen* working-days at any one time as deputy manager of a quarry to which this section applies. 15

Notices of appointments.

11. (1) Where at any time after the commencement of this Act any person is appointed as manager of a quarry to which this section applies, or is appointed to take charge of blasting operations therein, the occupier of the quarry shall, within *seven* days after the appointment, give notice to an Inspector of the name and address of the person so appointed, and of the capacity in which he is appointed. 20 25

(2) The occupier of any such quarry who fails to give notice of any appointment in accordance with this section commits an offence against this Act.

Inspector may require quarry manager to be appointed in certain cases.

12. (1) Notwithstanding anything in this Act, if in the opinion of an Inspector there should be a manager for any particular quarry in which less than three men are for the time being employed, or in which no explosives are used, the Inspector may, by notice in writing addressed to the occupier of the quarry and delivered at the quarry, or forwarded by telegraph or registered letter, require the appointment, within such period as may be specified in the notice (being not less than *ten* days after the date of the notice), of a manager for that quarry, and the provisions of sections *eight* to *eleven* of this Act shall, as from the expiry of the period specified in the notice, apply with respect to that quarry until the notice is revoked. 30 35 40

(2) Any notice given under this section may at any time in like manner be revoked. 45

QUARRY-MANAGERS' CERTIFICATES

13. (1) No quarry-manager's certificate shall be granted to any person unless that person passes the prescribed examination and satisfies the Inspector—

Quarry-managers' certificates.

5 (a) That he has had in the aggregate at least *two* years' experience in working at the face of a quarry, including the use of explosives in such work; or

10 (b) That he has had in the aggregate at least *one* year's experience in working at the face of a quarry, including the use of explosives in such work, and at least *two* years' experience in working at the face of a coal-mine, a metalliferous mine, or a tunnel; or

15 (c) That he has had in the aggregate at least *three* years' experience in working at the face of a coal-mine, a metalliferous mine, or a tunnel; or

20 (d) That he is the holder of a mine-manager's certificate, an underviewer's certificate, or a fireman-deputy's certificate under the Coal-mines Act, 1925, or of a mine-manager's certificate under the Mining Act, 1926.

See Reprint of Statutes, Vol. V, pp. 843, 943

25 (2) Any person may make application to an Inspector to be examined under this section, and shall forward with his application the prescribed fee.

30 (3) If any person applying to be examined under this section fails to pass the examination he may, without payment of any further fee, be examined again at such time as may be fixed in that behalf by the Inspector.

(4) Notwithstanding anything in this Act, the Inspector may refuse a certificate on such grounds as he thinks fit:

35 Provided that any person to whom a certificate has been refused on any ground other than that of failure to pass the prescribed examination may, within *fourteen* days of his having received notice of such refusal, appeal to the Minister, whose decision shall

40 be final.

(5) A certificate under this section shall not be granted to any person under the age of twenty-three years.

Register of
quarry-
managers.

14. (1) There shall be kept in such manner as may be prescribed a register of the holders of quarry-managers' certificates.

(2) The register shall be open to inspection by the public during ordinary office hours on payment of the prescribed fee. 5

Inquiry into
conduct of
holders of
certificates.

15. (1) Where, in the opinion of an Inspector,—

(a) Any person holding a quarry-manager's certificate is unfit to continue to hold such a certificate by reason of incompetency, or gross negligence, or misconduct in the performance of duties under this Act; or 10

(b) An accident occurring in or about any quarry or in connection with any quarrying operations, and resulting in the death or serious bodily injury of any person, has been caused directly or indirectly by the non-observance by any person holding a quarry-manager's certificate of any of the provisions of this Act or of any regulations made thereunder, or by reason of his negligence,— 20

the Inspector shall report the circumstances to the Minister, and, if the Minister so directs, the Inspector shall apply to a Magistrate to hold an inquiry into the conduct of the holder of the certificate. 25

(2) The Magistrate shall fix a time and place for the holding of an inquiry as aforesaid, and shall cause not less than *seven* days' notice thereof to be given to the person whose conduct is to be inquired into, together with a statement of the case against him. 30

(3) The notice shall require the person into whose conduct inquiry is to be made to appear at the time and place so fixed.

