

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
2nd November, 1920.*

Right Hon. Mr. Massey.

STONE-QUARRIES AMENDMENT.

ANALYSIS.

Title.	
1. Short Title.	5. Inspector may prohibit stone-quarrying operations involving immediate danger to life.
2. Section 2 of principal Act (definition of stone-quarry) amended.	6. Annual returns to be furnished by occupiers of stone-quarries.
3. Notice to be given to Inspector before commencing work in new quarry.	7. Obstruction of Inspector in performance of duties.
4. Section 9 of principal Act (prescribing general rules to be observed in quarries) amended. Consequential repeal.	8. Penalty for offences.
	9. Additional power to make regulations under principal Act.

A BILL INTITULED

AN ACT to amend the Stone-quarries Act, 1910.

Title.

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 Stone-quarries Amendment Act, 1920, and shall be read together with and deemed part of the Stone-quarries Act, 1910 (hereinafter referred to as the principal Act).
2. Section two of the principal Act is hereby amended by omitting from subsection one the words "by means of explosives, and any part of which has a rock-face more than twenty feet deep," and substituting the words "and any part of which has a face more than fifteen feet deep"; and by adding to subsection two, after the words "apply to," the words "any road-cutting or railway-cutting or."
3. Section eight of the principal Act is hereby amended as follows:—
- (a.) By inserting, after the words "lawful at any time" in subsection one, the words "to commence work in any quarry or"; and
- (b.) By inserting, after the words "the intention so" in the same subsection, the words "to commence or."
4. (1.) Section nine of the principal Act is hereby amended by repealing subparagraphs (vi), (vii), (viii), and (ix), and substituting therefor the following subparagraphs:—
- "(vi.) No tool other than a wooden tamping-rod without metal parts shall be used for loading explosives or tamping material in bore-holes, and it shall be the duty of the manager of every quarry at all times to keep a sufficient number of suitable rods available for use in connection with blasting operations.

“(vii.) No person shall extract or attempt to extract explosives from a bore-hole in which a charge has missed fire.

“(viii.) In any case where a charge has missed fire no person shall approach the bore-hole 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 such charge, or, if an electric detonator has been used instead of a fuse, until ten minutes have elapsed after the attempted firing of such charge and the wires leading thereto have been disconnected.” 5

Consequential
repeal.

(2.) Paragraph (b) of section two of the Stone-quarries Amendment Act, 1911, is hereby repealed. 10

Inspector may
prohibit
stone-quarrying
operations involving
immediate danger
to life.

Cf. 1914, No. 62,
sec. 15.

5. (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 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 render the quarry safe), or, as the case may be, to discontinue such dangerous practice. 15

(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 such 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. 20 25

(3.) The occupier or manager of the quarry shall forthwith, after the receipt of a notice under this section, take active steps to comply with the same, in default whereof he shall be liable to a fine not exceeding *one hundred* pounds. 30

(4.) Every occupier or manager of a quarry who directs or allows quarrying operations or any practice to be resumed or continued in contravention of this section shall be liable to a fine not exceeding *one hundred* pounds for every day or part of a day on or during which such operations or practice shall be resumed or continued. 35

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

(6.) If the occupier or manager of a quarry objects to comply with the terms of a notice under this section, he may, within seven days after the receipt thereof, serve on the Inspector his objection in writing, setting forth the grounds of his objection, and such objection shall, if the objector so desires, be heard and determined in a Magistrate's Court, before a Stipendiary Magistrate alone, and in any such case the Court shall have full power to hear and determine such objection accordingly. 40 45

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

(8.) The procedure for the institution, hearing, and determination of such proceedings in the Magistrate's Court shall be in accordance with regulations, and, subject to such regulations or so far as they do not extend, shall be in accordance with the ordinary practice of the Court. 50

(9.) On the determination of any such objection the Court may confirm, annul, or modify the notice as it thinks fit, and the determination of the Court shall be final and binding on all parties.

5 (10.) 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.

10 6. (1.) The occupier or manager of every quarry shall in the month of January in each year furnish to the Minister of Mines, in such form as may be prescribed by regulations in that behalf, a return showing—

Annual returns to be furnished by occupiers of stone-quarries.

15 (a.) The quantity, and estimated value at the quarry, of stone 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; and

20 (c.) Such other particulars as may be required by the Minister pursuant to regulations.

(2.) Every person who makes default in furnishing any such return, or in causing the same to be furnished, or who furnishes any return which is wilfully false or misleading in any particular, commits an offence against this Act, and shall be liable accordingly.

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

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

Obstruction of Inspector in performance of duties.

8. Every person who commits an offence against the principal Act or its amendments for which no penalty is provided elsewhere than in this section shall be liable on summary conviction to a fine of *twenty* pounds.

Penalty for offences.

35 9. In addition to the powers conferred on him by section fourteen of the principal Act, the Governor-General may from time to time, by Order in Council, make regulations—

Additional power to make regulations under principal Act.

40 (a.) Defining the duties of Inspectors appointed under the principal Act, and conferring on Inspectors all such powers as may be necessary for the efficient performance of their duties;

(b.) Prescribing rules to be observed in quarries, or at crushing plants or other works connected with quarries, for the protection of the health of persons employed therein;

45 (c.) Regulating the storage and use of explosives at quarries; and

(d.) Prescribing forms of returns to be furnished in respect of quarries pursuant to this Act.