

Beyond Philanthropy: The New South Wales Miners' Accident Relief Act 1900

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For sixteen years, 1900-1916, the New South Wales *Miners' Accident Relief Act 1900* provided financial relief to the dependents of those killed in mining accidents and to those employees injured accidentally. The legislative measure constituted a significant development in public policy and in the improvement of miners' welfare. It established a Government-sponsored and permanent accident relief fund for miners.

This account traces the background to the passage of the *Miners' Accident Relief Act*. It also examines the incidence of fatal and non-fatal accidents in the colony's mines and also the influence on policy of the major mining disasters of the late nineteenth-century. The traditional sources of financial relief are outlined. It also gives special consideration to the political environment of the 1895-1900 period. This focuses on the role of the early New South Wales Australian Labor Party (ALP) in the 'balance of power' politics of the period, its influence on collectivist-type reforms and the part played by former miners in the colony's Parliament. The administration and funding of the Relief Fund are detailed, its limitations discussed and its termination in 1916 described.

Accidents in the New South Wales Mining Industry 1887-1900

From the late 1880s and especially in the mid-1890s, there was growing concern among various parts of the mining industry and among New South Wales Labor parliamentarians at the increased incidence of fatalities and serious injuries incurred in the coal and metaliferous mines. This was most pronounced in the wake of the Bulli (1887), Hamilton (1889) Broken Hill South and Stockton (1896) and Dudley (1898) colliery disasters.¹

In 1896, Josiah Thomas MLA-Broken Hill, reported to Parliament that 'fatal accidents at Broken Hill mines were increasing at an appalling rate'. He informed the Assembly that during the second-half of 1895 and the first -half of 1896, 15 men were accidentally killed at the Broken Hill silver mines. Thomas added that '... they were all killed in separate, single accidents'.² Also in 1896, William J. Ferguson MLA-Sturt

stated that at the Broken Hill mines '... fatal accidents and those of a serious nature had increased at least three-fold over the past five years'.³ Some four years later, an editorial in the *Barrier Miner* also highlighted the high incidence of fatalities in Broken Hill mines. It indicated that throughout the metaliferous mines of New South Wales in 1899 there were 39 fatal accidents (with 14 of them occurring in Broken Hill). Based on 7,252 men employed in the Broken Hill mines at the time, it represented 1.930 deaths per 1,000 employees, compared to 1.208 per 1,000 at other metaliferous mines in the colony.⁴

Labor members Joseph Cook (Hartley) and John L. Fegan (Newcastle), both former miners, identified the existence of discrepancies between the number of serious accidents officially reported to the Mines Department and the actual number of such accidents. According to Cook, in 1894 there were approximately 100 serious accidents reported to the Mines Department but he claimed that, in reality, there were more like 1,400 accidents in the northern coalfield alone (as reported to him by union lodge representatives).⁵ In 1898 Fegan also alleged that there were inaccuracies in the official accident statistics. Consequently he was responsible for the setting up of a House select committee 'to enquire into and report on the number of fatal and non-fatal accidents occurring in New South Wales coal mines'.⁶ The *Mines Regulation Act 1896* demanded that any accidents involving serious injury had to be reported by mine managers to a district inspector of the Department of Mines. In response, the Department did concede that it was sometimes difficult to determine which accidents should be reported. By 1901 the Department was highlighting that there had been an 'unduly swell in the total of non-fatal accidents reported since the introduction of the accident relief scheme'.⁷

Over the 16-year period (1887-1902), which included both the Bull and Mount Kembla disasters, there were 861 mining fatalities resulting in 53.8 deaths per annum. If the years 1887 and 1902 were excluded for the 14-year period from 1888-1901, the number of fatalities would have been 632, producing 45 deaths per year. The number of non-fatal (serious) mining accidents for the period 1887-1902 totalled 2,134 - that is 133.3 per annum (Table 1).

Sources of Relief

Prior to the Miners' *Accident Relief Act 1900*, financial relief for injured miners and for the dependents of those accidentally killed was provided through a variety of sources. Many miners subscribed to a fund administered by the local lodge of the miners' union.

Benefits, often of a short-term duration, included accident, sick and unemployment pay, and funeral allowances. The schemes were not compulsory and contributions were often affected by periods of strike activity and unemployment. Some of their rules exhibited a moral tone, reflecting such Victorian values as self-help and the virtues of work and success.

Table 1

Mining fatalities and non-fatal accidents, New South Wales, coal/shale and metaliferous mines 1887-1902

Year	FATAL ACCIDENTS					NON-FATAL ACCIDENTS				
	Coal/ Shale	Per 1,000 Empl- oyees	Metal	Per 1,000 Empl- oyees	Total	Coal/ Shale	Per 1,000 Empl- oyees	Metal	Per 1,000 Empl- oyees	Total
*1887	94	11.75	11	N/A	105	45	5.63	N/A	-	45
1888	15	1.61	12	0.69	27	43	4.60	9	0.52	52
1889	41	3.99	15	0.80	56	57	5.54	16	0.85	73
1890	13	1.26	16	0.72	29	36	3.49	21	0.95	57
1891	21	1.94	20	0.93	41	54	4.50	32	1.49	86
1892	8	0.76	18	1.04	26	77	7.32	28	1.62	105
1893	13	1.30	19	0.96	32	45	4.51	24	1.21	69
1894	7	0.65	28	1.16	35	40	3.70	27	1.21	67
1895	10	1.11	36	1.24	46	47	5.21	28	0.97	75
1896	24	2.60	35	1.15	59	62	6.71	36	1.18	98
1897	16	1.60	35	1.12	51	63	6.31	47	1.50	110
1898	25	2.38	35	1.15	60	113	10.74	112	3.69	225
1899	10	0.95	39	1.21	49	154	14.63	116	3.59	270
1900	24	2.09	42	1.30	66	193	16.79	155	4.80	348
1901	17	1.37	38	1.57	55	207	16.67	74	3.05	281
1902	105	8.01	19	0.92	124	154	11.74	54	2.62	208
Total	443		418		861	1,390		779		2,169

Notes:

*Includes Bulli Colliery Disaster in which 81 miners were killed.

