

LAWS OF FIJI

[Ed. 1978]

CHAPTER 147

QUARRIES

Ordinances Nos. 17 of 1939, 2 of 1963, 45 of 1969.

AN ACT TO PROVIDE FOR THE BETTER REGULATION OF QUARRIES

[20th September, 1939.]

Short title

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

Application of Act

2. This Act shall apply to every excavation and place (not being a mine) in which persons work at the removal of rock, earth, clay, sand, soil, gravel, limestone, or such other common mineral substances as have been declared by the Minister under section 2 of the Mining Act, by notice in the Gazette, not to be minerals, by means of explosives, and any tunnel in the construction of which explosives are used, and any rock-crushing or treatment plant which may be operated in connexion with the operations hereinbefore mentioned or identical operations save that the work of removal is effected by means other than explosives, and every such place is in this Act referred to as a quarry:

(Cap. 146.)

Provided that this Act shall not apply to any excavation or cutting for a thoroughfare or for the foundations or the site of a building. *(Section amended by 2 of 1963, s. 2.)*

Inspectors

3. The inspectors under the Mining Act shall be inspectors of quarries under his Act.

(Cap. 146.)

Regulations

- 4.-(1) The Minister may make regulations-

- (a) prescribing the powers and duties of inspectors;
- (b) for the storage, handling and use of explosive substances;
- (c) for securing the safety of workings and employees;
- (d) for the prevention of nuisances of all kinds arising from quarrying operations and the treatment or crushing of any materials the product of quarrying operations;

(e) for the health of employees;

(f) for the reporting of accidents;

(g) for the surveys and plans of quarries;

(h) providing for the compilation of quarrying statistics, and for that purpose requiring the furnishing of periodical returns in the prescribed manner and form for each such period, the number of men employed, the quantity of material produced, together with other particulars as may be necessary;

(i) providing for the certification of quarrymen and for the fees to be charged in connection therewith; (*Inserted by 45 of 1969.*)

(j) generally for the carrying into effect of the provisions of this

(2) The regulations may impose for any breach thereof a fine of two hundred dollars or imprisonment for a term of six months.

Controlled by Ministry of Lands and Mineral Resources

[Subsidiary Legislation]

CHAPTER 147

QUARRIES

SECTION 4-QUARRIES REGULATIONS

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PART I-PRELIMINARY

Short Title

1. These Regulations may be cited as the Quarries Regulations.

Interpretation

2.-(1) In these Regulations, unless the context otherwise requires-

"agent" means a person acting on behalf of the owner or having the care or direction of a quarry or any part thereof or any works connected therewith;

"boiler" means any apparatus adapted to convert continuously any liquid into steam, vapour, or gas of a higher pressure than that of the atmosphere, together with all fittings and appurtenances including superheaters and economisers;

"Director" means the Director of Mines appointed under the provisions of the Mining Act;

(Cap. 146.)

"foreman-in-charge" means the person having immediate charge of the quarrying operations on, about or in any quarry and includes a quarry manager;

"machinery" means and includes all mechanical appliances of whatsoever kind used for any quarrying purpose;

"owner" in relation to a quarry includes a lessee, licensee or occupier of any quarry or part thereof;

"rock drill" means any machine worked by mechanical or electrical power, which is used for the purpose of drilling holes in a quarry;

"serious injury" means bodily injury of such a nature as would entitle the injured person to compensation under the provisions of the Workmen's Compensation Act, whether or not such person is a workman as defined in that Act;

(Cap. 94.)

"shaft" means any vertical or inclined way or opening downwards from the surface or from any underground or subterranean working, which is or might be used for winding, draining, travelling or ventilating purposes in connection with the working of the quarry; the term includes a winze which is or might be so used;

"tunnel" means any underground or subterranean passage way;

"winze" means any vertical or inclined way or opening downwards from underground or subterranean workings in a quarry;

"workings" includes all excavated portions of a quarry.

(Amended by Regulations 23 September 1966; Legal Notice 91 of 1982)

(2) A reference in these Regulations to a form by number is a reference to the form so numbered in Schedule 1. *(Inserted by Legal Notice 91 of 1982)*

Mining safety standards, etc., to apply to certain quarries

2A.-(1) The Director may, by notice published in the Gazette, declare a quarry or a part of a quarry, specified in the notice to be a prescribed undertaking.

(2) Subject to paragraph (3), the provisions of Part XI of the Mining Regulations apply, in addition to the provisions of these Regulations, to and in relation to a prescribed undertaking.

(3) For the purpose of the application of the provisions of Part XI of the Mining Regulations to and in relation to a prescribed undertaking-

(a) those provisions are modified as set out in Schedule 2; and

(b) expressions that occur-

(i) in those provisions as so applied (in this paragraph referred to as 'the applied provisions'); and

(ii) in those provisions as in force under the Mining Act (in this paragraph referred to as 'the original provisions'),

shall, unless the contrary intention appears, have in the applied provisions the same respective meanings as they have in the original provisions.

(Inserted by Legal Notice 91 of 1982.)

