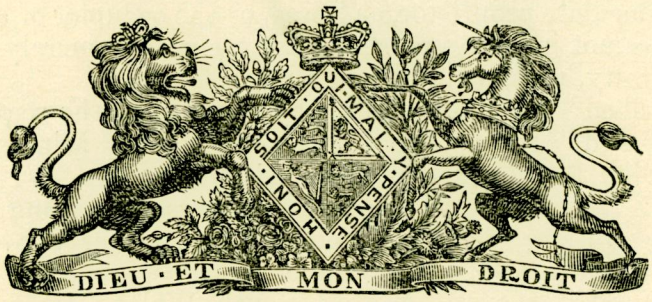
New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

* *

Act No. 42, 1900.

An Act to provide for allowances to persons injured by mining accidents and the relations of persons killed or injured by such accidents; for that purpose to provide for contributions by owners of mines and persons employed in or about mines, and out of the Consolidated Revenue Fund; and for purposes incidental to or consequent upon those objects. [Assented to, 5th November, 1900.]

BE it enacted by the Queen'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 :—

Preliminary.

1. This Act shall commence on the first day of January, one thousand nine hundred and one, and may be cited as the "Miners' Accident Relief Act, 1900." Commencement and short title.

2.

Interpretation.

2. In this Act, unless the context otherwise indicates,—

"Committee" means committee constituted by this Act.

"Mine" means mine to which this Act applies, and includes every shaft or pit in the course of being sunk, and every adit, level, or inclined plane in the course of being driven, and all the shafts, pits, adits, levels, planes, works, machinery, tramways, and sidings, both below ground and above ground, in and adjacent to and belonging to any such mine.

"Minister" means Secretary for Mines.

"Owner of a mine" means person or body corporate, being the immediate proprietor, or lessee, or the occupier of a mine, and does not include a person or body corporate merely receiving a royalty, rent, or fine from a mine.

"Prescribed" means prescribed by this Act or the regulations.

"The board" means the New South Wales Miners' Accident Relief Board constituted by this Act.

"Wages" includes all earnings by persons arising from any description of piece or other work, either above or below ground, in or about the mine.

"The fund" means the New South Wales Miners' Accident Relief Fund established by this Act.

"The regulations" means the regulations in force under this Act.

Application of Act.

3. This Act shall apply to any mine in or about which fifteen or more persons are employed.

The committees for mines.

Constitution of committees.

4. For each mine there shall be a committee consisting of—

(*a*) an inspector of mines appointed by the Minister; and

(*b*) three persons employed in or about the mine and appointed for the prescribed period by the persons so employed; and

(*c*) two persons who may be appointed by the owner of the mine, or his representative, if he thinks fit.

Such committee shall have the powers and duties prescribed, and may exercise those powers or perform those duties although the committee does not consist of the full number of members.

Miners' contributions to be deducted and paid to committee.

5. The owner or manager of each mine shall, on pay day, deduct from the amount then payable for or on account of wages in respect of the employment at any time since the next preceding pay day of any person in or about the mine the sum of four pence half-penny for each week of such employment, and shall when and as prescribed pay the aggregate of such sums to the committee for the mine.

Grant of allowances.

6. (1) The committee for any mine may grant allowances in accordance with the Schedule to this Act, in case of the death or disablement of any person employed in or about the mine, caused primarily

primarily by any accident occurring after the commencement of this Act in or about the working of the mine, and may from time to time vary the amount so granted, but so that such amount do not exceed that specified in the Schedule, and may stop the payment of any such allowance.

Any such allowance shall be in addition to any payment under the rules of any friendly society; and the amount of any such payment shall not be affected by the grant or payment of an allowance under this Act.

Payment of allowances.

(2) The committee shall pay any allowances so granted by it out of any moneys deducted as aforesaid from wages and paid under this Act to the committee, and, so far as such payments are insufficient, out of any moneys paid for that purpose to the committee by the board constituted under this Act, and shall each fortnight pay any moneys in its hands not required for such allowances into the fund constituted by this Act.

Assignment of allowances void.

(3) Any disposition, transfer, or assignment of the whole or any part of any such allowance shall be null and void.

Compensation under Employer's Liability Act.

7. In the determination of the amount of compensation payable by the owner of a mine in any action under the Emyloyer's Liability Act of 1897, any allowances granted under this Act in respect of the injury complained of shall be taken into consideration.

The board.

Constitution of board.

8. A board to be called "The New South Wales Miners' Accident Relief Board" is hereby constituted.

The board shall be a body corporate, and shall have perpetual succession and a common seal.

Board to consist of six members.

9. The board shall consist of six members, who shall be appointed by the Governor, of whom one shall be the chairman of the board, and the other five shall respectively, so far as practicable, be representative of—

(*a*) the owners of coal and shale mines;

(*b*) the owners of other mines;

(*c*) the persons employed in or about coal or shale mines;

(*d*) the persons employed in or about other mines; and

(*e*) the Department of Mines.

Fees to board.

10. Fees to such amount not exceeding four hundred pounds for any one year as the Governor may fix shall be paid out of the fund to the board; and such fees shall be apportioned among the members of the board as the Governor may think fit.

Powers and duties of board.

11. The board—

(*a*) shall administer the fund vested in it by this Act, and for that purpose may—

i. purchase securities of the Government of New South Wales or of the Commonwealth of Australia;

ii. deposit money in any bank doing business in New South Wales and paying dividends; provided that not more than five thousand pounds shall be at any one time held by any one bank on fixed deposit; and

iii. realise or vary any such investment.

(*b*) shall pay to committees from the fund any moneys necessary for the payment of allowances granted by such committees;

(*c*) shall in the month of January in each year make up accounts showing the particulars of payments into and out of the fund during the last preceding year, and shall forward such accounts, when audited, to the Minister.

The fund.

The fund.

12. (1) There is hereby constituted a fund vested in and to be administered by the board and called the "New South Wales Miners' Accident Relief Fund."

Payments into fund.

(2) There shall be paid into the fund—

(*a*) by the owner of every mine a sum amounting to ten shillings per head per annum on the average daily number of persons employed in or about such mine from the commencement of this Act to the first day of the next quarter, and thereafter from the first to the last day of each quarter: and such quarters shall begin on the first day of the months of January, April, July, and October respectively of each year.

(*b*) out of the consolidated revenue fund an amount equal to the aggregate payments by owners of mines under this section;

(*c*) by the committees the moneys in their hands not required for allowances granted by them respectively under this Act.

Such payments shall be made at the times and in the manner prescribed.

Temporary payment into fund.

(3) There may also, during the twelve months next following the commencement of this Act, be paid into the said fund, out of the Consolidated Revenue Fund, such sum, by way of gift or loan, as the Governor may think necessary to cover any deficiency in the fund which might arise from the payment during such twelve months of allowances under this Act.

