

WORKERS' COMPENSATION AMENDMENT BILL

EXPLANATORY NOTE

PART I

COMPENSATION COURT

THE Compensation Court, which exercises the jurisdiction under the Workers' Compensation Act 1922 that was formerly exercised by the Court of Arbitration, was established by the Compensation Court Regulations 1940 (Serial number 1940/38), made under section 70 of the Statutes Amendment Act 1939.

Part I of this Bill re-establishes the Court on a statutory basis, without altering its identity, constitution, or officers.

Clause 2 establishes the Court and preserves its identity with the existing Court.

Clause 3 provides that the Court shall consist of a Judge appointed by the Governor-General.

Clause 4 provides for the qualifications and tenure of office of the Judge, in similar terms to the provisions applying to Judges of the Supreme Court and the Judge of the Court of Arbitration.

Clause 5 prescribes the Judge's salary and superannuation allowance, and provides for his travelling allowances to be fixed by the Governor-General.

Clause 6 enables a temporary Judge to be appointed whenever required.

Clauses 7 and *8* provide for the Registrars and other officers of the Court and for its seal.

Clause 9 prescribes the jurisdiction of the Court, and amends the principal Act by substituting references to the Compensation Court for the existing references to the Court of Arbitration.

Clause 10 repeals section 70 of the Statutes Amendment Act 1939, and *clause 11* preserves the existing Compensation Court Regulations in force, subject to the revocation of the parts replaced by the Bill.

Clause 12 is a saving provision to preserve existing appointments of Registrars, &c., and also to preserve the superannuation allowance now being paid to a retired Judge of the Court.

Clause 13 enables the present Judge of the Court (Judge Dalglish) to count for superannuation purposes the period of his service as a Deputy Judge of the Court of Arbitration, and also removes any doubts as to the validity of his appointment, and preserves his rights as to tenure of office and allowances.

PART II

MISCELLANEOUS AMENDMENTS

Compensation

Clause 11 provides that compensation for loss of earning power, instead of being fixed on the basis of the rate of wages payable at the time of the accident, is to be increased or reduced in accordance with any increases or reductions in wages that may occur during the period of the weekly payments, as, for example, where the Court of Arbitration makes a general order under the Economic Stabilization Regulations 1952. In fixing compensation for the death or total incapacity of a worker the rate of wages payable at the time of the accident is to continue to be the basis.

Clause 15 replaces the provisions of the principal Act relating to the apportionment of compensation payable in respect of the death of a worker, and for its investment if the Court thinks fit. The clause is in line with the corresponding clause of the proposed Deaths by Accidents Compensation Bill, and makes the following changes:—

- (a) Where the compensation is recovered for the benefit of two or more dependants, the Court is given a discretion either to direct that the compensation shall form a class fund and be applied at the discretion of a trustee for the benefit of the dependants, or to allot a share of the compensation to every dependant:
- (b) Where compensation is allotted to any dependant it is to be paid to him unless he is an infant or of unsound mind or the Court orders the whole or any part of the amount to be paid to a trustee for the protection of the dependant:
- (c) Where the Court orders a dependant's share to be paid to a trustee for the protection of the dependant, the share is to be inalienable and the trusts affecting it are not to be varied or terminated without the consent of the Court:
- (d) Where any amount is paid to a trustee for a dependant, or as a class fund, wide powers of dealing with the trust moneys are given to the Court and the trustee to enable the moneys to be applied for the best advantage of the dependant or members of the class:
- (e) In making an apportionment order the Court may have regard to circumstances which have arisen since the death of the worker, and may also have regard to any gain to any person that is consequent on the death of the worker, notwithstanding that the gain cannot be taken into account in assessing the amount of compensation payable:
- (f) It is made clear that the Court may, in its discretion, appoint a trustee other than the Public Trustee in any particular case:
- (g) Existing apportionment orders which have been made without authority but could be made under the new provisions are validated.

Clause 16 provides that any lump-sum payment of compensation for the incapacity of a worker is to be paid to him unless he is an infant or of unsound mind or the Court orders the whole or any part of the amount to be paid to a trustee for the protection of the worker. In any of those cases the amount or part is to be held on trust in accordance with the provisions of *clause 15*, which are to apply accordingly with the necessary modifications.

Employers' Liability Insurance

Clause 17 enables the Secretary of Labour to exempt employers from their liability to insure in respect of workers who are domiciled outside New Zealand and are adequately protected by insurance enforceable in the country of their domicile or in the country where they were engaged.

