

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,
11th October, 1910.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. R. McKenzie.

STONE-QUARRIES.

ANALYSIS.

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A BILL INTITULED

AN ACT to make Better Provision for the Regulation of Stone-quarries. 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 Act, 1910.

Short Title.
Application of Act.

2. (1.) This Act applies to every place (not being a mine within the meaning of the Mining Act, 1908, or a coal-mine within the meaning of the Coal-mines Act, 1908) in which persons work in quarrying stone by means of explosives, and any part of which has a rock-face more than twenty feet deep, and also to any tunnel in the construction of which explosives are used; and every such place is in this Act referred to as a quarry:

15 (2.) Nothing in this Act shall apply to any excavation or cutting made for the foundations or site of a building, and no such excavation or cutting shall be deemed to be a quarry within the meaning of this Act.

20 (3.) For the purposes of this Act the term "occupier" includes a licensee.

25 3. (1.) On and after the first day of April, nineteen hundred and eleven, no person shall be employed or shall act in the capacity of manager or foreman, or have charge of any blasting operations, in a quarry unless he is the holder of a permit granted by an Inspector under this Act.

Quarry manager or foreman to hold permit.

(2.) A permit under this section shall not be granted unless the applicant satisfies the Inspector that he has had in the aggregate at least two years' experience in quarrying, and possesses sufficient knowledge as to the use of explosives in blasting to entitle him to a permit. 5

(3.) This section shall not apply to any person employed as manager or foreman, or in charge of explosives, in any quarry immediately prior to the said first day of April, nineteen hundred and *eleven*, but who is not entitled to a permit under this section merely because he has not had two years' experience in quarrying. 10

Struck out.

(4.) The provisions of this section shall only apply to quarries in which three or more men are employed.

Employment of
uncertificated
manager, &c.

4. (1.) Every person who, on or after the first day of April, nineteen hundred and *eleven*, acts in the capacity of manager or foreman, or who is in charge of blasting operations in a quarry without a permit as aforesaid, except as provided in subsection *three* of the *last preceding* section, is liable to a fine not exceeding *two* pounds for every day during which he so acts in the capacity of manager or foreman (as the case may be), or during which he continues to be in charge of blasting operations as aforesaid. 15 20

(2.) Every person who, contrary to the provisions of this Act, employs any person not being the holder of a permit as aforesaid in the capacity of manager or foreman, or in charge of blasting operations in a quarry, is liable to a fine not exceeding *two* pounds for every day during which the employment in breach of this Act continues. 25

Deputy manager.

5. (1.) If the manager of a quarry is at any time incapacitated from performing his duties or is about to be absent from the quarry, for more than six working-days, he or the occupier of the quarry shall appoint some person approved in writing by an Inspector under this Act to act as deputy manager during such incapacity or absence; but no such deputy shall act for more than fourteen working-days at any one time unless authorised so to do by an Inspector. 30

(2.) If at any time the manager of a quarry is so incapacitated from performing his duties or is absent from the quarry for more than six working-days, and a deputy manager has not been appointed in his stead in accordance with this section, the said manager and the occupier of the quarry shall each be liable to a fine of *two* pounds for every day during which the manager is so incapacitated or absent and during which quarrying operations are carried on in the quarry in breach of this section: 35 40

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. 45

(3.) Any person who acts as deputy manager of a quarry without the authority of an Inspector under this Act is liable to a fine of *two* pounds for every day during which he so acts.

Notices of
appointments.

6. (1.) The occupier of every quarry shall, within one month after the date of the commencement of this Act, give notice to an Inspector under this Act of the name, address, and capacity of every person who at the date of such notice is engaged in that quarry as a manager or foreman, or who is in charge of blasting operations therein. 50

(2.) Similar notice shall be given by the occupier in the case of new appointments, within one month from the date of any such appointment.

(3.) The occupier of any quarry who fails to give any notice in accordance with this section is liable in each such case to a fine not exceeding *twenty* pounds.

New.

6A. The provisions of sections *three, four, five, and six* shall only apply to quarries in which three or more men are employed.

Application of sections 3 to 6 restricted.

10 7. (1.) It shall not be lawful at any time to renew the working of any quarry the working whereof has been at any time discontinued, until notice in writing by the occupier has been given to an Inspector under this Act of the intention so to renew the working of the quarry, and 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 reopening of quarry.

15 (2.) Notice in writing of the discontinuance of the working of any quarry shall be given by the occupier thereof to an Inspector under this Act within one month after the commencement of that discontinuance.

20 (3.) Any occupier of a quarry who fails to comply with any of the provisions of this section is liable to a fine not exceeding *twenty* pounds.

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

General rules.