Power to waive or suspend regulations, in certain cases

2B. If, in the opinion of an inspector, the observance of any provision of these Regulations or of Part XI of the Mining Regulations as applied by regulation 2A is not reasonably practical in relation to a quarry, he may, by notice in writing to the owner of that quarry, waive or suspend the operation of that provision in relation to that quarry, or any part of that quarry, for such period and in such manner, and subject to such conditions, as he considers appropriate. *(Inserted by Legal Notice 91 of 1982.)*

PART II-INSPECTORS

Powers of inspector

3. An inspector may-

(a) make such examination and inquiry as are necessary to ascertain whether in the case of any quarry the provisions of these Regulations are being complied with;

(b) enter, inspect, and examine any quarry at all reasonable times by day and night, but so as not to impede or obstruct the working of the quarry;

(c) examine into and make inquiry respecting the state and condition of any boiler or other machinery, and, if in his opinion it is desirable to do so, report on the state of such boiler or machinery to the Chief Inspector under the Factories Act, who may take action under the provisions of that Act or any amendment or replacement thereof;

(Cap. 99)

(d) initiate and conduct prosecutions against persons offending against the provisions of these Regulations;

(e) appear at all inquiries held respecting accidents in quarries, and, if he thinks fit, call and examine and cross-examine witnesses; and

(f) exercise such other powers as are necessary for carrying these Regulations into effect.

Record Book

4.-(1) Whenever an inspector has inspected a quarry or machinery in connection therewith, he shall enter in a book known as the Record Book to be kept on the quarry for that purpose, his opinion, derived from the inspection of the actual condition of the quarry or machinery at the time of the inspection, and he shall also record what alterations or requirements he thinks necessary.

(2) Nothing contained in or absent from such written report of an inspector shall be held to limit or affect the responsibility of the owner or foreman-in-charge under these Regulations.

(3) The Record Book to be kept at every quarry shall be kept solely for the purpose of entering therein the reports and records required by these Regulations, shall be open at all reasonable times to the examination of an inspector, shall be kept in good order and condition, and all entries therein shall be written in ink.

Obligation to remedy dangerous practice

5.-(1) If, in the opinion of an inspector, any quarry or any works, matter, thing or practice in or connected with quarrying operations is dangerous or so defective that it may cause bodily injury to or be detrimental to the welfare or health of any person, or cause injury to livestock, he shall give notice in writing thereof to the owner of the quarry or his agent or the foreman-in-charge thereof and shall state in such notice the particulars in which he considers such quarry, works, matter, thing or practice to be dangerous or defective and shall require the same to be remedied, either forthwith or within such time as he may specify, and may order work to be suspended until the danger or defect is removed to his satisfaction.

(2) On receipt of such notice the owner or his agent or foreman-in-charge shall comply therewith or, if he objects thereto, he shall immediately state his objection in writing to the Director of Mines and inform the inspector thereof and shall, if so ordered in such notice, cease to use the said quarry, or part thereof, works, matter, thing or practice to which such notice refers, and shall withdraw all men from the danger indicated by the inspector until such time as the objection shall have been determined by the Director of Mines:

Provided that if, in the opinion of the inspector, it is safe to do so, he may allow work to proceed until the objection has been determined, subject to such restrictions and conditions to ensure safety as he shall consider necessary and shall specify in writing.

(Inserted by Legal Notice 25 of 1970.)

Obstruction

6. Every person who wilfully obstructs or uses insulting language to an inspector in the execution of his duties under these Regulations, and every owner, agent, or foreman-in-charge of a quarry who refuses or neglects to furnish to the inspector the means necessary for making an entry, inspection, examination, the inquiry under these Regulations in relation to such quarry shall be guilty of an offence against these Regulations.

Inquiry into complaints

7. Upon any person employed in a quarry making a complaint under these Regulations to an inspector it shall be the duty of the inspector forthwith to make inquiry into the complaint and to take such other steps as he thinks necessary to investigate the matter, and the name of the informant shall not be divulged by the inspector.

PART III-FOREMAN-IN-CHARGE

Foreman-in-charge of quarry

8.-(1) Every quarry shall be under the control and supervision of a foreman-in-charge:

Provided that an inspector may, if he thinks fit, exempt any quarry from this requirement.

(2) The foreman-in-charge may be the owner or agent or some suitable person appointed by such owner or agent.

Qualification of foreman-in-charge

9.-(1) No person shall be employed or shall act in the capacity of foreman-in-charge of a quarry unless he is the holder of a quarryman's certificate granted by an inspector or other person authorised in writing in that behalf by the Minister.

(Amended by Legal Notice 112 of 1970.)

Offences

(2) Any person who acts in the capacity of foreman-in-charge of a quarry without being the holder of a quarryman's certificate shall be liable to a fine not exceeding \$10 for each day during which he so acts in the capacity of foreman-in-charge.

(3) Any person who employs any person, not being the holder of a quarryman's certificate in the capacity of a foreman-in-charge of a quarry shall be liable to a fine not exceeding \$10 for each day during which the employment in breach of this paragraph continues.

(Inserted by Regulations 30 January 1951.)

Quarryman's certificate

10.-(1) Application for a quarryman's certificate may be made to an inspector in accordance with Form 4 and shall be accompanied by a fee of \$10 and such inspector shall, if satisfied on the information supplied in or enclosed with such application and after such written or oral examination of an applicant as he considers necessary, that such applicant-

(Form 4)

(a) has attained the age of 21 years;

(b) has had no less than two years' practical experience in quarrying;

(c) is fully conversant with the provisions of these Regulations and of all regulations made under the provisions of the Explosives Act relating to the handling, storage and use of explosives;

(Cap. 189.)

(d) is proficient in rendering first aid to injured persons; and

(e) is otherwise a fit and proper person to hold such a certificate,

sue such applicant with a quarryman's certificate in the form prescribed in Form 5 and shall enter, or cause to be entered, the full particulars thereof in a book, to be known as the Register of Quarrymen's Certificates, to be kept at the office of the Mines Department in Suva.

