

# Quarries Act

Quarries

# Quarries

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## CONTENTS

	<i>Page</i>
<b><i>Principal</i></b>	
<b>Quarries Act 1939 (No 17 of 1939)</b>	
Table of Provisions .....	45,021
Table of Amendments .....	45,101
Quarries Act 1939 .....	45,201
<b><i>Subsidiary</i></b>	
<b>Quarries Regulations 1939 (FRG No 65 of 1939)</b>	
Table of Provisions .....	50,201
Table of Amendments .....	50,301
Quarries Regulations 1939 .....	50,401

[The next page is 45,021]

# Quarries Act 1939

## TABLE OF PROVISIONS

<i>Section</i>	<i>Title</i>	<i>Paragraph</i>
1	Short title .....	[QRR 1]
2	Application of the Act .....	[QRR 2]
3	Inspectors .....	[QRR 3]
4	Regulations .....	[QRR 4]

[The next page is 45,101]

# Quarries Act 1939

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## TABLE OF AMENDMENTS

Quarries Act 1939 (No 17 of 1939) commenced on 20 September 1939, as amended by:

<b>Amending Legislation</b>	<b>Date of Commencement</b>
Quarries (Amendment) Ordinance 1963 (No 2 of 1963)	23 May 1963
Quarries (Amendment) Ordinance 1969 (No 45 of 1969)	23 December 1969

[The next page is 45,201]

AN ACT TO PROVIDE FOR THE BETTER REGULATION OF QUARRIES

**[QRR 1] Short title**

1 This Act may be cited as the Quarries Act 1939.

**[QRR 2] Application of the 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 1965, 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 connection 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, 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.

[s 2 am Act 2 of 1963 s 2, opn 23 May 1963; LN 112 of 1970 O 85, opn 8 Oct 1970]

**[QRR 3] Inspectors**

3 The inspectors under the Mining Act 1965 shall be inspectors of quarries under this Act.

**[QRR 4] 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 such other particulars as may be necessary;
  - (i) providing for the certification of quarrymen and for the fees to be charged in connection therewith;
  - (j) generally for the carrying into effect of the provisions of this Act.

[subs (1) am Act 45 of 1969 s 2, opn 23 Dec 1969; LN 112 of 1970 O 85, opn 8 Oct 1970]

(2) The regulations may impose for any breach thereof a fine of \$200 or imprisonment for a term of 6 months.

[The next page is 50,201]

# Subsidiary Legislation

# Quarries Regulations 1939

## TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>	<i>Paragraph</i>
PART 1 — PRELIMINARY		
1	Short title .....	[QRR 10,005]
2	Interpretation .....	[QRR 10,010]
2A	Mining safety standards etc to apply to certain quarries ...	[QRR 10,015]
2B	Power to waive or suspend regulations, in certain cases ..	[QRR 10,020]
PART 2 — INSPECTORS		
3	Powers of inspector .....	[QRR 10,025]
4	Record Book .....	[QRR 10,030]
5	Obligation to remedy dangerous practice .....	[QRR 10,035]
6	Obstruction .....	[QRR 10,040]
7	Inquiry into complaints .....	[QRR 10,045]
PART 3 — FOREMAN-IN-CHARGE		
8	Foreman-in-charge of quarry .....	[QRR 10,050]
9	Qualification of foreman-in-charge .....	[QRR 10,055]
10	Quarryman's certificate .....	[QRR 10,060]
11	Appointment of foreman-in-charge to be reported .....	[QRR 10,065]
12	Penalty .....	[QRR 10,070]
13	Deputy .....	[QRR 10,075]
14	Duties of foreman-in-charge .....	[QRR 10,080]
15	Change of foreman to be notified .....	[QRR 10,085]
16	Commencement etc of operations to be notified .....	[QRR 10,090]
17	Daily supervision etc .....	[QRR 10,095]
18	Copy of Regulations to be available .....	[QRR 10,100]
PART 4 — EMPLOYMENT AND ACCIDENTS		
19	Record of employees .....	[QRR 10,105]
20	Children .....	[QRR 10,110]
21	Notification of accident .....	[QRR 10,115]
22	Interference with scene of accident .....	[QRR 10,120]
23	Inquiry into accident .....	[QRR 10,125]
PART 5 — SAFETY AND PROTECTION		
24	Fencing .....	[QRR 10,130]
25	Filling in may be ordered .....	[QRR 10,135]