Payments out of fund.

(4) There shall be paid out of such fund the amounts necessary for the payment of allowances granted by the committees respectively under this Act, and for the payment of the fees of the board.

13. The accounts of the board shall be audited by the Auditor-General or some person duly authorised by him. Audit of accounts of board.

The Auditor-General shall have the power to demand any information he deems necessary for the purpose of audit.

Such accounts when audited and forwarded by the board to the Minister shall be laid before both Houses of Parliament.

14. (1) The Minister shall once in every five years, and may at such other times as he thinks fit, cause an actuarial examination to be made as to the solvency of the fund. Actuarial examination of fund.

(2) If the person making such examination certifies that the state of the fund warrants that course, the Governor may, by proclamation in the Gazette, increase the allowances for such period and to such rate as he may deem expedient. Allowances and rate of contribution.

(3) If the said person certifies that the said payments and deductions are insufficient for the maintenance of the scale of allowances specified in the Schedule of this Act the Governor may, by proclamation in the Gazette, reduce pro rata all allowances granted and to be granted from such date for such period and to such extent as he may deem expedient. But the Governor may, by proclamation as aforesaid, increase pro rata such allowances so reduced, but so that they do not exceed those prescribed. When contributions insufficient.

Supplemental.

15. The Governor may make regulations— Regulations.

(*a*) for the appointment, by persons employed in or about any mine, of members of the committee for such mine, and prescribing the periods for which such members shall be so appointed;

(*b*) prescribing the applications and inquiries to be made before allowances are granted, and regulating the procedure at such inquiries;

(*c*) prescribing and regulating the furnishing of returns of persons employed in or about a mine, and of deductions made under this Act out of the wages of such persons;

(*d*) prescribing and regulating the production and inspection of, and the taking of extracts from, such returns;

(*e*) regulating the receipt, custody and payment of moneys by the committees, and prescribing the accounts to be kept by the committees;

(*f*) prescribing the returns, accounts, and reports to be furnished to the board by committees;

(*g*) regulating payments under this Act by the owner or manager of a mine to a committee, and by the owner of a mine into the fund;

(*h*)

(*h*) regulating the payments into and out of the fund, and prescribing the accounts to be kept by the board;

(*i*) prescribing the forms to be used in administering this Act and the regulations;

(*j*) regulating the times and places of meeting, and the summoning of meetings, and procedure of the board and of committees, prescribing the quorum at such meetings, and regulating the appointment of chairmen of the committees and of a temporary chairman of the board;

(*k*) prescribing the duties of officers employed in the administration of this Act, and regulating the performance of their duties, and prescribing the security to be given by such officers;

(*l*) imposing any penalty not exceeding five pounds for any breach of the regulations.

Regulations to be published in Gazette.

All such regulations shall be published in the Gazette, and laid before both Houses of Parliament within fourteen days after such publication if Parliament is sitting, or if Parliament is not sitting, within fourteen days after the commencement of the next session of Parliament.

Appointment of officers and payment of salaries and expenses.

16. The officers of the board shall be appointed by the Governor; and the salaries of such officers and, except where otherwise provided, the expense of carrying out the provisions of this Act shall be paid out of moneys appropriated by Parliament for that purpose.

Fine for failing to pay money to board or committee.

17. If the owner or manager of any mine fails to pay, within the period prescribed, any money which he is liable to pay under this Act to the fund or a committee, he shall, in addition to such money, pay to the fund or such committee a fine of twenty per centum of the amount of such money.

Penalty on members of board or committee.

18. Any member of the board or a committee who, without lawful excuse, fails to comply with any of the requirements of this Act shall be liable to a penalty not exceeding twenty pounds.

Recovery of moneys payable under Act.

19. All moneys payable under this Act by the owner or manager of a mine to the fund or a committee, together with all fines for non-payment of the same, may be recovered by the board or any member of the committee appointed by the committee in that behalf in any Court of competent jurisdiction.

Recovery of penalties.

20. All penalties provided by this Act or the regulations may be recovered before any court of petty sessions.

SCHEDULE.

SCHEDULE.

Scale and conditions of allowances.

THE allowances under the Act shall be as follows :—

1. *Where death results from the accident*—

(*a*) if the deceased was married—

(i) a weekly sum of eight shillings payable to the widow, if any, while unmarried ;

(ii) a weekly sum of two shillings and sixpence in respect of each child, if any, of the deceased until such child attains the age of fourteen years, or dies, payable to the widow, if any, during her life ; or, if there is no widow, or the widow dies while any such sum is payable, to the guardian or person having the care of such child.

(iii) a weekly sum of eight shillings per week payable to the guardian of the motherless children of the deceased until no child is below the age of fourteen years ;

(iv) a sum of twelve pounds in respect of the expenses of the funeral of the deceased, payable to any person approved by the committee.

(*b*) If the deceased was unmarried—

(i) 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 his death dependent on the deceased for support ;

(ii) if the mother of the deceased is dead, or is not entitled to an allowance, a weekly sum of eight shillings payable to the sister or sisters of the deceased (sharing equally) while such sister or any of such sisters is or are alive and unmarried, if in the opinion of the committee she or they were at the time of his death dependent on the deceased for support;

(iii) a weekly sum of two shillings and sixpence for each child of the mother of the deceased, or of the sister or sisters of the deceased, payable 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 mother or such sister or sisters was or were at the time of his death dependent on the deceased for support.

(iv) a sum of twelve pounds in respect of the expenses of the funeral of the deceased payable to any person approved by the committee.

2. *Where disablement results from the accident*—

a weekly sum of twelve shillings payable to the person disabled.

A person shall be deemed to be disabled when he is wholly incapacitated from attending to his ordinary occupation.

By Authority : WILLIAM APPLEGATE GULLICK, Government Printer, Sydney, 1900.

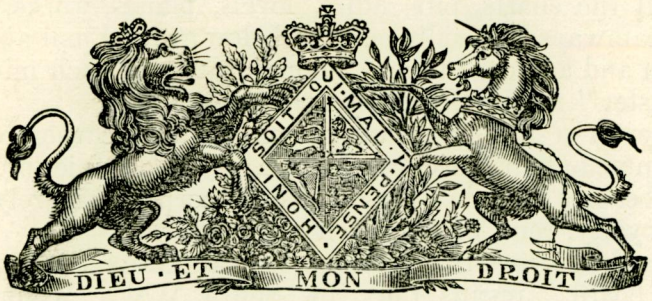
[6*d*.]

I Certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

Legislative Assembly Chamber,
Sydney, 25 *October,* 1900, A.M.

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

* *

Act No. 42, 1900.