(Form 5)

(2) A quarryman's certificate shall, unless previously cancelled under the provisions of paragraph (3), remain in force for a period of two years from the date of issue thereof, and may, on application being made to an inspector, accompanied by a fee of \$3 and subject to the applicant undergoing to the satisfaction of such inspector such further written or oral examination as such inspector considers necessary and otherwise satisfying such inspector that he is a fit and proper person to hold such a certificate, be extended for further periods not exceeding two years on each occasion.

(3) If, at any time during the currency of any quarryman's certificate, the inspector becomes satisfied that the holder thereof is not, by reason of incompetence or bad character or any serious breach of any of the provisions of these Regulations or of any regulations made under the provisions of the Explosives Act relating to the handling, storage and use of explosives, a fit and proper person to hold such a certificate, the inspector may cancel such certificate and such cancellation shall be sufficiently notified by written notice to that effect sent to the holder of such certificate at his last known place of address and by publication in the Gazette.

(Cap. 189.)

(4) Any person aggrieved by any decision of the inspector made under paragraph (3) may, within thirty days of receipt of such decision, appeal in writing from such decision to the Mining Appeals Board who shall consider such appeal in accordance with the procedure applicable to appeals under the Mining Act.

(Cap. 146.)

(Regulation inserted by Legal Notice 25 of 1970; para. (1) amended by Legal Notice 225 of 1974, 119 of 1978; 91 of 1982; para. (2) amended by Legal Notice 225 of 1974, 119 of 1978.)

Appointment of foreman-in-charge to be reported

11.-(1) The appointment of every foreman-in-charge shall be notified in writing by the person appointing him to the inspector within 14 days after such appointment.

(2) Every foreman-in-charge shall, within seven days after he has assumed control and supervision of the quarry, report the fact in writing to the inspector, and shall, on his relinquishing office, within seven days report the fact in like manner.

Penalty

12. If any quarry is worked for more than 14 days, except under the control and supervision of a foreman-in-charge whose appointment has been notified as aforesaid, the owner and the agent of such quarry shall, unless such quarry has been exempted as aforesaid, each be liable to a fine not exceeding \$10 for each day during which such quarry is so worked.

Deputy

13. If any foreman-in-charge is incapacitated from performing his duties or is about to be absent from the quarry for more than 14 days, he, or the owner, or agent, shall appoint some fit person to act as deputy foreman-in-charge during such incapacity or absence, and shall notify such appointment to an inspector.

Duties of foreman-in-charge

14.-(1) The foreman-in-charge of every quarry shall enforce the observance of these Regulations in the quarry under his charge.

(2) As soon as possible after the occurrence of any breach of these Regulations, he shall report the same, in writing, to the inspector, whether such breach has been committed by a person employed in the quarry or by any other person.

(3) The foreman-in-charge, owner and agent shall in every such case deemed guilty of an offence against these Regulations unless such foreman charge, owner or agent reports such breach and proves to the satisfaction of the inspector that all reasonable means of enforcing the provisions of these Regulations, and of preventing such breach, were taken.

(4) Notwithstanding anything contained in paragraph (3), if the foreman-in-charge of any quarry or any part thereof can prove that the necessary means for carrying out the provisions of these Regulations have been refused him by the owner of the quarry or his agent the owner of such quarry shall be guilty of an offence. (*Inserted by Legal Notice 25 of 1970.*)

Change of foreman to be notified

15. The owner of a quarry shall, where the name of the owner, agent, foreman-in-charge of the quarry has been changed, notify the inspector in writing within seven days of the change.

Commencement, etc., of operations to be notified

16. When operations in a quarry are commenced, abandoned, discontinued or recommenced, notice of the fact shall, within two weeks, be given by the owner, agent or foreman-in-charge to the inspector.

Daily supervision, etc.

17. In every quarry daily personal supervision of all working parts of the quarry shall be exercised by the foreman-in-charge or by some competent person appointed by the owner, agent or foreman-in-charge, and the foreman-in-charge of every quarry shall at least once a week make a thorough inspection of every part of the quarry and shall make and sign an entry in the prescribed Record Book recording the facts which, at the time of the inspection, he finds existing generally in the quarry in regard to the safety of workings and machinery and in regard to any other matter which is, by these Regulations, or by an inspector, in writing, required to be the subject of record.

Copy of Regulations to be available

18.-(1) The owner or foreman-in-charge shall ensure that a copy of these Regulations, and, if explosives are used in the quarry, of all regulations relating to the handling, storage and use of explosives made under the provisions of the Explosives Act, shall be kept at the quarry and be available, at all reasonable times, for examination by an inspector or by any person employed in the quarry.

(Cap. 189.)

(2) Every person who pulls down, injures or defaces such copy of such Regulations or a notice displayed pursuant to these Regulations shall be guilty of an offence against these Regulations and shall be liable to a fine not exceeding \$10.

(Amended by Regulations 23 September 1966.)

PART IV-EMPLOYMENT AND ACCIDENTS

Record of employees

19. A complete record shall be kept at every quarry of all persons employed in or about the quarry.

Children

20.-(1) No male person under the age of fourteen years shall be employed in or about a quarry, and no male person under the age of sixteen years shall be employed at the working face of any quarry except with the written permission of an inspector, which permission shall not be given unless such inspector is satisfied that such employment is carried out under a training programme approved by him and subject to such conditions as he may specify.