(4) Except as expressly provided in this section, the inquiry shall be held in the same manner and with the same procedure, as nearly as may be, as in the case of summary proceedings under the Justices of the Peace Act, 1927. 35

See Reprint
of Statutes,
Vol. II, p. 351

(5) The Magistrate shall have in respect of the inquiry all the powers that he would have if, in exercising jurisdiction under this section, he were exercising his jurisdiction, as a Justice of the Peace, under the Justices of the Peace Act, 1927. 40

(6) The person into whose conduct inquiry is made may attend the inquiry by himself, his counsel, or agent, and may, if he thinks fit, be sworn and examined as an ordinary witness in the case. 45

(7) Where an inquiry under this section relates to any accident the following persons shall be entitled to be present at the inquiry and to examine any witness either personally or by counsel:—

- 5 (a) Any person injured as a result of the accident:
 (b) Any relative of any person whose death may have been caused by the accident:

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10 (bb) The occupier of the quarry in which the accident occurred:

(c) An officer of the workers' union to which any person so injured, or any person whose death may have been so caused, belonged at the time of the accident.

15 (8) If the Magistrate finds—

(a) That the person into whose conduct inquiry is made is incompetent, or has been guilty of gross negligence or of misconduct in the performance of duties under this Act; or

20 (b) That any such accident as aforesaid has been caused directly or indirectly by the non-observance by that person of any of the provisions of this Act or of any regulations made thereunder, or by reason of his negligence—

25 he may cancel, or suspend for such period as he thinks fit, any certificate issued to that person under this Act; or, if he thinks that the facts do not warrant the cancellation or suspension of the certificate, he may fine that person an amount not exceeding *fifty* pounds.

30 (9) The Magistrate may require the person into whose conduct inquiry is made to deliver up his certificate. The Magistrate shall hold the certificate so delivered until the conclusion of the inquiry, and shall then either return, cancel, or suspend the certificate
 35 according to his judgment on the case.

(10) The Magistrate may make such order as he thinks fit respecting the costs of the inquiry or any part thereof, and any such order shall be enforced as if it were an order for costs under Part II of the
 40 Justices of the Peace Act, 1927.

(11) The Minister may, if in any case he thinks fit, pay the costs of any such inquiry.

(12) There shall be the like right of appeal
 45 to the Supreme Court against any order of the Magistrate under this section as if it were an order of a Warden under Part IX of the Mining Act, 1926.

See Reprint
of Statutes,
Vol. II, p. 365

Ibid.,
Vol. V, p. 1112

(13) Where after the holding of any inquiry under this section the certificate of any person is cancelled or suspended, the Magistrate shall cause notice of the cancellation or suspension to be given to the Inspector who applied for the holding of the inquiry, and the Inspector shall cause a record of the cancellation or suspension to be made in the register of holders of quarry-managers' certificates. 5

(14) Where the certificate of any person is suspended under this section that person shall, during the period of the suspension, be deemed for the purposes of this Act not to be the holder of a certificate. 10

SAFETY PROVISIONS

General rules.