An Act to provide for allowances to persons injured by mining accidents and the relations of persons killed or injured by such accidents; for that purpose to provide for contributions by owners of mines and persons employed in or about mines, and out of the Consolidated Revenue Fund; and for purposes incidental to or consequent upon those objects. [Assented to, 5th November, 1900.]

BE it enacted by the Queen'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 :—

Preliminary.

1. This Act shall commence on the first day of January, one thousand nine hundred and one, and may be cited as the "Miners' Accident Relief Act, 1900." Commencement and short title.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

J. H. CANN,
Chairman of Committees of the Legislative Assembly.

Interpretation.

2. In this Act, unless the context otherwise indicates,—

"Committee" means committee constituted by this Act.

"Mine" means mine to which this Act applies, and includes every shaft or pit in the course of being sunk, and every adit, level, or inclined plane in the course of being driven, and all the shafts, pits, adits, levels, planes, works, machinery, tramways, and sidings, both below ground and above ground, in and adjacent to and belonging to any such mine.

"Minister" means Secretary for Mines.

"Owner of a mine" means person or body corporate, being the immediate proprietor, or lessee, or the occupier of a mine, and does not include a person or body corporate merely receiving a royalty, rent, or fine from a mine.

"Prescribed" means prescribed by this Act or the regulations.

"The board" means the New South Wales Miners' Accident Relief Board constituted by this Act.

"Wages" includes all earnings by persons arising from any description of piece or other work, either above or below ground, in or about the mine.

"The fund" means the New South Wales Miners' Accident Relief Fund established by this Act.

"The regulations" means the regulations in force under this Act.

Application of Act.

3. This Act shall apply to any mine in or about which fifteen or more persons are employed.

The committees for mines.

Constitution of committees.

4. For each mine there shall be a committee consisting of—

(*a*) an inspector of mines appointed by the Minister; and

(*b*) three persons employed in or about the mine and appointed for the prescribed period by the persons so employed; and

(*c*) two persons who may be appointed by the owner of the mine, or his representative, if he thinks fit.

Such committee shall have the powers and duties prescribed, and may exercise those powers or perform those duties although the committee does not consist of the full number of members.

Miners' contributions to be deducted and paid to committee.

5. The owner or manager of each mine shall, on pay day, deduct from the amount then payable for or on account of wages in respect of the employment at any time since the next preceding pay day of any person in or about the mine the sum of four pence half-penny for each week of such employment, and shall when and as prescribed pay the aggregate of such sums to the committee for the mine.

Grant of allowances.

6. (1) The committee for any mine may grant allowances in accordance with the Schedule to this Act, in case of the death or disablement of any person employed in or about the mine, caused primarily

primarily by any accident occurring after the commencement of this Act in or about the working of the mine, and may from time to time vary the amount so granted, but so that such amount do not exceed that specified in the Schedule, and may stop the payment of any such allowance.

Any such allowance shall be in addition to any payment under the rules of any friendly society; and the amount of any such payment shall not be affected by the grant or payment of an allowance under this Act.

(2) The committee shall pay any allowances so granted by it out of any moneys deducted as aforesaid from wages and paid under this Act to the committee, and, so far as such payments are insufficient, out of any moneys paid for that purpose to the committee by the board constituted under this Act, and shall each fortnight pay any moneys in its hands not required for such allowances into the fund constituted by this Act. Payment of allowances.

(3) Any disposition, transfer, or assignment of the whole or any part of any such allowance shall be null and void. Assignment of allowances void.

7. In the determination of the amount of compensation payable by the owner of a mine in any action under the Emyloyer's Liability Act of 1897, any allowances granted under this Act in respect of the injury complained of shall be taken into consideration. Compensation under Employer's Liability Act.

The board.

8. A board to be called "The New South Wales Miners' Accident Relief Board" is hereby constituted. Constitution of board.

The board shall be a body corporate, and shall have perpetual succession and a common seal.

9. The board shall consist of six members, who shall be appointed by the Governor, of whom one shall be the chairman of the board, and the other five shall respectively, so far as practicable, be representative of— Board to consist of six members.

(*a*) the owners of coal and shale mines;

(*b*) the owners of other mines;

(*c*) the persons employed in or about coal or shale mines;

(*d*) the persons employed in or about other mines; and

(*e*) the Department of Mines.

10. Fees to such amount not exceeding four hundred pounds for any one year as the Governor may fix shall be paid out of the fund to the board; and such fees shall be apportioned among the members of the board as the Governor may think fit. Fees to board.

11.

Powers and duties of board.

11. The board—

(*a*) shall administer the fund vested in it by this Act, and for that purpose may—

i. purchase securities of the Government of New South Wales or of the Commonwealth of Australia;

ii. deposit money in any bank doing business in New South Wales and paying dividends; provided that not more than five thousand pounds shall be at any one time held by any one bank on fixed deposit; and

iii. realise or vary any such investment.

(*b*) shall pay to committees from the fund any moneys necessary for the payment of allowances granted by such committees;

(*c*) shall in the month of January in each year make up accounts showing the particulars of payments into and out of the fund during the last preceding year, and shall forward such accounts, when audited, to the Minister.

The fund.

The fund.

12. (1) There is hereby constituted a fund vested in and to be administered by the board and called the "New South Wales Miners' Accident Relief Fund."

Payments into fund.

(2) There shall be paid into the fund—

(*a*) by the owner of every mine a sum amounting to ten shillings per head per annum on the average daily number of persons employed in or about such mine from the commencement of this Act to the first day of the next quarter, and thereafter from the first to the last day of each quarter: and such quarters shall begin on the first day of the months of January, April, July, and October respectively of each year.

(*b*) out of the consolidated revenue fund an amount equal to the aggregate payments by owners of mines under this section;

(*c*) by the committees the moneys in their hands not required for allowances granted by them respectively under this Act.

Such payments shall be made at the times and in the manner prescribed.

Temporary payment into fund.

(3) There may also, during the twelve months next following the commencement of this Act, be paid into the said fund, out of the Consolidated Revenue Fund, such sum, by way of gift or loan, as the Governor may think necessary to cover any deficiency in the fund which might arise from the payment during such twelve months of allowances under this Act.

Payments out of fund.

(4) There shall be paid out of such fund the amounts necessary for the payment of allowances granted by the committees respectively under this Act, and for the payment of the fees of the board.

13.

13. The accounts of the board shall be audited by the Auditor-General or some person duly authorised by him. Audit of accounts of board.

The Auditor-General shall have the power to demand any information he deems necessary for the purpose of audit.

Such accounts when audited and forwarded by the board to the Minister shall be laid before both Houses of Parliament.

14. (1) The Minister shall once in every five years, and may at such other times as he thinks fit, cause an actuarial examination to be made as to the solvency of the fund. Actuarial examination of fund.

