

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, } W. S. MOWLE,
Sydney, 14 June, 1911. } Acting Clerk of the Legislative Assembly.

New South Wales.



ANNO SECUNDO

GEORGI V REGIS.

Act No. , 1911.

An Act to extend to persons employed in or about sewer construction works the provisions of the Miners' Accident Relief Act, 1900, the Miners' Accident Relief (Amendment) Act, 1901, and the Miners' Accident Relief (Amendment) Act, 1910; to amend the said Acts and the Workmen's Compensation Act, 1910; and for other purposes.

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:—

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Preliminary.

1. (1) This Act may be cited as the "Miners' Accident Relief Short title.
(Sewer Miners) Act, 1911," and shall commence and have effect on and from a date to be notified by the Governor in the Gazette.

Miners' Accident Relief (Sewer Miners).

(2) This Act shall be construed with the Miners' Accident Relief Act, 1900, the Miners' Accident Relief (Amendment) Act, 1901, and the Miners' Accident Relief (Amendment) Act, 1910, which Acts are hereinafter referred to as the Principal Acts.

5 The said Acts are hereinafter referred to severally as the Principal Act, the Act of 1901 and the Act of 1910.

2. In this Act, unless the context otherwise indicates, "Sewer miners" means and includes rockchoppers, and any miners, labourers, and other persons employed in or about sewer construction works. Interpretation.

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Sewer miners.

3. (1) Committees shall be established as follows:—

(a) For the district comprising the county of Cumberland, there shall be a committee consisting of—

Appointment of committees.

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a person nominated by the Minister;
two persons nominated by the Contractors' Association; and
two persons nominated by the Rockchoppers' Union.

(b) The Governor may, by proclamation in the Gazette, declare any area outside the county of Cumberland to be a district, and for every such district there shall be a committee consisting of—

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a person nominated by the Minister;
two persons nominated by the employers of sewer miners within such district; and

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two persons nominated by the sewer miners employed in such district.

(2) Such committees shall be appointed by the Governor for the periods prescribed, and may be referred to as "committees for sewer mining."

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(3) Any such proclamation may be varied or revoked by the Governor by proclamation in the Gazette.

4. Any such committee shall have the powers and duties of a committee for a mine under the Principal Acts and this Act, and may grant allowances in accordance with the provisions of the said Acts in case of the death or disablement of any sewer miner caused primarily— Powers and duties of committees.

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(a) by any accident occurring after the commencement of this Act in or about sewer construction works; or

(b) by the disease or complaint known as pneumoconiosis or rockchopper's disease contracted at any time in or about sewer construction works, where such death or disablement has occurred after such commencement.

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All such allowances shall be paid in the amounts and manner and subject to the conditions prescribed by the Principal Acts and this Act in respect of allowances to persons employed in or about mines.

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Miners' Accident Relief (Sewer Miners).

5 **5.** The Minister and the board shall have the same powers and duties in relation to committees established and allowances granted as aforesaid under this Act as he or it has in relation to committees for mines and allowances granted under the Principal Acts as amended by this Act. Powers and duties of Minister and board.

10 **6.** (1) Every employer of sewer miners within any such district shall, on pay-day, deduct from the amount then payable for or on account of wages in respect of the employment by him of any sewer miner at any time since the next preceding pay-day the sum of fourpence-halfpenny for each week of such employment, and shall, when and as prescribed, pay the aggregate of such sums to the committee for the district. Deductions from wages.

15 Where a sewer miner leaves his employment when part only of a week has elapsed since the last pay-day, his employer shall forthwith make deduction as aforesaid for the whole of such week, as if such employment had continued during such week, and thereupon such sewer miner shall be exempt from any further deduction for such week.

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

7. There shall be paid into the fund constituted by the Payments to fund. Principal Acts—

25 (a) by every employer of sewer miners within any such district a sum equal to one-half of the aggregate of the sums deducted under the last preceding section in respect of sewer miners employed by him within such district;

(b) out of the Consolidated Revenue Fund an amount equal to the aggregate payments of such employers.