Clause 18 replaces the provisions which prevent a member of the employer's family from being regarded as a worker under the principal Act unless the insurer chooses to insure him, and restrict any such insurance to compensation, exclusive of damages. The new clause limits these provisions to the husband or wife of the employer. All other members of the employer's family will be in the same position as other workers.

Clause 19 provides that the extra charge up to 25 per cent that may be added to the premium for employers' liability insurance, in cases where the risk is unusually great, is to be imposed by the Workers' Compensation Board, instead of by the insurance company.

Hon. Mr. Sullivan

WORKERS' COMPENSATION AMENDMENT

ANALYSIS

	PART I	PART II
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	COMPENSATION COURT	14. Compensation for loss of earning power to be based on wages as varied from time to time.
	2. Compensation Court.	15. Apportionment or disposal of compensation in respect of death. Repeals.
	3. Constitution of Court.	16. Disposal of compensation in form of lump sum.
	4. Appointment of Judge.	<i>Employers' Liability Insurance</i>
	5. Salary, allowances, and superannuation of Judge.	17. Power to exempt employers of workers domiciled outside New Zealand.
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A BILL INTITULED

AN ACT to amend the Workers' Compensation Act 1922. 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 1952, and shall be read together with and deemed part of the Workers' Compensation Act 1922 (hereinafter referred to as the principal Act). Short Title.

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

PART I

COMPENSATION COURT

Compensation
Court.

2. (1) There is hereby established a Court of record, to be called the Compensation Court, which, in addition to the jurisdiction and powers specially conferred on it by this Act, shall have all the powers inherent in a Court of record. 5

Serial number
1940/38

(2) The Court established by this Act is hereby declared to be the same Court as the Compensation Court established under the Compensation Court Regulations 1940. 10

Constitution
of Court.

3. The Compensation Court shall consist of a Judge, who shall be appointed as the Judge of the Court by the Governor-General.

Appointment
of Judge.

4. (1) No person other than a barrister or solicitor of not less than seven years' standing of the Supreme Court shall be appointed to be the Judge of the Compensation Court. 15

(2) The appointment of the Judge shall continue in full force during good behaviour, notwithstanding the demise of Her Majesty. 20

(3) It shall be lawful for Her Majesty, upon the address of the House of Representatives, to remove the Judge from his office and to revoke his appointment, and for the Governor-General to suspend the Judge upon a like address. 25

(4) It shall be lawful for the Governor-General in Council, at any time when Parliament is not in session, to suspend the Judge from his office, and that suspension, unless previously revoked, shall continue in force until the end of the next ensuing session and no longer. 30

(5) The Judge shall retire from office on attaining the age of seventy-two years.

(6) The Judge of the Court, as soon as may be after his acceptance of office, shall take and subscribe the Oath of Allegiance and the Judicial Oath in accordance with section seven of the Promissory Oaths Act 1908. 35

See Reprint
of Statutes,
Vol. I, p. 1017
Ibid., Vol. VII,
p. 522

(7) Nothing in the Public Service Act 1912 shall apply to the Judge of the Court.

Salary,
allowances, and
superannuation
of Judge.

5. (1) There shall be paid to the Judge of the Court out of the Consolidated Fund, without further appropriation than this section, a salary at the rate of two thousand 40

pounds a year, together with such travelling allowances as may be fixed from time to time by the Governor-General.

(2) The salary of the Judge shall not be diminished during the continuance of his appointment.

(3) Every Judge of the Court holding office during good behaviour who has held office for not less than ten years and who—

(a) Retires on attaining the age of seventy-two years; or

(b) Resigns his office after having attained the age of sixty years; or

(c) Satisfies the Governor-General in Council that he has become incapable of performing the duties of his office by reason of any permanent infirmity, and thereupon resigns his office,—

shall be entitled to a superannuation allowance in proportion to the amount of his annual salary at the time of retiring or resigning, computed at the rate of an annual allowance of six twenty-fourths of that salary increased by one twenty-fourth of that salary for each complete year (if any) during which he has held office in excess of ten years, but not exceeding in any case an allowance of sixteen twenty-fourths of that salary.