(2) If the person making such examination certifies that the state of the fund warrants that course, the Governor may, by proclamation in the Gazette, increase the allowances for such period and to such rate as he may deem expedient. Allowances and rate of contribution.

(3) If the said person certifies that the said payments and deductions are insufficient for the maintenance of the scale of allowances specified in the Schedule of this Act the Governor may, by proclamation in the Gazette, reduce pro rata all allowances granted and to be granted from such date for such period and to such extent as he may deem expedient. But the Governor may, by proclamation as aforesaid, increase pro rata such allowances so reduced, but so that they do not exceed those prescribed. When contributions insufficient.

Supplemental.

15. The Governor may make regulations— Regulations.

(*a*) for the appointment, by persons employed in or about any mine, of members of the committee for such mine, and prescribing the periods for which such members shall be so appointed;

(*b*) prescribing the applications and inquiries to be made before allowances are granted, and regulating the procedure at such inquiries;

(*c*) prescribing and regulating the furnishing of returns of persons employed in or about a mine, and of deductions made under this Act out of the wages of such persons;

(*d*) prescribing and regulating the production and inspection of, and the taking of extracts from, such returns;

(*e*) regulating the receipt, custody and payment of moneys by the committees, and prescribing the accounts to be kept by the committees;

(*f*) prescribing the returns, accounts, and reports to be furnished to the board by committees;

(*g*) regulating payments under this Act by the owner or manager of a mine to a committee, and by the owner of a mine into the fund;

(*h*)

(*h*) regulating the payments into and out of the fund, and prescribing the accounts to be kept by the board ;

(*i*) prescribing the forms to be used in administering this Act and the regulations ;

(*j*) regulating the times and places of meeting, and the summoning of meetings, and procedure of the board and of committees, prescribing the quorum at such meetings, and regulating the appointment of chairmen of the committees and of a temporary chairman of the board ;

(*k*) prescribing the duties of officers employed in the administration of this Act, and regulating the performance of their duties, and prescribing the security to be given by such officers ;

(*l*) imposing any penalty not exceeding five pounds for any breach of the regulations.

Regulations to be published in Gazette.

All such regulations shall be published in the Gazette, and laid before both Houses of Parliament within fourteen days after such publication if Parliament is sitting, or if Parliament is not sitting, within fourteen days after the commencement of the next session of Parliament.

Appointment of officers and payment of salaries and expenses.

16. The officers of the board shall be appointed by the Governor ; and the salaries of such officers and, except where otherwise provided, the expense of carrying out the provisions of this Act shall be paid out of moneys appropriated by Parliament for that purpose.

Fine for failing to pay money to board or committee.

17. If the owner or manager of any mine fails to pay, within the period prescribed, any money which he is liable to pay under this Act to the fund or a committee, he shall, in addition to such money, pay to the fund or such committee a fine of twenty per centum of the amount of such money.

Penalty on members of board or committee.

18. Any member of the board or a committee who, without lawful excuse, fails to comply with any of the requirements of this Act shall be liable to a penalty not exceeding twenty pounds.

Recovery of moneys payable under Act.

19. All moneys payable under this Act by the owner or manager of a mine to the fund or a committee, together with all fines for non-payment of the same, may be recovered by the board or any member of the committee appointed by the committee in that behalf in any Court of competent jurisdiction.

Recovery of penalties.

20. All penalties provided by this Act or the regulations may be recovered before any court of petty sessions.

SCHEDULE.

SCHEDULE.

Scale and conditions of allowances.

THE allowances under the Act shall be as follows :—

1. *Where death results from the accident—*

(*a*) if the deceased was married—

(i) a weekly sum of eight shillings payable to the widow, if any, while unmarried ;

(ii) a weekly sum of two shillings and sixpence in respect of each child, if any, of the deceased until such child attains the age of fourteen years, or dies, payable to the widow, if any, during her life ; or, if there is no widow, or the widow dies while any such sum is payable, to the guardian or person having the care of such child.

(iii) a weekly sum of eight shillings per week payable to the guardian of the motherless children of the deceased until no child is below the age of fourteen years ;

(iv) a sum of twelve pounds in respect of the expenses of the funeral of the deceased, payable to any person approved by the committee.

(*b*) If the deceased was unmarried—

(i) 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 his death dependent on the deceased for support ;

(ii) if the mother of the deceased is dead, or is not entitled to an allowance, a weekly sum of eight shillings payable to the sister or sisters of the deceased (sharing equally) while such sister or any of such sisters is or are alive and unmarried, if in the opinion of the committee she or they were at the time of his death dependent on the deceased for support;

(iii) a weekly sum of two shillings and sixpence for each child of the mother of the deceased, or of the sister or sisters of the deceased, payable 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 mother or such sister or sisters was or were at the time of his death dependent on the deceased for support.

(iv) a sum of twelve pounds in respect of the expenses of the funeral of the deceased payable to any person approved by the committee.

2. *Where disablement results from the accident—*

a weekly sum of twelve shillings payable to the person disabled.

A person shall be deemed to be disabled when he is wholly incapacitated from attending to his ordinary occupation.

In the name and on the behalf of Her Majesty I assent to this Act.

FREDK. M. DARLEY,
Lieutenant-Governor.

Government House,
Sydney, 5th November, 1900.

MINERS' ACCIDENT RELIEF BILL (No. 2).

SCHEDULE of the Amendments referred to in Message of 18*th October*, 1900.

Page 1, clause 1, lines 6 and 7. *Omit* "November, one thousand nine hundred" *insert* **"January, one "thousand nine hundred and one"**

Page 2, clause 2. *After* line 16 *insert* **"Wages" includes all earnings by persons arising from any "description of piece or other work, either above or below ground, in or about the mine"**

Page 2, clause 4. *Omit* subsections (*a*), (*b*), (*c*), and (*d*) *insert* new subsections (**a**), (**b**), and (**c**).

Page 2, clause 4, line 41. *Omit* "prescribed" *insert* **"full"**

Page 2, clause 5, line 42. *Before* "manager" *insert* **"owner or"**

Page 3, clause 5, lines 1 and 2. *Omit* "per week" *insert* **"for each week of such employment"**

Page 3. *After* clause 6 *insert* new clause **7.**

Page 4, clause ~~10.~~ **11,** line 8. *After* "Wales" *insert* **"or of the Commonwealth of Australia"**

Page 4, clause ~~10.~~ **11,** line 10. *Omit* (ii.) lend money on first mortgage of freehold property"

Page 4, clause ~~10.~~ **11,** line 11. *After* "Bank" *insert* **"doing business in New South Wales and paying "dividends"**

Page 4, clause ~~10.~~ **11,** lines 13 and 14. *Omit* "so deposited in any one bank" *insert* **"held by any one "bank on fixed deposit"**

Page 5, clause ~~14.~~ **15,** line 35. *Omit* "prescribing the form of pay-sheets of a mine and"

Page 5, clause ~~14.~~ **15,** line 40. *Omit* "pay-sheets and"

Page 6, clause ~~14.~~ **15,** line 1. *Before* "manager" *insert* **"owner or"**

Page 6, clause ~~14.~~ **15,** line 17. *Omit* "twenty" *insert* **"five"**

Page 6, clause ~~17.~~ **18,** line 34. *Omit* "If" *insert* **"Any member of"**

Page 6, clause ~~17.~~ **18,** line 34. *After* "committee" *insert* **"who, without lawful excuse"**

Page 6, clause ~~17.~~ **18,** line 36. *Omit* "the members of the board or of such committee"

Page 6, clause ~~17.~~ **18,** line 36. *Omit* "each"

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 20 *September,* 1900, A.M.

