

Act No. 16, 1910.

Miners' Accident Relief (Amendment).

Act No. 16, 1910.

MINERS' ACCIDENT
RELIEF
(AMENDMENT).

An Act to amend the Miners' Accident Relief Act, 1900, and the Miners' Accident Relief (Amendment) Act, 1901 ; and for other purposes. [27th August, 1910.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the "Miners' Accident Relief (Amendment) Act, 1910."

In this Act, "the Principal Act" means the Miners' Accident Relief Act, 1900, and "the Act of 1901" means the Miners' Accident Relief (Amendment) Act, 1901.

Amendment of s. 2
of Principal Act.

2. The definition of "wages" in section two of the Principal Act is amended by inserting at the end of the definition the words "including such earnings by persons employed by a contractor, or employed by a person working the mine upon tribute."

Amendment of s. 4
of Principal Act,
and s. 3 of Act of
1901.

3. The following is inserted in the place of the provisions of paragraph (a) of section four of the Principal Act, and paragraph (a) of subsection one of section three of the Act of 1901, respectively :—
"The inspector of mines for the district in which the mine is situated."

4. The following section is inserted next after section four of the Principal Act :—

Power to dissolve
committee or remove
member.

4A. The Minister, on the recommendation of the board, may, by notification in the Gazette, dissolve a committee or remove any member or officer of a committee for a mine; in which case any member of a committee so dissolved, or any member or officer so removed, shall not, for a period to be determined by the Minister, be eligible, except by special permission of the Minister, to be elected or appointed as member or officer of any such committee.

5. (1) The following section is inserted next after section five of the Principal Act :—

Check-weighman
and pickman.

5A. Any check-weighman or pickman employed by the miners at a mine may at each pay-day contribute to the committee for the mine the sum of sixpence three farthings for each week of his employment as aforesaid.

The said committee may, in the case of the death or disablement of any check-weighman or pickman so contributing caused primarily by any such accident as aforesaid, grant allowances as in the case of a person employed by the owner or manager of the mine.

(2)

Miners' Accident Relief (Amendment).

(2) Subsection two of section six of the said act is amended by inserting after "committee", where secondly occurring, the words "or paid as a contribution under this Act to the committee."

6. Subsection one of section six of the Principal Act is amended— Amendment of s. 6.

- (a) by inserting after the expression "of any such allowance" where firstly occurring the words "or reduce the amount of the same where the board and the committee are satisfied that the person to whom the allowance has been granted so misconducts himself that in their judgment he should be deprived of the benefit of the allowance in whole or in part";
- (b) by inserting at the end of the subsection the words "But a person shall not be granted any such allowance in respect of the death or disablement of more than one person";
- (c) by inserting after "mine" where secondly occurring the words "or of any check-weighman or pickman."

7. The following section is inserted next after section six of the Principal Act:—

6A. Where a committee has granted an allowance, the Minister, on the recommendation of the board, may remit the matter of such grant to the said committee for reconsideration, or may, whether such matter has or has not been so remitted, direct an inquiry to be held as to such matter by the board, or by a warden under the Mining Act, 1906, and may, on the receipt of the report of any such inquiry, disallow or amend any such grant. Grant of allowance may be remitted to committee.

8. The following subsections are added to section twelve of the Principal Act:— Amendment of s. 12.

(5) If at any time the committee for a mine ceases to exist, or a mine is closed down, the board may continue payment of any allowance granted before such time by the committee for the mine, and may vary the amount of such allowance, but so that it do not exceed that specified in the Schedule, and may stop payment of any such allowance or reduce the amount of the same where the board is satisfied that the person to whom the allowance has been granted so misconducts himself that in the judgment of the board he should be deprived of the benefit of the allowance in whole or in part.

(6) The board may, at the request of the committee for a mine, pay out of the fund any allowances granted by such committee.

9. Section fifteen of the Principal Act is amended by inserting after paragraph (b) the following new paragraphs:— Amendment of s. 15.

