

Do you appear on behalf of the insurance companies?—No, I am appearing on behalf of the Employers' Federation only. I am in no way appearing for the insurance companies.

*Mr. Holland:* Does not the Employers' Federation include the coal-mine owners?—Yes, that is so.

Supposing a man who has a wife and family is seriously injured in a coal-mine, and cannot work any more, is it not necessary in such a case that there should be an unlimited right to claim damages?—Why so in the case of a miner more than in the case of any other worker?

We are not dealing with other workers at the present time. We are prepared to deal with the other industries when the time comes. There was one case where a man had his spine injured in a coal-mine, and he was practically incapacitated for life, and in that case there was some technicality operating which prevented him receiving adequate damages from the employers—

*Mr. O'Regan:* They were only liable for £500.

*Mr. Holland:* Well, in a case like that, should the liability be borne by the employers, or by the wife and children of the injured man? What do you say to that?—I say that reasonable compensation should be given to the man in respect of his injury.

Then it would be a fair thing to allow him to come before a jury and claim damages up to any amount: that would be right and proper?—If the damage were caused by some negligence for which the owner is personally directly responsible that would be right and proper. But if the accident happens by reason not of any negligence on the part of the owner or of some superior employee, but because of negligence on the part of some other employee engaged in the same class of work as the injured man, then I say that he should not be entitled to claim unlimited damages.

Then the liability is to be thrown on the wives and children?—No. I say that such a man should have the right to claim damages, but no more and no less than any worker in any other employment.

Because the law is inadequate in regard to other workers you consider it would be a fair thing to apply that inadequate law to the miners?—My contention is this: First of all, bring all workers into line, and then if it is considered right and proper that higher compensation should be paid than at present, let such compensation be paid. But that should apply to any worker, no matter what his employment may be. First of all, you want to bring the law into harmony.

You admit, of course, that when a man who has a wife and family is injured for life the sum of £500 is altogether too small?—It certainly is not large.

You admit that a sufficient sum should be allowed for the maintenance of himself and his dependants?—I quite understand what you mean. It may be right in theory, but I very much doubt whether it would work out practically.

*Mr. Parry:* From your evidence, Mr. Myers, I understand that you think that the miners, in view of the Employers' Liability Act, the Workers' Compensation Act, and the other Acts having been passed since 1874, should forgo their special privileges under their own Acts?—Well, if you put it that way, I should say Yes. I myself do not like to put it that way. What I say is that all workers should be treated alike, and that the remedy may be to increase the statutory maximum.

Is it true that the miners are enjoying special privileges?—Certainly. And you are asking for the extension of those special privileges for the miners at the present time by this Bill of yours.

All I am asking for is to preserve the rights enjoyed by miners previous to the Workers' Compensation Act being passed?—Oh, no. The object of your Bill is to place the miners in a certain respect on the same footing as other workers, by giving the miners not the same privileges which they previously possessed, but a privilege which the Courts of law have held that they do not possess, but which all other workers do possess.

Let us go back to the time previous to when the first Workers' Compensation Act came into existence, with reference to sections 311 to 313 of the Mining Act dealing with the Warden's Courts?—The first Workers' Compensation Act came into force in 1900, and I think that at that time the coal-miners did not go before that tribunal with respect to claims for damages for accidents. The first Act which I think gave the Warden's Courts jurisdiction with respect to coal-miners' claims was passed in 1905. The gold-miners, I know, have always had the right to go to the Warden's Court, but not the coal-miners.

*Mr. O'Regan:* The whole difficulty arose in this way: The Regulation of Mines Act applied indiscriminately to all miners' claims up to 1886, when it was repealed and separate Acts were passed. Separate Acts were passed for coal-mines, and mines other than coal-mines. In the Mining Act these sections with respect to the Warden's Courts were incorporated from the Regulation of Mines Act, but they were not incorporated in the Coal-mines Act at that time.

*Mr. Parry:* What is the special privilege the miners are asking for by this amending Bill?—You are asking that the miner should have his present rights extended. Under the Workers' Compensation Act the worker has a right to accept weekly compensation payments, and is not thereby debarred from bringing an action for damages. The miner has not that right. The miner, if he accepts weekly compensation payments, cannot afterwards bring an action for damages. In that respect the miner is in a worse position than the ordinary worker. You want to improve the miner's position by giving him a privilege which other workers have and which he has not.

Are not the miners seeking to have the full benefits of the Workers' Compensation Act given to them, based upon their privileges before the Workers' Compensation Act came into force?—No. I would put it in this way: it is a matter of contract. It is similar to a case of contract at law. If you want to have the benefit of a contract you must accept the burden of the contract. You should not be allowed to take the benefit of a contract without also undertaking the burden. You say you want to put the miner into a better position—into the same position as an ordinary worker under the Workers' Compensation Act; but we say that they should not be put into the better position of taking those benefits unless they also take the corresponding disadvantage. In other words, we say that the miner should have the same limitation as any other worker. Do not think that I am saying that £500 should be the limit: I am not saying that; I am not expressing an opinion with regard to that. What I say is that the miner should be placed in the same position as any other worker, and that his maximum should be £500, or anything higher than £500 which is decided upon, but the same maximum should apply to all workers.

With respect to your objection to the assessors of the Warden's Court, it is not necessary that they should be engaged in mining at the time the case is being heard?—No.

Do you contend that an ordinary jury would be better qualified to deal with such a case than these assessors who are practical miners?—Yes, I would prefer an ordinary jury.