



ANALYSIS

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Amendment of definitions. 3. Application of Coal Mines Act 1925 to opencast coal quarries. 4. Consequential amendments to Coal Mines Act 1925. Repeals. 5. Appointment of Inspectors. 6. Inspector to have powers of Inspectors under Machinery Act 1950. 7. All opencast coal quarries to have managers. 8. Certificates to be held by quarry managers. | <ol style="list-style-type: none"> 9. Deputy manager to be appointed when quarry manager absent for three days. 10. Quarry manager's certificates. Repeal. 11. Amending provisions relating to explosives in quarries. Repeal. 12. Restrictions on handling of explosives in quarries by persons under eighteen years of age. 13. Protection of quarries and disused quarry workings. 14. Land to be restored after quarrying operations. 15. Principal Act to bind Crown. Schedule. |
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1951, No. 83

AN ACT to amend the Quarries Act 1944.

Title.

[6 December 1951

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

1. This Act may be cited as the Quarries Amendment Act 1951, and shall be read together with and deemed part of the Quarries Act 1944 (hereinafter referred to as the principal Act).

Short Title.

1944, No. 13

2. (1) Subsection one of section two of the principal Act is hereby amended as follows:—

Amendment of definitions.

(a) By repealing the definition of the term “quarry”, and substituting the following definition:—

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

“(a) Any place (other than an opencast coal quarry) in which mining or searching for coal, gold, scheelite, or petroleum is carried on:

“(b) Any road cutting or railway cutting:

“(c) Any tunnel less than fifty feet long and any shaft less than fifteen feet deep, unless explosives are used in the construction of the tunnel or shaft:

“(d) Any place (other than a tunnel) where work is carried on in connection with the sinking of a well, or with the digging of a shaft for the purposes of the construction of a bridge or the approaches to a bridge, or with preparing a foundation for a building, or with the making of an excavation for the purposes of the supply of gas, water, or electricity, or with the preparation or construction of sewerage works: ”:

(b) By inserting, in their appropriate alphabetical order, the following definitions:—

“ ‘ Opencast coal quarry ’ means any place in which quarrying operations are carried on for the purpose of extracting coal and where access to the coal is obtained by means of the removal of overburden by mechanical or other means so as to expose the coal seam to the natural light:

“ ‘ Quarrying operations ’ means operations in connection with the construction or working of a quarry; and includes—

“(a) The erection, maintenance, and use of plant and machinery, and the construction or use of roads, railways, tramways, dams, races, channels, buildings, dwellings, and other works connected with any such operations:

“(b) The removal of overburden by mechanical or other means, and the stacking, deposit, or discharge of any mineral, material, debris, refuse, or waste water produced from or consequent on any such operations:

“(c) The lawful use of land, watercourses, and water, and the doing of all lawful acts incidental or conducive to any such operations.”

(2) Section two of the principal Act is hereby further amended by repealing subsection two, and substituting the following subsection:—

“(2) Except where otherwise specially provided, nothing in this Act shall apply to any quarry (other than an opencast coal quarry or a tunnel) where the distance, measured vertically, from the highest point to the lowest point of the quarry workings is not more than fifteen feet.”

3. (1) The principal Act is hereby amended by inserting, after section three, the following section:—

“3A. (1) Notwithstanding anything to the contrary in this Act or in the Coal Mines Act 1925, the enactments specified in the Schedule to this Act shall, as far as they are applicable and with the necessary modifications, apply to opencast coal quarries in all respects as if all such quarries were coal mines and the operation of the quarries were coal mining operations.

Application of
Coal Mines
Act 1925 to
opencast coal
quarries.
See Reprint
of Statutes,
Vol V, p. 843

“(2) Except as otherwise provided by this section, nothing in the Coal Mines Act 1925 shall apply to opencast coal quarries.”

(2) The principal Act is hereby further amended by adding thereto the Schedule set out in the Schedule to this Act.

4. (1) Section two of the Coal Mines Act 1925 is hereby amended as follows:—

(a) By inserting, after the definition of the term “Minister”, the following definition:—

“ ‘ Opencast coal quarry ’ means any place in which quarrying operations are carried on for the purpose of extracting coal and where access to the coal is obtained by means of the

Consequential
amendments to
Coal Mines
Act 1925.
Ibid.

removal of overburden by mechanical or other means so as to expose the coal seam to the natural light:"

(b) By adding to the definition of the term "coal mine" the words "but does not include an opencast coal quarry".

1944, No. 25

(2) Section eight of the Statutes Amendment Act 1944 is hereby amended as follows:—

(a) By omitting from subsection one the words "other than mines of which all the workings are opencast":

(b) By repealing subsection two:

(c) By repealing paragraph (b) of subsection four.

Repeals.

(3) Subsection three of section one hundred and twenty-eight of the Coal Mines Act 1925 (as added by section ten of the Coal Mines Amendment Act 1949), and the said section ten of the Coal Mines Amendment Act 1949, are hereby repealed.