LAWS OF FIJI

<i>Regulation</i>	<i>Title</i>	<i>Paragraph</i>
26	First aid outfit .....	[QRR 10,140]
27	Height of quarry face .....	[QRR 10,145]
28	Undercutting .....	[QRR 10,150]
29	Safety helmets .....	[QRR 10,155]
30	Reasonable precautions .....	[QRR 10,160]
31	Dangers to be reported .....	[QRR 10,165]
32	Measures for safety .....	[QRR 10,170]
33	Life lines .....	[QRR 10,175]
34	Willful damage .....	[QRR 10,180]
35	Drunkenness .....	[QRR 10,185]
36	Guide ropes and ladders to be provided .....	[QRR 10,190]
37	Wire ropes .....	[QRR 10,195]
38	Lights to be carried .....	[QRR 10,200]
39	Stationary lights .....	[QRR 10,205]

PART 6 — MACHINERY

40	Maintenance of machinery .....	[QRR 10,210]
41	Fencing of machinery .....	[QRR 10,215]
42	Lighting of moving machinery .....	[QRR 10,220]
43	Clothing of employees .....	[QRR 10,225]
44	Repairing etc of machinery in motion .....	[QRR 10,230]
45	Belts .....	[QRR 10,235]
46	Unauthorised entry .....	[QRR 10,240]
47	Air compressors .....	[QRR 10,245]
48	Gauges and safety valves .....	[QRR 10,250]
49	Compressed air receivers to be tested .....	[QRR 10,255]
50	Person in control .....	[QRR 10,260]
51	Steam boilers .....	[QRR 10,265]

PART 7 — EXPLOSIVES

52	Explosives Regulations 1937 to apply with certain modifications .....	[QRR 10,270]
53	Distributing magazine .....	[QRR 10,275]

PART 8 — HEALTH AND SANITATION

54	Ventilation .....	[QRR 10,280]
55	Entry after blasting .....	[QRR 10,285]
56	Engines not to be used in tunnel etc .....	[QRR 10,290]
57	Dust .....	[QRR 10,295]
58	Blowing out hole .....	[QRR 10,300]
59	Water for spraying .....	[QRR 10,305]
60	Respirators .....	[QRR 10,310]
61	Drying of clothes etc .....	[QRR 10,315]
62	Latrine accommodation etc .....	[QRR 10,320]
63	Drinking water .....	[QRR 10,325]

QUARRIES REGULATIONS 1939

<i>Regulation</i>	<i>Title</i>	<i>Paragraph</i>
	PART 9 — STATISTICAL RETURNS	
64	Half-yearly statement of operations .....	[QRR 10,330]
65	Monthly statement of operations .....	[QRR 10,335]
66	Yearly return of operations .....	[QRR 10,340]
	PART 10 — PENALTY	
67	Penalty .....	[QRR 10,345]
	SCHEDULE 1 — PRESCRIBED FORMS .....	
	FORM 1 — HALF-YEARLY STATEMENT OF OPERATIONS .....	[QRR 10,445]
	FORM 2 — MONTHLY STATEMENT OF OPERATIONS .....	[QRR 10,450]
	FORM 3 — MONTHLY STATEMENT OF OPERATIONS .....	[QRR 10,455]
	FORM 4 — YEARLY RETURN OF QUARRYING OPERATIONS .....	[QRR 10,460]
	FORM 5 — APPLICATION FOR A QUARRYMAN'S CERTIFICATE .....	[QRR 10,465]
	FORM 5 — QUARRYMAN'S CERTIFICATE .....	[QRR 10,470]
	SCHEDULE 2 — MODIFICATIONS OF THE PROVISIONS OF PART 11 OF THE MINING REGULATIONS 1966 IN THEIR APPLICATION TO AND IN RELATION TO PRESCRIBED UNDERTAKINGS .....	
		[QRR 10,475]