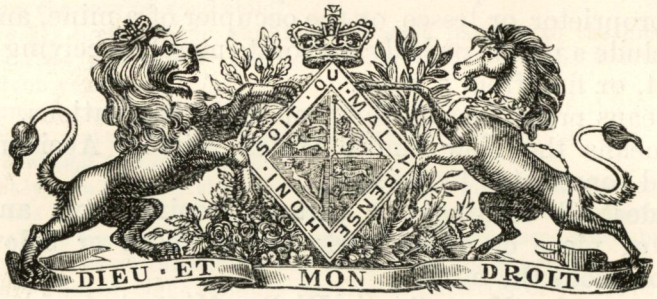
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Legislative Council Chamber,
Sydney, 18*th October,* 1900.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

* *

Act No. , 1900.

An Act to provide for allowances to persons injured by mining accidents and the relations of persons killed or injured by such accidents; for that purpose to provide for contributions by owners of mines and persons employed in or about mines, and out of the Consolidated Revenue Fund; and for purposes incidental to or consequent upon those objects.

BE it enacted by the Queen'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 :—

5 *Preliminary.*

1. This Act shall commence on the first day of ~~November, one thousand nine hundred~~ **January, one thousand nine hundred and one,** and may be cited as the "Miners' Accident Relief Act, 1900." Commencement and short title.

NOTE.—The words to be *omitted* are *ruled through;* those to be *inserted* are printed in **black letter.**

2. In this Act, unless the context otherwise indicates,— Interpretation.

"Committee" means committee constituted by this Act.

"Mine" means mine to which this Act applies, and includes every shaft or pit in the course of being sunk, and every adit, level, or inclined plane in the course of being driven, and all the shafts, pits, adits, levels, planes, works, machinery, tramways, and sidings, both below ground and above ground, in and adjacent to and belonging to any such mine.

"Minister" means Secretary for Mines.

"Owner of a mine" means person or body corporate, being the immediate proprietor, or lessee, or the occupier of a mine, and does not include a person or body corporate merely receiving a royalty, rent, or fine from a mine.

"Prescribed" means prescribed by this Act or the regulations.

"The board" means the New South Wales Miners' Accident Relief Board constituted by this Act.

"Wages" includes all earnings by persons arising from any description of piece or other work, either above or below ground, in or about the mine.

"The fund" means the New South Wales Miners' Accident Relief Fund established by this Act.

"The regulations" means the regulations in force under this Act.

3. This Act shall apply to any mine in or about which fifteen or more persons are employed. Application of Act.

The committees for mines.

4. For each mine there shall be a committee consisting of— Constitution o committees.

(*a*) the manager of the mine for the time being;

(*b*) the under-manager of the mine for the time being, or, during any period in which there is no such under-manager, some person appointed by the manager of the mine;

(*c*) an inspector of mines appointed by the Minister; and

(*d*) three persons employed in or about the mine and appointed for the prescribed period by the persons so employed.

(a) **an inspector of mines appointed by the Minister; and**

(b) **three persons employed in or about the mine and appointed for the prescribed period by the persons so employed; and**

(c) **two persons who may be appointed by the owner of the mine, or his representative, if he thinks fit.**

Such committee shall have the powers and duties prescribed, and may exercise those powers or perform those duties although the committee does not consist of the ~~prescribed~~ **full** number of members.

5. The owner or manager of each mine shall, on pay day, deduct from the amount then payable for or on account of wages in respect of the employment at any time since the next preceding pay day of any person Miners' contributions to be deducted and paid to committee.

person in or about the mine the sum of four pence half-penny ~~per week~~ **for each week of such employment,** and shall when and as prescribed pay the aggregate of such sums to the committee for the mine.

5 **6.** (1) The committee for any mine may grant allowances in accordance with the Schedule to this Act, in case of the death or disablement of any person employed in or about the mine, caused primarily by any accident occurring after the commencement of this Act in or about the working of the mine, and may from time to time 10 vary the amount so granted, but so that such amount do not exceed that specified in the Schedule, and may stop the payment of any such allowance. Grant of allowances.

Any such allowance shall be in addition to any payment under the rules of any friendly society; and the amount of any such payment shall 15 not be affected by the grant or payment of an allowance under this Act.

(2) The committee shall pay any allowances so granted by it out of any moneys deducted as aforesaid from wages and paid under this Act to the committee, and, so far as such payments are insufficient, out of any moneys paid for that purpose to the committee by the board 20 constituted under this Act, and shall each fortnight pay any moneys in its hands not required for such allowances into the fund constituted by this Act. Payment of allowances.

(3) Any disposition, transfer, or assignment of the whole or any part of any such allowance shall be null and void. Assignment of allowances void.

25 **7. In the determination of the amount of compensation payable by the owner of a mine in any action under the Employer's Liability Act of 1897, any allowances granted under this Act in respect of the injury complained of shall be taken into consideration.** Compensation under Employer's Liability Act.

The board.

30 ~~7.~~ **8.** A board to be called "The New South Wales Miners' Accident Relief Board" is hereby constituted. Constitution of board.

The board shall be a body corporate, and shall have perpetual succession and a common seal.

~~8.~~ **9.** The board shall consist of six members, who shall be 35 appointed by the Governor, of whom one shall be the chairman of the board, and the other five shall respectively, so far as practicable, be representative of— Board to consist of six members.

(*a*) the owners of coal and shale mines;
(*b*) the owners of other mines;
40 (*c*) the persons employed in or about coal or shale mines;
(*d*) the persons employed in or about other mines; and
(*e*) the Department of Mines.

~~9.~~

~~9.~~ **10.** Fees to such amount not exceeding four hundred pounds for any one year as the Governor may fix shall be paid out of the fund to the board; and such fees shall be apportioned among the members of the board as the Governor may think fit. Fees to board.

~~10.~~ **11.** The board— Powers and duties of board.