(2) No female person shall be employed at a quarry except on the surface in a technical, clerical or domestic capacity or such other capacity as requires the exercise of normal feminine skill or dexterity but does not involve strenuous physical effort.

(Substituted by Legal Notice 25 of 1970.)

Notification of accident

21.-(1) The foreman-in-charge shall on the occurrence of any accident in the quarry attended with loss of life or serious injury to any person, forthwith give notice thereof to an inspector and to the Commissioner of the Division in which the quarry is situated.

(2) Any foreman-in-charge who omits to give such notice shall, unless such notice was given by the owner or agent, be guilty of an offence against these Regulations.

Interference with scene of accident

22. The place in which any such accident has occurred shall not be interfered with, except with a view of saving life or preventing further injury, until it has been examined by an inspector or in his absence by the Commissioner or two competent persons appointed by the Commissioner:

Provided that where immediate resumption of work in the place in which a fatal accident has occurred is urgently necessary the persons inspecting the place may, after making full examination of the place, and taking the statements of witnesses and making a report of the result of such examination in the Record Book, give permission in writing for such resumption.

Inquiry into accident

23. All inquiries into accidents attended with serious injury to any person shall be held before the Commissioner and two persons experienced in mining or quarrying to be selected by the Commissioner, or in default of such experienced persons, such other suitable persons as are available, who shall state what in their opinion was the cause of the accident, and that opinion shall be forwarded by to Commissioner to an inspector.

PART V-SAFETY AND PROTECTION

Fencing

24. All places in and about a quarry which from their nature are likely to dangerous and in particular all elevated platforms and gangways shall be properly fenced and conspicuous warning boards shall be erected where subsidences or cavities on the surface have occurred or are likely to occur. (*Substituted by Legal Notice 25 of 1970.*)

Filling-in may be ordered

25.-(1) If, in the opinion of an inspector, disused trenches, pits or other excavations are dangerous to life or endanger public traffic, he may order them to be filled in with ground to his satisfaction or securely fenced or otherwise protected by the owner or foreman-in-charge of the quarry.

(2) In the case of failure to comply with such order, the owner or foreman-in-charge of such quarry shall be deemed guilty of an offence against these Regulations and the inspector may have such trenches, pits or other excavations fenced or filled up or otherwise protected at the expense of such owner or foreman-in-charge.

First-aid outfit

26. At any quarry where men are employed, an adequate first-aid outfit shall be kept for immediate use in the case of accident.

Height of quarry face

27.-(1) An inspector may, in the interests of safety, limit the height of any quarry face, and may order the construction of benches where they appear to him to be necessary.

(2) An inspector may determine from time to time the angle to be maintained on any quarry workings to ensure the safety thereof, and in such case shall give notice in writing to the owner, agent or foreman-in-charge of the angle to be maintained.

Undercutting

28. In the open face working of alluvial or of soil, gravel, clay, slimes, ashes, debris or other similar ground no under-cutting shall be allowed and unless securely timbered no such vertical face shall have a height of more than 2.5m but such unsecured open face shall be worked in terraces or at an angle of safety. (*Amended by Legal Notice 25 of 1970; 96 of 1978.*)

Safety helmets

29. Except when exempted in writing by an inspector, no person shall in any quarry work more than 3m deep in or on a stepped face in rock, or in a trench more than 3m deep unless he wears a safety helmet of a type approved by an inspector.

(Inserted by Legal Notice 25 of 1970; amended by Legal Notice 96 of 1978.)

Reasonable precautions

30. -Every person employed in or about a quarry shall before commencing or while at work use ordinary and reasonable precautions to ascertain that any machinery, tools, or other appliances he uses, and the place in which he works, are not unsafe, and he shall cease to use anything unsafe.

Dangers to be reported

31.-(1) Every person who witnesses in or about a quarry anything likely to produce danger of any kind shall forthwith report the same to the person for the time being in charge of the quarry and such last-mentioned person shall further investigate the matter and take steps to prevent any accident likely to result from such danger.

(2) On leaving work every person shall report to the person relieving him the state of that part of the quarry where he has been employed.

(3) Any person who knowingly contravenes these provisions shall be guilty of an offence against these Regulations.

Measures for safety

32. If a working place in a quarry is found to be or becomes unsafe, the person charge shall take measures for making it safe and for safeguarding the persons in the working place while it is being made safe.

Life-lines

33. No person shall work or be caused or permitted to work in any place with an inclination of more than 45 degrees where inadvertent slipping or over-balancing may result in his sliding down, unless he is secured by a life-line or otherwise safeguarded.

Wilful damage

34. No person shall wilfully damage or without proper authority use, remove, or render useless any timber, fencing, covering, guide, rope, chain, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in or about a quarry.

Drunkenness

35.-(1) Any person who, while in or about any quarry, is under the influence of intoxicating liquor to such an extent as not to be fully capable of performing his duties or as to be a likely cause of danger to himself or other persons, shall be guilty of an offence against these Regulations, and shall be liable to a fine not exceeding \$20.

(2) No intoxicating liquor shall be in or about any quarry or be taken by any person into the quarry except with the knowledge and permission of the foreman-in-charge, and every person having intoxicating liquor in his possession while in or about the quarry, without such permission shall be guilty of an offence against these Regulations, and shall be liable to a fine not exceeding \$20.

Guide ropes and ladders to be provided

36. In every quarry where access to a working place is by means of a shaft, winze, or inclined face, a sufficient footway, guiding rope or chain shall be provided where the inclination is more than 30 degrees:

Provided that where the inclination is more than 45 degrees, and in any case where an inspector so directs, a ladder shall be fixed.