16. (1) The following general rules shall, so far as may be reasonably practicable, be observed in every quarry:— 15

(a) The use of any explosive substances in a quarry shall be subject to the following restrictions and provisions—

(i) They shall not be stored on the surface of or in the neighbourhood of the quarry except in such magazine and in such quantities as may be approved in writing by an Inspector: 20

(ii) They shall not be taken for use into the workings of the quarry except in quantities actually required during the shift: 25

(iii) They shall not be taken for use into the workings of the quarry except in securely covered cases or canisters, and a workman shall not have in use at one time in any one place more than one of such cases or canisters: 30

(iv) Detonators for blasting shall be kept stored in a covered box placed in a magazine specially provided for that purpose in which no other explosives are kept, and shall be taken out in such quantities only as are required during the shift: 35

(v) Detonators shall be taken from the magazine to the place where they are to be used only in a securely fastened case or canister: 40

(vi) Only one container of explosives and only one container of detonators shall be taken into the quarry at the same time:

5 (vii) No person shall enter with a naked light a powder magazine or any excavation in the quarry where any explosive substance is stored:

10 (viii) No tool shall be used for loading explosives or tamping material in boreholes except a wooden tamping-rod without metal parts, or a loading device made of a substance or substances other than iron or steel and approved by an Inspector; and it shall be the duty of the manager or other person in charge of every quarry at all times to keep a sufficient number of suitable rods or loading devices available for use in connection with blasting operations:

15 (ix) No person shall extract or attempt to extract explosives from a borehole in which a charge has missed fire:

20 (x) In any case where a charge has missed fire no person shall approach the borehole so as to be in danger in the event of an explosion until one hour has elapsed from the time of lighting the fuse of the charge, or, if an electric detonator has been used instead of a fuse, until ten minutes have elapsed after the attempted firing of the charge and the wires leading thereto have been disconnected:

25 (xi) No person under the age of eighteen years shall be allowed to charge a hole with explosives or to fire any charge:

30 (xii) No borehole shall be drilled within a distance of one foot in any direction from the site of a previously exploded charge of any explosive, and no borehole shall be drilled in any remaining portion of a hole in which a charge of explosive has been previously exploded:

35 (xiii) Quarrymen employed in blasting with nitro-glycerine compounds shall be supplied by the occupier of the quarry with the means of thawing such compounds where such means are necessary:

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- (b) Where blasting operations are being carried on within one hundred yards of any road or thoroughfare a person shall be stationed thereon with a red flag, and shall warn travellers of danger: 5
- (c) No blasting operations shall be conducted in such a manner as to cause danger to life or property:
- (d) Every excavation of any kind in connection with the working of a quarry shall be securely protected and made safe for persons employed therein: 10
- (e) Before any rope or chain is used in a quarry, and periodically thereafter at intervals of not more than *three* months, the rope or chain shall be tested and proved to be equal to carrying twice the weight of the ordinary load. The tests shall be made in the presence of some person appointed for that purpose by the quarrymen engaged in the quarry, and a record showing the date and result of each test shall be made by the occupier of the quarry in a book to be kept for the purpose: 20
- (f) Ladders and ropes (and, when necessary, convenient platforms connected therewith) shall be provided in every quarry, giving safe access to workings at a higher level. 25
- (2) The occupier of every quarry shall at all times keep publicly exhibited in some conspicuous place in the quarry and in a clearly legible state a printed copy of the general rules in this section, and of all regulations under this Act. 30
- (3) Every person who contravenes or does not comply with any of the general rules in this section commits an offence against this Act: 35
- Provided that in any proceedings against any workman under this subsection it shall be a good defence if the defendant proves that the contravention or non-compliance was by direction of the occupier or manager of the quarry or of any person in charge of or giving orders or directions relating to the carrying-on of quarrying operations. 40
- (4) Where any of the general rules in this section is contravened or not complied with in the case of any

quarry, then (without prejudice to any proceedings that may be taken against any other person) the occupier and the manager of the quarry shall each be deemed to have committed an offence against this Act:

- 5 Provided that in any proceedings under this subsection against the occupier or manager of a quarry, or any person in charge of or giving orders or directions relating to the carrying-on of any quarrying operations, it shall be a good defence if the defendant
10 proves that the contravention occurred without his knowledge and that he had taken all reasonable steps to secure compliance with the rule.