(*a*) shall administer the fund vested in it by this Act, and for that purpose may—

i. purchase securities of the Government of New South Wales **or of the Commonwealth of Australia**;

~~ii. lend money on first mortgage of freehold property;~~

~~iii.~~ ii. deposit money in any bank **doing business in New South Wales and paying dividends**; provided that not more than five thousand pounds shall be at any one time ~~so deposited in any one bank~~ **held by any one bank on fixed deposit**; and

~~iv.~~ iii. realise or vary any such investment.

(*b*) shall pay to committees from the fund any moneys necessary for the payment of allowances granted by such committees;

(*c*) shall in the month of January in each year make up accounts showing the particulars of payments into and out of the fund during the last preceding year, and shall forward such accounts, when audited, to the Minister.

The fund.

~~11.~~ **12.** (1) There is hereby constituted a fund vested in and to be administered by the board and called the "New South Wales Miners' Accident Relief Fund." The fund.

(2) There shall be paid into the fund—

(*a*) by the owner of every mine a sum amounting to ten shillings per head per annum on the average daily number of persons employed in or about such mine from the commencement of this Act to the first day of the next quarter, and thereafter from the first to the last day of each quarter: and such quarters shall begin on the first day of the months of January, April, July, and October respectively of each year. Payments into fund.

(*b*) out of the consolidated revenue fund an amount equal to the aggregate payments by owners of mines under this section;

(*c*) by the committees the moneys in their hands not required for allowances granted by them respectively under this Act.

Such payments shall be made at the times and in the manner prescribed.

(3) There may also, during the twelve months next following the commencement of this Act, be paid into the said fund, out of the Consolidated Revenue Fund, such sum, by way of gift or loan, as the Governor may think necessary to cover any deficiency in the fund which might arise from the payment during such twelve months of allowances under this Act. Temporary payment into fund.

(4)

(4) There shall be paid out of such fund the amounts necessary for the payment of allowances granted by the committees respectively under this Act, and for the payment of the fees of the board. Payments out of fund.

5 ~~12.~~ **13.** The accounts of the board shall be audited by the Auditor-General or some person duly authorised by him. Audit of accounts of board.

The Auditor-General shall have the power to demand any information he deems necessary for the purpose of audit.

Such accounts when audited and forwarded by the board to the 10 Minister shall be laid before both Houses of Parliament.

~~13.~~ **14.** (1) The Minister shall once in every five years, and may at such other times as he thinks fit, cause an actuarial examination to be made as to the solvency of the fund. Actuarial examination of fund.

(2) If the person making such examination certifies that 15 the state of the fund warrants that course, the Governor may, by proclamation in the Gazette, increase the allowances for such period and to such rate as he may deem expedient. Allowances and rate of contribution.

(3) If the said person certifies that the said payments and deductions are insufficient for the maintainance of the scale of 20 allowances specified in the Schedule of this Act the Governor may, by proclamation in the Gazette, reduce pro rata all allowances granted and to be granted from such date for such period and to such extent as he may deem expedient. But the Governor may, by proclamation as aforesaid, increase pro rata such allowances so reduced, but so that 25 they do not exceed those prescribed. When contributions insufficient.

Supplemental.

~~14.~~ **15.** The Governor may make regulations— Regulations.

(*a*) for the appointment, by persons employed in or about any mine, of members of the committee for such mine, and 30 prescribing the periods for which such members shall be so appointed;

(*b*) prescribing the applications and inquiries to be made before allowances are granted, and regulating the procedure at such inquiries;

35 (*c*) ~~prescribing the form of pay-sheets of a mine, and~~ prescribing and regulating the furnishing of returns of persons employed in or about a mine, and of deductions made under this Act out of the wages of such persons;

(*d*) prescribing and regulating the production and inspection of, 40 and the taking of extracts from, such ~~pay-sheets and~~ returns;

(*e*) regulating the receipt, custody and payment of moneys by the committees, and prescribing the accounts to be kept by the committees;

(*f*) prescribing the returns, accounts, and reports to be 45 furnished to the board by committees; (*g*)

(*g*) regulating payments under this Act by the **owner or** manager of a mine to a committee, and by the owner of a mine into the fund;

(*h*) regulating the payments into and out of the fund, and prescribing the accounts to be kept by the board;

(*i*) prescribing the forms to be used in administering this Act and the regulations;

(*j*) regulating the times and places of meeting, and the summoning of meetings, and procedure of the board and of committees, prescribing the quorum at such meetings, and regulating the appointment of chairmen of the committees and of a temporary chairman of the board;

(*k*) prescribing the duties of officers employed in the administration of this Act, and regulating the performance of their duties, and prescribing the security to be given by such officers;

(*l*) imposing any penalty not exceeding ~~twenty~~ **five** pounds for any breach of the regulations.

All such regulations shall be published in the Gazette, and laid before both Houses of Parliament within fourteen days after such publication if Parliament is sitting, or if Parliament is not sitting, within fourteen days after the commencement of the next session of Parliament. Regulations to be published in Gazette.

~~15.~~ **16.** The officers of the board shall be appointed by the Governor; and the salaries of such officers and, except where otherwise provided, the expense of carrying out the provisions of this Act shall be paid out of moneys appropriated by Parliament for that purpose. Appointment of officers and payment of salaries and expenses.

~~16.~~ **17.** If the owner or manager of any mine fails to pay, within the period prescribed, any money which he is liable to pay under this Act to the fund or a committee, he shall, in addition to such money, pay to the fund or such committee a fine of twenty per centum of the amount of such money. Fine for failing to pay money to board or committee.

~~17.~~ **18.** ~~If~~ **Any member of** the board or a committee **who, without lawful excuse,** fails to comply with any of the requirements of this Act ~~the members of the board or of such committee~~ shall ~~each~~ be liable to a penalty not exceeding twenty pounds. Penalty on members of board or committee.

~~18.~~ **19.** All moneys payable under this Act by the owner or manager of a mine to the fund or a committee, together with all fines for non-payment of the same, may be recovered by the board or any member of the committee appointed by the committee in that behalf in any Court of competent jurisdiction. Recovery of moneys payable under Act.

~~19.~~ **20.** All penalties provided by this Act or the regulations may be recovered before any court of petty sessions. Recovery of penalties.

SCHEDULE.

SCHEDULE.

Scale and conditions of allowances.

THE allowances under the Act shall be as follows :—

1. *Where death results from the accident*—

(*a*) if the deceased was married—

(i) a weekly sum of eight shillings payable to the widow, if any, while unmarried ;

(ii) a weekly sum of two shillings and sixpence in respect of each child, if any, of the deceased until such child attains the age of fourteen years, or dies, payable to the widow, if any, during her life ; or, if there is no widow, or the widow dies while any such sum is payable, to the guardian or person having the care of such child.

