

Hon. Mr. Fraser.

MINERS' PHTHISIS.

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A BILL INTITULED

AN ACT to make Provision for Persons totally incapacitated for Work by Reason of Miners' Phthisis. Title

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

- 1. This Act may be cited as the Miners' Phthisis Act, 1915. Short Title.
- 2. In this Act, if not inconsistent with the context,—
  - “ Commissioner ” means the Commissioner under the Pensions Act, 1913: Interpretation.
  - “ Medical practitioner ” means a registered medical practitioner appointed by the Commissioner for the purposes of this Act:
  - “ Registrar ” means a Registrar of Pensions under the Pensions Act, 1913:

3. Subject to the provisions of this Act, any miner who is or hereafter becomes totally incapacitated for work owing to miners' phthisis (pneumoconiosis) contracted while working as a miner in New Zealand, and who conforms to the requirements hereinafter set forth, shall during such incapacity be entitled to a pension at the rate of one pound per week in the case of a married man or a widower with children under fourteen years of age, and fifteen shillings per week in the case of an unmarried man. Pensions to miners incapacitated by pneumoconiosis.

4. No such miner shall be entitled to a pension under this Act unless he fulfils the following conditions, that is to say :— Conditions precedent to grant of pension.

(a.) That he is a British subject by birth, or has been a British subject by naturalization for at least one year ;

- (b.) That he has resided continuously in New Zealand for not less than five years immediately preceding the date of his application ;
- (c.) That he has been employed in New Zealand as a miner for a period of not less than two and a half years prior to the date of his application ; 5
- (d.) That during the said period of five years he has not been convicted of any offence punishable by imprisonment for two years or upwards, and has not deserted or failed to provide for his wife or children ; and 10
- (e.) That he is of good moral character and sober habits. 10
- Pension to widow of deceased miner. 5. (1.) If any miner entitled to a pension under this Act dies of miners' phthisis, leaving a widow, his widow shall be entitled to a pension for two years at the rate of *twelve* shillings and sixpence per week. 15
- Funeral expenses. (2.) On the death of a miner entitled to a pension under this Act there shall be payable the actual reasonable expenses of his funeral, not exceeding *twenty* pounds. Payments under this subsection may be made to the widow (if any) of the deceased, or to any person by whom the expenses were incurred, or to any person entitled to receive payment in respect of such funeral : 20
- Provided that no payment shall be made under this subsection unless application for the same is made in the prescribed manner within twelve months after the date of the death.
- Applications for pension. 6. (1.) Every application for a pension under this Act shall be made in writing in the prescribed form to the Registrar of the pensions district wherein the claimant resides. 25
- (2.) Every such application shall be investigated and determined by the Commissioner, whose decision shall be final and conclusive.
- Certificates to accompany applications for pensions. 7. (1.) Every application for a pension under this Act shall be accompanied by a certificate in the prescribed form from a medical practitioner that the applicant is suffering from miners' phthisis and is totally incapacitated for work by reason thereof, and by such evidence as the Commissioner requires that the disease was contracted in New Zealand. 30
- Medical examination of pensioners. (2.) The Commissioner may from time to time ask for the re-examination of a pensioner by a medical practitioner, and if the Commissioner is satisfied as the result of such re-examination that the incapacity of the miner from miners' phthisis no longer exists he may terminate the pension. Such termination shall not bar the applicant from applying for a fresh pension should the incapacity recur. 35
- Pensioner under this Act not entitled under Pensions Act. 8. No person shall receive a pension under the Pensions Act, 1913, while in receipt of a pension under this Act.
- Application of Pensions Act for certain purposes. 9. (1.) The provisions of the Pensions Act, 1913 (other than provisions relating to the property or income of an applicant for a pension), which are not inconsistent with this Act, together with the forms and regulations thereunder, shall extend and apply, with all necessary modifications, to every application made under this Act and to every pension granted thereunder. 45
- (2.) A pension shall not be payable under this Act to any person while out of New Zealand. 50

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10. (1.) The gold duty payable under section sixteen of the Mining Amendment Act, 1910, shall after the commencement of this Act be paid into the Public Account. Section 16 of Mining Amendment Act, 1910, modified.

5 (2.) Any money to the credit of the Gold-miners' Relief Fund on the commencement of this Act shall be paid by the Public Trustee into the Public Account.

10 11. The Governor may from time to time, by Order in Council, make regulations for the remuneration and terms of employment of medical practitioners appointed under this Act, and generally for the purpose of carrying this Act into effect. Regulations.

15 12. (1.) The Minister of Finance shall from time to time, without further appropriation than this Act, pay out of the Consolidated Fund into the Post Office Account by way of imprest whatever moneys are necessary for the payment of pensions under this Act. Payment of pensions out of Consolidated Fund.

(2.) All expenses incurred in the administration of this Act other than the payment of pensions shall be payable out of moneys to be from time to time appropriated by Parliament. Other expenses to be appropriated.

20 13. Subsections three, four, and five of section sixteen of the Mining Amendment Act, 1910, section ten of the Mining Amendment Act, 1911, and section eight of the Mining Amendment Act, 1913, are hereby repealed. Repeal.