(4) Every Judge of the Court holding office during good behaviour who has held office for a period of less than ten years but not less than five years and who—

(a) Retires on attaining the age of seventy-two years; or

(b) Satisfies the Governor-General in Council that he has become incapable of performing the duties of his office by reason of any permanent infirmity, and thereupon resigns his office,—

shall be entitled to a superannuation allowance in proportion to the amount of his annual salary at the time of retiring or resigning, computed at the rate of an annual allowance of three twenty-fourths of that salary increased by one twenty-fourth of that salary for each complete year (if any) during which he has held office in excess of five years, but not exceeding in any case an allowance of six twenty-fourths of that salary:

Provided that, if the Governor-General, by Order in Council, so directs in the case of any Judge of the Court, his allowance shall be increased from the commencement

thereof, or from such later date as may be specified in the order (being before or after the date of the order), to such amount as may be so specified, not exceeding six twenty-fourths of that salary.

(5) All superannuation allowances payable under this section shall be paid monthly out of the Consolidated Fund without further appropriation than this section during the natural lives of the several persons entitled thereto. 5

Power to
appoint a Judge
temporarily.

6. (1) The Governor-General may from time to time, whenever in his opinion it is necessary or expedient to make a temporary appointment, appoint a qualified person to be a Judge of the Compensation Court to hold office for such period as may be limited in his commission. 10

(2) The power conferred by this section may be exercised at any time, notwithstanding that there may be one or more persons holding the office of Judge of the Compensation Court, whether under a permanent or a temporary appointment. 15

(3) Every Judge appointed under this section shall be paid such salary, not exceeding the salary payable for the time being to the permanent Judge of the Court, as the Governor-General directs. 20

Registrars and
officers of
Court.
See Reprint
of Statutes,
Vol. III, p. 939

7. (1) There may from time to time be appointed a Registrar of the Compensation Court for each industrial district under the Industrial Conciliation and Arbitration Act 1925, and such clerks and other officers of the Court as may be required. Any such office may be held either separately or in conjunction with any other office in the Public Service. 25 30

(2) Unless any other person appointed under this section holds office as the Registrar for any industrial district, the person who for the time being holds office as the Clerk of Awards for that district shall, without further appointment, be deemed to have been appointed under this section to be also the Registrar of the Compensation Court for that district. 35

Seal.

8. (1) The Compensation Court shall have in the custody of each Registrar a seal of the Court for the sealing of all orders and other documents requiring to be sealed. 40

(2) Judicial notice shall be taken of the seal of the Compensation Court by all Courts and for all purposes.

9. (1) All jurisdiction and powers conferred on the Court of Arbitration by the principal Act shall hereafter be exercised by the Compensation Court. Jurisdiction
of Court.

(2) The enactments specified in the Schedule to this Act are hereby consequentially amended in the manner indicated in that Schedule.

10. Section seventy of the Statutes Amendment Act 1939 is hereby repealed. Repeal.
1939, No. 39

11. (1) Notwithstanding the repeal of the said section seventy of the Statutes Amendment Act 1939, the Compensation Court Regulations 1940, as amended by this section, shall continue in force as if they had been made under section sixty-five of the principal Act, and accordingly shall, where necessary, be deemed to have been so made. Regulations.
Serial number
1940/38

(2) The Compensation Court Regulations 1940 are hereby amended as follows:—

(a) By revoking regulations two, three, three A, three B, three C, and five, subclauses one and two of regulation four, and subclauses one and two of regulation six: 20

(b) By omitting from subclause three of regulation six the words "in the Workers' Compensation Act 1922 or".

(3) The following regulations are hereby consequentially revoked:— 25

(a) The Compensation Court Regulations 1940, Amendment No. 4: Serial number
1948/95

(b) The Compensation Court Regulations 1940, Amendment No. 5: Serial number
1951/286

(c) The Compensation Court Regulations 1940, Amendment No. 6. Serial number
1952/51

12. Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal or revocation of any provision by this Part of this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal or revocation and could have been made or done under this Part of this Act, shall continue and have effect as if it had been made or done under the corresponding provision Savings.
See Reprint
of Statutes,
Vol. VIII,
p. 568

of this Part of this Act, and as if that provision had been in force when the document was made or the thing was done; and, in particular, the superannuation allowance being paid on the passing of this Act to a retired Judge of the Compensation Court shall be deemed to be payable under section *five* of this Act. 5

Preserving
superannuation
rights of Judge
Dalglish.