(iii) a weekly sum of eight shillings per week payable to the guardian of the motherless children of the deceased until no child is below the age of fourteen years ;

(iv) a sum of twelve pounds in respect of the expenses of the funeral of the deceased, payable to any person approved by the committee.

(*b*) If the deceased was unmarried—

(i) 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 his death dependent on the deceased for support ;

(ii) if the mother of the deceased is dead, or is not entitled to an allowance, a weekly sum of eight shillings payable to the sister or sisters of the deceased (sharing equally) while such sister or any of such sisters is or are alive and unmarried, if in the opinion of the committee she or they were at the time of his death dependent on the deceased for support;

(iii) a weekly sum of two shillings and sixpence for each child of the mother of the deceased, or of the sister or sisters of the deceased, payable 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 mother or such sister or sisters was or were at the time of his death dependent on the deceased for support.

(iv) a sum of twelve pounds in respect of the expenses of the funeral of the deceased payable to any person approved by the committee.

2. *Where disablement results from the accident*—

a weekly sum of twelve shillings payable to the person disabled.

A person shall be deemed to be disabled when he is wholly incapacitated from attending to his ordinary occupation.

Sydney : William Applegate Gullick, Government Printer.—1900.

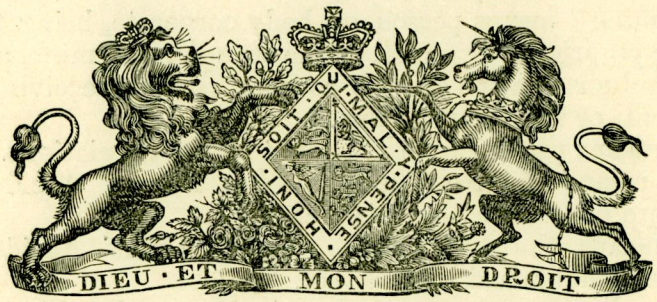
[6*d*.]

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 20 *September,* 1900, A.M.

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

* *

Act No. , 1900.

An Act to provide for allowances to persons injured by mining accidents and the relations of persons killed or injured by such accidents; for that purpose to provide for contributions by owners of mines and persons employed in or about mines, and out of the Consolidated Revenue Fund; and for purposes incidental to or consequent upon those objects.

BE it enacted by the Queen'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 :—

5 *Preliminary.*

1. This Act shall commence on the first day of November, one thousand nine hundred, and may be cited as the "Miners' Accident Relief Act, 1900." Commencement and short title.

2. In this Act, unless the context otherwise indicates,— Interpretation.

"Committee" means committee constituted by this Act.

"Mine" means mine to which this Act applies, and includes every shaft or pit in the course of being sunk, and every adit, level, or inclined plane in the course of being driven, and all the shafts, pits, adits, levels, planes, works, machinery, tramways, and sidings, both below ground and above ground, in and adjacent to and belonging to any such mine.

"Minister" means Secretary for Mines.

"Owner of a mine" means person or body corporate, being the immediate proprietor, or lessee, or the occupier of a mine, and does not include a person or body corporate merely receiving a royalty, rent, or fine from a mine.

"Prescribed" means prescribed by this Act or the regulations.

"The board" means the New South Wales Miners' Accident Relief Board constituted by this Act.

"The fund" means the New South Wales Miners' Accident Relief Fund established by this Act.

"The regulations" means the regulations in force under this Act.

3. This Act shall apply to any mine in or about which fifteen or more persons are employed. Application of Act.

The committees for mines.

4. For each mine there shall be a committee consisting of— Constitution of committees.

(*a*) the manager of the mine for the time being;

(*b*) the under-manager of the mine for the time being, or, during any period in which there is no such under-manager, some person appointed by the manager of the mine;

(*c*) an inspector of mines appointed by the Minister; and

(*d*) three persons employed in or about the mine and appointed for the prescribed period by the persons so employed.

Such committee shall have the powers and duties prescribed, and may exercise those powers or perform those duties although the committee does not consist of the prescribed number of members.

5. The manager of each mine shall, on pay day, deduct from the amount then payable for or on account of wages in respect of the employment at any time since the next preceding pay day of any person in or about the mine the sum of four pence half-penny per week, and shall when and as prescribed pay the aggregate of such sums to the committee for the mine. Miners' contributions to be deducted and paid to committee.

6. (1) The committee for any mine may grant allowances in accordance with the Schedule to this Act, in case of the death or disablement of any person employed in or about the mine, caused primarily by any accident occurring after the commencement of this Act in or about the working of the mine, and may from time to time Grant of allowances.

vary

vary the amount so granted, but so that such amount do not exceed that specified in the Schedule, and may stop the payment of any such allowance.

Any such allowance shall be in addition to any payment under the rules of any friendly society; and the amount of any such payment shall not be affected by the grant or payment of an allowance under this Act.

Payment of allowances.

(2) The committee shall pay any allowances so granted by it out of any moneys deducted as aforesaid from wages and paid under this Act to the committee, and, so far as such payments are insufficient, out of any moneys paid for that purpose to the committee by the board constituted under this Act, and shall each fortnight pay any moneys in its hands not required for such allowances into the fund constituted by this Act.

Assignment of allowances void.

(3) Any disposition, transfer, or assignment of the whole or any part of any such allowance shall be null and void.

The board.

Constitution of board.

7. A board to be called "The New South Wales Miners' Accident Relief Board" is hereby constituted.

The board shall be a body corporate, and shall have perpetual succession and a common seal.

Board to consist of six members.

8. The board shall consist of six members, who shall be appointed by the Governor, of whom one shall be the chairman of the board, and the other five shall respectively, so far as practicable, be representative of—

(*a*) the owners of coal and shale mines;
(*b*) the owners of other mines;
(*c*) the persons employed in or about coal or shale mines;
(*d*) the persons employed in or about other mines; and
(*e*) the Department of Mines.

Fees to board.

9. Fees to such amount not exceeding four hundred pounds for any one year as the Governor may fix shall be paid out of the fund to the board; and such fees shall be apportioned among the members of the board as the Governor may think fit.

Powers and duties of board.

10. The board—

(*a*) shall administer the fund vested in it by this Act, and for that purpose may—
  i. purchase securities of the Government of New South Wales;
  ii. lend money on first mortgage of freehold property;
  iii. deposit money in any bank; provided that not more than five thousand pounds shall be at any one time so deposited in any one bank; and
  iv. realise or vary any such investment.
(*b*) shall pay to committees from the fund any moneys necessary for the payment of allowances granted by such committees;

(*c*)

(*c*) shall in the month of January in each year make up accounts showing the particulars of payments into and out of the fund during the last preceding year, and shall forward such accounts, when audited, to the Minister.

5 *The fund.*

11. (1) There is hereby constituted a fund vested in and to be administered by the board and called the "New South Wales Miners' Accident Relief Fund." The fund.