**Includes Mt Kembla Disaster when there were 75 fatalities.

Sources: Adapted from H. Lee, 'A Disgrace to our Australian Civilisation: Mothers, Miners and the Commemoration of Mortality in New South Wales', in *Illawarra Unity, Journal of the Illawarra Branch of the Australian Society for the Study of Labour History*, vol. 4, issue 2004, pp. 10-11; *Annual Reports of NSW Dept of Mines 1887-1902*.

Miners, just like other workers could also enrol with a friendly society (based on the English model), such organizations having proliferated in the nineteenth century. If they

had the resources they could also seek coverage of risk from private insurance companies. When the state-sponsored accident relief fund scheme was first mooted, some mine owners in opposition to the scheme, suggested that their employees should seek such coverage through private insurance. Importantly in all of the above methods of relief, membership was voluntary, as no Government sponsored compulsory scheme of accident relief for miners existed. There was no guarantee that a particular miner would be covered by any of these schemes. Another source was in the form of a one-off ex-gratia payment given by mine owners to the dependents of a miner killed accidentally. For example, it was reported that Broken Hill Proprietary (BHP) had given grants of between £100 and £200 in such cases.⁸

When multiple fatalities occurred, (e.g. Bulli, Stockton and Dudley), it was usual practice for a public appeal for donations to be launched. A committee would be formed, often composed of local dignitaries, with a Secretary appointed with responsibility for donations and their distribution. Administration of the Fund was vested in a Trust. Communities in the immediate region often responded by organising special events dedicated to raising money for the disaster fund. Based on the experience of the Bulli and Dudley disaster appeals, donations were received from miners' lodges, and other community organisations including schools, churches and sporting clubs.⁹ In one instance, the Chinese-Australian merchant and philanthropist Quong Tart donated the proceedings of a publication, advocating the abolition of the opium trade, to the Bulli fund.¹⁰ Throughout the course of the appeal, lists of donors would appear in local newspapers, and following the distribution of monies to dependents the residue would be invested in an interest-bearing account.

According to Piggin and Lee, the Bulli Disaster Fund raised a total of £42,534 of which the sum of £10,000 remained in hand in 1902. Efforts in the New South Wales Parliament in 1902, to utilise these funds for the benefit of the dependents of those killed in the Mount Kembla disaster, were aborted. Towards the end of the nineteenth century, there were increasing and competing demands made on the public by charitable appeals in the colony. These included collections to meet the demands of the Boer War and in particular, some designed to assist those on the land survive the long drought of 1895-1903. In 1900 the Department of Mines referred to the frequent appeals to public charity following mining disasters as being, '... an unsatisfactory practice'. Some critics also complained that charitable funds were often dispersed in a very spasmodic manner.¹¹

The Political Environment

Particularly influential in the cause of industrial and mining reform was the emergence at the 1891 New South Wales general election of an embryonic Labor Party to challenge the fiscal parties (Free Traders and the Protectionists). Among the 35 Labor members elected were a number of former miners-some of whom were later instrumental in promoting reforms in the New South Wales mining industry. Former miners elected to Parliament as Labor members between 1891 and 1898 included John H. Cann (Broken Hill seat of Sturt), Joseph Cook (Lithgow seat of Hartley), Alfred Edden (Newcastle seat of Northumberland), John L Fegan (Newcastle), John B. Nicholson (Illawarra seat of Woronora), Josiah Thomas (Broken Hill seat of Alma) and David Watkins (Newcastle-Wallsend).¹²

Both Edden and Fegan pressed successfully for the inclusion of the 'ventilation clause' in the New South Wales *Coal Mines Regulation Act 1896*. Edden was also a persistent champion of the Eight-Hour Day Bill. Fegan, (who later sat as an Independent), chaired the House select committee in 1898 that inquired into accidents that occurred in New South Wales coal mines. The committee also included Cook, Edden and Watkins. Josiah Thomas, prior to entering Parliament, had been a member of the 1886 Royal Commission on Collieries and also sat on the New South Wales Assembly's Board of Inquiry into lead poisoning at Broken Hill mines.¹³

Labor won sufficient seats in the 1894 and 1895 general elections to hold the balance of power between the two major party groupings. From a position of relative power in the Legislative Assembly, Labor subscribed to the tactic of 'support in return for concessions'.¹⁴ For example, it supported the Free Trade Government of George Reid (1894-1899). During this period some of Labor's reform agenda was enacted including the following measures: *Coal Mines Regulation Act 1896* (to secure mining safety); *Mining on Private Land Act 1896*; *Factories and Shops Act 1896* and the *Employers' Liability Act 1897*. Additionally, Mines Minister J. Cook (who had transferred allegiance to the Free Trade Party) issued an Executive Order in 1898 requiring that every skip of mined coal had to be weighed in accordance with the provisions of the *Coal Mines' Regulation Act 1896*.¹⁵

With his Government weakened at the 1898 general election, leading a fragmented party and with a hostile Legislative Council, Reid was unable to deliver on further reforms sought by Labor. Edden and Fegan canvassed Protectionist leader William J. Lyne's views on industrial and social reforms and obtained from him a

written guarantee that he would introduce such measures. After some initial hesitation, Labor caucus decided to support Lyne in a censure motion against Reid. As a result, in September 1899, Labor members voted with the Protectionists in the division and Reid's Free Trade Government left office and were replaced by Lyne. Premier Lyne took up some of Labor's agenda. The more important measures included the Miners' *Accident Relief Act 1900*; *Truck Act 1900* (sponsored by Joseph Cook as a private members' Bill); *Old Age Pensions Act 1900*; *Mines Inspection Act 1901*; *Arbitration Act 1901* and also the *Women's Franchise Act 1902*.¹⁶

Besides Labor's contribution to the momentum for industrial and social reform, during the 1890s, there was growing support by some liberal elites in the colony for measures designed to ameliorate economic distress and industrial dislocation in the shape of State-sponsored interventionist and collectivist policies. Such sentiment was influenced by the industrial turmoil surrounding the Maritime Strike 1890, other spasmodic industrial disputes, especially in the mining industry and the general impact in New South Wales of the long Depression of the 1890s.¹⁷