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

8. Such of the provisions of sections seventeen and nineteen of the Principal Act as relate to owners or managers of mines shall apply to employers of sewer miners within any such district as aforesaid. Principal Act, ss. 17 and 19.

9. The regulations made under the Principal Acts shall, Regulations. mutatis mutandis, apply to the above provisions of this Act so far as the same are applicable, and the power to make regulations under the Principal Act is extended to authorise the making of regulations for carrying out the above provisions of this Act.

10. The provisions of the Workmen's Compensation Act, 1910, shall not apply to sewer miners who are employed within any such district. Workmen's Compensation Act not to apply.

*Miners Accident Relief (Sewer Miners).**Amendments in Miners' Accident Relief Acts.*

11. Section three of the Principal Act is repealed, and the following is inserted in its place:— Principal Act.
New s. 3.

5 **3.** This Act shall apply to any mine when fifteen or more persons are employed in or about the mine, and shall continue to apply to such mine until the number of persons so employed has for three consecutive months been reduced below fifteen.

12. In section five of the Principal Act add the following at the end of the section:—“Where such person leaves his employment when part only of a week has elapsed since the last pay-day, the owner or manager of the mine shall forthwith make deduction as aforesaid for the whole of such week, as if such employment had continued during such week, and thereupon such person shall be exempt from any further deduction for such week.” Amendment of s. 5.

15 **13.** Subsection two of section six of the Principal Act is amended by omitting “each fortnight” and inserting the words “at the times prescribed.” Amendment of
s. 6 (2).

14. (1) The members of the board constituted by section eight of the Principal Act are retired from their offices on the board, and from 20 and after the commencement of this Act the board shall consist of seven members, who shall be appointed by the Governor, of whom one shall be Under-Secretary of the Department of Mines, and chairman of the board, and the other six shall respectively, so far as practicable, be representative of—

25 the owners of coal and shale mines ;
the owners of other mines ;
contractors for sewer mining ;
the persons employed in or about coal or shale mines ;
the persons employed in or about other mines ;
30 sewer miners.

(2) The board may appoint from its members a deputy chairman who shall, in the absence of the chairman, preside at its meetings. Deputy chairman.

(3) Section nine of the Principal Act is repealed. Repeal of s. 9.
35 **15.** The following section is inserted next after section sixteen of the Principal Act:— New s. 16A.

40 **16A.** Any officer of the board may inspect the pay-sheets of a mine or of a contractor for work in or about a mine, or of an employer of sewer miners, and may make inquiries as to the wages paid to check-weighmen and pickmen. Inspection by officer
of board.

45 Any person who refuses to allow such inspection or to produce any such pay-sheets when lawfully required so to do by any such officer, or who refuses to answer, or who wilfully makes a false answer to any inquiry authorised by this section shall be liable to a penalty not exceeding ten pounds. **16.**

Miners' Accident Relief (Sewer Miners).

16. The words "but not being greater than twenty-five pounds nor less than four pounds per annum" in section five of the Act of 1901, as amended by the Act of 1910, are repealed, and the following is inserted in the place of such words:—"but not less than four pounds where the moneys so received do not exceed six hundred pounds; where such moneys exceed six hundred pounds and do not exceed seven hundred and fifty pounds the amount so paid shall be thirty-five pounds, and where such moneys exceed seven hundred and fifty pounds there shall in addition be paid five pounds for each complete sum of two hundred and fifty pounds above seven hundred and fifty pounds. The provisions of this section shall apply to committees for mines and to committees for sewer mining."

Section 5 of Act of 1901.

Expenses of committees.

17. On the recommendation of the board the Minister may, by notification in the Gazette, declare any mining division constituted under the Mining Act, 1906, to be a special area for the purpose of the Principal Acts and this Act.

Special committees for mining divisions.

Upon such notification all committees for mines situated within such area shall be dissolved, and a special committee for such area shall be constituted consisting of a chairman, appointed by the Governor, and not less than six nor more than twelve other members of whom, as nearly as practicable, two-thirds in number shall be elected by the persons employed in or about mines situated within such area, and one-third in number shall be elected by the owners of such mines. Such elections shall be held as prescribed by regulations which the Governor is hereby authorised to make.

