

Mr. Payne.

FATALITIES LIABILITIES.

ANALYSIS.

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A BILL INTITULED

AN ACT to place the Liabilities for Loss of Life on any Person or Persons who severally or collectively are responsible for the Damming-up of Streams, or Digging of Areas wherein may collect Water to such a Depth as to endanger Child or Adult Life.

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 Fatalities Liabilities Act, 1916.

2. Any person who dams up a stream or creek or who in any way is guilty of any act or acts the result of which is the collection of water to a depth of more than twelve inches in any part, such act or acts shall be deemed to the danger of child or adult life; and, in the event of a loss of life occurring, the person or persons collectively, or severally, or both, shall have no defence, the evidence of the water having collected by reason of the damming-up of any stream, or having collected by reason of any area having been excavated, and the death of a child or adult by drowning in such dam or water-collection area shall be proof positive that human life has been endangered, and the person or persons owning or controlling the land on which the dam or collection-area is situate shall be the persons guilty of so endangering human life.

3. Any person or persons, severally or collectively, who are guilty of endangering human life in the manner set forth in clause two hereof, shall be subject to a fine of two hundred and fifty pounds for each child so drowned and five hundred pounds for each adult so drowned, and, in addition, shall be liable to be sentenced to a term of imprisonment not exceeding ten years :

Provided however that where such person or persons have fully protected the dam or other collection of water by fences sufficiently high to prevent children getting to the dam or other collection of water, such persons shall not be liable to serve a term of imprisonment, but shall be fined the full amount of the fine set forth herein. 5

Act to be retrospective.

4. This Act shall be deemed to have been in force as from and including the first day of January, eighteen hundred and *ninety*; and immediately on this Act coming into force the Attorney-General shall immediately take action against the Canterbury Jockey Club on account of deaths by drowning which have taken place in the club's ornamental lake on the club's racecourse, and against Warnock Brothers (Limited), tanners, of Grey Lynn, on account of deaths which have occurred in a collection of water which has occurred on their premises at Richmond as the result of damming up a creek. 10

Fines to be paid to next-of-kin.

5. In each case the amount of the fine recovered shall be paid in full to the next-of-kin of each child or other person drowned. 15

Attorney-General to take action.

6. Immediately any child or adult person is drowned under the conditions of section *two* hereof, the Attorney-General shall bring an action against the person or persons who are severally or collectively liable under the provisions of sections *two* and *eight* hereof. 20

Persons' responsibility defined.

7. The person or persons who severally or collectively shall be deemed to be the person or persons responsible under section *two* hereof shall be the proprietors, or controllers, or users, at the date the drowning took place, of the land on which a collection of water has taken place. 25

Act only to apply to certain works.

8. The provisions of this Act shall only apply to those collections of water which are the result of damming a stream or creek or as a result of excavations having been made.

Attorney-General liable to fine on failing to take action.

9. The Attorney-General shall be liable to a fine of *five* pounds per day for every day in which he fails to commence action, under the provisions of section *seven* hereof, after he has been notified by the Coroner presiding at any inquest on children or adult persons that such inquest has been held, and all Coroners shall notify the Attorney-General accordingly. 30

Exemptions in case of suicide.

10. Nothing in this Act shall apply to adult persons who may commit suicide. 35