- (b i) prescribing the notification by the owner or manager of a mine of accidents occurring in or about the working of the mine;
- (b ii) prescribing rules as to the conduct of persons in receipt of allowances.

Miners' Accident Relief (Amendment).

10. The following section is inserted next after section fifteen of the Principal Act :—

Examination of
applicants by
specially appointed
medical
practitioners.

15A. The Minister may appoint for a mining district two legally qualified medical practitioners, who shall, at the request of the committee for a mine situate in such district, and, with the approval of the Minister, examine any applicant for an allowance under this Act. The fees of such medical practitioners shall be paid out of the fund.

Amendment of
Schedule.

11. (1) The following is added to the Schedule to the Principal Act: "but a person may be deemed to be disabled within the meaning of this Schedule, although he is able to undertake work of a light nature.

(2) Where the disablement has continued for a period of not less than six months, and the committee reports to the Minister that, in its opinion, the disablement will probably be continued for a further period of six months, and that it is desirable to grant allowances in respect of any children of the person disabled, and the Minister approves, the committee may grant an allowance of two shillings and sixpence a week in respect of any such child who is under fourteen years of age. Such allowance shall be paid from the date of the Minister's approval as aforesaid."

Amendment of s. 2
of Act of 1901.

12. Section two of the Act of 1901 is amended by omitting the words "the owners of the mine" and inserting "any person on land held from the Crown for mining or for mining purposes, and any private railway or tramway used for transporting the products of the mine to any Government railway, or to any pier or jetty, and includes any pier or jetty used for the purposes of such railway or tramway."

13. The following section is inserted next after section three of the Act of 1901 :—

Contribution for
mine in which less
than fifteen persons
are employed.

3A. Where the Minister is satisfied that the majority in number of the persons employed in or about a mine in which less than fifteen persons, but more than five, are so employed desire to become contributors to the fund, such mine shall, notwithstanding the provisions of section four of the Principal Act, if the Minister so directs, be a mine to which the Principal Act applies.

In such case there shall be no committee for such mine, but the amounts deducted from wages shall be paid to the committee of any neighbouring mine to be named by the Minister, and such committee shall have the same powers and duties as if it were the committee of the first-mentioned mine: Provided that if the Minister in his discretion so orders, one or more persons employed in or about the first-mentioned mine may be appointed for the prescribed period by the persons so employed to be additional members of such committee.

14.

Miners' Accident Relief (Amendment).

14. Section five of the Act of 1901 is amended as follows:— Amendment of s. 5 of Act of 1901.
Omit “two pounds ten shillings” insert “four pounds.”

15. Subsection one of section ten of the Act of 1901 is Amendment of s. 10 of Act of 1901.
amended by inserting the following at the end of that subsection:—

“And where any such allowance has been granted to such father, and he dies or has at any time died, a weekly sum of eight shillings payable to the mother of the deceased during her life, and while she is unmarried, if, in the opinion of the committee, she was at the time of the death of the father dependent upon him for support, and if the board approves of such grant.”

16. The Schedule to the Principal Act is amended by omitting Amendment of Schedule to Principal Act.
clause (b) (iii), and inserting the following in substitution therefor:—

(b) (iii) A weekly sum of two shillings and sixpence for each child of the father or of the mother of the deceased, or of the sister or sisters of the deceased, payable to the father or to the mother or to the sister or sisters, as the case may be, until such child attains the age of fourteen years, if in the opinion of the committee such father or mother, or such sister or sisters, was or were at the time of his death dependent on the deceased for support.

17. Section five of the Principal Act is amended—

(a) by inserting after “manager” the words “or contractor for work in or about a mine” Amendment of s. 5 of Principal Act.

(b) by adding thereto the following subsection:—

(2) If any such owner, manager, or contractor fails to make any such deduction as above directed, he shall be liable to a penalty not exceeding twenty pounds.