

Bill No. 26 of 1950.

A BILL TO REGULATE THE WORKING OF QUARRIES

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**NOTE.**

This Bill enacts a new Act to be known as "*The Quarries Regulation Act*".

The Act provides for the regulation and inspection of quarries in the Province in the interest of the safety of the workmen and those in the neighborhood of quarries.

The Act commences with the usual short title, interpretation and application sections which are found in sections 1 to 3.

Section 4 grants the power to make regulations. Subsection (1) provides for regulations to effect the general purpose of the Act and subsection (2) provides for regulations dealing with explosives, precautionary measures, accumulations of gas or water, unsanitary conditions, qualification of supervisors, and abandonment of quarries.

Section 5 provides for quarries inspectors.

Section 6 provides for permits to operate quarries.

Section 7 requires that changes in management be reported.

Sections 8 and 9 require quarry operators to admit inspectors and comply with their directions.

Section 10 provides for annual returns.

Section 11 requires the reporting of serious accidents.

Section 12 deals with suspension of permits for cause.

Section 13 is the penalty section.

KENNETH A. MCKENZIE,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 26 of 1950.

An Act to Regulate the Working of Quarries.

(Assented to \_\_\_\_\_, 1950.)

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

## Short Title.

1. This Act may be cited as "*The Quarries Regulation Act*".

## Interpretation.

2. In this Act, unless the context otherwise requires,
- (a) "Director of Mines" means the officer of the Department of Mines and Minerals who bears the designation of Director of Mines or any officer appointed to perform his duties for the time being;
  - (b) "inspector" means and includes,—
    - (i) the Director of Mines;
    - (ii) an assistant to the Director of Mines, a District Inspector, an assistant to a District Inspector and an Electrical Inspector appointed pursuant to *The Coal Mines Regulation Act*; or
    - (iii) a person appointed by the Minister to be a quarries inspector pursuant to this Act;
  - (c) "manager" means a person who for the time being has the control and supervision of a quarry;
  - (d) "Minister" means the Minister of Mines and Minerals;
  - (e) "owner" means a person who is the immediate proprietor or lessee or occupier of a quarry or of any part thereof and, without exempting the owner from liability, includes any contractor working a quarry or part thereof, but does not include a person who merely receives a royalty or rent from a quarry subject to any lease, grant or license for the working thereof and is not otherwise interested in the minerals of the quarry or the removal of any quarriable material;
  - (f) "quarry" means any open-pit or excavation in the ground made for the purpose of removing sand, gravel or any mineral other than coal, and any place or operation classified by the Director of Mines as a quarry, and includes all works, machinery,

plant, buildings, and premises below or above ground belonging to or used in connection with a quarry.

#### **Application of Act.**

**3.** This Act applies to all quarries in the Province other than sand and gravel operations, and applies to all sand and gravel operations classified as quarries by a direction of the Director of Mines published in *The Alberta Gazette*.

#### **Regulation of Quarries.**

**4.—(1)** The Lieutenant Governor in Council from time to time may make regulations for the purpose of ensuring the safety of persons employed in, on or about a quarry and of the public, and governing the manner in which quarries shall be operated.

**(2)** Without limiting the generality of the foregoing, the Lieutenant Governor in Council may make regulations,—

- (a)** prescribing the manner in which explosives may be used in a quarry, the nature and amount of explosives which may be used generally or for any specified operation, the precautions to be observed in storing and handling explosives kept or used for the purpose of a quarry, and the persons who may store, distribute, handle or use any such explosives;
- (b)** prescribing precautions to be taken to prevent damage by reason of any operation in a quarry to persons employed therein, or to property in the vicinity thereof or to the public;
- (c)** prescribing precautions to be taken to prevent the accumulation of gas or water in a quarry;
- (d)** prescribing precautions to be taken to prevent unsanitary conditions in a quarry;
- (e)** prescribing the qualifications necessary for a person responsible for the working of a quarry, requiring the appointment of one or more such persons for a quarry, and prohibiting the operation of a quarry or any specified operation in a quarry unless the operation is under the personal supervision of such a person;
- (f)** prescribing the measures to be taken before the operation of a quarry is suspended or abandoned so that the quarry will not constitute a danger;
- (g)** prescribing the methods to be used and the measures to be taken, either generally or in any case, to reduce the danger of personal injury or property damage.