Wire ropes

37. Wire ropes or strands of wire ropes shall not be used for climbing purposes any quarry if they are frayed or have projecting broken wires.

Lights to be carried

38. Every person in any unilluminated part of a quarry shall carry a light.

Stationary lights

39. Adequate stationary lights shall be provided at all subterranean working places as are for the time being in actual use, and at night at all working places on the surface.

PART VI-MACHINERY

Maintenance of machinery

40. All machinery in or about a quarry shall be kept in good order and condition.

Fencing of machinery

41.-(1) All exposed machinery which when in motion may be dangerous to any person shall be securely fenced off.

(2) An effective guard, which shall not be removed while the machinery is in motion, shall be provided for every part of the machinery which, without the guard, may be a source of danger to any person.

Lighting of moving machinery

42. All places where machinery is being operated in the proximity of which persons are working or moving about shall be so lighted that the external moving parts of such machinery can be clearly distinguished.

Clothing of employees

43.-(1) A person employed in close proximity to any moving machinery shall not wear, or be permitted to wear, any loose outer clothing.

(2) Whenever required by an inspector, the owner, agent or foreman-in-charge of a quarry shall forbid the wearing of a sulu and shall insist upon the wearing of trousers by every person employed in or about any machinery.

(3) A person having the charge of any moving machinery or a person supervising any work in the vicinity of the machinery shall not permit any other person engaged upon work in close proximity to the machinery to wear any loose outer clothing.

Repairing, etc., of machinery in motion

44.-(1) Where there is any risk of personal injury, the repairing, adjustment, cleaning or lubricating of any machinery in motion shall be undertaken, or be required or be permitted to be undertaken, only-

(a) by a skilled person; and

(b) when it is impracticable to stop the machinery.

(2) Automatic devices for lubricating machinery in motion shall be employed wherever practicable.

Belts

45.-(1) Where any machinery is belt-driven and it is necessary to start or stop machinery without interfering with the speed of the prime-mover, the machinery shall be permanently fitted with a satisfactory mechanical appliance for the purpose.

(2) The shipping and unshipping of driving belts whilst the machinery is in motion is prohibited except in the customary shifting of light belts on coned-pulleys machine tools for the purpose of alterations in the working speed.

Unauthorised entry

46.-(1) A person shall not, without the authority of the foreman-in-charge of the quarry or of the person having charge of any machinery or boiler, enter any place where the machinery or boiler is erected.

(2) The foreman-in-charge shall cause a notice to be posted at the entrance of the place to the effect that the authority to enter is required.

Air compressors

47.-(1) All compressed air receivers and intercoolers at any quarry and their connections to air cylinders, shall be kept clean and free from carbonized oil or other material liable to ignition.

(2) The supply of air for air-compressors used at any quarry shall be drawn from as pure and cool a source as possible. (*Substituted by Legal Notice 25 of 1970.*)

Gauges and safety valves

48. All vessels, other than portable gas cylinders, used at any quarry for receiving or storing air or gas at a higher pressure than that of the atmosphere shall be fitted with-

(a) a gauge or other device for showing accurately at all times the pressure of the air or gas contained in such vessel;

(b) a relief or safety valve or other device capable of preventing any undue accumulation of pressure above the safe working limit of the vessel.

(*Inserted by Legal Notice 25 of 1970.*)

Compressed air receivers to be tested

49. Every foreman-in-charge shall ensure that all compressed air receivers used in any quarry or part thereof under his charge are tested at intervals not exceeding three years by hydraulic pressure to the extent of one and one-third times the working pressure, and shall keep a written record of such tests, signed by the person conducting them, and shall submit all such records for inspection by an inspector. (*Inserted by Legal Notice 25 of 1970.*)

Person in control

50. A person who is in charge of any machine which for the security of life and limb requires constant control shall not for any reason whatsoever, during the period for which he is in charge, absent himself from, or cease his constant control over the machine unless he is replaced by some other person qualified to control the machine.

Steam boilers

51. The examination, testing, and working of steam boilers or other vessels shall be subject to the provisions of the Factories Act or any Act amending replacing such Act.

(Cap. 99)

PART VII-EXPLOSIVES

Explosives Regulations to apply with certain modifications

52. Subject to the following provisions of this Part, the Explosives Regulations made under the provisions of the Explosives Act shall apply to all quarries.

(*Inserted by Regulations 23 September 1966.*)

(Cap. 189)

Distributing magazine

53.-(1) Notwithstanding the provisions of the Explosives Regulations, a quantity of explosive not exceeding that which is reasonably sufficient for use during the following six consecutive days may be stored in a distributing magazine in any quarry or any part thereof for distribution to the workings:

Provided that the foreman-in-charge shall, before using a distributing magazine, notify an inspector of the place of storage, the period during which it is to be used for this purpose, the type and quantity of explosive to be stored therein, and any other information relating to such distributing magazine that may be required by the inspector, and shall obtain the inspector's permission before using such distributing magazine for the storage of explosive.

(2) A distributing magazine may be-

(a) a tunnel or other excavation. The passage connecting such distributing magazine with the workings of a quarry shall describe in its course at least one right angle, and such distributing magazine shall be situated not less than 9m away from any working place. If, in the opinion, of an inspector owing to the nature of the country and the quantity of explosive to be stored, this distance is too short, it shall be increased to such distance as the inspector shall specify; or

(b) where the quantity of explosive to be stored does not exceed 45 kg weight of dynamite or 100 detonators, a stout wooden-box with sides, bottom and top at least 50 mm thick and with the cover acting as a door, which box shall be kept closed and securely locked, and shall be securely fastened in place.