ACCIDENTS IN QUARRIES

- 15 17. (1) Where, in or about any quarry or in connection with any quarrying operations, any accident occurs which—

Inspection of quarry after serious accident.

- (a) Causes loss of life to any person; or
 (b) Causes any fracture of the skull or of any limb, or any dislocation of a limb, or any other
 20 serious bodily injury to any person,—
 the manager or other person for the time being in charge of the quarry shall forthwith by telegraph give notice of the accident to the Inspector and shall also, within *seven* days after the happening of the accident,
 25 furnish to the Inspector, in duplicate, such particulars of the accident as may be required in accordance with forms to be provided by the Inspector for the purpose.

- (2) Every manager or other person as aforesaid who fails to give such notice or to furnish such particulars as aforesaid commits an offence against this
 30 Act.

- (3) On receipt of such notice as aforesaid the Inspector shall notify the manager or other person in charge of the quarry of his intention to visit the
 35 quarry, and of the time of that visit, and the Inspector shall visit the quarry accordingly, or as soon as practicable thereafter.

- (4) Unless with the view of saving life or preventing further injury, the part of the quarry where the
 40 accident occurred shall not be interfered with until inspected by the Inspector, or by some other person appointed for the purpose by the Minister, or by a Coroner.

(5) Any person who does any act constituting a breach of the *last preceding* subsection commits an offence against this Act.

Inquests.

18. (1) Where a Coroner holds an inquest into the death of any person whose death may have been caused by any accident of which notice is required by this Act to be given to an Inspector, the Coroner shall adjourn the inquest, unless an Inspector, or some other person on behalf of the Minister, is present to watch the proceedings.

(2) The Coroner, at least *four* days before holding the adjourned inquest, shall send to the Inspector notice in writing of the time and place of holding the adjourned inquest.

(3) The Coroner, before the adjournment, may take evidence to identify the body, and may order the burial thereof.

(4) If an accident has not caused the death of more than one person, and the Coroner has sent to the Inspector notice of the time and place of holding the inquest at such time as to reach the Inspector not less than *forty-eight* hours before the time of holding the inquest, it shall not be imperative on him to adjourn the inquest in pursuance of this section if, sitting without a jury, he thinks it unnecessary so to adjourn, or if, where there is a jury, the majority of the jury think it unnecessary.

(5) An Inspector, or any other person authorized in that behalf by the Minister, shall be at liberty at any such inquest to examine any witness, subject nevertheless to the power of the Coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question.

(6) Where evidence is given at an inquest at which an Inspector is not present of any neglect as having caused or contributed to the accident, or of any defect in or about the quarry appearing to the Coroner or jury to require a remedy, the Coroner shall send to the Inspector notice in writing of the neglect or defect.

(7) Where an inquest is taken by jurors, any person having a personal interest in or employed in or about or in the management of the quarry in or about which the accident occurred shall not be qualified

to serve on the jury empanelled on the inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the Coroner not to allow any such person to be sworn or to sit on the jury.

(8) The following persons shall be entitled to attend at the inquest and examine any witness either personally or by counsel, subject, nevertheless, to the power of the Coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question, namely:—

- (a) Any relative of any person whose death may have been caused by the accident:
- (b) The occupier or manager of the quarry in which the accident occurred:
- (c) An officer of the workers' union to which the deceased belonged at the time of his death.

19. (1) Within *seven* days after the happening in or about any quarry, or in connection with any quarrying operations, of any accident, not being an accident to which section *seventeen* hereof applies, that renders any workman unfit for work for *three* days or more the manager or other person for the time being in charge of the quarry shall furnish to the Inspector, in duplicate, such particulars of the accident as may be required in accordance with forms to be provided by the Inspector for the purpose.

Particulars to be given with respect to accidents resulting in absence from work.

(2) Every manager or other person for the time being in charge of any quarry who fails to furnish such particulars as aforesaid commits an offence against this Act.