[The next page is 50,301]

# Quarries Regulations 1939

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## TABLE OF AMENDMENTS

Quarries Regulations 1939 (FRG No 65 of 1939) commenced on 1 December 1939, as amended by:

<b>Amending Legislation</b>	<b>Date of Commencement</b>
Quarries (Amendment) Regulations 1950 (LN 15 of 1950)	17 February 1950
Quarries (Amendment) Regulations 1951 (LN 13 of 1951)	9 February 1951
Quarries (Amendment) Regulations 1966 (LN 194 of 1966)	25 November 1966
Quarries (Amendment) Regulations 1970 (LN 25 of 1970)	13 February 1970
Constitution (Statutory Amendments) Order 1970 (LN 112 of 1970)	8 October 1970
Quarries (Amendment) Regulations 1974 (LN 225 of 1974)	1 January 1975
Metrication (Quarries Act, Chapter 127) Order 1978 (LN 96 of 1978)	21 July 1978
Quarries (Amendment) Regulations 1978 (LN 119 of 1978)	1 September 1978
Quarries (Amendment) Regulations 1982 (LN 91 of 1982)	27 August 1982
Quarries (Amendment) Regulations 1988 (LN 23 of 1988)	1 February 1988
Quarries (Amendment) Regulations 1995 (LN 73 of 1995)	1 May 1995
Workmen's Compensation (Repeal) Act 2018 (No 30 of 2018)	1 January 2019

[The next page is 50,401]

## PART 1 — PRELIMINARY

### [QRR 10,005] Short title

1 These Regulations may be cited as the Quarries Regulations 1939.

### [QRR 10,010] 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 1965;

[def insrt LN 91 of 1982 reg 2, opn 27 Aug 1982]

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

**inspector**

[def rep LN 91 of 1982 reg 2, opn 27 Aug 1982]

**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 Accident Compensation Act 2017 and subsidiary legislation made under that Act;

[def insrt LN 194 of 1966 reg 2, opn 25 Nov 1966; am Act 30 of 2018 s 3, opn 1 Jan 2019]

**shaft** means any vertical or inclined way or opening downwards whether 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 a 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; and

**workings** includes all excavated portions of a quarry.

(2) A reference in these Regulations to a form by number is a reference to the form so numbered in Schedule 1.

[subreg (2) insrt LN 91 of 1982 reg 2, opn 27 Aug 1982]

[reg 2 subst LN 91 of 1982 reg 2, opn 27 Aug 1982]

**[QRR 10,015] 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 11 of the Mining Regulations 1966 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 11 of the Mining Regulations 1966 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 1965 (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.

[reg 2A insrt LN 91 of 1982 reg 2, opn 27 Aug 1982]

**[QRR 10,020] 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 11 of the Mining Regulations 1966 as applied by regulation 2A is not reasonably practical in relation to a quarry, he or she 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 or she considers appropriate.

[reg 2B insrt LN 91 of 1982 reg 3, opn 27 Aug 1982]

[The next page is 50,601]

## PART 2 — INSPECTORS

### **[QRR 10,025] 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 or her opinion it is desirable to do so, report on the state of such boiler or machinery to the Chief Inspector under the Factories Act 1971, who may take action under the provisions of that Act or any amendment or replacement thereof;
- (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 or she thinks fit, call and examine and cross-examine witnesses; and
- (f) exercise such other powers as are necessary for carrying these Regulations into effect.