13. Whereas Judge Douglas James Dalglish, the Judge of the Compensation Court, was appointed to his present office on the twentieth day of March, nineteen hundred and fifty-two: And whereas he had held office as a Deputy Judge of the Court of Arbitration from the twenty-ninth day of September, nineteen hundred and forty-seven, to the date of his appointment as Judge of the Compensation Court: And whereas it is desirable to preserve his superannuation rights in respect of the period during which he held office as a Deputy Judge: And whereas it is desirable at the same time to remove any doubts that may exist as to the validity of his appointment as Judge of the Compensation Court: Be it therefore enacted as follows:— 10 15 20

(1) For the purpose of determining the rights of the said Judge to a superannuation allowance on his retirement from his present office, the period for which he has held his present office as Judge of the Compensation Court shall be deemed to have commenced on the twenty-ninth day of September, nineteen hundred and forty-seven. 25

(2) The appointment of the said Douglas James Dalglish on the said twentieth day of March, nineteen hundred and fifty-two, as Judge of the Compensation Court is hereby declared to be and at all times since that date to have been valid and effectual. 30

(3) Notwithstanding the foregoing provisions of this Part of this Act, the said Judge Douglas James Dalglish shall, in relation to his office as Judge of the Compensation Court, have the same rights and be subject to the same provisions as to tenure of office, emoluments (other than salary), and allowances (including superannuation allowance) as the Judge of the Court of Arbitration. 35

PART II

MISCELLANEOUS AMENDMENTS

Compensation

5 14. (1) Section seven of the Workers' Compensation Amendment Act 1936 is hereby amended by adding to subsection one the following proviso:—

Compensation for loss of earning power to be based on wages as varied from time to time.

“ Provided that—

10 “(a) Where the compensation is payable under section five of the principal Act in respect of the worker's partial incapacity, his weekly earnings shall be computed as if they were payable during each week of the period of the weekly payments of compensation, having regard to any increases or decreases made from time to time in ordinary rates of pay, ruling rates of wages, or minimum rates of wages, as the case may require, whether made in accordance with general orders or standard wage pronouncements of the Court of Arbitration or otherwise:

20 “(b) In every other case the worker's weekly earnings shall be computed as at the time of the accident.”

25 (2) The said section seven is hereby consequentially amended as follows:—

(a) By omitting from paragraph (b) of subsection three the word “ then ”:

30 (b) By omitting from paragraph (c) of subsection three (as substituted by subsection one of section forty of the Workers' Compensation Amendment Act 1947) the words “ and in force at the time of the accident ”:

1947, No. 58

35 (c) By omitting from subsection four (as amended by subsection two of section forty of the Workers' Compensation Amendment Act 1947) the words “ and in force at the time of the accident ”.

40 (3) Section five of the principal Act is hereby consequentially amended by omitting from subsection six (as substituted by section thirty-nine of the Workers' Compensation Amendment Act 1947) the words “ at the time of the accident ” after the words “ worker's weekly earnings ”.

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

Apportionment
or disposal of
compensation
in respect of
death.

15. (1) Where any compensation is payable under the principal Act in respect of the death of a worker and the Court determines that there was only one dependant of that worker, the compensation shall be allotted to that dependant. 5

(2) Where any compensation is payable under the principal Act in respect of the death of a worker and the Court determines that there were two or more dependants, the Court may order— 10

(a) That the compensation or so much thereof as it may specify shall be allotted to any dependant exclusively or shall be allotted in such proportions as the Court determines among the dependants or among such two or more of them to the exclusion of the other or others of them as the Court specifies: 15 20

(b) That the compensation or so much thereof as it may specify shall be held on trust as a class fund for the benefit of the dependants or of such two or more of them to the exclusion of the other or others of them as the Court specifies. 25

(3) Where any amount is allotted to a dependant under subsection *one* or subsection *two* of this section, that amount shall be paid to him unless he is an infant or of unsound mind or except in so far as the Court orders that the whole or any part of that amount shall be held on trust under subsection *four* of this section. 30

(4) Where any amount is allotted to any dependant who is an infant or of unsound mind or the Court orders that the whole or any part of the amount allotted to a dependant is to be held on trust for that dependant under this subsection, then, except in so far as the Court directs any immediate payment therefrom, and subject to any directions or conditions given or imposed by the Court,— 35 40

(a) The amount shall be invested and held by the trustee upon trust—

(i) To make such payments (if any) to the dependant out of the income and capital of the amount as the Court may specify; and 45