Parliamentary resolution 1896

On 11 August 1896, Josiah Thomas, Labor member for the Broken Hill seat of Alma, proposed the following motion in the New South Wales Legislative Assembly: '... that the Government take steps to inaugurate a fund to provide maintenance for the widows; children and other dependents of miners killed while following their avocation'.¹⁸ Significantly, it was introduced during private members' business, as at that time the issue was not considered a priority on the legislative agenda of George Reid's Free Trade Government. Thomas stressed the need for a permanent accident fund and for it to be financially supported by both the Government and mine owners, but he provided little detail of the proposed scheme.¹⁹ He referred to instances where following nine fatalities at a Broken Hill mine an appeal resulted in a generous response (£3,000) in the form of public subscriptions. In contrast, he added, that where there had been a spate of single fatalities, miner's dependents 'got very little as public sympathy was not roused'. Thomas maintained that '... the wives and families of men who are killed singly suffer as much as those persons killed in company'.²⁰

Although acknowledging the hazardous nature of mining, some Labor members (including J.S.T. McGowan-Redfern and D. J. Ferguson-Sturt objected to the proposal as they perceived it to be 'class legislation', restricted to one section of the workforce.

They favoured the inclusion of builders, fishermen and seamen in the fund. Ferguson also opposed it on the grounds that it did not provide for the disabled or for those who contracted a work-related disease. Thomas, in support of his motion, referred to the accident relief schemes for miners operating in New Zealand and the English and Welsh coalfields.²¹

Some members viewed the proposal as implying state-sponsored protection of miners and their families that ran counter to firmly held *laissez-faire* sentiments. Nevertheless there was general support, in principle, for a permanent accident relief fund to which miners, the Government and mine owners should contribute. After a minor amendment, the motion was approved as a House resolution without the need for a vote.²²

Impact of the Stockton Colliery Disaster, Newcastle, NSW 1896

This disaster at Stockton Colliery, in which 11 miners were killed, appeared to have a catalytic effect on both the Mines minister Sydney Smith and his department. Three days after the disaster, a ministerial circular was dispatched to all mine owners and miners' union representatives that drew their attention to the House resolution regarding the proposed accident relief fund. It also requested that they elicit expressions of interest in a permanent fund.²³

In a series of editorials *The Newcastle Morning Herald* proved a strong advocate of the proposal. It stated that the spontaneous outpouring of public subscriptions in the wake of the Stockton disaster provided an opportunity for the establishment of a permanent fund along the lines of those in place in the 'old country'. One editorial claimed that no miner could object to a fortnightly deduction from his wages - 'equivalent to a couple of glasses of beer or the price of an ounce of tobacco'. Another editorial suggested that the scheme should extend to all coal miners in the colony and not just apply to those working in the Northern coalfield.²⁴

Following the Stockton disaster, James Blanksby MLC, expressed his support for a permanent fund in the *Newcastle Morning Herald*. He wrote that charitable funds, raised after multiple mining fatalities, were often distributed unevenly, spasmodically and constituted a constant drain on the public. He noted that such tragedies created certain sensationalism and took a deep hold upon public sympathy prompting a vigorous response. Blanksby proposed that the fund set up for the dependents of the Stockton colliery victims should form the nucleus of the permanent fund.²⁵

Figure 1: *Stockton Colliery, 1896 Party of Rescuers*



Source: Courtesy Newcastle Regional Library, NSW.

In the New South Wales Assembly on 30 June 1897, J.L. Fegan questioned Minister Sydney Smith on the progress made in setting up the accident fund. In reply, Smith indicated that he had canvassed the views of concerned parties and had met with a deputation of northern district miners and discussed the issue. He added that he was proposing a conference of all interested parties in Newcastle, NSW, in August, which he would attend.²⁶ Two months later on 20 August 1897, another ministerial circular was sent inviting mine owners and union representatives to attend a conference in Newcastle to consider the proposed fund.²⁷

First conference - Newcastle 1897

The conference held at the Newcastle Town Hall on 21 March was attended by Minister Smith, officials of the Department of Mines, representatives of coal owners and employees, managers of various Northern district coal mines, Mines Inspector J. Dixon, together with local members of Parliament, William T. Dick (Newcastle East), Alfred Edden, John Estell and David Watkins. Sydney Smith emphasised the necessity to establish a permanent fund to provide for the dependents of men killed when engaged in

mining. Stressing the proposal was supported by both the Reid Government and the Parliament, he hoped that employers and employees could formulate and submit a workable scheme, and promised to arrange for a Government actuary to attend the next conference to assist in fixing a basis for the solvency of the fund.²⁸

James Curley, Colliery Employees Federation Secretary, declared that the fund was 'absolutely necessary' as there had been 14 fatalities and 24 major accidents in the Newcastle district during 1896. George F. Earp, director of the Greta colliery, favoured a fund, as he claimed that miners' dependents should not be reliant on charity and added that that the Government should contribute as they made a profit out of the mining industry.²⁹

A committee was elected from the conference members to formulate details of the fund. It included representatives of both mine owners and employees, a local mines inspector and Alfred Edden MLA (Northumberland).³⁰ Mr Powys, Government Actuary, visited Newcastle and conferred with the committee. He also interviewed several mine union lodge secretaries from whom he collected information about the number and nature of accidents and the allowances paid to beneficiaries. Although the committee produced a draft report, a final version was held in abeyance until the Government Actuary supplied it with more information.³¹ According to a Newcastle *Morning Herald* report, there was a lack of unanimity in the committee. Disagreement centred on whether the membership of the fund should be voluntary or compulsory and on the amount of contributions to be made by miners, the owners and the Government.³²

