

Hon. Mr. McLagan

WORKERS' COMPENSATION AMENDMENT

ANALYSIS

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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
5 the same, as follows:—

1. This Act may be cited as the Workers' Compensation Amendment Act, 1949, 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

AMENDMENTS AS TO COMPENSATION

Application of
this Part.

2. 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. 5

Increasing
maximum
amount of
compensation in
respect of
death of
worker.
1947, No. 58

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

(a) By omitting from paragraph (a) of subsection one (as substituted by subsection one of section thirty-eight of the Workers' Compensation Amendment Act, 1947) the words "one thousand five hundred pounds", and substituting the words "one thousand seven hundred and fifty pounds": 10

(b) By omitting from paragraph (d) of subsection one (as substituted by subsection two of the said section thirty-eight) the words "one thousand seven hundred and fifty pounds", wherever those words occur, and substituting in each case the words "two thousand pounds". 15

(2) Section fifty-four of the principal Act (as amended by subsection three of the said section thirty-eight of the Workers' Compensation Amendment Act, 1947) is hereby further amended by omitting the words "one thousand seven hundred and fifty pounds", wherever those words occur, and substituting in each case the words "two thousand pounds". 20

4. Section five of the principal Act (as amended by section thirty-nine of the Workers' Compensation Amendment Act, 1947) is hereby further amended as follows:— 25

Increasing
maximum
payments in
respect of
incapacity of
worker.

(a) By omitting from subsection five the words "five pounds ten shillings", and substituting the words "six pounds": 30

(b) By omitting from subsection six the words "five pounds ten shillings", and substituting the words "six pounds":

(c) By omitting from subsection eight the words "one thousand five hundred pounds", and substituting the words "one thousand seven hundred and fifty pounds". 40

5. Section forty-one of the Workers' Compensation Amendment Act, 1947, is hereby amended by omitting from subsection three the words "ten per centum", and substituting the words "five per centum".

Compensation for permanent physical injuries. 1947, No. 58

6. Section fifty-eight of the principal Act is hereby amended by inserting, after subsection three, the following new subsection:—

Transport expenses of workers ordered to submit to examination by medical referees.

“(3A) Where any worker is required to travel from the town or other place where he resides to some other town or place for the purpose of submitting to medical examination pursuant to an order under the last preceding subsection, there shall be payable by his employer, in addition to the compensation and other moneys (if any) payable under this Act, the reasonable expenses incurred for the transport of the worker to and from that other town or place, and for meals and lodging necessarily obtained by him away from his place of residence, together with the amount of any wages lost by him by reason of his submitting to the examination:

“Provided that where the employer provides any such transport or meals or lodging for the worker no expenses shall be payable to the worker in respect thereof:

“Provided also that, except where the Court otherwise orders, the transport expenses so payable shall be calculated at the lowest rate at which the worker can be transported to and from the other town or place by any available public passenger transport service.”

PART II

AMENDMENTS AS TO EMPLOYERS' INDEMNITY

7. This Part of this Act shall be deemed to have come into force at the commencement of Part I of the Workers' Compensation Amendment Act, 1947.

Commencement of this Part. 1947, No. 58

8. Section four of the Workers' Compensation Amendment Act, 1947, is hereby amended by inserting, after subsection five, the following new subsection:—

Exempting National Airways Corporation and Linen Flax Corporation from provisions as to employers' indemnity.

“(5A) This Part of this Act shall not apply with respect to workers who are employed by the New Zealand National Airways Corporation or by the Linen Flax Corporation of New Zealand.”

Commonwealth
shipping
companies
belonging to
mutual
protecting
clubs may be
exempted.

9. Section five of the Workers' Compensation Amendment Act, 1947, is hereby amended by inserting, after subsection one, the following new subsections:—

“(1A) In any case where the Compensation Court is satisfied that any Commonwealth shipping company is, as owner, charterer, or agent of any ship entered in a mutual protecting club established and controlled in the United Kingdom, entitled to be indemnified in respect of the whole or any part of all claims for compensation or damages or contributions for the death of or personal injury to any workers employed by or on behalf of the company, the following provisions shall apply:—

“(a) The Court may grant a certificate exempting the company from this Part of this Act in respect of those workers to the extent to which the company is indemnified as aforesaid:

“(b) Where the company's indemnity extends only to a part of those claims, the Court, if it is satisfied that the company has adequate financial resources to meet the balance of those claims, may grant a certificate exempting the company wholly from this Part of this Act in respect of those workers:

“(c) While any such certificate is in force this Part of this Act, as the certificate may require, shall not apply to the company in respect of those workers or shall apply only partially to the company in respect of those workers.

“(1B) For the purposes of the *last preceding* subsection, the expression ‘Commonwealth shipping company’ means a shipping company incorporated in New Zealand or in a country mentioned in subsection three of section three of the British Nationality and New Zealand Citizenship Act, 1948.”

1948, No. 15

Certificates of
exemption to
apply to
specified
classes of
workers.

1947, No. 58

10. Section five of the Workers' Compensation Amendment Act, 1947, is hereby amended as follows:—

(a) By inserting in subsection two, after the words “from this Part of this Act”, the words “in respect of those workers or in respect of such of those workers or such classes thereof as may be specified in the certificate”:

(b) By adding to subsection two the words “in respect of the workers or classes of workers specified in the certificate”:

(c) By adding to subsection four the words " and, in particular, shall indicate the workers or classes of workers to whom the certificate of the Court applies ":

5 (d) By inserting in subsection five, after the words " any worker ", the words " to whom the certificate of the Court applies ".

11. Section five of the Workers' Compensation Amendment Act, 1947, is hereby amended by inserting, 10 after subsection three, the following new subsection:— Commencement of certificates of exemption. 1947, No. 58

15 " (3A) Every certificate granted by the Court under the foregoing provisions of this section shall come into force or be deemed to have come into force on the first day of April next after the date of the application for the certificate, or on such later date as may be specified in the certificate:

20 " Provided that where the application is made during the month of April in any year the Court may direct that the certificate shall be deemed to have come into force on the first day of that month:

25 " Provided further that the Court may direct that any certificate granted on an application made before the first day of January, nineteen hundred and fifty, shall be deemed to have come into force on the first day of April, nineteen hundred and forty-nine."

12. (1) Section thirteen of the principal Act is hereby repealed. Repeal of provisions as to liability and indemnity of principal of contractor. 1947, No. 3

30 (2) Section four of the Contributory Negligence Act, 1947, is hereby consequentially amended by omitting from subsection three the words " or on any person called on to pay an indemnity under section thirteen of that Act ".

35 (3) Subsection four of section eleven of the Workers' Compensation Amendment Act, 1947, and subsection six of section thirteen of that Act are hereby consequentially repealed. 1947, No. 58