5 (ii) To apply the income and capital of the amount or so much thereof as the trustee from time to time thinks fit for or towards the maintenance or education (including past maintenance or education provided after the death of the worker) or the advancement or benefit of the dependant:

10 (b) The dependant shall have no power, either by himself or in conjunction with any other person or persons, to terminate the trusts upon which the amount is held or to modify or extinguish those trusts:

15 (c) The interest of the dependant in the income and capital of the amount shall not, while it remains in the hands of the trustee, be alienated, or pass by bankruptcy, or be liable to be seized, sold, attached, or taken in execution by process of law.

20 (5) Upon any dependant ceasing to be an infant or of unsound mind while any amount is held on trust for his benefit under subsection *four* of this section, the balance of that amount and of the income therefrom remaining in the hands of the trustee shall be paid to the dependant except in so far as the Court may have 25 ordered before the payment is made that the whole or any part of that amount shall continue to be held on trust under that subsection:

30 Provided that where the trustee has notice that an application has been made to the Court for such an order he shall not make any payment under this subsection until the application has been disposed of.

35 (6) The Court may order that, if any dependant dies while any amount allotted to him is held on trust under subsection *four* of this section (whether or not he is an infant or of unsound mind), any balance of the amount and of the income therefrom remaining in the hands of the trustee at his death, or so much thereof as the Court may specify, shall form part of the dependant's estate, or shall be added to the amount allotted to any other 40 dependant or to the amounts allotted to all or any of the other dependants in such proportions as the Court may specify or to any class fund set aside out of the compensation, and shall be subject to the trusts of the amount or amounts or fund to which it is added:

Provided that if and so far as that balance is not wholly disposed of under any order of the Court made during the lifetime of the dependant for whose benefit it has been held, or made on an application to the Court made not later than six months after that dependant's death, it shall form part of his estate. 5

(7) Where any amount is ordered to be held on trust as a class fund for any dependants under subsection *two* of this section, that amount shall be invested and the trustee may at his discretion, but subject to such directions and conditions as the Court may give or impose, apply the income and capital of that amount or so much thereof as the trustee from time to time thinks fit for or towards the maintenance or education (including past maintenance or education provided after the death of the worker) or the advancement or benefit of those dependants or of any one or more of them to the exclusion of the other or others of them in such shares and proportions and generally in such manner as the trustee from time to time thinks fit; and may so apply the income and capital of that amount notwithstanding that only one of those dependants remains alive. 10 15 20

(8) The Court may from time to time, at its discretion, authorize moneys to be advanced to any dependant (whether by way of loan or otherwise) as it thinks fit, and upon or subject to such conditions as it thinks fit, out of the compensation or out of any amounts allotted to other dependants or out of any amount held on trust as a class fund, for any purpose that the Court thinks proper in the interests of the dependants or any of them. Without limiting the generality of this subsection, it is hereby declared that any such advance may be made for the purpose of purchasing or otherwise acquiring a residential property for the use of the dependant either alone or in conjunction with any other dependants, or for the purpose of repaying any moneys secured by way of mortgage or otherwise on any residential property owned by the dependant and so used, or for the purpose of furnishing any such residential property. Where moneys are advanced by way of loan, the Court may give such directions as it thinks fit in respect of the security to be taken, and may either prescribe the conditions upon 25 30 35 40

or subject to which the moneys are to be advanced or authorize the trustee to prescribe the conditions at his discretion. The conditions may include power to the trustee to remit interest and principal moneys or any part thereof to the extent of the amount or value of any maintenance, education, advancement, or benefit which the dependant to whom the moneys are advanced may provide for any other dependants.

(9) The Court may exercise any power conferred on the Supreme Court under section eighty-one of the Statutes Amendment Act 1936 (which relates to dealings with trust property) either on the creation of any trust under any of the provisions of this section or from time to time during the continuance of any such trust. 1936, No. 58

(10) The Court may at any time vary any order made by it either before or after the passing of this Act so far as the order relates to any compensation in respect of the death of a worker which is for the time being in the hands of a trustee under the principal Act.

(11) In making or varying an order under this section the Court shall have regard to all relevant considerations; and the Court may, whenever it considers that it is just and proper to do so, take into consideration all or any of the following matters:—

- (a) Any gain to any dependant that is consequent on the death of the worker; and
- (b) Circumstances which have arisen after the date of the death of the worker; and
- (c) The probable future needs of the dependants.