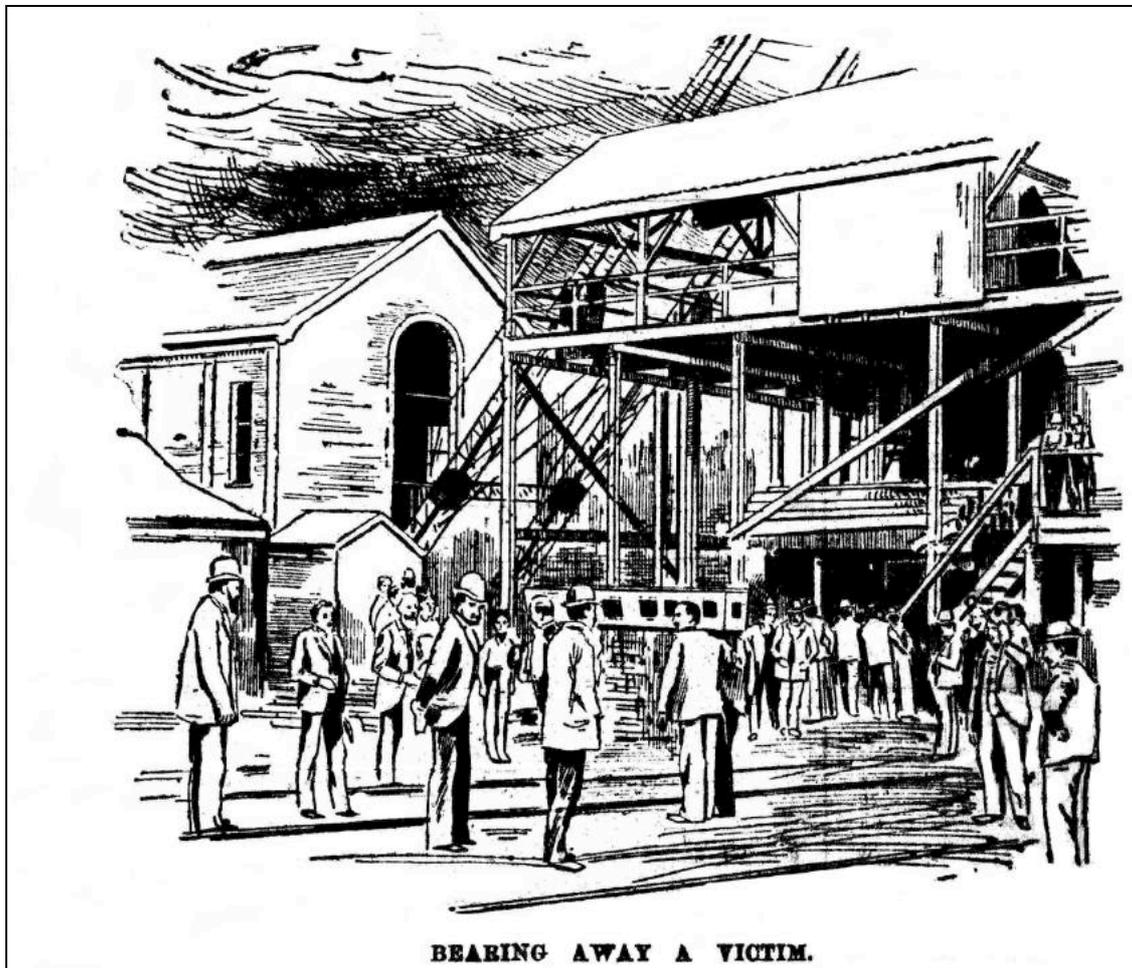
Reacting to the lack of progress, a deputation consisting of Newcastle-based parliamentarians Estell, Fegan, and Watkins together with James Curley and G. Henderson, Secretary of the Southern Miners' Association, met with Sydney Smith to enquire into whether the Government would assist in the establishment of the fund. The Minister's response was that he would first seek Cabinet approval and then convene another conference. He added that the object would be to formulate the basis of an agreement setting out the proportionate contributions to be made by the government, the proprietors and the miners.³³

Dudley Colliery disaster 1898

The death of 15 men as the result of a gas explosion at the Dudley Colliery near Newcastle, NSW on 21 March 1898, gave further momentum to the initiative.³⁴ The disaster proved to be the '... largest collective loss of life for any colliery in the

Newcastle coal measures'.³⁵ Sydney Smith spent two days at the colliery, descended into the pit and visited the distressed families of the victims. He instructed local parliamentarians to distribute small amounts of monetary relief to the dependents affected. The minister informed the press that the relief was of a temporary nature only, pending the establishment of a permanent fund to which the Government would contribute.³⁶

Figure 2: *'Bearing Away a Victim' Dudley Colliery Disaster 1898*. Newspaper etching with caption, *'The coffin which is here being borne on the shoulders of the workers contains the remains of Thomas Dorrity, whose body was the first recovered. Dorrity's brother heard the explosion at Charlestown, about 3½ miles away, and was among the first to hurry to the pit.*



Source: *Newcastle Morning Herald*, 2 April 1898. Courtesy Newcastle Regional Library.

Just a week after the Dudley disaster, Sydney Smith, in a statement to a representative of the *Sydney Morning Herald*, outlined the philosophy behind the need for the relief fund. The minister maintained that the Government had an obligation to

contribute to the fund as it derived a significant income in royalties from every ton of coal raised. He claimed that '... in one sense they (miners) could be viewed as working for the Government as well as for the proprietors'. Stressing the importance of the industry to the colony he stated:

Coal mining is a national industry without which the railways could not run, manufactures would be stopped and commerce paralysed. Despite its dreadful risks, it is of paramount importance that it should be carried on for the welfare of the whole community.³⁷

The minister also explained that he was preparing a bill to give legislative force to the fund. He revealed that the Government's contribution to the fund would be 10 per cent of the amount received from royalties of coal raised (producing £10,000 per annum). He also intimated that the miner's contribution would be in the form of a 'collier's right' (similar to a gold miners' right) amounting to ten shillings per annum. This he calculated would produce annual revenue of approximately £4,000 pounds. Smith also said that he visualised the coal owners' contribution to the fund would be in the region of four pence per ton of coal raised.³⁸