1949, No. 10

(4) Paragraph (e) of subsection one of section one hundred and twenty-nine of the Coal Mines Act 1925 (as added by subsection one of section eleven of the Coal Mines Amendment Act 1949), is hereby amended by omitting the words "The manager in the case of an opencast mine and a fireman deputy or a higher official in the case of any other mine", and substituting the words "A fireman deputy or a higher official of any coal mine".

Repeal.

(5) Paragraph (f) of subsection one of section one hundred and twenty-nine of the Coal Mines Act 1925 (as added by subsection one of section eleven of the Coal Mines Amendment Act 1949), is hereby repealed.

Appointment of Inspectors.

5. The principal Act is hereby amended by repealing section four, and substituting the following section:—

"4. (1) There may from time to time be appointed under the provisions of the Public Service Act 1912 a fit person to be Chief Inspector of Quarries and such number of fit persons to be Inspectors of Quarries as may be required for the purposes of this Act.

"(2) The Chief Inspector of Quarries shall have all the powers of and be deemed to be an Inspector of Quarries, and shall perform such duties and have such powers as the Minister may from time to time direct by writing under his hand

See Reprint of Statutes, Vol. VII, p. 522

“(3) There may from time to time be appointed under the provisions of the Public Service Act 1912 a fit person to be Electrical Inspector of Quarries.

“(4) It shall be the function of the Electrical Inspector of Quarries to inspect electrical apparatus used in quarrying operations, and, for the purpose of enabling him more effectually to carry out his functions, the provisions of sections five, fifteen, and twenty of this Act shall, with the necessary modifications, apply as if he were an Inspector of Quarries.

“(5) Any Inspector appointed under the Coal Mines Act 1925 shall, in respect of the inspection of opencast coal quarries, have all the powers and functions of an Inspector appointed under this Act.”

See Reprint
of Statutes,
Vol. V, p. 843

6. Section five of the principal Act is hereby amended by repealing subsection three, and substituting the following subsection:—

Inspector to
have powers of
Inspectors
under
Machinery
Act 1950.

“(3) Every Inspector shall, with respect to the machinery in a quarry, have all the powers of an Inspector under the Machinery Act 1950; but nothing in this Act shall be deemed to abridge or annul any of the provisions of the Machinery Act 1950 or of the Boilers, Lifts, and Cranes Act 1950, or to affect the duties of any Inspectors or Surveyors appointed under either of the said Acts in relation to the inspection in quarries of machinery or boilers.”

1950, No. 52

1950, No. 53

7. Section seven of the principal Act is hereby amended by inserting, after the words “with respect to”, the words “opencast coal quarries or to”.

All opencast
coal quarries to
have managers.

8. Section nine of the principal Act is hereby amended by repealing subsection two, and substituting the following subsection:—

Certificates
to be held by
quarry
managers.

“(2) The manager of a quarry in which all the workings are underground shall be the holder of a quarry manager’s underground certificate, and the manager of a quarry in which all the workings are on the surface shall be the holder of a quarry manager’s surface certificate. Where the workings of a quarry are partly on the surface and partly underground, the manager of the quarry shall be the holder of both such certificates.”

Deputy manager to be appointed when quarry manager absent for three days.

Quarry manager's certificates.

Repeal.

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

Amending provisions relating to explosives in quarries.

Repeal.

9. Section ten of the principal Act is hereby amended by omitting from subsection one and from subsection three the word " five ", and substituting, in each case, the word " three ".

10. Section thirteen of the principal Act is hereby amended as follows:—

- (a) By inserting in subsection one, after the words " quarry manager's ", the word " surface ":
- (b) By inserting in paragraph (b) of subsection one, after the words " coal mine ", the words " an opencast coal quarry, ":
- (c) By repealing paragraphs (c) and (d) of subsection one:
- (d) By inserting, after subsection one, the following subsection:—

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

"(a) 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

"(b) 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 a mine manager's certificate under the Mining Act 1926."

11. Paragraph (a) of subsection one of section sixteen of the principal Act is hereby amended as follows:—

- (a) By adding to subparagraph (ii) the words " and any remaining unused at the end of the shift shall be returned forthwith by the shotfirer to the magazine ":
- (b) By adding to subparagraph (iv) the words " Any detonators remaining unused at the end of the shift shall be returned forthwith by the shotfirer to the magazine ":
- (c) By repealing subparagraph (xi).

12. The principal Act is hereby amended by inserting, after section sixteen, the following section:—

“ 16A. (1) No person under the age of eighteen years shall be permitted or appointed to prepare any explosives or detonators for use in a quarry or, in any quarry, to charge a hole with explosives or to tamp or fire any charge.

“ (2) The manager or occupier of any quarry, or any person in charge of or giving orders or directions relating to the carrying on of quarrying operations, who permits or appoints any person to do any act in breach of this section commits an offence against this Act.”

