

WORKERS' COMPENSATION ACT.

During the year the Court of Arbitration heard and determined forty-seven cases under this Act. The following is a summary of cases presenting features of interest:—

Simpson v. Geary and others.—The plaintiff and defendants entered into a share-milking agreement under which the plaintiff undertook the management and work, but under the supervision of the defendants as might be directed by them and to their satisfaction. The agreement also provided that the plaintiff should at all times obey all reasonable orders and directions of the defendants. Held by the Court that the relationship of the parties was that of master and servant.

Readford v. New Zealand Shipping Company (Limited).—In this case the Court held that the widow of the deceased worker was entitled to compensation under the Act, although, while there was a perfectly safe method of going to work available for the deceased, he chose the dangerous method of going through the dark and encumbered part of the shelter-deck of the ship and thereby met with the accident that resulted in his death. The mere fact of the worker having added a risk to his work did not of itself operate as a bar to compensation under the Act, but was merely a test as to whether or not the accident occurred altogether outside the sphere of employment.

Leafberg v. Public Trustee.—Deceased was employed as master of the scow "Kahu" at a wage in excess of £260 a year. His duties were to navigate the ship, to take part in the management of the business side of the vessel's affairs, and in addition to take as full a share as any member of the crew in the labouring-work on board the vessel—stowing cargo, loading and unloading cargo, and setting and taking in sail. The "Kahu" was lost at sea and deceased was drowned. On a claim for compensation by his widow it was held that the manual work performed by deceased was not merely incidental or accessory to his employment, and that he was a "worker" within the meaning of the Workers' Compensation Act, and that his widow was entitled to compensation.

(NOTE: Another case decided during the present year is comparable with the above in that the master of the scow "Omaka," which was recently wrecked, was held to be employed primarily in the navigation of the steamer and was therefore not engaged in "manual" labour. Employees receiving more than £400 a year* who are not engaged in manual labour are not "workers" for the purposes of the Act, and they are therefore not entitled to compensation.)

Corrie v. Pitkie and Ritchie.—In this case a drover had contracted (at his usual but an unspecified fee) to drive a mob of sheep for the defendant, and was killed while carrying out the work. The Court held (quoting several English rulings) that this was not a contract, and that the relationship was that of master and servant, stating (1) that the drover was required to personally perform the duty, while a contractor would be at liberty to sublet the work to another person; and (2) that the defendant had the right to give directions during the course of the work as to the manner of its performance.

Workers' Compensation Amendment Act, 1920.

The main purpose of this amendment (also passed last year) was to so increase the several sums fixed by the principal Act passed in 1908, on account of the increases in wages and the cost of living since that time, as to entitle the same classes of workers to as nearly as practicable the same benefits as before. Thus the maximum earnings of a non-manual worker who is eligible to claim compensation was increased by approximately 50 per cent., from £260 to £400 (the maximum earnings of a manual worker being unlimited, as before); the maximum weekly compensation was increased in all cases from £2 10s. to £3 15s.; and the maximum total compensation payable from £500 to £750. As a consequential amendment the limit of £500 fixed for damages at common law (as distinguished from compensation under the ordinary provisions of this Act) for the negligence of a fellow-servant was also increased to £750.

The amendment also actually increased the benefits in several other respects—namely, the periods for which no compensation was payable were reduced as follows: (a) Where the incapacity lasted for less than seven days no compensation was previously payable (this is reduced to three days); (b) where the incapacity lasted seven or more days but less than fourteen days no compensation was previously payable for the first seven days (this has been struck out, with the result that compensation in such cases is now payable as from the date of the accident). The Bill also proposed to increase the amount allowed for medical expenses in non-fatal cases (namely, £1) to £20, but on inquiry it was deemed expedient to substitute an all-round increase of 5 per cent. in the ratio of compensation, which was accordingly altered from half-earnings, or 50 per cent., to 55 per cent. Section 5 of the amendment extended the benefits of the principal Act to persons who, though not employees, are contractors for scrub-cutting, the felling of bush, and the like, if they are personally engaged in doing the work; the principal Act applied in this respect only to mining contractors.

THE SHEARERS' ACCOMMODATION ACT, 1919.

During the year 339 visits of inspection were made by the Dominion Inspector, and 174 by District Inspectors and Sub-Inspectors, to shearing-sheds, making a total of 513 inspections. It was found necessary to serve 302 notices on various employers to effect improvements to the accommodation, and in some instances to erect new accommodation. The necessity for these arose largely from the fact that on account of the war it was generally impracticable to bring the accommodation up to the requisite standard at an earlier date. Some very fine buildings, well appointed in every way, have been erected in various parts of the Dominion. Owing, however, to the shortage of building-material and skilled labour that has continued to exist until recently, followed by the

*The 1920 amendment of the Act increased the maximum earnings of a non-manual worker entitled to the benefits of the Act from £260 to £400.