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

30 (i.) They shall not be stored on the surface of or adjacent to the quarry unless in such magazine and in such quantities as may be approved in writing by an Inspector under this Act.

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

35 (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.

40 (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.

45 (v.) No person shall enter with a naked light a powder-magazine or any excavation in a quarry where any explosive substance is stored or used.

(vi.) No iron or steel pricker shall be used in blasting, and no iron or steel tool shall be used in tamping or ramming, and no iron or steel pricker or tamping-bar shall be taken into any quarry.

50 (vii.) Copper prickers for use in blasting shall be provided by the occupier of the quarry.

55 (viii.) A charge which has missed fire may be drawn by a copper pricker, but shall not be approached until three hours have elapsed from the time of lighting the fuse of such charge. This paragraph does not apply to charges fired by an electric current.

(ix.) In no case shall an iron or steel drill be used for the purpose of drawing or drilling out such charge, nor shall any charge be drawn where nitro-glycerine compounds or detonators have been used.

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

(xi.) No drill-hole shall be bored within a distance of one foot in any direction from the site of a previously exploded charge of any nitro-glycerine compound, and no drill-hole shall be bored in any remaining portion of a hole in which a charge of nitro-glycerine compound has been previously exploded.

(xii.) Quarrymen employed in blasting with nitro-glycerine compounds shall be supplied by the occupier of the quarry with the means of thawing such compounds.

(b.) When blasting operations are being carried on within one hundred yards of a main road or any thoroughfare a person shall be stationed thereon with a red flag, and shall warn travellers of danger.

(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.

(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; such tests shall be made in the presence of some person appointed for that purpose by the quarrymen engaged in the quarry.

(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.

(2.) The occupier of every quarry shall at all times keep publicly exhibited in some conspicuous place in the quarry a printed copy of the rules comprised in this section, and of all regulations under section *thirteen* hereof.

(3.) Any person who contravenes or does not comply with any of the general rules in this section, or of any of the regulations made under this Act, is liable to a fine not exceeding *twenty* pounds:

Provided that in any proceedings under this subsection against the occupier or manager, or any person in charge of or giving orders or directions relating to the carrying-on of any quarrying operations, ~~or any workman obeying such orders or directions~~, it shall be a good defence if the defendant proves that he had taken all reasonable means to prevent such contravention or non-compliance, *and in any*

New.

proceedings against any workman employed in the quarry it shall be a good defence if the defendant proves that the contravention or non-compliance was by direction of the occupier or manager or person in charge.

9. (1.) Forthwith after the occurrence in a quarry of an accident causing the death or serious injury of any person, the manager shall

give notice thereof by telegraph or otherwise as expeditiously as is possible under the circumstances to an Inspector under this Act.

(2.) Every manager who omits to give such notice is liable to a fine not exceeding *twenty* pounds.

5 (3.) Upon the receipt of such notice, the Inspector shall notify the manager of his intention to visit the quarry, and of the time of that visit, and the Inspector shall visit the quarry accordingly, or as soon as practicable thereafter.

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

15 (5.) Any person who does any act constituting a breach of the *last preceding* subsection is liable to a fine of *twenty* pounds.

20 10. (1.) Where, in the opinion of an Inspector under this Act, an accident in a quarry resulting in the death or serious injury of any person has been caused, directly or indirectly, by the non-observance by any person of any of the provisions of this Act or of any regulations made thereunder, or by reason of his negligence, the Inspector shall apply to a Magistrate to hold an inquiry into the matter.

Official inquiries in case of accidents.

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 non-observance or negligence is to be inquired into.

(3.) The notice shall require the person aforesaid to appear at the time and place so fixed.

30 (4.) The Magistrate shall have, in respect of any inquiry under this section, all the powers of a Magistrate's Court.

(5.) An officer of the Workers' Union of which the person who has suffered the injury is or was a member shall have a right to be present at such inquiry on behalf of the said person or his dependants.

35 11. (1.) The Governor may from time to time appoint any fit persons to be Inspectors under this Act.

Inspectors to be appointed by Governor.

(2.) Section four of the Civil Service Act, 1908, shall not apply to any person appointed under this section.

40 (3.) An Inspector may hold office as Inspector under this Act in conjunction with any other office or employment which the Governor deems to be not incompatible with his duties under this Act.

12. The cost of administering this Act shall be paid out of moneys from time to time appropriated by Parliament for that purpose.

Cost of administering Act.

45 13. The Governor may from time to time, by Order in Council gazetted, make regulations—

Regulations.

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

50 (b.) Generally for any other matters necessary for the effective carrying-out of the provisions of this Act.

New.

14. Save as is hereinbefore expressly provided the provisions of the Factories Act, 1908, shall apply to stone-quarries.

Factories Act to apply.