



**NEW ZEALAND**

**ANALYSIS**

Title.

1. Short Title.

**PART I**

**COMPENSATION AND GENERAL**

2. Application of this Part.
3. Amount of compensation payable in respect of death of worker. Repeals.
4. Compensation in respect of incapacity of worker. Repeals.
5. Orders in Council prescribing minimum and maximum amounts.
6. Compensation for incapacity for part of a week.

7. Compensation for loss of earning power based on average weekly earnings to vary with minimum wage.

8. Application of principal Act to commission salesmen. Repeal.

**PART II**

**EMPLOYERS' LIABILITY INSURANCE**

9. Persons intending to become employers may deliver wage statements and become insured.
10. Amending provisions as to extension of insurance from year to year.

1953, No. 22

AN ACT to amend the Workers' Compensation Act 1922. Title.

[17 September 1953

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 1953, 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 AND GENERAL

Application  
of this Part.

2. Except as hereinafter expressly provided, nothing in this Part of this Act shall apply with respect to claims for compensation or other rights or liabilities in respect of accidents happening before the passing of this Act.

Amount of  
compensation  
payable in  
respect of  
death of  
worker.  
1947, No. 58  
1951, No. 51

3. (1) Section four of the principal Act is hereby amended by repealing paragraph (a) of subsection one (as substituted by section thirty-eight of the Workers' Compensation Amendment Act 1947 and amended by section two of the Workers' Compensation Amendment Act (No. 2) 1951), and substituting the following paragraph:

“(a) If the worker leaves any total dependants, the compensation shall be a sum equal to two hundred and fifty times his weekly earnings, but not being less than such minimum amount as may from time to time be prescribed for the purposes of this paragraph by the Governor-General by Order in Council, and not exceeding such maximum amount as may from time to time be so prescribed:

“ Provided that, until other amounts are so prescribed, the minimum amount for the purposes of this paragraph shall be seven hundred and fifty pounds, and the maximum amount shall be two thousand one hundred and fifty pounds: ”.

(2) The said section four is hereby further amended by repealing paragraph (d) of subsection one (as substituted by the said section thirty-eight and amended by the said section two), and substituting the following paragraph:

“(d) In every case where the amount of any weekly payments made under this Act to the worker in respect of the accident which caused his death and any lump sum paid in lieu thereof taken together with the amount of compensation payable in respect of his death, calculated in accordance with paragraph (a)

or paragraph (b) of this subsection, would exceed such maximum amount as may from time to time be prescribed for the purposes of this paragraph by the Governor-General by Order in Council, the amount by which the total sum exceeds that maximum amount shall be deducted from the amount of compensation payable in respect of his death, but except as aforesaid no part of any amount paid to the worker by way of compensation under this Act shall be deducted from the amount of compensation payable in respect of his death:

“ Provided that, until another amount is so prescribed, the maximum amount for the purposes of this paragraph shall be two thousand four hundred and fifty pounds.”

(3) Section fifty-four of the principal Act (as amended by the said section thirty-eight and the said section two) is hereby further amended by omitting all words after the words “ damages or compensation for that injury ”, and substituting the following words: “ In every case where the amount of compensation payable in respect of the death of a worker, calculated in accordance with paragraph (a) or paragraph (b) of subsection one of section four of this Act, taken together with the amount of all moneys paid or payable by way of damages or compensation under any such judgment, settlement, or accord and satisfaction, or otherwise received by the worker from his employer in respect of his injury, would exceed such maximum amount as may from time to time be prescribed for the purposes of this section by the Governor-General by Order in Council, the amount by which the total sum exceeds that maximum amount shall be deducted from the amount of compensation payable in respect of the death of the worker:

“ Provided that, until another amount is so prescribed, the maximum amount for the purposes of this section shall be two thousand four hundred and fifty pounds.”

(4) Section five of the principal Act is hereby amended by repealing subsection eight (as substituted by subsection three of section two of the Workers' Compensation Amendment Act (No. 2) 1951), and substituting the following subsection:

“(8) The aggregate amount of weekly payments shall in no case exceed such maximum amount as may from time to time be prescribed for the purposes of this subsection by the Governor-General by Order in Council:

“Provided that, until another amount is so prescribed, the maximum amount for the purposes of this subsection shall be two thousand one hundred and fifty pounds.”

Repeals.

(5) The following enactments are hereby consequentially repealed:

1947, No. 58

(a) Section thirty-eight of the Workers' Compensation Amendment Act 1947:

1951, No. 51

(b) Subsections one, two, and three of section two of the Workers' Compensation Amendment Act (No. 2) 1951.

Compensation  
in respect of  
incapacity of  
worker.

1947, No. 58

1952, No. 17

4. (1) Section five of the principal Act is hereby amended by repealing subsections five and six (as substituted by subsection two of section thirty-nine of the Workers' Compensation Amendment Act 1947 and amended by section fourteen and subsection three of section fifteen of the Workers' Compensation Amendment Act 1952), and substituting the following subsections:

“(5) Except as provided in section nine of this Act, during any period of total incapacity the weekly payment shall be an amount equal to eighty per cent of the worker's weekly earnings at the time of the accident, but not being less than such minimum amount as may from time to time be prescribed for the purposes of this subsection by the Governor-General by Order in Council, and not exceeding such maximum amount as may from time to time be so prescribed:

“Provided that, until other amounts are so prescribed, the minimum amount for the purposes of this subsection shall be two pounds a week, and the maximum amount shall be eight pounds a week.