(3) No explosive shall be stored in a distributing magazine unless it shall have been issued from a licensed magazine and conveyed directly from such magazine to the distributing magazine.

(4) Where the location and structure of a distributing magazine is such that unauthorised entry might be possible, the contents shall be removed from the magazine when the workmen leave the vicinity. (*Regulation inserted by Regulations 23 September 1966; para. (2) amended by Legal Notice 96 of 1978.*)

PART VIII-HEALTH AND SANITATION

Ventilation

54.-(1) Adequate ventilation shall be constantly produced in all subterranean workings of a quarry by the passing through such workings of a current of not less than 3 cubic metres of fresh air per minute for each person employed therein so that working conditions at and means of access to such working places shall be in a fit state for working and passing therein.

(Amended by Legal Notice 96 of 1978.)

(2) Where, in the opinion of an inspector, the ventilation of any part of the subterranean workings of a quarry is unsuitable or inadequate, he may by notice in writing, require that the additional ventilating appliances specified in the notice be installed and worked.

Entry after blasting

55. No person shall be caused or permitted to enter, after blasting has taken place therein, any tunnel or subterranean workings of a quarry, unless a quantity of fresh air not less than the volume of such tunnel or subterranean workings, or not less than a smaller quantity sanctioned by an inspector in writing, has been supplied to replace the air vitiated by dust or fumes due to blasting.

Engines not to be used in tunnel, etc.

56. Internal combustion engines shall not be used in any tunnel or subterranean workings of a quarry except with the written permission of an inspector.

Dust

57.-(1) Where an inspector considers the health of the workmen to be endangered by dust arising from the use of rock-drills or by dust from any cause where men are working, he shall give notice in writing to that effect, and the owner, agent or foreman-in-charge shall thereupon provide and cause to be constantly used jets or sprays of water or such other means as in the opinion of the inspector will tend to effectively prevent the nuisance and keep the air free from and prevent the accumulation of dust.

(2) In every case where rock or other substance is crushed or otherwise dealt with in a dry state, and dust is produced in such quantity that an inspector considers the health of workmen to be endangered thereby, he shall give notice in writing to that effect, and the owner, agent or foreman-in-charge shall thereupon take such measures as will tend to remove the nuisance and prevent the dust circulating in the place where such operations are being carried on and shall provide and cause to be constantly used such appliances as will prevent the dust from being breathed by the workmen.

Blowing out hole

58. No person shall blow out or be caused or permitted to blow out any hole with compressed air unless he has applied sufficient water in case there is not already a sufficiency to prevent the formation of dust during the process of blowing out.

Water for spraying

59. If spraying with water is used in any part of a quarry for the purpose of laying dust the water so used shall be free from pollution with organic or other noxious matter.

Respirators

60. When respirators are supplied to men working in dusty places each one shall be used by one person only, and when returned they shall be thorough cleansed before being again used.

Drying of clothes, etc.

61. Where an inspector requires it in writing, the owner, agent or foreman-in-charge of a quarry shall provide for the use of persons employed at or about the quarry such conveniences and facilities for the changing and drying of clothes as the inspector specifies in writing.

Latrine accommodation, etc.

62. In and about every quarry the owner, agent or foreman-in-charge of the quarry shall provide such latrine accommodation and disinfectants and take such other measures for the purpose of sanitation and the prevention of nuisances as an inspector may direct.

Drinking water

63.-(1) In and about every quarry a supply of pure drinking water, adequate for the consumption of the persons working there, shall be provided unless there is a natural and continuous supply conveniently available.

(2) Every provision shall be made which, in the opinion of an inspector, as necessary for preventing the drinking water from being polluted or rendered unwholesome.

PART IX – STATISTICAL RETURNS

Half-yearly statement of operations

64.-(1) The owner, agent or foreman-in-charge of every quarry in respect of which royalties are payable shall within one calendar month of every half year ending 30 June and 31 December forward to the inspector a return in accordance with Form 1 showing the amount of material obtained from such quarry during the last preceding half-year, the nature of such material, the estimated value of such material, together with the amount due as royalty thereon. (*Amended by Legal Notice 91 of 1982.*)

(Form I)

(2) Any officer authorised for that purpose in writing shall at any time have access to the books and accounts of any such quarry and may examine the same for the purpose of ascertaining the amount of royalty payable and other details required with regard to the material obtained from such quarry.

(3) Any owner, agent or foreman-in-charge who neglects or refuses to furnish returns to the inspector as hereinbefore required or who wilfully makes a false return or any person who impedes or obstructs any officer duly authorised to perform any duties under the provisions of this regulation shall be guilty of an offence against these Regulations.

Monthly statement of operations

65.-(1) The owner, agent or foreman-in-charge of every quarry shall before the sixteenth day of every month furnish the inspector with a return in accordance with Form 2 of the quantity of material quarried or so treated and the quantity of product produced during the previous month, together with the number of men employed in such operations.

(Amended by Legal Notice 91 of 1982.)

(Form 2)

(2) Every such owner shall keep a book which shall contain a true record of all materials quarried or treated and, when ascertainable, its value.

(3) Such book shall be open to inspection by an inspector or any person duly appointed to inspect the same and make such inquiry and investigation as he may deem expedient.

(4) The person so appointed as aforesaid may make copies of any entries or matters contained in the said book and on completion of his inspection shall report to the inspector.