(12) An order or variation of an order under this section may be made by the Court of its own motion or on an application made by—

- (a) Any dependant of the deceased worker;
- (b) The husband or wife of any such dependant;
- (c) Any near relation by blood or marriage of any such dependant;
- (d) The Public Trustee;
- (e) The trustee who holds the amount to which the application relates; or
- (f) Any other person who adduces proof of circumstances which in the opinion of the Court make it proper that he should make the application.

(13) For the purposes of this section,—

(a) The expression “ trustee ” means the Public Trustee except where the Court appoints any other trustee, in which case it means the trustee so appointed: 5

(b) Without prejudice to the generality of the expression “ of unsound mind ”, a person shall be conclusively presumed to be of unsound mind while he is detained or kept in custody (otherwise than as a voluntary boarder) under any provision of the Mental Defectives Act 1911. 10

See Reprint
of Statutes,
Vol. V, p. 743

(14) The provisions of this section shall extend so as to apply to compensation that has become payable in respect of the death of a worker before the passing of this Act except in so far as the compensation has been disposed of in accordance with the provisions repealed by this section. 15

(15) Where the Court has made any order before the passing of this Act and the order was invalid at the time when it was made but would have been valid if this section had then been in force, the order shall be deemed to have been validly made and the provisions of this section shall be deemed to have applied to the order as from the time when it was made. 20 25

Repeals.

(16) The principal Act is hereby amended as follows:—

(a) By repealing sections thirty-one, thirty-three, and thirty-five, and subsection one of section thirty-six: 30

(b) By omitting from section thirty-two the words “ and any sum so paid into Court shall be invested, applied, or otherwise dealt with by the Court in such manner as the Court in its discretion thinks fit for the benefit of the said dependants or any of them ”: 35

(c) By omitting from subsection two of section thirty-eight the words “ Application for an order under this subsection may be made by any dependant or by the Public Trustee on the request in writing of any dependant ”. 40

Disposal of
compensation
in form of
lump sum.

16. (1) Where any compensation is payable under the principal Act in the form of a lump sum in respect of the incapacity of a worker the amount of the compensation shall be paid to him unless he is an infant 45

or of unsound mind or except in so far as the Court orders that the whole or any part of that amount shall be held on trust for the worker under this section:

5 Provided that where the employer or other person by whom the compensation is payable has notice that an application has been made to the Court for such an order he shall not make any payment under this subsection until the application has been disposed of.

10 (2) An order under this section may be made by the Court of its own motion or on an application made by—

(a) The worker;

(b) Any dependant of the worker;

(c) The husband or wife of the worker;

15 (d) Any near relation by blood or marriage of the worker;

(e) The Public Trustee; or

(f) Any other person who adduces proof of circumstances which in the opinion of the Court make it proper that he should make the application.

20 (3) Where any amount of compensation is payable as aforesaid and the worker is an infant or of unsound mind or the Court orders that the whole or any part of the amount is to be held on trust for the worker under this section, the provisions of subsections *four*
25 *to fifteen* of the *last preceding* section, as far as they are applicable and with the necessary modifications, shall apply to that amount or that part thereof, as if it were compensation allotted to the worker as a dependant of a deceased worker, and as if the references in those
30 provisions to the death of the worker were references to the accident in respect of which the compensation is payable.

Employers' Liability Insurance

35 **17.** (1) Section six of the Workers' Compensation Amendment Act 1950 is hereby amended by inserting, after subsection two, the following new subsection:—

“(2A) In any case where the Secretary of Labour is satisfied—

40 “(a) That any workers whose domicile is outside New Zealand are entitled by the law of the country of their domicile, or by the law of the country in which their contracts of service were entered into, or by their contracts

Power to exempt employers of workers domiciled outside New Zealand.

1950, No. 84

of service, both for themselves and their dependants, to compensation or damages for death or personal injury on terms not less favourable than those applicable in New Zealand; and

“(b) That their employer is indemnified to the full extent of his liability for compensation or damages for the death of or personal injury to those workers under a policy of insurance or other indemnity enforceable by or on behalf of the workers or their dependants in the Courts of the country of the workers' domicile, or in the Courts of the country in which their contracts of service were entered into,—

the Secretary of Labour may grant a certificate exempting the employer from the obligation to insure under this Part of this Act in respect of those workers.”