Second Conference, Newcastle 1898

On 21 December 1898, a month after the Dudley tragedy, a second conference was convened at the Newcastle Town Hall to promote the fund. In attendance were civic dignitaries (including local mayors from eight Newcastle municipalities), district miners' President John Estell and parliamentarians Alfred Edden and David Watkins. Whether by way of design or accident, no invitations were issued to colliery proprietors.³⁹

According to press reports, the conference was not participatory but more of an information session as the minister described some of the main features of the proposed fund and detailed the contributions to be made by the three parties. According to Smith, the existence of a permanent accident relief fund would afford a measure of satisfaction to miners, knowing that in the event of an accident, their wives and families would be provided for. He also informed the conference that the scheme would be compulsory and confirmed that the Southern and Western district miners had already met and indicated their support for the scheme.⁴⁰

Miners' Accident Relief Bill 1899

At the 27 July 1898 general election, Minister of Mines Sydney Smith was defeated in his Bathurst seat and as a consequence Joseph Cook was appointed to the mines portfolio.⁴¹ Earlier he had transferred his allegiance to the Free Traders. Cook introduced the Bill into the Assembly on 24 August 1899. He recognised that objections had been raised to the proposed fund on the basis that it only applied to miners but claimed that the industry suffered 'appalling losses of life and limb'.⁴²

The minister explained that the proposed scheme would apply to all miners not just those engaged in the coal industry. An amendment to the Bill, designed to include those employed in the shipping industry, was defeated and although the Bill passed the second reading, it was withdrawn due to the prorogation of Parliament.⁴³

With the defeat of the Reid (Free Trade) Government in the Assembly on 13 September 1899, Lyne's Protectionist Party took office and John L. Fegan replaced Joseph Cook as Mines Minister.⁴⁴

Miners' Accident Relief Bill (No. 1) 1900

Outlining the new Government's legislative agenda, the Governor's speech on 12 June 1900 contained references to the Miners' Accident Relief Bill as well as measures designed to improve mines inspection and safety in metaliferous mines.⁴⁵ This Bill was introduced in the Legislative Assembly by Mines' Minister Fegan on 21 August 1900 and passed its second reading but was withdrawn. Compared with the earlier Bill, the measure contained provision for allowances to be paid to those permanently disabled by a mining accident, but there was serious concern among mining communities that temporary disablement would not be covered under the proposed measure. Fegan had been advised in a report (dated 23 July 1900) from the Government Actuary that the stability of the relief scheme would be jeopardised if temporary disablement was covered. It suggested that the fund would flounder within a few years if such coverage was provided. The minister expressed the view that temporary disablement would eventually be accommodated.⁴⁶

Fegan informed the Assembly that he had consulted with union representatives together with some mine owners at well-attended meetings in Broken Hill, Newcastle and Wollongong. They had all urged the minister to include in the Bill, those accidents resulting in temporary disablement and the miners agreed unanimously to contribute an extra amount so that temporary disability be given coverage. He indicated that the

original bill was not acceptable to the mining community unless such accidents were included. According to one press report, the greatest pressure to include coverage of temporary disablement in the Bill stemmed from Broken Hill miners.⁴⁷

There appeared to be general support in the community for the tripartite structure involving contributions from the Government, miners and owners, with contributions from the Government being particularly welcomed. This was illustrated by the following editorial in the *Newcastle Morning Herald*:

As it is the State that holds a good grasp of the minerals and metals within its boundaries, it is not unreasonable that a fair proportion of the treasures of the earth should be devoted to the benefit of those who have been maimed by turning that wealth to practical account.⁴⁸

Perusal of departmental files indicate that Minister Fegan and his staff appeared to have consulted, as 'models', the by-laws and rules of several New South Wales miners' relief associations and those of some friendly societies.⁴⁹ From references made in parliamentary debate, it is obvious that the minister was acquainted with the regulations of miners' relief schemes operating in Great Britain, including those in Northumberland and Durham as well as in South Wales and Monmouthshire.⁵⁰

Miners' Accident Relief Bill (No. 2)

On 11 October 1900, the minister introduced the new Bill (which included provision of relief for temporary disablement) and outlined the organisation of the scheme.⁵¹ There was general support for the Bill although there was some concern over the lack of precise detail. Some discussion focused on the how the claims of both owners and miners (under the provisions of the *Employers' Liability Act 1897*) would be affected by benefits granted under the relief measure. Some owners were under the impression that by contributing to the accident relief scheme it would exempt them from the demands of the *Employers' Liability Act* (ELA). Additionally, some argued that it would be inequitable if an injured miner who received an amount from the ELA was denied an allowance under the relief scheme if he had contributed to it. Mine owners approval of the Bill may also have been influenced by the understanding that any pay-outs under the ELA would be reduced by the benefits granted to injured miners under the accident relief scheme.⁵²

Departmental records show that some mine owners wrote letters to the minister indicating their approval of the Bill. The Manager Director of Broken Hill Proprietary

Ltd (BHP) wrote that he '... cordially approved of the Fund ...'.⁵³

Approved by the Assembly, it also passed through the Legislative Council with only minor amendments. Stalwart conservative member Alexander Brown, instrumental in obstructing versions of the Coal Mines Regulation Bill 1889-1896, concurred with the principles of the measure but expressed concern over its lack of detail. He was critical that details of the scheme would be crafted later by the Government in the form of regulations.⁵⁴

Miners' Accident Relief Act 1900

The Act of 1900 provided financial relief to the families of those miners killed in accidents and to those miners disabled as a result of accidents at work. It only applied to those working in coal, shale and metaliferous mines but was extended to other types of mines in an amending statute. Also the Act only covered mines in which 15 or more persons were employed.⁵⁵

Under the Act, a six-member committee was established in each mine to administer the scheme at local level. It was composed of an inspector appointed by the Minister of Mines, three persons appointed by mine employees, and two persons appointed by the mine owner or his representative. The committee under the Act would grant allowances in the case of death or disablement of any employee working in or about the mine if caused primarily by an accident occurring at the mine. Allowances could be varied or terminated by the committee. These allowances were in addition to, and were not to affect, any grant or benefit made by friendly societies.⁵⁶ The allowances granted to beneficiaries under the Act were as follows:

- In the case of disablement-twelve shillings per week. A person being deemed to be disabled when he was 'wholly incapacitated from attending his ordinary occupation.'
- A funeral allowance for a deceased miner of £12;
- an annuity to a widow until remarriage of eight shillings per week;
- an allowance for each child under 14 years of two shillings and six pence per week;
- an allowance to a guardian of motherless children of eight shillings per week until the youngest reached 14 years.

