

WORKERS' COMPENSATION AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill increases from £6 10s. to £7 10s. the maximum amount of weekly payments of compensation to be made after the date of the passing of the Act, both in respect of accidents happening before that date and in respect of future accidents.

Clause 3 extends to the end of August, 1951, the term of office of the **Judge** of the Compensation Court (Judge Ongley), who reached the statutory retiring age of seventy-two on 23rd May, 1951.

Clause 4 authorizes the employer to cease making weekly payments of compensation when the medical practitioner attending the injured worker certifies that he is fit to resume work. *Subclause (2)* makes it clear that any such ending of the payments will not be taken into account by the Compensation Court in determining in any proceedings whether or not the worker is entitled to compensation. *Subclause (3)* enables the Compensation Court to declare in any case that the worker was not in fact fit to resume work, and that the ending of the payments was accordingly not lawful. In any such case the further amount to be paid by the employer by way of weekly payments and additional payments (if any) by way of penalty will be in the discretion of the Court. The clause is made retrospective to 26th February, 1951.

Hon. Mr. Sullivan

WORKERS' COMPENSATION AMENDMENT

ANALYSIS

Title.		3. Extension of term of office of Judge of Compensation Court.
1. Short Title.		4. Ending of weekly payments of compensation when worker fit to resume work.
2. Increasing maximum weekly payments of compensation. Repeal.		

A BILL INTITULED

AN ACT to Amend the Workers' Compensation Act, 1922.

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, 1951, and shall be read together with and deemed part of the Workers' Compensation Act, 1922 (hereinafter referred to as the principal Act).

2. (1) Section five of the principal Act is hereby amended as follows:—

(a) By omitting from subsection five (as substituted by section thirty-nine of the Workers' Compensation Amendment Act, 1947, and amended by section forty-three of the Workers' Compensation Amendment Act, 1950) the words "six pounds ten shillings", and substituting the words "seven pounds ten shillings":

Title.

Short Title.

See Reprint of Statutes, Vol. V, p. 597

Increasing maximum weekly payments of compensation.

1947, No. 58

1950, No. 84

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1947, No. 58

1950, No. 84

Repeal.

Extension of
term of office
of Judge of
Compensation
Court.

See Reprint
of Statutes,
Vol. II, p. 64
Serial number
1940/38

Ending of
weekly
payments of
compensation
when worker
fit to resume
work.

1945, No. 19

(b) By omitting from subsection six (as substituted by section thirty-nine of the Workers' Compensation Amendment Act, 1947, and amended by section forty-three of the Workers' Compensation Amendment Act, 1950) the words "six pounds ten shillings", and substituting the words "seven pounds ten shillings". 5

(2) This section shall apply with respect to compensation payable after the date of the passing of this Act for any period after that date in respect of accidents happening before or after that date. 10

(3) Section forty-three of the Workers' Compensation Amendment Act, 1950, is hereby consequentially repealed.

3. (1) Notwithstanding the provisions of section thirteen of the Judicature Act, 1908, as applied by regulation three of the Compensation Court Regulations 1940, the person holding the office of Judge of the Compensation Court at the commencement of this section may continue to hold that office for a period expiring not later than the thirty-first day of August, nineteen hundred and fifty-one. 15 20

(2) This section shall be deemed to have come into force on the twenty-second day of May, nineteen hundred and fifty-one. 25

4. (1) Section six of the Workers' Compensation Amendment Act, 1945, is hereby amended by adding to subsection one the following paragraph:—

"(e) Where the weekly payment is in respect of total disablement and the medical practitioner who has attended the worker has certified that he is fit to resume work, or that he will be fit to resume work on a specified date (being a date not later than the date on which the weekly payments are ended)." 30 35

(2) The said section six is hereby further amended by inserting in subsection two, before the words "shall not be taken into account by the Compensation Court", the words "or that the weekly payments have been ended under paragraph (e) of the last preceding subsection". 40

(3) The said section six is hereby further amended by inserting, after subsection three, the following subsection:—

“ (3A) Where the weekly payments of compensation
5 payable to any worker have been ended on any date, whether before or after commencement of this subsection, in any case to which paragraph (e) of subsection one of this section applies, and the Compensation Court is satisfied, upon an application in that behalf made within
10 six months after that date, that the worker was not fit to resume work on that date, the Court shall declare that the ending of the weekly payments was in contravention of this section, and may also declare that the weekly pay-
15 ments shall be deemed to have been lawfully ended for the purposes of this section on a date to be specified in that behalf, which date may be the date on which the declaration of the Court is made or any earlier or later date:

“ Provided that no additional amount shall be payable
20 under subsection four of this section in respect of any such contravention except such amount (if any) as the Court in its discretion determines.”

(4) This section shall be deemed to have come into
25 force on the twenty-sixth day of February, nineteen hundred and fifty-one.