**5.—(1)** Subject to the provisions of *The Public Service Act, 1947*, the Minister may appoint quarries inspectors and such other employees as may be required from time to time in connection with the administration of this Act.

**(2)** All inspectors and employees shall perform such duties as may be prescribed by the Director of Mines and

shall report to the Director of Mines as to the state and condition of quarries and as to the observance of any regulations made pursuant to this Act.

#### **Duties of Owners and Managers.**

**6.—**(1) The owner of every quarry at which operations are being carried on shall apply within six months from the time the Act comes into force to the Director of Mines for a permit to operate the quarry and shall not carry on quarrying operations at any time after the expiration of the said six months unless he is the holder of a permit entitling him to do so.

(2) No person shall commence or recommence any quarrying operations unless he is the holder of a permit entitling him to carry on such quarrying operations.

(3) An application for a permit to carry on quarrying operations and the permit shall be in the form prescribed by the Minister.

(4) No quarrying operations shall be abandoned by the owner unless notice in writing of intention to abandon has been forwarded to the Director of Mines, and such abandonment shall not take place until the consent in writing of the Director of Mines has been issued.

**7.** When any change occurs in the name of the owner, agent or person having personal supervision of a quarry, the owner, within ten days of such change, shall advise the Director of Mines thereof in writing.

**8.—**(1) Every owner and manager of a quarry shall admit any inspector to the quarry at any time for the purpose of making an inspection thereof, and shall afford the inspector every reasonable facility for making the inspection, and shall answer all inquiries made by the inspector as to any matter, thing or practice relating to the quarry or any operation carried on therein.

(2) Any owner or manager who makes default in carrying out any duty imposed upon him by this section or any person who obstructs an inspector in the carrying out of an inspection shall be guilty of an offence against this Act.

**9.—**(1) If an inspector finds in a quarry or any part thereof any matter, thing or practice in or connected with the quarry that in his opinion is so dangerous or defective as to cause or to be likely to cause injury to any person, he shall give to the owner or manager notice in writing stating particulars of how he considers the quarry, matter, thing or practice to be dangerous or defective and requiring the same to be remedied.

(2) The inspector in his notice may require the men to be withdrawn from the quarry or part thereof, and in such case the owner or manager shall not permit any men other than those remedying the matter, thing or practice set out

in the notice, to enter the quarry or part thereof until the requirements of the notice are carried out to the satisfaction of the inspector.

**10.**—(1) The owner or manager of every quarry on or before the fifteenth day of January in each year shall send or cause to be sent to the Director of Mines a correct return showing the quantity of quarriable material extracted from the quarry during the preceding calendar year, together with such other information as the Director of Mines may require.

(2) The return shall be in the form prescribed from time to time by the Director of Mines and obtainable from him.

**11.** When loss of life or serious personal injury occurs in or about any quarry, the owner or manager shall,—

- (a) advise the Director of Mines thereof immediately by the quickest means of communication;
- (b) send a full report thereof to the Director of Mines within twenty-four hours;
- (c) furnish such further information concerning the loss of life or injury as the Director of Mines may require.

**12.**—(1) If at any time representation is made to the Minister that the holder of a permit issued pursuant to section 6 has failed to comply with this Act or the regulations or a notice given by an inspector, the Minister may cause such inquiry to be made into the representation as in his opinion is proper.

(2) The Minister may cancel or suspend a permit held by a person who upon the inquiry is found to have failed to comply with this Act or the regulations or a notice given by an inspector.

(3) The Minister, at any time if it is shown to him to be just to do so, may renew or restore on such terms and conditions as he thinks fit, any permit which has been cancelled or suspended.

#### **General.**

**13.** Every owner or manager who defaults in carrying out any of the duties imposed upon him by this Act or fails to comply with any notice given by an inspector, and every person who contravenes any regulation made pursuant to this Act shall be guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars and costs for each such offence, and in the case of a continuing offence to a fine of not more than one hundred dollars for the first day upon which the offence occurs and of not more than fifty dollars for each subsequent day during which the offence continues.

**14.** This Act shall come into force on the first day of July, 1950.

No. 26

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FIRST SESSION  
**TWELFTH LEGISLATURE**

14 GEORGE VI

1950

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**BILL**

An Act to Regulate the Working of  
Quarries.

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. TANNER.

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