If the deceased was unmarried, a weekly sum of eight shillings per week was payable to the dead miners' mother while she was unmarried, if in the opinion of the committee, she was dependent on the deceased for support. If the mother of a deceased miner was dead, or was not entitled to an allowance, a weekly sum of eight shillings was payable

to the sister or sisters of the deceased (shared equally) while each sister remained unmarried. This was only paid if, in the committee's opinion, she or they were dependent at the time of death on the deceased miner for support. Allowances were to be paid by the committees each fortnight from monies in hand. Any allowances under the Act were to be taken into consideration in the determination of any amount of compensation paid by the owner of the mine and in any action taken under the *Employers' Liability Act*.⁵⁷

Miners' contributions were set at four-pence halfpenny (4.5 pence) per week to be deducted on pay day by the mine owner and paid to the local committee within a prescribed time. The owners' contributions amounted to ten shillings per annum per head, based on the annual daily number of persons employed during each quarter, while the State's contribution was an amount equal to the aggregate contributions of the mine owners. The fund was vested in the New South Wales Miners' Accident Relief Board consisting of six members appointed by the Governor-in-Council. It was to include a chairman together with five representatives (as far as practicable) from coal and shale mines, owners of other mines, persons employed in mines, as well as a representative of the Department of Mines. The Minister of Mines had to ensure that an actuarial examination was undertaken once every five years, or at any time he thought fit, to ascertain the solvency of the Fund.⁵⁸

Following passage of the measure, the Minister issued regulations (gazetted 17 December 1900) using his powers under the 1900 Act. These related to the process of making appointments to the local committees together with details of the financial arrangements governing the committee's disbursement of allowances to beneficiaries. They also prescribed the duties of the secretary and treasurer of the local committees.⁵⁹

Progress, performance and termination of the fund

The *Annual Report* of the New South Wales Miners' Accident Relief Board noted that by 1903 there were 154 mines subject to the *Mines' Accident Relief Act*, and that mine employees' contributions in that year amounted to £19,022. Contributions by the mine owners had been £8,882 and the New South Wales Government had provided £8,927 in the form of a subsidy from Consolidated Revenue. The first challenge to the new fund came in the form of the Mount Kembla colliery disaster of 31 July 1902, when 94 employees were killed. Recognising the value of prompt action, the Board's Chairman and Secretary visited the district and immediately paid funeral allowances to the

bereaved in 87 cases. Due to the enormity of demands made on the local committee, together with the fact that several dependents eventually left the district, arrangements were made for allowances to be paid directly from the Board's Sydney office.⁶⁰

The Board acknowledged that the disaster had put a 'substantial financial' charge on the infant fund. It recorded that, as a direct result of the disaster itself, continuing allowances to dependents had been granted to 48 adults and 114 children. It commented that as so many victims of the tragedy were unmarried, it meant that, from a monetary standpoint, the impact on the fund was 'less serious'. The Board also observed that an increased proportion of employee contributions were being absorbed by the payment of allowances. Nevertheless, it concluded that with a growth in contributions together with investment income, a normal balance would be achieved in the future. In the wake of the Mount Kembla disaster, there were some criticisms of the Fund as it did not provide for compensation in event of accidents and that its allowances were meagre. It was designed only to provide relief in event of death or accident.⁶¹

By 31 December 1902, after two years of operation, the total number of beneficiaries under the Act was: 76 widows; 5 fathers; 14 mothers; 4 sisters and guardians, and 212 children. The Board's chairman, J.F. Fegan, claimed that the local committees had operated in a most 'satisfactory manner': applications for relief were scrutinised very closely and he confirmed that the Fund was in 'safe hands.'⁶²

Amending Acts

When defending the Bill in Parliament in 1900, the minister had stressed that the measure was 'experimental' and any necessary changes to the Fund would be implemented through ministerial regulations and amending statutes.⁶³ The *Miners' Accident Relief (Amendment) Act 1901* provided for the establishment of joint local committees covering several mines. It also made provision for remuneration of the Board's officers and for payment of expenses incurred by local committee members.⁶⁴ Another amending statute in 1910 empowered the minister to dissolve a local committee and remove a member or officer. It clarified entitlements of a father, mother and sisters of the deceased. The measure permitted mines, where less than 15 persons, but more than five were employed to contribute to the Fund. Later this lower limit was increased to 10 employees. Provision was also made for miners to contribute to a neighbouring mines' committee fund.⁶⁵ Another amending act in 1912 reduced the size of the Miners' Accident Relief Board to five members and the Under-Secretary for

Mines was designated as Board Chairman.⁶⁶

From the Fund's inception, local committees lobbied for increases in both the scale of allowances and in their own operational expenses. Only marginal increases in allowances were authorised through statute. The committees determined whether an applicant was eligible for disablement benefits under the Act and received advice from local medical officers. Therefore decision-making was made at local level and only a minority of cases was referred to the Board for resolution.