Any such special committee shall, with respect to all mines situated within its area, have the same powers and duties as a committee has under the Principal Acts and this Act with respect to the mine for which it has been appointed:

Provided that the amount to be paid from the fund to any such special committee for the purpose of remunerating its officers and paying expenses under the Principal Acts and this Act shall be fixed by the Minister on the recommendation of the board, but shall not exceed the amount of seven and one-half per centum of the moneys paid to the committee from deductions made from the wages of persons employed in or about the mines situated in its area, and of checkweighmen and pickmen employed at such mines.

18. The Act of 1910 is amended as follows:—

Amendment of ss. 6, 7, 10, 12, and 13 of Act of 1910.

(a) In paragraph (b) of section six omit the words "or disablement."

(b) In section seven, at the end of new section 6A add "For the purposes of such inquiry the board or the warden shall have the powers of a court of petty sessions. At any inquiry before a warden the board may appear by its chairman or secretary or by counsel or attorney."

Miners' Accident Relief (Sewer Miners).

(c) In section ten after "allowance" insert "or person in receipt of an allowance."

(d) In section twelve omit "on land held from the Crown for mining or for mining purposes."

5 (e) In section thirteen omit "five" insert "two."

19. Add at the end of the amendment inserted by section fifteen of the Act of 1910 the following:—"But if the father and the mother were at the said time both so dependent as aforesaid, then the allowance payable to the father shall be fifteen shillings
10 during the joint lives of the father and the mother."

Amendment of s. 15 of Act of 1910.

20. The provisions of the Principal Acts authorising the grant of a weekly allowance of two shillings and sixpence in respect of a child are amended by increasing such amount to five shillings.

Increase of allowance for children.

21. Paragraph one (a) (iii) of the Schedule to the Principal Act relating to the allowance payable to a guardian is amended by
15 omitting "a weekly sum of eight shillings per week," and inserting the words "such weekly sum not exceeding ten shillings, as the board, after receiving the recommendation of the committee in that behalf, may fix."

Amendment of Schedule relating to allowances to guardians.

22. Where death results from the accident, and the deceased was unmarried, and the father or mother or sister of the deceased was partly dependent on him for support, the committee may recommend to the board, and the board may grant an allowance at a rate not exceeding that which would be payable if the father or mother, or
25 sister, as the case may be, were dependent on the deceased for support.

Where father, mother, or sister was partly dependent.

23. Section eleven of the Act of 1910 is amended by inserting after "work of a light nature" the following words:—"In any such case the committee shall recommend to the board, and the board shall fix the amount of the allowance to be granted, which may be less or
30 equal to the weekly sum above mentioned."

Amendment of s. 11 of Act of 1910.

24. Where a husband deserts his wife for seven years or upwards, or is an inmate of a hospital for the insane, the wife shall, during the time that such desertion continues, or during the time that her husband is an inmate as aforesaid, have the same rights to
35 allowances under the Principal Acts and this Act as if she were a widow and were unmarried.

Wife deserted, or whose husband is insane, to have same rights as a widow.

The above provision shall apply whether the accident in respect of which the allowance may be granted happened before or after the commencement of this Act; but shall not entitle the wife to an
40 allowance before the said commencement.

25. (1) After the commencement of this Act no application for payment of allowances from the fund shall be granted if the persons to whom such allowances would be payable, if granted, are residing outside the Commonwealth of Australia.

Payment of allowances.

Miners' Accident Relief (Sewer Miners).

(2) Any allowance from the fund, granted after the commencement of this Act, shall cease during such time as the person to whom or on whose behalf such allowance was granted ceases to reside within the Commonwealth of Australia.

5 (3) The provisions of this section shall not apply to allowances granted prior to the commencement of this Act.

Sydney : William Applegate Gullick, Government Printer.—1911.

[6d.]

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Section 107, Chapter 107, Act No. 107, 1911

provisions relating to the compensation of the ...
(3) The provisions of the act shall not apply to
to those within the Commission of ...
person to whom or on whom ...
commission of the act shall ...
(3) shall ...

Section 107, Chapter 107, Act No. 107, 1911