### **[QRR 10,030] Record Book**

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

### **[QRR 10,035] 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 or she shall give notice in writing thereof to the owner of the quarry or his or her agent or the foreman-in-charge thereof and shall state in such notice the particulars in which he or she 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 or she may specify, and may order work to be suspended until the danger or defect is removed to his or her satisfaction.

(2) On receipt of such notice the owner or his or her agent or foreman-in-charge shall comply therewith or, if he or she objects thereto, he or she shall immediately state his or her 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 or she may allow work to proceed until the objection has been determined, subject to such restrictions and conditions to ensure safety as he or she shall consider necessary and shall specify in writing.

[subreg (2) insrt LN 25 of 1970 reg 2, opn 13 Feb 1970]

**[QRR 10,040] Obstruction**

6 Every person who wilfully obstructs or uses insulting language to an inspector in the execution of his or her 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 or inquiry under these Regulations in relation to such quarry shall be guilty of an offence against these Regulations.

**[QRR 10,045] 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 or she thinks necessary to investigate the matter, and the name of the informant shall not be divulged by the inspector.

[The next page is 50,801]

PART 3 — FOREMAN-IN-CHARGE

**[QRR 10,050] 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 or she 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.

**[QRR 10,055] 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 or she is the holder of a quarryman's certificate granted by an inspector or other person authorised in writing in that behalf by the Minister.

[subreg (1) am LN 112 of 1970 O 258, opn 8 Oct 1970]

(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 or she 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.

[subreg (3) insrt LN 13 of 1951 reg 2, opn 9 Feb 1951]

**[QRR 10,060] 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 \$33 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 or she considers necessary, that such applicant—

- (a) has attained the age of 21 years;
- (b) has had no less than 2 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 1937 relating to the handling, storage and use of explosives;
- (d) is proficient in rendering first aid to injured persons; and
- (e) is otherwise a fit and proper person to hold such a certificate,

issue 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.

[subreg (1) am LN 225 of 1974 reg 2, opn 1 Jan 1975; LN 73 of 1995 reg 2, opn 1 May 1995]

(2) A quarryman's certificate shall, unless previously cancelled under the provisions of paragraph (3), remain in force for a period of 2 years from the date of issue thereof, and may, on application being made to an inspector, accompanied by a fee of \$16.50 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 or she is a fit and proper person to hold such a certificate, be extended for further periods not exceeding 2 years on each occasion.

[subreg (2) am LN 225 of 1974 reg 2, opn 1 Jan 1975; LN 73 of 1995 reg 2, opn 1 May 1995]

(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 1937 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 or her last known place of address and by publication in the Gazette.

(4) Any person aggrieved by any decision of the inspector made under paragraph (3) may, within 30 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 1965.

[reg 10 insrt LN 25 of 1970 reg 4, opn 13 Feb 1970; am LN 91 of 1982 reg 4, opn 27 Aug 1982]

#### **[QRR 10,065] 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 or her to the inspector within 14 days after such appointment.

(2) Every foreman-in-charge shall, within 7 days after he or she has assumed control and supervision of the quarry, report the fact in writing to the inspector, and shall, on his or her relinquishing office, within 7 days report the fact in like manner.

#### **[QRR 10,070] 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.

#### **[QRR 10,075] Deputy**

13 If any foreman-in-charge is incapacitated from performing his or her duties or is about to be absent from the quarry for more than 14 days, he or she, 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.

#### **[QRR 10,080] 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 or her charge.

(2) As soon as possible after the occurrence of any breach of these Regulations, he or she 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 be deemed guilty of an offence against these Regulations unless such foreman-in-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 or her by the owner of the quarry or his or her agent the owner of such quarry shall be guilty of an offence.

[subreg (4) insrt LN 25 of 1970 reg 4, opn 13 Feb 1970]

**[QRR 10,085] Change of foreman to be notified**

15 The owner of a quarry shall, where the name of the owner, agent or foreman-in-charge of the quarry has been changed, notify the inspector in writing within 7 days of the change.

**[QRR 10,090] 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 2 weeks, be given by the owner, agent or foreman-in-charge to the inspector.