One such case involved a beneficiary who had accidentally suffered an eye injury in 1907. Following his recovery, he was confined to a mental hospital and the Board ruled that as his condition was not attributable to the original accident, he was no longer eligible for accident relief.⁶⁷ Providing beneficiaries with 'light duties' in mines became a particular issue. In one 1905 case the Fund's local medical officer certified that a person was 'fit for light work'. In response, the committee ruled that as the man '... cannot follow his own calling as a miner, the benefit should be retained'.⁶⁸ A 1910 amendment to the principal Act stated that '... a person may be deemed to be disabled even though he is able to undertake work of a light nature'.⁶⁹ By 1916, the Board's report was applauding the special efforts of some mine managers to provide 'light employment' for men unfit to resume their normal work in the mines.⁷⁰

After 16 years of operation the Fund was terminated by the New *South Wales Miners' Accident Relief (Repeal) Act 1916* from the date of the commencement of the *Workmen's Compensation Act 1916*. The Miners' Accident Relief Board was dissolved and the Fund closed. The balance of funds remaining (£337,000) was transferred to the State Consolidated Revenue Fund. Existing beneficiaries continued to receive their allowances from that source and new claims were dealt with under the terms of the *Workmen's Compensation Act*.⁷¹ The NSW Labor Party and Miners' unions had lobbied for some time for the introduction of workmen's compensation and the repeal of the Accident Relief statutes. Government Actuary J. Trivett claimed that the provisions of the compensation Bill were more favourable to miners than the accident relief scheme, as the compensation measure conferred a higher scale of benefits, covered a wider range of workers and did not involve contributions from workers. The Government also repealed the 1897 *Employers' Liability Act*.⁷²

In its final report (1917), the Board detailed that during the 16 years of its existence; benefits had been paid to 628 adults and 1,175 children - all dependents of persons killed accidentally in the mines. The number of beneficiaries, on account of

disablement, totaled 77,534, and benefits were paid to 654 children dependent upon persons permanently incapacitated. The total amount of benefits paid over the period was £523,492. The Board, in a summary of its work, claimed that it had attempted to administer the Fund in as liberal a way as possible. Nevertheless, it regretted that the limitations imposed by the principal Act precluded the granting of benefits in cases of need, where the cause of such need was not considered accidental within the meaning of the 1900 Act. It also stressed that that it would have been 'gratified' if the scale of benefits could have been extended, but it recognised that the Fund was designed to address relief and not to provide for comprehensive maintenance. In its defence of the Fund it concluded that it had provided an '... esteemed social service'.⁷³

Conclusion

Developments in public policy do not occur in a vacuum, but are often the product of an amalgam of different factors. The New South Wales political environment of the late nineteenth-century influenced the enactment of the accident relief initiative, with the emerging Australian Labor Party (ALP) playing a pivotal part in pressing for reforms in the mining industry. Its third-party status, in a 'balance of power position', conferred on it a certain amount of leverage and power in the colony's Assembly. Additionally, the leadership roles undertaken by former miners, Joseph Cook, John Estell, John L. Fegan and Josiah Thomas, in retaining the issue (and other mining reforms) on the parliamentary agenda cannot be under-estimated. Additionally, the existence of overseas relief schemes (operating in Great Britain and New Zealand) exerted some influence.

Increasing public and industry concern over the incidence of both fatal and non-fatal mining accidents meant that the issue of accident relief figured regularly in press editorials. It was also prominent on the agenda of the miners' associations, the NSW Trades and Labour Council and the infant Labor Party. The issue of accident relief for miners gained particular momentum following the 1896 and 1898 disasters at the Stockton and Dudley collieries. It was during the period 1896-1900 that there was increased realisation that dependence on philanthropy (through periodic charitable appeals) was insufficient. As a result, a consensus crystallised around the need for a compulsory state-sponsored, permanent scheme of accident relief. The last decade of the nineteenth century witnessed increasing government intervention in the economic and social life of the colony. It was conceded by some elites that certain legislation was

necessary to prevent abuse and to regulate and 'improve' society.

Unlike the stormy and protracted passage that versions of the Coal Mines Regulation Bill experienced (1888-1896), the accident relief Bill received a rather uneventful passage through Parliament. After the questions of compulsion and contributions were settled the measure proved acceptable. The financing of the Fund, based on contributions from the three sources was popular, and with the miners contributing, it retained the traditional Victorian virtue of 'self-help'. The contributions of both the Government and the mine owners appeared equitable and were supported, while the permanent nature of the scheme was seen as a positive feature.

The Miners' Accident Relief Act 1900 singled-out miners' as a special class' when recognising they needed special treatment that required the provision of relief because of the hazardous nature of their daily work. Such measures reflected the view that miners and the mining industry played a vital role in the New South Wales economy. Organisationally, the hallmark of the Fund was its strong reliance on local committees and medical officers. Benefits were determined, in the main, by locals rather than through a distant centralised Board.

A major criticism of the scheme, recognised by the Board, was that it was designed only to provide relief to ameliorate immediate distress and satisfy basic needs. It was never intended to provide any semblance of comprehensive maintenance or even compensation for loss of earning capacity. Another serious criticism was that the scheme did not apply to those incapacitated through contracting an industrial disease. Nevertheless, the Fund was a product of the political dynamics of the late nineteenth century and was eventually superseded by the workmen's compensation scheme. One of its positive features had been its administration by 'local men'. At its termination in 1916, one House member, among many who were appreciative of its valuable service to miners, commented that the Fund was '... administered in a sympathetic, impartial and economical manner'.⁷⁴

Endnotes

¹ Peter Bell, *If Anything Too Safe: The Mount Mulligan Disaster of 1921*, James Cook University, Townsville, 1996, p. 167.

² *New South Wales Parliamentary Debates* (hereafter *NSWPD*), 9 September 1896, p. 3021.

³ *NSWPD*, 11 August 1896, p. 2156.

⁴ *Barrier Miner*, 29 October 1900.