(2) There shall be paid into the fund—

10 (*a*) by the owner of every mine a sum amounting to ten shillings per head per annum on the average daily number of persons employed in or about such mine from the commencement of this Act to the first day of the next quarter, and thereafter from the first to the last day of each quarter: and such 15 quarters shall begin on the first day of the months of January, April, July, and October respectively of each year. Payments into fund.

(*b*) out of the consolidated revenue fund an amount equal to the aggregate payments by owners of mines under this section;

(*c*) by the committees the moneys in their hands not required for 20 allowances granted by them respectively under this Act.

Such payments shall be made at the times and in the manner prescribed.

(3) There may also, during the twelve months next following the commencement of this Act, be paid into the said fund, out of the Consolidated Revenue Fund, such sum, by way of gift or 25 loan, as the Governor may think necessary to cover any deficiency in the fund which might arise from the payment during such twelve months of allowances under this Act. Temporary payment into fund.

(4) There shall be paid out of such fund the amounts necessary for the payment of allowances granted by the committees 30 respectively under this Act, and for the payment of the fees of the board. Payments out of fund.

12. The accounts of the board shall be audited by the Auditor-General or some person duly authorised by him. Audit of accounts of board.

The Auditor-General shall have the power to demand any 35 information he deems necessary for the purpose of audit.

Such accounts when audited and forwarded by the board to the Minister shall be laid before both Houses of Parliament.

13. (1) The Minister shall once in every five years, and may at such other times as he thinks fit, cause an actuarial examination to be 40 made as to the solvency of the fund. Actuarial examination of fund.

(2) If the person making such examination certifies that the state of the fund warrants that course, the Governor may, by proclamation in the Gazette, increase the allowances for such period and to such rate as he may deem expedient. Allowances and rate of contribution.

(3)

(3) If the said person certifies that the said payments and deductions are insufficient for the maintainance of the scale of allowances specified in the Schedule of this Act the Governor may, by proclamation in the Gazette, reduce pro rata all allowances granted and to be granted from such date for such period and to such extent as he may deem expedient. But the Governor may, by proclamation as aforesaid, increase pro rata such allowances so reduced, but so that they do not exceed those prescribed. When contributions insufficient.

Supplemental.

14. The Governor may make regulations— Regulations.

(*a*) for the appointment, by persons employed in or about any mine, of members of the committee for such mine, and prescribing the periods for which such members shall be so appointed;

(*b*) prescribing the applications and inquiries to be made before allowances are granted, and regulating the procedure at such inquiries;

(*c*) prescribing the form of pay-sheets of a mine, and prescribing and regulating the furnishing of returns of persons employed in or about a mine, and of deductions made under this Act out of the wages of such persons;

(*d*) prescribing and regulating the production and inspection of, and the taking of extracts from, such pay-sheets and returns;

(*e*) regulating the receipt, custody and payment of moneys by the committees, and prescribing the accounts to be kept by the committees;

(*f*) prescribing the returns, accounts, and reports to be furnished to the board by committees;

(*g*) regulating payments under this Act by the manager of a mine to a committee, and by the owner of a mine into the fund;

(*h*) regulating the payments into and out of the fund, and prescribing the accounts to be kept by the board;

(*i*) prescribing the forms to be used in administering this Act and the regulations;

(*j*) regulating the times and places of meeting, and the summoning of meetings, and procedure of the board and of committees, prescribing the quorum at such meetings, and regulating the appointment of chairmen of the committees and of a temporary chairman of the board;

(*k*) prescribing the duties of officers employed in the administration of this Act, and regulating the performance of their duties, and prescribing the security to be given by such officers;

(*l*)

(*l*) imposing any penalty not exceeding twenty pounds for any breach of the regulations.

All such regulations shall be published in the Gazette, and laid before both Houses of Parliament within fourteen days after such publication if Parliament is sitting, or if Parliament is not sitting, within fourteen days after the commencement of the next session of Parliament. Regulations to be published in Gazette.

15. The officers of the board shall be appointed by the Governor; and the salaries of such officers and, except where otherwise provided, the expense of carrying out the provisions of this Act shall be paid out of moneys appropriated by Parliament for that purpose. Appointment of officers and payment of salaries and expenses.

16. If the owner or manager of any mine fails to pay, within the period prescribed, any money which he is liable to pay under this Act to the fund or a committee, he shall, in addition to such money, pay to the fund or such committee a fine of twenty per centum of the amount of such money. Fine for failing to pay money to board or committee.

17. If the board or a committee fails to comply with any of the requirements of this Act the members of the board or of such committee shall each be liable to a penalty not exceeding twenty pounds. Penalty on members of board or committee.

18. All moneys payable under this Act by the owner or manager of a mine to the fund or a committee, together with all fines for non-payment of the same, may be recovered by the board or any member of the committee appointed by the committee in that behalf in any Court of competent jurisdiction. Recovery of moneys payable under Act.

19. All penalties provided by this Act or the regulations may be recovered before any court of petty sessions. Recovery of penalties.

SCHEDULE.

Scale and conditions of allowances.

THE allowances under the Act shall be as follows:—

1. *Where death results from the accident*—

(*a*) if the deceased was married—

(i) a weekly sum of eight shillings payable to the widow, if any, while unmarried;

(ii) a weekly sum of two shillings and sixpence in respect of each child, if any, of the deceased until such child attains the age of fourteen years, or dies, payable to the widow, if any, during her life; or, if there is no widow, or the widow dies while any such sum is payable, to the guardian or person having the care of such child.

(iii) a weekly sum of eight shillings per week payable to the guardian of the motherless children of the deceased until no child is below the age of fourteen years;

(iv) a sum of twelve pounds in respect of the expenses of the funeral of the deceased, payable to any person approved by the committee.

(*b*) If the deceased was unmarried—

(i) 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 his death dependent on the deceased for support;

(ii) if the mother of the deceased is dead, or is not entitled to an allowance, a weekly sum of eight shillings payable to the sister or sisters of the deceased (sharing equally) while such sister or any of such sisters is or are alive and unmarried, if in the opinion of the committee she or they were at the time of his death dependent on the deceased for support;

(iii) a weekly sum of two shillings and sixpence for each child of the mother of the deceased, or of the sister or sisters of the deceased, payable 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 mother or such sister or sisters was or were at the time of his death dependent on the deceased for support.

(iv) a sum of twelve pounds in respect of the expenses of the funeral of the deceased payable to any person approved by the committee.

2. *Where disablement results from the accident*—

a weekly sum of twelve shillings payable to the person disabled.

A person shall be deemed to be disabled when he is wholly incapacitated from attending to his ordinary occupation.

Sydney: William Applegate Gullick, Government Printer.—1900.

[6*d*.]