**[QRR 10,095] 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 or she 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.

**[QRR 10,100] Copy of Regulations to be available**

18 (1) The owner or foreman-in-charge shall ensure that a copy of these Regulations, and, where 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 1937, 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.

(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.

[subreg (2) am LN 194 of 1966 reg 3, opn 25 Nov 1966]

[The next page is 51,001]

PART 4 — EMPLOYMENT AND ACCIDENTS

**[QRR 10,105] Record of employees**

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

**[QRR 10,110] Children**

20 (1) No male person under the age of 14 years shall be employed in or about a quarry, and no male person under the age of 16 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 or her and subject to such conditions as he or she 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.

[subreg (2) subst LN 25 of 1970 reg 6, opn 13 Feb 1970]

**[QRR 10,115] 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.

[subreg (1) am LN 194 of 1966 reg 4, opn 25 Nov 1966]

(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.

[subreg (2) am LN 194 of 1966 reg 4, opn 25 Nov 1966]

(3) [subreg (3) rep LN 194 of 1966 reg 4, opn 25 Nov 1966]

**[QRR 10,120] 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 or her absence by the Commissioner or 2 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.

**[QRR 10,125] Inquiry into accident**

23 All inquiries into accidents attended with serious injury to any person shall be held before the Commissioner and 2 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 the Commissioner to an inspector.

[The next page is 51,201]

## PART 5 — SAFETY AND PROTECTION

### **[QRR 10,130] Fencing**

24 All places in and about a quarry which from their nature are likely to be 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.

[reg 24 subst LN 25 of 1970 reg 7, opn 13 Feb 1970]

### **[QRR 10,135] 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 or she may order them to be filled in with ground to his or her 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.

### **[QRR 10,140] 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.

### **[QRR 10,145] 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 or her 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.

### **[QRR 10,150] 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.

[reg 28 am LN 25 of 1970 reg 8, opn 13 Feb 1970; LN 96 of 1978 O 2, opn 21 July 1978]

### **[QRR 10,155] 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 or she wears a safety helmet of a type approved by an inspector.

[reg 29 insrt LN 25 of 1970 reg 9, opn 13 Feb 1970; am LN 96 of 1978 O 2, opn 21 July 1978]

**[QRR 10,160] 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 or she uses, and the place in which he or she works, are not unsafe, and he or she shall cease to use anything unsafe.

**[QRR 10,165] 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 or her the state of that part of the quarry where he or she has been employed.

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

**[QRR 10,170] Measures for safety**

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

**[QRR 10,175] 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 or her sliding down, unless he or she is secured by a life line or otherwise safeguarded.

**[QRR 10,180] Willful 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.

**[QRR 10,185] 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 or her duties or as to be a likely cause of danger to himself or herself 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 or her 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.

**[QRR 10,190] 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.

**[QRR 10,195] Wire ropes**

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

**[QRR 10,200] Lights to be carried**

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

**[QRR 10,205] 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.

[The next page is 51,401]

PART 6 — MACHINERY

**[QRR 10,210] Maintenance of machinery**

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

**[QRR 10,215] 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.

**[QRR 10,220] 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.

**[QRR 10,225] 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.

**[QRR 10,230] 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.

**[QRR 10,235] Belts**

45 (1) Where any machinery is belt-driven and it is necessary to start or stop the 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 of machine tools for the purpose of alterations in the working speed.

**[QRR 10,240] 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.

**[QRR 10,245] 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 carbonised 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.

[subreg (2) subst LN 25 of 1970 reg 10, opn 13 Feb 1970]

**[QRR 10,250] 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.

[reg 48 insrt LN 25 of 1970 reg 11, opn 13 Feb 1970]

**[QRR 10,255] 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 or her charge are tested at intervals not exceeding 3 years by hydraulic pressure to the extent of 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.