20. (1) Where, in the opinion of an Inspector, the condition of a quarry or of any part thereof, or any practice in use in the working thereof, is immediately dangerous to life, he may, by notice in writing addressed to the occupier or manager of the quarry and delivered at the quarry, or forwarded by telegraph or registered letter, require the occupier or manager to withdraw all workmen from the quarry or part thereof (other than such workmen as may be required to make the quarry safe), or, as the case may be, to discontinue the dangerous practice.

Inspector may prohibit operations involving immediate danger to life.

(2) After service of any such notice, quarrying operations shall not, save in pursuance of an order made by a Magistrate as hereinafter provided, be resumed in the quarry or the said part thereof, as the case may be, until the Inspector has certified in writing that the quarry or the said part thereof has been made safe to his satisfaction, or unless the Inspector is satisfied that the dangerous practice complained of will not be continued. 5

(3) Every occupier or manager of a quarry who fails to comply with a notice under this section or who directs or allows quarrying operations to be carried on or any practice to be continued in contravention of this section commits an offence against this Act. 10

(4) The Inspector shall forthwith, after giving any notice under this section, send a copy of the notice to the Minister, and shall report to the Minister in writing the grounds of the notice. 15

(5) If the occupier or manager of a quarry objects to comply with the terms of a notice under this section, he may, within *fourteen* days after the receipt thereof, apply to a Magistrate to have his objection heard and determined. 20

(6) On the hearing of any such application the Magistrate may confirm, annul, or modify the notice as he thinks fit, and the order of the Magistrate shall be final and binding on all parties. 25

(7) The operation of a notice under this section shall not be deemed to be suspended pending the hearing of any application under this section. 30

(8) No person shall be deemed to be precluded by any contract or agreement from doing such acts as may be necessary for compliance with any of the provisions of this section or with any notice thereunder, or shall be liable under any contract or agreement to any penalty or forfeiture for any default arising out of or due to such compliance. 35

MISCELLANEOUS

Females and boys not to be employed in quarries.

21. (1) Subject to the provisions of this section, no female person of any age, and no male person under the age of *sixteen* years, shall be employed in or about a quarry. 40

(2) This section shall not apply to the employment of any person in a clerical capacity, and shall not apply to the employment of any female person as a nurse or a charwoman in or about a quarry.

5 (3) Any person who employs any other person in breach of this section commits an offence against this Act.

10 22. (1) It shall not be lawful at any time to begin work in any quarry, or to renew the working of any quarry the working whereof has been discontinued for a period of more than *three* months, until notice in writing has been given by the occupier of the quarry to an Inspector of the intention so to begin or to renew the working of the quarry, and
15 also of the situation of the quarry, and of the name and address of the occupier and of the manager thereof.

Notice to be given by occupier of opening or closing of quarry.

(2) Notice in writing of the discontinuance of the working of any quarry shall be given by the occupier thereof to an Inspector within *seven* days after the
20 day on which the working of the quarry ceased.

(3) Any occupier who fails to comply with any of the provisions of this section commits an offence against this Act.

25 23. (1) The occupier or manager of every quarry shall in the month of *January* in each year furnish to the Inspector, in the prescribed form, a return showing—

Annual returns by occupiers.

30 (a) The quantity, and the estimated value at the quarry, of material produced at the quarry during the year ended on the *thirty-first* day of *December* then last past:

(b) The number of persons ordinarily employed in or about the quarry during the year:

35 (c) Such other particulars as may be prescribed.

(2) Every person who makes default in furnishing any such return or in causing it to be furnished, or who furnishes any return that is wilfully false or misleading in any particular, commits an offence against this Act.

40 (3) The Minister may cause any return as aforesaid, or any extract therefrom or synopsis thereof, to be published in such manner as he thinks proper.

Part V of
Mining Act,
1926, not to
apply to
quarries.
See Reprint
of Statutes,
Vol. V, p. 1066

24. Nothing in Part V of the Mining Act, 1926 (which relates to the working, regulation, and inspection of mines), shall apply with respect to any quarry.

