

Hon. Mr. Millar.

WORKERS' COMPENSATION AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Section 5 of principal Act amended.</p> <p>3. Section 6 of principal Act amended.</p> <p>4. Section 11 of principal Act amended.</p>	<p>5. Section 15 of principal Act amended.</p> <p>6. Section 18 of principal Act amended.</p> <p>7. Section 22 of principal Act amended.</p> <p>8. Section 27 of principal Act amended.</p> <p>9. Second Schedule to principal Act amended.</p>
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A BILL INTITULED

AN ACT to amend the Workers' Compensation Act, 1908.

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 Workers' Compensation Amendment Act, 1911, and shall form part of and be read together with the Workers' Compensation Act, 1908 (hereinafter referred to as the principal Act), and shall come into operation on the first day of March, nineteen hundred and *twelve*.

Short Title.

2. Section five of the principal Act is hereby amended by adding the following subsection:—

Section 5 of principal Act amended.

“(11.) In addition to the compensation payable under this section there shall be payable a sum equal to the reasonable expenses incurred in respect of the medical or surgical attendance (including first aid) on the worker in respect of his injury, but not exceeding one pound.”

3. (1). Section six of the principal Act is hereby amended by adding to subsection one thereof the following proviso:—

Section 6 of principal Act amended.

“Provided that if the average weekly earnings calculated in accordance with this section would exceed five pounds, then, in calculating the average weekly earnings for the purposes of this Act, account may, in the discretion of the Court, be taken of any periods during which the worker has been unable to work because of the intermittent nature of the employment, if, in the opinion of the Court, it was impracticable that the worker should be employed at other remunerative work during such absence.”

(2.) Section six of the principal Act is hereby further amended by inserting after subsection one the following subsection:—

“(1A.) Notwithstanding anything in the last preceding subsection, if the worker has within the twelve months immediately preceding the accident been promoted in his employment, and by reason of that promotion is at the date of the accident in receipt of an increased

rate of wages, his average weekly earnings shall be deemed to be the average weekly amount earned by him since the date of his promotion."

Section 11 of principal Act amended.

4. Section eleven of the principal Act is hereby amended by omitting from subsection five thereof the words "in any harbour 5 thereof within the meaning of the Shipping and Seamen Act, 1908, or within the marginal or other waters," and substituting the words "within the outer boundary of the territorial waters."

Section 15 of principal Act amended.

5. Section fifteen of the principal Act is hereby amended by omitting the words "or killed," and substituting the words "unless 10 the injury results in death or serious and permanent disablement."

Section 18 of principal Act amended.

6. Section eighteen of the principal Act is hereby amended as follows :—

(a.) By repealing subsection three thereof, and substituting the following subsections therefor :— 15

"(3.) Any such agreement as is mentioned in the last preceding subsection shall, if made in writing and approved by a Magistrate or an Inspector of Factories (but not otherwise), be binding on the parties thereto, and any such agreement entered into by the representative of a 20 deceased worker shall, if so made and approved (but not otherwise), be binding on the dependants of that worker.

"(3A.) A Magistrate or an Inspector of Factories shall not refuse his approval to an agreement under this section if he is satisfied that the terms of the agreement 25 are on the whole as favourable to the worker or to his representatives or dependants as are the provisions of this Act."

(b.) By omitting from subsection four thereof the words "as is mentioned in subsection two of this section," and also the 30 words "if it is made in writing and approved by a Magistrate"; and by inserting, after the words "unless the Magistrate," the words "or Inspector approving the same."

Section 22 of principal Act amended.

7. Section twenty-two of the principal Act is hereby amended by 35 inserting the following subsection :—

"(1A.) Any money payable under this Act in respect of the expenses of the medical or surgical attendance on an injured worker may be recovered by action in the Magistrate's Court in accordance with this Act at the suit of that worker, or at the suit of any person 40 by whom the said expenses or any of them have been incurred, or at the suit of any person entitled to receive any payment in respect of the said attendance."

Section 27 of principal Act amended.

8. Section twenty-seven of the principal Act is hereby amended by omitting from subsection two thereof the words "by any other 45 person," and substituting therefor the words "other person."

Second Schedule to principal Act amended.

9. The Second Schedule to the principal Act is hereby amended by omitting the words "For the purposes of this Schedule an eye, hand, or foot shall be deemed to be lost if it is rendered permanently and wholly useless," and substituting therefor the words "For the 50 purposes of this Schedule the expression 'loss of' includes 'permanent loss of the use of.'"