(2) The said section six of the Workers' Compensation Amendment Act 1950 is hereby further amended by adding to subsection three the following additional proviso:—

“ Provided also that where the certificate is granted under subsection two A of this section the Secretary of Labour may direct that the certificate shall come into force or be deemed to have come into force on such date as may be specified in the certificate, whether before or after the date of the application or the date of the certificate.”

Husband or
wife of
employer
not a worker.
1950, No. 84
1951, No. 51

18. (1) The Workers' Compensation Amendment Act 1950 is hereby amended by inserting, after section nine A (as inserted by section nine of the Workers' Compensation Amendment Act (No. 2) 1951), the following new section:—

“ 9B. If a person who is a worker within the meaning of the principal Act is the wife or husband of his or her employer, he or she shall be deemed not to be a worker for the purposes of the principal Act except as provided in section nineteen of this Act.”

(2) Section nineteen of the Workers' Compensation Amendment Act 1950 is hereby amended as follows:—

(a) By omitting from paragraph (a) of subsection one the words “ a member of his family ”, and substituting the words “ his wife or (in the case of a woman) her husband ”:

(b) By omitting from paragraph (c) of subsection two the words "a member of the family", and substituting the words "the wife or husband".

5 (3) Section forty-four of the Workers' Compensation Amendment Act 1947 is hereby repealed. Repeal.
1947, No. 58

(4) This section shall come into force on the first day of April, nineteen hundred and fifty-three.

10 19. (1) The Workers' Compensation Amendment Act 1950 is hereby amended by repealing section sixteen A (as inserted by section ten of the Workers' Compensation Amendment Act (No. 2) 1951), and substituting the following section:— Extra charge
on premium.
1950, No. 84
1951, No. 51

15 "16A. Where in the opinion of the Board the business of an employer is designed, equipped, organized, or conducted in such a manner that the number or cost of accidents to workers in consequence thereof is likely to be considerably more than is usual in other businesses of that class, the Board may impose an extra charge to
20 be made in assessing the premium payable by that employer for any period:

"Provided that the total premium payable by the employer shall not exceed by more than twenty-five per cent the premium computed at the maximum rate for
25 the time being prescribed under section twelve of this Act."

(2) Section ten of the Workers' Compensation Amendment Act (No. 2) 1951 is hereby consequentially repealed. Repeal.

Schedule.

SCHEDULE

Section 9 (2)

CONSEQUENTIAL AMENDMENTS

Title of Act.	Number of Section Affected.	Nature of Amendment.
1922, No. 39— The Workers' Compensation Act 1922 (Reprint of Statutes, Vol. V, p. 597)	Section 2	By inserting, after the definition of the term "compensation", the following definition:— " 'Compensation Court' means the Compensation Court established by the Workers' Compensation Amendment Act 1952: "
	Sections 10 (5), 19 (1), (2), and (3), and 20 (2), (3), and (4)	By omitting the words " Court of Arbitration " wherever they occur, and substituting in each case the words " Compensation Court ".
	Section 22 (1)	By omitting the words " Court of Arbitration ", and substituting the words " Compensation Court "; by omitting the words " and in default of any such regulations, or so far as they do not extend, the procedure shall be the same as that of the said Court in the exercise of the powers vested in it by the Industrial Conciliation and Arbitration Act 1908, subject only to such modifications and additions as, in the opinion of the Court, shall be necessary ".
	Sections 22 (2) and (3), 25 (1), 29 (1), and 30 (1)	By omitting the words " Court of Arbitration " wherever they occur, and substituting in each case the words " Compensation Court ".
	Section 30 (2)	By omitting the words " Judge of the Court of Arbitration ", and substituting the word " Court ".
	Sections 38 (1) and 39	By omitting the words " Court of Arbitration " wherever they occur, and substituting in each case the words " Compensation Court ".
	Section 40	By omitting the words " Judge of the Court of Arbitration ", and substituting the words " Compensation Court ".
1936, No. 45— The Workers' Compensation Amendment Act 1936.	Sections 52 (3), (4), and (5), 53 (2) and (3), 58 (2) and (3), and 68	By omitting the words " Court of Arbitration " wherever they occur, and substituting in each case the words " Compensation Court ".
	Section 11 (a)	By omitting the words " Court of Arbitration ", and substituting the words " Compensation Court ".