

suffer. I say the thing is altogether wrong. However, I do not wish to go into that matter any further. Mr. Bice has come to Wellington expressly for the purpose of giving evidence, and he is armed with the medical certificates.

Hon. Mr. Veitch : Perhaps it would help if I state exactly the position from my point of view : that would perhaps assist the witness to state the case more satisfactorily to the interests of the petitioners. I can speak in general terms of all the petitions with one exception. All these petitions are really on the same lines. They all ask for an improvement of the conditions of the miner's phthisis pension, in different directions. First of all I want to defend the Department to the extent of saying that however great may be the hardship in each of these cases, they are all outside the provisions of the Pensions Act as it stands to-day. The law, in my judgment, is weak, and the administration of the law is in the hands of the Commissioner, but he is absolutely bound hard and fast.

Mr. Samuel : I said he is bound by the certificate given by the examiners.

Hon. Mr. Veitch : I have arrived at this point : that I have visited some of the hospitals and seen some of the cases, having the notion of going through some of these petitions ; and have discussed the position with the late Commissioner of Pensions, Mr. Fache, who has just gone out of office, and also with Mr. Boyes, the new Commissioner, as well as with the Under-Secretary of Mines, who is here this morning, and I have come to the conclusion that it is necessary to amend the Pensions Act, and to give some relief along these lines. I came to this conclusion some time ago. I asked for the authority of Cabinet to submit certain recommendations in connection with the pensions law, and I have the authority of Cabinet now to prepare certain provisions, which are as yet undefined. I am going into the matter over the week-end, and some time next week I have to make definite proposals to Cabinet. The intention is to amend the law in this particular direction. I have arranged to discuss the whole position with the Commissioner of Pensions. I hope I shall be able to make my recommendations to Cabinet during the coming week, and it should be possible to bring the proposed amendment of the law before the House within a reasonable time. I would like the witness to understand the position before his examination begins.

Mr. Bice : Could the amendment be made retrospective to a certain time ? These applicants, for instance, should not be debarred from reappealing.

Hon. Mr. Veitch : It could not be made retrospective for an indefinite period. That would entail an immense amount of money.

Mr. Bodkin : Under the present Act, within what time must the application be made for a pension ?

The Chairman : The only limitation is that the applicant must be a British subject by birth, or have been naturalized for at least one year, and have been five years in New Zealand, and have worked in a mine for two years out of the five years.

Mr. Bodkin : Then there is no necessity to make the provision retrospective.

WILLIAM BICE examined. (No. 4.)

1. *The Chairman*.] What is your full name ?—William Bice. And your position ?—I am secretary of the Ohinemuri Mines and Batteries Union. With regard to the case of Mrs. Ashby, I contend that it does come within the law, because the Act says that the widow of a miner who has died from pneumoconiosis shall be entitled to a pension. It does not say that he shall have drawn the pension before his death.

2. It says that if any man entitled to a pension dies of miner's phthisis, leaving a widow, his widow shall be entitled to a pension ?—In that case we have definite proof that he died from miner's phthisis, so that she comes within the Act. Dr. Cole certified in the first instance that Ashby was suffering from pneumoconiosis, and he had an X-ray photograph taken by Dr. Harris, of Hamilton. This X-ray photograph the Department sent back to Dr. Harris for a report. Dr. Cole, before giving a certificate, also examined that X-ray photograph. He read it as indicating pneumoconiosis, but Dr. Harris, who took the radiograph, read it as tuberculosis. I suggest that in that instance the evidence of Dr. Cole should carry more weight, owing to his long experience. In the face of that position the Department refused to grant a pension. Dr. Cole was quite aware of that, but he wrote the death-certificate, which gave the cause of death as pneumoconiosis. I submit that that is a clear case. I do not think there can be any argument in connection with Mrs. Ashby's claim.

3. If there is, it can only be a legal quibble as to whether the miner's right to a pension is governed by the words "total incapacity," and whether death is not "total incapacity" from the legal point of view ?—That is so. If a miner is entitled to a pension at the time of his death, his widow should also be entitled to it. That gets over the anomaly existing. I know of a case where a miner named Odlin, who is in receipt of the pension, went to visit relatives in Tauranga for the benefit of his health, and met with a motor-car accident, in which he received a shock that killed him. Nobody else in the car was injured, but owing to the low state of his health he died. With regard to the case of Vosper, he has been mining for fifty years, and according to the report on the departmental documents his disability was due to tuberculosis. I do not think that Vosper ever suffered from tuberculosis. The fact that he has worked for fifty years underground does not seem to point that way. Quite a lot of stress is laid by the Department and the doctors on the question of tuberculosis. Both Dr. Cole and Dr. Short tell me that tuberculosis is the natural sequence of pneumoconiosis—that it will follow pneumoconiosis in practically every case. I have here a certificate with regard to Vosper from Dr. Cole, who is very much perturbed over these cases. He told me that he cannot understand why Vosper was turned down. His certificate gives Vosper's age as about seventy, of which fifty years have been spent in mining, and says, "In my opinion he is suffering from pneumoconiosis, and totally unfit for working." The date of that certificate is the 21st of this month, which is after the refusal of the Department to grant the pension, and after the pronouncement of the Auckland doctors.