

1149

Mr. Parry.

MINER'S PHTHISIS.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Pensions to miners incapacitated by pneumoconiosis. Pension to partially incapacitated miner.</p> <p>4. Conditions precedent to grant of pension.</p> <p>5. Pension to widow of deceased miner. Pensions in respect of children when miner is predeceased by wife. Funeral expenses.</p> <p>6. Applications for pensions.</p>	<p>7. Certificate to accompany application for pension. Medical examination of pensioners.</p> <p>8. Application of Pensions Act for certain purposes. Pension not forfeited by temporary absence from New Zealand.</p> <p>9. Limitation of right to receive pension.</p> <p>10. Section 16 of Mining Amendment Act, 1910.</p> <p>11. Regulations.</p> <p>12. Payment of pensions out of Consolidated Fund. Other expenses to be appropriated.</p> <p>13. Repeal.</p>
--	---

A BILL INTITULED

AN ACT to make Provision for Pensioner totally incapacitated for Work by reason of Miner's 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 Miner's Phthisis Act, 1923. Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.

“ Commissioner ” means the Commissioner under the Pensions Act, 1913 :

“ 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. (1.) Subject to the provisions of this Act, any miner who is, or hereafter becomes, totally incapacitated for work owing to miner's phthisis (pneumoconiosis), and who conforms to the requirements hereinafter set forth shall during such incapacity be entitled to a pension at the rate of two pounds per week, together with such necessary medical comforts and medicines as the Commissioner may consider reasonable, and, if married, his wife shall receive one pound per week, and ten shillings per week for each child under sixteen years of age dependent upon him. Pensions to miners incapacitated by pneumoconiosis.

Pension to partially incapacitated miner.

Conditions precedent to grant of pension.

(2.) The Registrar may, in the event of partial incapacity, grant a pension in accordance with the measure of disability of the applicant.

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

(a.) That he has not deserted or failed to provide for his wife or children ; and 5

(b.) That he is of good moral character and sober habits :

Provided that nothing in paragraphs (a) and (b) shall be a bar to the wife and children receiving the pension as set forth in section *three* hereof ; and in the case of the wife leaving her husband and children the pension shall be payable to the husband or the approved guardian of the children. 10

Pension to widow of deceased miner.

5. (1.) If any person entitled to a pension under this Act dies of miner's phthisis leaving a widow (without children), his widow shall be entitled to a pension at the rate of *one pound ten* shillings per week, and if the widow has a child or children, she shall receive *two* pounds per week and *ten* shillings per week for each child dependent upon him under the age of sixteen. The Registrar may continue the pension to a female child until the age of seventeen years and to any infirm child for a longer period. Any orphan or motherless child may be granted a pension of *fifteen* shillings per week. 15 20

Pensions in respect of children when miner is predeceased by wife.

(2.) On the death of a miner, notwithstanding his wife having predeceased him, payment of *ten* shillings per week for each child shall be made to the approved guardian of the children.

Funeral expenses.

(3.) On the death of a miner entitled to a pension under this Act there shall be payable for funeral expenses the sum of *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 : 25

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 death. 30

Applications for pensions.

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. 35

(2.) Every such application shall be investigated and determined by the Commissioner, whose decision shall be final and conclusive.

Certificate to accompany application for pension.

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 miner's phthisis and is totally incapacitated for work by reason thereof, and by such evidence as the Commissioner may require. 40

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 miner's phthisis no longer exists he may terminate the pension. Such termination shall not bar the applicant from applying for a fresh pension should this incapacity recur. 45

Application of Pensions Act for certain purposes.

8. (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 the Act, together with the forms and regulations thereunder, shall extend and apply, with all necessary 50

modifications, to every application made under this Act and to every pension granted thereunder.

(2.) A pension shall not be payable under this Act to any person while out of New Zealand :

Pension not forfeited by temporary absence from New Zealand.

5 Provided that no instalments of pension shall be forfeited in respect of any period of absence from New Zealand which does not exceed two years ; and, further, provided that the death of a pensioner during temporary absence from New Zealand shall not prevent his widow and children obtaining a pension as provided for in subsection one of section 10 five hereof.

9. Notwithstanding anything to the contrary in the Miner's Phthisis Act, 1915, no pension shall be paid under that Act to any person who is in receipt of a pension under the War Pensions Act, 1915, of an equal or greater amount, in respect of death or disablement of a member of 15 the Expeditionary Forces due to miner's phthisis.

Limitation of right to receive pension.

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.

(2.) Any money to the credit of the Gold-miners' Relief Fund on 20 the commencement of this Act shall be paid by the Public Trustee into the Public Account.

11. The Governor-General may from time to time, by Order in Council, make regulations for the remuneration and terms of employ- 25 ment of medical practitioners appointed under this Act, and generally for the purpose of carrying this Act into effect.

Regulations.

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.

30 (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.

13. Subsections three, four, and five of section sixteen of the Mining Amendment Act, 1910, section ten of the Mining Amendment 35 Act, 1911, and section eight of the Mining Amendment Act, 1913, and the Miner's Phthisis Act, 1915, are hereby repealed.

Repeal.