[reg 49 insrt LN 25 of 1970 reg 11, opn 13 Feb 1970]

**[QRR 10,260] 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 or she is in charge, absent himself or herself from, or cease his or her constant control over the machine unless he or she is replaced by some other person qualified to control the machine.

**[QRR 10,265] Steam boilers**

51 The examination, testing, and working of steam boilers or other vessels shall be subject to the provisions of the Factories Act 1971 or any Act amending or replacing such Act.

[The next page is 51,601]

PART 7 — EXPLOSIVES

**[QRR 10,270] Explosives Regulations 1937 to apply with certain modifications**

52 Subject to the following provisions of this Part, the Explosives Regulations 1937 made under the provisions of the Explosives Act 1937 shall apply to all quarries.

[reg 52 insrt LN 194 of 1966 reg 5, opn 25 Nov 1966]

**[QRR 10,275] Distributing magazine**

53 (1) Notwithstanding the provisions of the Explosives Regulations 1937, a quantity of explosive not exceeding that which is reasonably sufficient for use during the following 6 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 explosives 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 licenced 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.

[reg 53 insrt LN 194 of 1966 reg 5, opn 25 Nov 1966; am LN 96 of 1978 O 2, opn 21 July 1978]

[The next page is 51,801]

PART 8 — HEALTH AND SANITATION

**[QRR 10,280] 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.

[subreg (1) am LN 96 of 1978 O 2, opn 21 July 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 or she may by notice in writing, require that the additional ventilating appliances specified in the notice be installed and worked.

**[QRR 10,285] 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.

**[QRR 10,290] 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.

**[QRR 10,295] 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 or she 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 or she 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.

**[QRR 10,300] Blowing out hole**

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

**[QRR 10,305] 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.

**[QRR 10,310] 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 thoroughly cleansed before being again used.

**[QRR 10,315] 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.

**[QRR 10,320] 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.

**[QRR 10,325] 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, is necessary for preventing the drinking water from being polluted or rendered unwholesome.

[The next page is 52,001]

PART 9 — STATISTICAL RETURNS

**[QRR 10,330] 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.

[subreg (1) am LN 91 of 1982 reg 5, opn 27 Aug 1982]

(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.

**[QRR 10,335] Monthly statement of operations**

**65** (1) The owner, agent or foreman-in-charge of every quarry shall before the 16th 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.

[subreg (1) am LN 91 of 1982 reg 6, opn 27 Aug 1982]

(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 or she 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 or her inspection shall report to the inspector.

(5) Any person who obstructs any person aforesaid in the performance of his or her duties as abovementioned, or who without lawful excuse refuses or neglects to produce any book under his or her 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.

**[QRR 10,340] 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.

[reg 66 am LN 91 of 1982 reg 7, opn 27 Aug 1982]

[The next page is 52,201]

PART 10 — PENALTY

**[QRR 10,345] 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 6 months.

[The next page is 52,401]

[QRR 10,445]

SCHEDULE 1  
(Regulation 2(2))

PRESCRIBED FORMS

[Sch 1 am LN 25 of 1970 reg 12, opn 13 Feb 1970; LN 91 of 1982 reg 8, opn 27 Aug 1982]

[QRR 10,450]

FORM 1

HALF-YEARLY STATEMENT OF OPERATIONS

FORM 1

QUARRIES ACT 1939  
(Regulation 64)

HALF-YEARLY STATEMENT OF OPERATIONS

I, \_\_\_\_\_ of \_\_\_\_\_ being\* \_\_\_\_\_ quarry of the crushing plant  
treatment plant situated at \_\_\_\_\_ and known as \_\_\_\_\_ do state that the  
following \_\_\_\_\_ quarry  
crushing plant \_\_\_\_\_ work has been done in or in connection with the said  
the \_\_\_\_\_ treatment plant \_\_\_\_\_ during the 6 months ending  
\_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, 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 \_\_\_\_\_ 20 \_\_\_\_\_

Witness:

\*Signed:

\*Owner, agent or foreman-in-charge.

