

Mr. Howard.

## WORKERS' COMPENSATION AMENDMENT.

### ANALYSIS.

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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, 1921, and it shall be read together with and shall form part of the Workers' Compensation Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. From and after the coming into operation of this Act, if and when a worker shall have suffered, by accident arising out of and in the course of his employment, any of the injuries specified in the Second Schedule to the principal Act, and, by reason of any prior injury, congenital defect, or disease, the resulting incapacity is more severe than would have been the case otherwise, the Court shall have jurisdiction to disregard the provisions of the said Schedule and to award such compensation as in its discretion shall appear to be reasonable and proportionate to the injury suffered by that worker.

Court may disregard Second Schedule in certain cases.

3. Notwithstanding anything contained in section fourteen of the Workers' Compensation Amendment Act, 1911, a worker shall be deemed to have been employed as a domestic servant if he shall have been injured by accident while performing work usually done by a domestic servant, whether in fact he was employed in and for the purposes of his employer's trade or business or not, whether he usually resides on his employer's premises or not, and notwithstanding the fact that he may have been employed or engaged for a period of less than seven days.

Meaning of "domestic service."

4. In respect of accidents in seasonal occupations, such as shearing or slaughtering, the Court, in estimating average weekly earnings, shall have regard to the average usually earned throughout

Average weekly earnings in seasonal occupations.

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the season, and compensation shall be paid accordingly, notwithstanding the fact that during the period for which any worker injured was employed prior to the accident his earnings may have been higher or lower than that average.

Broken or damaged  
appliances to be  
preserved in certain  
cases.

5. If and whenever an accident causing personal injury to any worker shall have occurred by reason of the collapse or breaking of any scaffold or of any part thereof, or by reason of the breaking of any chain, cable, or rope, or of any fence, guard, or other gear or appliance, it shall be the duty of the employer, so far as may be reasonably practicable, to preserve the broken or damaged part or parts thereof until and unless he shall have ascertained that no action for damages is to be brought in respect of that accident. Should an employer fail to comply with the provisions of this section, the accident shall be presumed to have occurred by reason of negligence on his part. 15

Repeal.

6. Section thirteen of the Workers' Compensation Amendment Act, 1911, is hereby repealed.