OFFENCES

General penalty
for offences.

25. Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section shall be liable to a fine not exceeding *fifty* pounds and (if the offence is a continuing one) to a further fine not exceeding *five* pounds for every day during which the offence continues. 5 10

Proceedings to
be taken in a
summary way.

26. All proceedings in respect of offences against this Act or against any regulations made under this Act shall be taken in a summary way under the Justices of the Peace Act, 1927, and shall be instituted at the suit of an Inspector, or of some other person authorized in that behalf by the Minister: 15

Ibid.,
Vol. II, p. 351

Provided that nothing herein shall prevent the institution of proceedings by a quarry-manager or any other person for the time being in charge of a quarry against any person employed in or about the quarry for a breach of the provisions of this Act or of any regulations made thereunder. 20

REGULATIONS

Regulations.

27. (1) The Governor-General may from time to time, by Order in Council, make regulations for any purpose for which regulations are contemplated by this Act, and may make all such other regulations as in his opinion are necessary or expedient for giving effect to the provisions of this Act and for the due administration thereof. 25 30

(2) Without limiting the general authority hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes:—

(a) For regulating the manner in which quarries may be worked, and for the safety of life and property therein: 35

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- (b) **Defining the duties of Inspectors and conferring on Inspectors all such powers as may be necessary for the efficient performance of their duties:**
- 5 (c) Prescribing rules to be observed in quarries or works connected with quarries, or at crushing-plants, for the protection of the health of persons employed therein:
- (d) **Regulating the storage and use of explosives at quarries:**
- 10 (e) Requiring the use by workmen of protective clothing, covering, or equipment of a prescribed kind to be used in such work as may be specified:
- 15 (f) Prescribing rules to be observed in quarries or at crushing-plants in respect of the prevention of dust in any such place:
- (g) Prescribing forms of returns, and the nature of any information and particulars, to be furnished in respect of quarries pursuant to this Act:
- 20 (h) Prescribing the subject-matter of examinations for quarry-managers' certificates, the conditions governing such examinations, and the forms of such certificates:
- 25 (i) Prescribing the fees payable in respect of examinations for quarry-managers' certificates and in respect of the granting of such certificates:
- 30 (j) Prescribing the form of and the method of keeping the register of holders of quarry-managers' certificates; and prescribing the fees payable for inspections of the register:
- 35 (k) Prescribing fines for the breach of any regulations made under this Act, not exceeding *fifty* pounds in any case or, where the breach is a continuing one, not exceeding *five* pounds for every day during which the breach continues.
- 40 (3) All regulations made under paragraph (c) or paragraph (f) of the *last preceding* subsection with respect to crushing-plants shall, except as otherwise specially provided in the regulations, apply to every

crushing-plant, notwithstanding that the crushing-plant is used only for the crushing, screening, pulverizing, or treatment of material taken from a quarry of which no part has a face more than *fifteen* feet deep.

(4) All regulations made under this section shall be laid before Parliament within fourteen days after the making thereof if Parliament is then in session, and if not, then within fourteen days after the commencement of the next ensuing session. 5

REPEALS AND SAVINGS

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Repeals and savings.
See Reprint of Statutes, Vol. V. pp. 1174, 1181, 1184

28. (1) The Stone-quarries Act, 1910, the Stone-quarries Amendment Act, 1911, the Stone-quarries Amendment Act, 1920, and the Stone-quarries Amendment Act, 1922, are hereby repealed.

(2) All offices, appointments, Orders in Council, regulations, rules, certificates, permits, records, qualifications, instruments, and generally all acts of authority which originated under any of the enactments hereby repealed, and are subsisting or in force on the commencement of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. 15 20

(3) All matters and proceedings commenced under the said enactments, and pending or in progress on the passing of this Act, may be continued, completed, and enforced under this Act. 25