[QRR 10,455]

FORM 2

MONTHLY STATEMENT OF OPERATIONS

FORM 2

QUARRIES ACT 1939  
(Regulation 65)

MONTHLY STATEMENT OF OPERATIONS

I, \_\_\_\_\_ of \_\_\_\_\_ being\* \_\_\_\_\_ quarry  
of the crushing plant and known as \_\_\_\_\_ treatment plant situated at \_\_\_\_\_  
\_\_\_\_\_ quarry work has been done in or in connection with the said \_\_\_\_\_  
\_\_\_\_\_ crushing plant treatment plant  
during the month ending the \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_\_, 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 \_\_\_\_\_ 20\_\_\_\_

Witness: \_\_\_\_\_ \*Signed: \_\_\_\_\_

\*Owner, agent or foreman-in-charge.

[QRR 10,460]

FORM 3

YEARLY RETURN OF QUARRYING OPERATIONS

FORM 3

QUARRIES ACT 1939  
(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 20

Dated at this day of January 20

Witness:

Signed:

\*Owner, agent or foreman-in-charge.

[QRR 10,465]

FORM 4

APPLICATION FOR A QUARRYMAN'S CERTIFICATE

FORM 4

QUARRIES ACT 1939  
(Regulation 10)

APPLICATION FOR A QUARRYMAN'S CERTIFICATE

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 employers 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 enclose herewith my certificate of proficiency therein.

Dated at , this day of 20

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

[QRR 10,470]

FORM 5

(Regulation 10)

QUARRYMAN'S CERTIFICATE

FORM 5

QUARRIES ACT 1939

(Regulation 10)

QUARRYMAN'S CERTIFICATE

This is to certify that ..... of ..... has satisfied me that he or she 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 or her accordingly.

Subject to any extensions endorsed hereunder this certificate shall, unless previously cancelled, expire on the ..... day of ..... 20 .....

Issued at Suva this ..... day of ..... 20 .....

.....  
*Signature of Grantee*

.....  
*Inspector of Mines*

EXTENSIONS

Date of Extension	Extended to	Signature of Inspector of Mines

[The next page is 52,601]

[QRR 10,475]

SCHEDULE 2  
(Regulation 2A(3))

MODIFICATIONS OF THE PROVISIONS OF PART II OF THE MINING  
REGULATIONS 1966 IN THEIR APPLICATION TO AND IN RELATION TO  
PRESCRIBED UNDERTAKINGS

[Sch 2 insrt LN 91 of 1982 reg 8, opn 27 Aug 1982]

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 prescribed undertaking;"
Regulation 95 (definition of "mine foreman") .....	Delete.
Regulation 95 .....	Insert immediately after the definition of "original test certificate", the following definition— "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 or part of which constitutes that mine;"
Regulation 95 (definition of "shift boss") .....	Delete "or mine foreman". 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, opencast foreman, mine foreman".
Regulation 96(2) .....		Substitute "this Part" for "the Act or these Regulations".
Regulation 99(1) .....	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) .....	1.	Delete "the subject of a permit to mine, mining lease or special mining lease".
	2.	Substitute "that land" for "such mining tenement".
Regulation 104(1)(c) .....		Insert "of the Mining Regulations" immediately after "105".
Regulation 104(2) .....	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) .....	1.	Substitute "mine" for "mining tenement" (first occurring).
	2.	Substitute "owner of the mine" for "holder of the mining tenement".
	3.	Delete "or the tributer,".
Regulation 104(4) .....	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 .....	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) .....	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 .....	1.	Delete "or prospecting"
	2.	Delete "(including operations being carried out under any prospector's right or prospecting licence)".
	3.	Delete "or in such prospecting operations".
Regulation 215 .....	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 "the owner of the mine" for "the holder of the mining tenement on which the mine is situated".
Regulation 222 .....		Substitute "this Part" for "these Regulations".
Regulation 224 .....		Delete.

[The next page is 60,001]