(5) Any person who obstructs any person aforesaid in the performance of his duties as above-mentioned, or who without lawful excuse refuses or neglects to produce any book under his control or to answer any question asked in the course of any inquiry by any person appointed to investigate as aforesaid, shall be deemed guilty of an offence against these Regulations.

Yearly return of operations

66. Every owner, agent or foreman-in-charge of a quarry shall during the month of January in each year, forward to the inspector a return in accordance with Form 3 setting forth in respect of such quarry the particulars therein mentioned for the year ending on the last day of the preceding month. *(Amended by Legal Notice 91 of 1982.)*

(Form 3)

PART X-PENALTY

Penalty

67. Any person who is guilty of an offence against these Regulations shall be liable where no specific penalty is provided to a fine of \$200 or imprisonment for a term of six months.

SCHEDULES

SCHEDULE 1
(Regulation 2(2))

FORM 1

(Amended by Legal Notice 25 of 1970.)
QUARRIES ACT
(Regulation 64)

HALF-YEARLY STATEMENT OF OPERATIONS

I, of being* of the crushing plant treatment plant situated quarry
at and known as do state that the following
quarry work has been done in or in connection with the said crushing plant during
the six treatment plant months ending the day of,
19..., namely:-

Average number of men employed:

Quantity of [*name of material*] broken:

Quantity of [*name of material*] crushed/treated:

Quantity of [*name of product*] produced:

Estimated value at the quarry of [*name of product*] produced:

Amount of royalty payable:

State any other work that may have been done:

Dated at this day of, 19...

Witness:*Signed:

*Owner, agent or foreman-in-charge.

FORM 2

QUARRIES ACT
(Regulation 65)

MONTHLY STATEMENT OF OPERATIONS

I, ofbeing the * of the crushing plant quarry
treatment plant situated at and known as do state that the
following quarry..... work has been done in or in connection

with the said crushing plant during the treatment plant
month ending the day of, 19..., namely:-

- Number of men employed:
- Quantity of [*name of material*] broken:
- Quantity of [*name of material*] crushed/treated:
- Quantity of [*name of product*] produced:

Dated at this day of, 19...

Witness: *Signed:

*Owner, agent or foreman-in-charge.

FORM 3

QUARRIES ACT
(Regulation 66)

YEARLY RETURN OF QUARRYING OPERATIONS

To the Inspector of Quarries, Suva.

- Nature of Quarry Holding:
- Nature of Quarry:
- Area of Quarry Holding:
- Name of Owner:
- Name of Agent:
- Name of Foreman-in-Charge:
- Locality of quarrying operations:
- Average number of men employed during the year:
- Quantity of [*name of material*] broken:
- Quantity of [*name of material*] crushed/treated:
- Quantity of [*name of product*] produced:
- Estimated value at the quarry of [*name of product*] produced:
- Nature of quarrying, crushing and treatment operations:
- Amount of royalty payable:
- State any other work that may have been done:

I, being the* of the above Quarry, hereby certify that this is a true return for the
year ending the last day of December, 19...

Dated at this day of January, 19...

Witness: *Signed:

*Owner, agent or foreman-in-charge.

QUARRIES ACT
(Regulation 10)

To: The Inspector of Mines, Suva.

I,
.....
.....

(Full name, address and occupation)

hereby apply for a Quarryman's Certificate.

I enclose the prescribed fee and hereby declare as follows:-

(1) My date of birth is.....

(2) My practical experience consists of actual employment in mining or quarrying for years as specified in the Schedule and in proof thereof I enclose evidence in writing from my previous employer as specified in that Schedule.

(3) I enclose certificates of sobriety and good conduct from

(4) I have undergone a course in first-aid and enclosed herewith my certificate of proficiency therein.

Dated at, this day of, 19...

SCHEDULE

Particulars of Employment and Nature of Evidence in Proof Thereof

Names and Localities of Mines or Quarries	Name of Employer	Period of Employment		Nature of Employment	Signature of Employer or nature of evidence in writing
		From	To		

.....
Signature of Applicant

QUARRYMAN'S CERTIFICATE

This is to certify that..... of has satisfied me that he has a competent theoretical and practical knowledge of the use of explosives and of quarrying practice and this certificate of competency is hereby granted to him accordingly.

Subject to any extensions endorsed hereunder this certificate shall, unless previously cancelled, expire on the day of, 19...

Issued at Suva this day of, 19...

.....
Signature of Grantee

.....
Inspector of Mines

EXTENSIONS

Date of Extension	Extended to	Signature of Inspector of Mines

SCHEDULE 2

(Regulation 2A (3))

(Inserted by Legal Notice 91 of 1982.)