“(6) Except as provided in section nine of this Act, during any period of partial incapacity the weekly payment shall be an amount equal to eighty per cent of the difference between the amount of the worker’s weekly earnings and the weekly amount which the worker is earning after the accident in any employment or business, or is able to earn in some suitable employment provided or found for him after the accident by the employer by whom he was employed at the time of the accident, but not exceeding such maximum amount as may from time to time be prescribed for the purposes of this subsection by the Governor-General by Order in Council:

“Provided that, until another amount is so prescribed, the maximum amount for the purposes of this subsection shall be eight pounds a week.”

(2) The following enactments are hereby consequentially repealed: Repeals.

(a) Subsection two of section thirty-nine of the Workers’ Compensation Amendment Act 1947: 1947, No. 58

(b) Section fourteen and subsection three of section fifteen of the Workers’ Compensation Amendment Act 1952. 1952, No. 17

(3) This section applies 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 on or after that date.

5. (1) In making any Order in Council prescribing minimum or maximum amounts for the purposes of any of the provisions of the principal Act relating to compensation, the Governor-General shall have 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. Orders in Council prescribing minimum and maximum amounts.

(2) Every such Order in Council shall apply with respect to such payments of compensation and with respect to such accidents as may be specified in that behalf in the Order.

Compensation  
for incapacity  
for part of  
a week.

6. (1) The proportion of the weekly payment of compensation that is payable under the principal Act in respect of incapacity for part of a week shall be the proportion that the number of the worker's working hours or days of incapacity during that week (exclusive of overtime) bears to the worker's normal working hours or days for that week (exclusive of overtime).

(2) This section applies 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 on or after that date.

Compensation  
for loss of  
earning power  
based on  
average weekly  
earnings to  
vary with  
minimum wage.  
1936, No. 45

7. (1) Section seven of the Workers' Compensation Amendment Act 1936 is hereby amended by inserting, after subsection five, the following subsection:

“(5A) Where the compensation is payable under section five of the principal Act in respect of the worker's partial incapacity his average weekly earnings computed in accordance with subsection five of this section shall be deemed to be increased or reduced from time to time by the amount by which the minimum wage under the Minimum Wage Act 1945 applicable at the time of the accident is for the time being increased or reduced, as the case may be.”

1945, No. 44

(2) This section applies 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 on or after that date.

Application of  
principal Act  
to commission  
salesmen.

8. (1) For the purposes of the principal Act a salesman, canvasser, collector, insurance agent, or other person paid wholly or partly by commission shall be deemed to be a worker employed by the person or body of persons by whom the commission is payable (whether or not the relation between them is that of master and servant), unless the commission is received by him in respect of work incidental to a trade or business regularly carried on by him or by a firm of which he is a member.

Repeal.  
1945, No. 19

(2) Section four of the Workers' Compensation Amendment Act 1945 is hereby consequentially repealed.

## PART II

## EMPLOYERS' LIABILITY INSURANCE

9. (1) Section eight of the Workers' Compensation Amendment Act 1950 is hereby amended by inserting, after subsection two, the following subsection:

“(2A) Where a person who is not an employer to whom this section applies on the first day of April in any year intends to become such an employer before the first day of April in the next succeeding year he may deliver to an authorized insurer a statement in the form prescribed for the purposes of subsection two of this section, and on the delivery of the statement he shall be deemed to become an employer to whom this section applies.

(2) The said section eight of the Workers' Compensation Amendment Act 1950 is hereby further amended by inserting in subsection three, after the words “next succeeding year”, the words “otherwise than by virtue of subsection two A of this section”.

10. Section ten of the Workers' Compensation Amendment Act 1950 is hereby amended by repealing the proviso to subsection one, and substituting the following provisoes:

“Provided that every such period of insurance shall be deemed to be extended until the thirty-first day of March next after the end of the period, and thereafter from year to year:

“Provided also that every such period or extended period of insurance shall end on whichever of the following dates first occurs, namely:

“(a) The date on which a new period of insurance commences by virtue of the delivery of a further statement by the employer to the insurer under section eight of this Act:

“(b) The date on which a transfer of the insurance to another authorized insurer takes effect in accordance with this section:

“(c) The thirty-first day of March next after the date on which the employer, having ceased to be an employer to whom section eight of

Persons intending to become employers may deliver wage statements and become insured. 1950, No. 84

Amending provisions as to extension of insurance from year to year. 1950, No. 84

this Act applies, has delivered to his insurer a statement as required by subsection five of section eight or by section eleven of this Act, or has ceased to be such an employer for a period of twelve months:

“(d) The thirty-first day of March next after the insurer has ceased to be an authorized insurer.”

---