13. The principal Act is hereby amended by inserting, after section twenty-two, the following section:—

“ 22A. (1) The owner or occupier of any quarry shall cause such fences or other structures to be erected as are necessary to prevent accidents to persons in or in the vicinity of the quarry.

“ (2) Where the working of a quarry has been discontinued the owner or occupier of the land on which the quarry was situated shall cause the disused workings to be fenced or otherwise protected in such a manner as to prevent accidents to persons in or in the vicinity of the disused workings.

“ (3) An Inspector may require the owner or occupier of any quarry, or of any land on which is situate disused quarry workings, to exhibit such warning notices, to cause to be erected such fences or other structures, or to take such other steps for the purpose of ensuring the safety of persons in or in the vicinity of the quarry or disused workings as the Inspector thinks fit.

“ (4) Any person who fails to comply with the provisions of this section or with the requirements of an Inspector under subsection three of this section commits an offence against this Act.”

14. The principal Act is hereby further amended by inserting, after section twenty-two A (as inserted by section thirteen of this Act), the following section:—

“ 22B. Where quarrying operations are carried on pursuant to a coal mining right granted under the Coal Mines Act 1925 or to a mining privilege granted under the Mining Act 1926 the owner or occupier of the quarry

Restrictions on handling of explosives in quarries by persons under eighteen years of age.

Protection of quarries and disused quarry workings.

Land to be restored after quarrying operations.

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

where the operations are carried on shall conduct the operations in such a manner as to ensure that the surface of the land suffers as little permanent damage as possible, and for that purpose every coal mining right or mining privilege granted in respect of a quarry shall be deemed to be subject to a condition that the owner or occupier of the quarry shall comply with such general or specific directions as to the restoration or care of the surface of the land as the Minister thinks fit:

“ Provided that the Minister may exempt from the provisions of this section any land which in his opinion is not suitable for any agricultural or other useful purpose.”

Principal Act
to bind Crown.

15. The principal Act shall bind the Crown.

Schedule.

SCHEDULE

“ SCHEDULE

Section 3 “ PROVISIONS OF COAL MINES ACT AND AMENDMENTS
APPLIED TO OPENCAST COAL QUARRIES

Enactment.	Subject Matter.
1925, No. 39— The Coal Mines Act 1925 (Reprint of Statutes, Vol. V, p. 843)—	
Part I	Grant of coal mining rights.
Part III (with the exception of section 178)	Acquisition and administration of State coal mines.
Section 81	Half yearly returns by owners of mines.
Section 147	Rights to compensation for death or injury.
Section 151	Minister may require owner to provide houses.
Section 152	Coal miners' relief fund.
Section 153	Application of money in coal miners' relief fund to specified purposes.
Section 154	Appointment of Local Committees to investigate claims on coal miners' relief fund.
Section 155	Payment from coal miners' relief fund not to affect compensation.
Section 161	Owners of coal mines bound to supply coal in certain cases.
Section 162	Land required for mine may be taken under Public Works Act.
Section 164	Agreements for sale of coal suspended during closing down of mine.
Section 166	Under-Secretary and other authorized officers may inspect mines.
Section 204	Recovery of moneys due to Crown.

SCHEDULE—*continued*“ SCHEDULE—*continued*“ PROVISIONS OF COAL MINES ACT AND AMENDMENTS
APPLIED TO OPENCAST COAL QUARRIES—*continued*”

Enactment.	Subject Matter.
1927, No. 70— The Coal Mines Amendment Act 1927 (Reprint of Statutes, Vol. V, p. 940)— Section 2	Wages to constitute equitable charge on coal mining plant.
1935, No. 11— The Coal Mines Amendment Act 1935— Section 2	Authorizing Minister to purchase, sell, and store coal.
1936, No. 51— The Coal Mines Amendment Act 1936— Section 6	Authorizing Minister to establish and maintain central rescue stations in coal mining areas.
1937, No. 16— The Coal Mines Amendment Act 1937— Section 2 Section 29	Penalty for breach of conditions of coal mining lease. Minister may require owners to contribute towards cost of transport of workmen to and from mines.
1939, No. 39— The Statutes Amendment Act 1939— Section 8	Application of moneys appropriated to assist the coal mining industry.
1941, No. 15— The Coal Mines Amendment Act 1941— Section 3 Section 4 Section 5 Section 6 Section 7	Particulars of boring operations to be supplied. Entry on land for purposes of geological or geophysical surveys in connection with coal mining. Annual returns by coal mining companies. Owners may deduct moneys from wages towards repayment of loans to workers to enable them to buy homes. Agreements for working coal mining rights on tribute or on a royalty basis.
1950, No. 37— The Coal Mines Amendment Act 1950— Section 16	Provision for Coal Mining Districts Amenities Fund.”