MODIFICATIONS OF THE PROVISIONS OF PART XI OF THE MINING REGULATIONS IN THEIR APPLICATION TO AND IN RELATION TO PRESCRIBED UNDERTAKINGS

Provision modified	Modification
Regulation 95	Insert immediately after the definition of "adit" the following definition:- "agent', in relation to a mine, means a person acting on behalf of the owner of the quarry the whole or a part of which constitutes the mine or a person having the care or direction of that quarry, of that part of that quarry or of any works connected with that quarry or that part of that quarry;"
Regulation 95 (definition of "manager")	1. Substitute "Division 3" for "these Regulations". 2. Substitute "the owner of the mine or his agent" for all the words after "registration,".
Regulation 95 (definition of "mine")	Substitute the following definition: - "mine' means a quarry, or a part of a quarry, that is declared, under paragraph (1) of regulation 2A of the Quarries Regulations, to be a

Regulation 95 (definition of "mine foreman")	Delete.
Regulation 95	<p>prescribed undertaking;" .</p> <p>Insert immediately after the definition of "original test certificate" the following definition:-</p> <p>"owner', in relation to a mine, means the person who is the owner; for the purposes of the Quarries Regulations of the quarry the whole of part of which constitutes that mine;" .</p>
Regulation 95 (definition of "shift boss")	Delete "or mine foreman" .
Regulation 96(1)	<ol style="list-style-type: none"> 1. Substitute "The owner of a mine" for "Every holder of a mining tenement" . 2. Substitute "Part XI of the Mining Regulations and of Schedule 2 to the Quarries Regulations or a printed copy of that Part as modified as set out in that Schedule" for "this Part" .
Regulation 96(1) (a)	Delete, "mill superintendent, open cast foreman, mine foreman" .
Regulation 96(2)	Substitute "this Part" for "the Act or these Regulations" .
Regulation 99(1)	<ol style="list-style-type: none"> 1. Substitute "in any part of the quarry the whole or part of which constitutes "a mine" for "within a mining tenement" . 2. Substitute "any such working place" for "any working place above or below ground" .
Regulation 99(2)	Insert "of the kind referred to in paragraph (1)" immediately after "working place" .
Regulation 101	Delete ", mine foreman" .
Regulation 102(1)	Substitute "Quarries Act and Quarries Regulations" for "Act" .
Regulation 102(1)(a)	Substitute "this Part" for "these Regulations" .
Regulation 102(1)(c)	Substitute "this Part" for "the Act" .
Regulation 102(3)	Substitute "this Part" for "these Regulations" .
Regulation 103(1)	Substitute "owner of the mine" for "holder of the mining tenement" .
Regulation 103(2).....	Substitute "owner" for "holder" .
Regulation 104(1).....	<ol style="list-style-type: none"> 1. Delete "the subject of a permit to mine, mining lease or special mining lease" . 2. Substitute "that land" for "mining tenement" .
Regulation 104(1)(c)	Insert "of the Mining Regulations" immediately after "105" .
Regulation 104(2)	<ol style="list-style-type: none"> 1. Substitute "owner of" for "holder of the mining tenement on which" . 2. Delete "or where such mine is being worked by a tributer, by such tributer," .
Regulation 104(3)	<ol style="list-style-type: none"> 1. Substitute "mine" for "mining tenement" (first occurring) .

Regulation 104(4).....	<ul style="list-style-type: none"> 2. Substitute "owner of the mine" for "holder of the mining tenement". 3. Delete "or the tributer,". 1. Substitute "at any mine" for "on any mining tenement". 2. Substitute "the owner of the mine" for "the holder and, in any case where the mine in respect of which such breach occurs is being worked by a tributer, such tributer".
Regulation 105.....	Delete.
Regulation 110	<ul style="list-style-type: none"> 1. Substitute "this Part" for "these Regulations". 2. Substitute "owner of the mine" for "holder of the mining tenement on which such mine is situated". 3. Substitute "the owner" for "the holder of such mining tenement".
Regulation 116	Substitute "land" for "mining tenement".
Regulation 117	Substitute "land" for "mining tenement".
Regulation 119	Substitute "a pass for spoil or other material" for "ore pass".
Regulation 126	Delete.
Division 5	Delete.
Regulation 144(1)	Substitute "owner of the mine" for "holder of the mining tenement on which such mine is situated".
Regulation 144(2)	<ul style="list-style-type: none"> 1. Substitute "owner of the mine" for "holder of the mining tenement on which such mine is situated". 2. Substitute "owner" for "holder".
Regulation 154 (2)	Insert "of the Mining Regulations" immediately after "155".
Regulation 155	Delete.
Regulation 175	Delete.
Division 10	Delete.
Division 11	Delete.
Regulation 212	<ul style="list-style-type: none"> 1. Delete "or prospecting" 2. Delete "(including operations being carried out under any prospector's right or prospecting licence)".
Regulation 215	<ul style="list-style-type: none"> 1. Substitute "owner of a mine" for "holder of every mining tenement on which any mine is situated". 2. Substitute "that mine" for "each mine" situated thereon".
Regulation 216	Delete.
Regulation 217	Delete.
Regulation 218	Delete.
Regulation 219	Substitute "owner of the mine" for "holder of the mining tenement on which the mine is

Regulation 222 situated".
Regulation 224 Substitute "this Part" for "these Regulations".
Delete.

SECTION 4-QUARRIES REGULATIONS

DECLARATION UNDER REGULATION 2A

PRESCRIBED UNDERTAKINGS

Legal Notice No. 95 of 1982

The following quarries are declared to be prescribed undertakings:-

- (a) the quarry constituted by the tunnelling and shaft-sinking works, and associated works, undertaken by Barclay Bros. Pty Ltd as part of the works known as Power Project I, Monasavu Hydro Scheme;
- (b) the quarry constituted by the tunnelling, shaft-sinking and weir-construction works, and associated works, undertaken by Barclay Bros. Pty Ltd as part of the works known as Power Project II, Monasavu Hydro Scheme;
- (c) the quarry constituted by the tunnelling, shaft-sinking and weir-construction works, and associated works, undertaken by a consortium trading as Keir-Downer Joint Venture as part of the works known as Power Project III, Monasavu Hydro Scheme.

Controlled by Ministry of Lands, Energy and Mineral Resources