

New Zealand.



ANALYSIS

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Length of hours for working underground. 3. Compensation recoverable in case of accidents. 4. "The Coal-miners' Medical Fund." 5. Miners' Association may form Medical Club. 6. Money may be deducted from wages and paid to credit of "Medical Fund." 7. How fund may be operated on. | <ol style="list-style-type: none"> 8. Weekly payments by members. 9. Amendment of section 66 of the principal Act. 10. Assignment or transfer of coal leases to laid before Parliament. 11. Amendment of section 33 of the principal Act. 12. State coal-mines to be subject to this Act. 13. Coal leases over education endowments. 14. Bed of river deemed vested in Crown. |
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1903, No. 80.

AN ACT to amend "The Coal-mines Act, 1891."

Title.

[23rd November, 1903.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Coal-mines Act Amendment Act, 1903"; and it shall form part of and be read together with "The Coal-mines Act, 1891" (hereinafter referred to as "the principal Act").

Short Title.

2. (1.) Subject to the provisions of any award now in force under "The Industrial Conciliation and Arbitration Act, 1900," a miner shall be entitled to be paid overtime when he is employed underground in a mine for more than eight hours in any day, counting from the time he enters the underground workings of the mine to the time he leaves the same.

Length of hours for working underground.

(2.) For the purposes of this section "miner" means any workman employed underground in a mine.

(3.) This section is in substitution for section six of "The Coal-mines Act Amendment Act, 1901," and that section and subsection three of section nine of "The Mining Act Amendment Act, 1902," are hereby repealed.

3. (1.) Any accident occurring in a mine shall be *prima facie* evidence that such accident occurred through some negligence on the part of the owner.

Compensation recoverable in case of accidents.

(2.) If any person employed in or about any mine suffers any injury in person, or is killed, owing to the non-observance in such mine of any of the provisions of this Act, such non-observance not being

solely due to the negligence of the person so injured or killed, or owing in any way to the negligence of the owner of such mine, his agents or servants, the person so injured, or his personal representatives, or the personal representatives of the person so killed, may recover from the owner compensation by way of damages as for a tort committed by such owner; and the amount of such compensation, with the costs of recovering the same when determined, shall constitute a charge on the mine and mining plant in or about which such person was so employed, and all charges arising under the provisions of this section shall, as between themselves, be paid rateably.

(3.) Such compensation may be recovered under the provisions of "The Workers' Compensation for Accidents Act, 1900," or "The Deaths by Accidents Compensation Act, 1880," or "The Employers' Liability Act, 1882," which shall respectively be applicable, according to the circumstances of each particular case; subject, however, that notice of injury having been sustained may be given under the last-mentioned Act at any time within three months from the occurrence of the accident causing the injury, instead of within six weeks as in the said Act mentioned.

(4.) Nothing in this section shall take away from any person any right to take proceedings in respect of a claim for compensation for injury or death by accident which he may have under any Act other than this, if he prefers to proceed under such Act, but in such case he shall forfeit any right he may have to take proceedings under this section.

"The Coal-miners' Medical Fund."

4. In addition to "The Coal-miners' Relief Fund" mentioned in section sixty-nine of the principal Act, there may be established another fund, called "The Coal-miners' Medical Fund."

Miners' Association may form Medical Club.

5. The Miners' Association mentioned in paragraph one of the said section sixty-nine may, for a district as mentioned in that section, form a Medical Club, and shall upon such formation forthwith notify in writing the coal-mine owners within such district of the formation of such Medical Club.

Money may be deducted from wages and paid to credit of "Medical Fund."

6. The owner of every coal-mine so notified shall (anything in any other Act notwithstanding) collect and deduct from the wages payable by him to every person employed in, upon, or about his coal-mine such sum per week as hereinafter prescribed, and shall pay such amount on the last day of each month into the Post-Office Savings-Bank nearest to the mine, to the credit of an account called "The Coal-miners' Medical Fund" of the district where such mine is situated.

How fund may be operated on.

7. All moneys so paid into the said Medical Fund shall be operated on by the persons appointed on that behalf by the said Medical Club in accordance with the regulations to be formed as hereinafter mentioned.

Weekly payments by members.

8. The said Medical Club shall decide what sum per week shall be paid by each member thereof as aforesaid, and may from time to time decrease, increase, or alter such sum, and shall notify the mine-owners of the amounts so fixed for payment in such manner as provided by regulations.

Amendment of section 66 of the principal Act.

9. Section sixty-six of the principal Act is hereby amended by adding the following subsections after subsection three thereof:—

- “(4.) Regulating the formation and establishment of Medical Clubs, and the notification of such formation to the coal-mine owners in the district.
- “(5.) Regulating the management and administration of the funds and moneys of such Medical Clubs.
- “(6.) Regulating the mode of keeping the accounts of the funds of such clubs, and of the inspection and audit of the books thereof, and the books of the coal-mine owners and Post-Office Savings-Bank in relation only to such funds and accounts.
- “(7.) Fixing fines for breaches of such regulations; such fines not to exceed for a first offence five pounds, and for a second or subsequent offence ten pounds.
- “(8.) And generally to make any other regulations in relation to such Medical Clubs and the funds thereof as may be necessary to give effect to this Act.”

10. Section nine of the principal Act is hereby repealed, and the following new section substituted in lieu thereof:—

Assignment or transfer of coal leases to be laid before Parliament.

“All assignments or transfers of any coal-mining lease shall be laid on the table of both Houses of Parliament forthwith if Parliament is in session, and, if not, then within ten days after the meeting of the first session of Parliament thereafter; and no assignment or transfer of any coal-mining lease shall be deemed to be completed until ten days after the date upon which such assignment or transfer of any coal-mining lease shall have been laid on the table of both Houses of Parliament as aforesaid.”

11. Section thirty-three of the principal Act is hereby amended by adding, at the end of subsection one thereof, the words “and on to each working-face when the men are employed thereat.”

Amendment of section 33 of the principal Act.

12. Every State coal-mine shall be subject to the provisions of this Act.

State Coal-mines to be subject to this Act.

13. (1.) At the request of the School Commissioners, High School Boards, University Councils, or College Governors in whom any land is vested as an education reserve or education endowment, and on such terms as may be stipulated, the Governor may, on the recommendation of the Warden, if in a mining district, issue leases or licenses for the raising and disposal of coal or lignite, in accordance with the provisions of the principal Act.

Coal leases over education endowments.

(2.) All rents and royalties arising from any lease or license granted under this section shall be paid over to the persons in whom the lands are vested, to be applied by them in the manner provided by law with respect to the proceeds of the sale or leasing of education endowments.

14. (1.) Save where the bed of a navigable river is or has been granted by the Crown, the bed of such river shall remain and shall be deemed to have always been vested in the Crown, and, without limiting in any way the rights of the Crown thereto, all minerals, including coal, within such bed shall be the absolute property of the Crown.

Bed of river deemed vested in Crown.

(2.) For the purpose of this section—

“Bed ” means the space of land which the waters of the river cover at its fullest flow without overflowing its banks:

“Navigable river” means a river continuously or periodically of sufficient width and depth to be susceptible of actual or future beneficial use to the residents, actual or future, on its banks, or to the public for the purpose of navigation by boats, barges, punts, or rafts; but nothing herein shall prejudice or affect the rights of riparian owners in respect of the bed of non-navigable rivers.