

the Court if the parties can settle the matter amicably. In dealing with section 32 I think there should be some provision made so that, failing the Arbitration Court intervening where there is no representative, any moneys could be paid to the Public Trustee, or that he should be allowed to step in and automatically receive the lump sum and apply it to the maintenance of the injured worker who is a minor in such manner as he thinks fit. I think also that in this section the Public Trustee should have power to compromise on behalf of the minor. He has power to deal with intestate and lunatic estates, and I do not see why he should not deal with these cases. In section 33 I think there should be provision so that "compensation payable in respect of medical, surgical, or funeral expenses may be paid to any person entitled to take proceedings for the recovery of such compensation, and that his receipt thereof shall be a sufficient discharge." In section 36 the rate of interest appears very high. I think the clause should come out, as tending to increase future rates of premium. In section 39, subsection (5), I think the words "or otherwise" ought to be inserted after the word "receiver." That is in line 36. In section 41 it seems to me there should be provision that when judgment has been recovered against an employer by or on behalf of any person for compensation under this Act such person shall not be entitled to recover damages against the employer independently of this Act in respect to the same accident. I think, generally speaking, that the Act should provide that a worker should elect which course of action he is going to take, either under this Act or at common law, and if he fails under one he should not be allowed to go on under the other. There should also, I think, be provision in the Act—I am not speaking with regard to any particular section—so that "when any claim against an employer for compensation under this Act, or for damages independently of this Act, has been settled by agreement, no person bound by that agreement shall be entitled to recover from the employer in respect of the same accident any sum whether by way of damages or of compensation other than the amount so agreed upon." I merely suggest this to prevent unnecessary litigation.

21. You mean that cases have occurred in which persons have entered two different actions, one under this law and one under the old liability law?—Yes, I have known cases in which a man has proceeded at the same time in different ways. I think he should elect which course he will take.

22. They do not recover separate sums under each Act, this and the old liability Act?—No, but they use the two sometimes. Subsection (3) of section 44: This should, I think, be the present value of the weekly payments as in other cases. Under sections 45 and 46 I think there should be a time-limit of six months from the date of the settlement with the worker. It seems to me there should be some finality about the matter; otherwise rates of premium are sure to be adversely affected. Section 50 should, I think, be deleted as regards the dependant, and the following clause in the previous Bill substituted: "Where the Governor is satisfied that by the laws of any other country within the dominions of the Crown compensation for accidents is payable to the relatives of a deceased worker, although they are resident in New Zealand, he may by Order in Council declare that relatives resident in that country shall have the same rights and remedies under this Act as if resident in New Zealand." I may mention that that was in last year's Bill, but the Law Draftsman has dropped it out for some reason. I might tell the Committee that I have had several cases where the dependants have been living in remote parts of Europe and with whom I have had to settle, and it seems to me to be unfair that employers in this country should have to bear the charge of providing against claims of that kind. I have had, as previously explained, to settle with dependants living in Croatia and in Sweden. In connection with this clause I would strongly urge the Committee to consider whether it would not be advisable to make the matter one of reciprocity with any other country that is agreeable.

23. Are you satisfied that they are dependants?—We have to settle with them, and disputes occur with regard to remittances made by the dead worker to them. It is extremely difficult to disprove dependancy in such cases. In reference to the Schedule to the Bill, I would suggest that provision be made so that the Governor, by Order in Council gazetted, may include any other occupation that is of a hazardous character. I make the suggestion because under the present law the position is governed by the word "hazardous." An accident in any occupation, no matter of what kind, that the Court may hold to be hazardous would be governed by the Compensation Act. That is the present law, but under this Bill that provision is eliminated, and the hazardous occupations are set out in the Schedule. "Horse-racing" is, however, not provided for, but it seems to me to be clear that horse-racing is an occupation to which the Act should apply. It is impossible to say what other occupations should be put in, and as experience showed the necessity the Governor, if he had the power, could add them. It would not affect the insurance companies until the Governor included them and until the employers arranged the necessary "cover."

24. *Hon. Mr. Millar.*] Does not the schedule apply only to occupations where the person is made liable only when the employment is not a direct part of his business?—I do not think so. He is a direct employer. Paragraph (b) of section 3 of Part I governs the position, I think.

25. *Mr. Barber.*] Do you not think this First Schedule is too extensive. Take the erection of any building, for instance?—I think it is quite right to put that in, because the erection or pulling-down of a building must surely be hazardous.

26. Supposing you are putting up a one-story building?—Even a one-story building is dangerous.

27. There is nothing dangerous about a man working on a one-story building?—Then why let the Act apply to a carpenter? I think it is essential to put the schedule in, for unless the particular occupation is part of the employer's trade or business, the worker would not be protected.

28. You might just as well make everything dangerous, and take the schedule out?—In the old Act, in respect of the word "hazardous," we never knew where we were. It depended on the will of the Court. One day an accident in connection with an occupation not ordinarily embraced under the Act might be hazardous, and another day it was not. My experience in connection with the Act makes me satisfied that something in the direction of the schedule is necessary. In the