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- ⁵ *NSWPD*, 11 October 1898, pp. 1260-68.
- ⁶ *Ibid.*, 21 October 1898, p. 753.
- ⁷ *Annual Report of the Department of Mines, NSW, 1901*, p. 7.
- ⁸ G. Cass, *Workers Benefit or Employers' Burden: Workers' Compensation in NSW*, Industrial Relations Research Centre, University of NSW, Kensington, NSW, 1982, pp. 21-23. The Rules of the McPhail and Tomingley Miners' Accident Association displayed a distinctive moral tone. They stipulated that 'beneficiaries shall not be absent from home after 6pm or indulge in intoxicating liquors or any immoral conduct that would influence their recovery'. Breaches of the rules would result in members forfeiting their benefits. See Department of Mines, Correspondence, CGS 9985, File. *NSWPD*, 11 August 1896, pp. 2162-63, State Records NSW (hereafter SRNSW).
- ⁹ *Newcastle Morning Herald* (hereafter *NMH*), 31 March 1898.
- ¹⁰ Facts Sheets 'Quong Tart', <http://www.racismnow.com/au> accessed 18 December 2008.
- ¹¹ S. Piggan and H. Lee, *The Mount Kembla Disaster*, Oxford University Press, South Melbourne, 1992, pp. 100-101; *Annual Report of the NSW Department of Mines 1900*, quoted in Piggan and Lee, *The Mount Kembla Disaster*, p. 101.
- ¹² C.N. Connolly, *Biographical Register of the NSW Parliament, 1856-1901*, ANU Press, Canberra, 1982, pp. 72, 98, 99, 211, 252; B. Nairn, *Civilising Capitalism: The Beginnings of the Australian Labor Party*, Melbourne University Press, Carlton, Vic., 1989, pp. 68-69.
- ¹³ The 'ventilation clause' of the *Coal Mines Regulation Act 1896*, General Rule (Part 2), prescribed that that 'an adequate amount of ventilation shall be constantly produced in every mine to supply pure air in quantity of not less than 100 cubic feet per minute'.
- ¹⁴ Cass, *Workers' Benefit*, p. 16; George Black, *NSWPD*, 16 July 1891, pp. 126-28.
- ¹⁵ J. Murdoch, *Sir Joe: A Political Biography of Sir Joseph Cook*, Minerva, London, 1996, p. 53.
- ¹⁶ *Ibid.*, p. 16.
- ¹⁷ Nairn, *Civilising Capitalism*, pp. 263-65.
- ¹⁸ *NSWPD*, 11 August 1896, p. 2152.
- ¹⁹ *Ibid.*, p. 2165.
- ²⁰ *Ibid.*, p. 2156.
- ²¹ *Ibid.*, pp. 2163-65.
- ²² *Ibid.*
- ²³ *NMH*, 4 December 1896; Under-Secretary to mine owners and miners' associations, dated 5 December 1896, CGS 999, Department of Mines, Circ. 21, 96-28024M, SRNSW.
- ²⁴ *NMH*, 10, 11 and 16 December 1896.
- ²⁵ J. Blanksby MLC, letter published in *NMH*, 10 November 1896.
- ²⁶ *NSWPD*, 30 June 1897, p. 1525.
- ²⁷ Under-Secretary to mine owners and miners associations, 27 August 1897, CGS 995, Department of Mines Circ. 97-18, 154M, SRNSW.
- ²⁸ *NMH*, 30 August 1897.
- ²⁹ *Ibid.*
- ³⁰ *Ibid.*
- ³¹ *Ibid.*, 30 September 1897.
- ³² *Ibid.*, 18 November 1897.
- ³³ *Ibid.*, 17 February 1898.
- ³⁴ C. Beauchamp, 'Dudley Colliery Disaster, Newcastle, NSW, 1898', *Journal of Australasian Mining History*, vol. 6, September 2008, pp. 1-20.
- ³⁵ Ed. Tonks in *NMH*, 23 July 1998.
- ³⁶ Beauchamp, 'Dudley Colliery Disaster', pp. 5-6.
- ³⁷ *The Sydney Morning Herald* (hereafter *SMH*), 30 March 1898.
- ³⁸ *Ibid.*
- ³⁹ *NMH*, 22 April 1898.
- ⁴⁰ *Ibid.*
- ⁴¹ C. Beauchamp, 'The Macquarie Campaign: the Tried and Trusted Member', in M. Simms (ed.) *1901: The Forgotten Election*, University of Queensland Press, St Lucia, 2001, pp. 151-52.
- ⁴² *NSWPD*, 24 August 1899, pp. 1024-25.
- ⁴³ *Ibid.*, p. 1025.
- ⁴⁴ Nairn, *Civilising Capitalism*, pp. 264-65.
- ⁴⁵ *NSWPD*, 12 June 1900, p. 3.
- ⁴⁶ *Ibid.*, 21 August 1900, p. 2021.
- ⁴⁷ *Ibid.*, pp. 2021-27; *Barrier Miner*, 3 September 1900.

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- ⁴⁸ *NMH*, 17 July 1900.
- ⁴⁹ Department of Mines, Correspondence File, CGS 9985, SRNSW.
- ⁵⁰ *NSWPD*, 12 September 1900, pp. 2361-62.
- ⁵¹ *Ibid.*
- ⁵² *Ibid.*
- ⁵³ Department of Mines, letter (dated 11 October 1900), BHP managing director to Mines Minister, CGS 9985, SRNSW.
- ⁵⁴ *NSWPD*, 11 October 1900, p. 3812.
- ⁵⁵ *Miners' Accident Relief Act 1900*.
- ⁵⁶ *Ibid.*
- ⁵⁷ *Ibid.*
- ⁵⁸ *Ibid.*
- ⁵⁹ *New South Wales Government Gazette*, no.1157, 17 December 1900, pp. 9773-80.
- ⁶⁰ *Annual Report of NSW Miners' Accident Relief Board 1903*, p. 1.
- ⁶¹ *Ibid.*, p. 2.
- ⁶² *Ibid.*
- ⁶³ *NSWPD*, 12 September 1900, p. 2362.
- ⁶⁴ *Miners' Accident Relief (Amendment) Act 1901*.
- ⁶⁵ *Ibid.*, 1910.
- ⁶⁶ *Ibid.*, 1912.
- ⁶⁷ Miners' Accident Relief Board - File of Accident Applications, CGS, 10195, SRNSW.
- ⁶⁸ *Ibid.*
- ⁶⁹ *Miners' Accident Relief (Amendment) Act 1910*.
- ⁷⁰ *Annual Report of the Miners' Accident Relief Board 1917*, pp. 1-2.
- ⁷¹ *Ibid.*
- ⁷² Government Actuary quoted in *NSWPD*, 21 September 1916, p. 2003.
- ⁷³ *Annual Report of the Miners' Accident Relief Board 1917*, pp. 1-2.
- ⁷⁴ 'Captain Toombs, MLA', *NSWPD*, 21 September 1916, p. 203.