

German scheme of providing insurance for workmen by their employers against accidents happening to workers in the course of their employment. The original New Zealand Act has been extended by subsequent legislation, and is in marked contrast to the common law, which never imposes liability upon one person to make compensation to another for personal injury suffered by the latter except in cases where the injury was due to some breach of duty on the part of the person occasioning it or to his agents or servants.

88. Claims under the Workers' Compensation Act constitute an important part of the Office work. The Public Trustee's interest in these matters may arise under any of the following circumstances :—

- (1) Where he is an employer within the meaning of the Act, liable to pay compensation :
- (2) Where he is the representative of a deceased employer similarly liable :
- (3) Where he is the representative of a deceased worker :
- (4) Where he is the statutory custodian of compensation moneys payable in respect of the death of a worker :
- (5) Where he is the statutory administrator under the Mental Defectives Act, 1911, of a mental patient's estate and the condition of the patient is the result of causes which create a valid claim for compensation :
- (6) Where he is the custodian of compensation moneys payable to a person who is under the age of twenty-one years, or who is of unsound mind, or who is subject to any other legal disability.

The claims with which the Public Trustee is concerned are mainly those arising under (3) and (4) above—that is, those arising out of the death of a worker, who is defined by the Act as any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work, or otherwise, and whether remunerated by wages, salary, or otherwise ; but does not include any person who is employed otherwise than by way of manual labour and whose remuneration exceeds £400 a year.

89. The Public Trustee is, unless the Court of Arbitration orders otherwise, the custodian of compensation moneys payable in regard to the deaths of deceased workers. These moneys are held on behalf of the dependents entitled thereto and are applied as ordered by the Court. The function of the Public Trustee as custodian of compensation moneys is quite distinct from that of the executor or administrator of the estate of a deceased worker, and even when the Public Trustee is himself executor or administrator of the estate, as frequently happens, he receives the compensation moneys in his capacity of statutory custodian.

90. In last year's report I dealt with the machinery provisions of the Act, covering the right to take proceedings for the recovery of compensation on the death of a worker, and of the apportionment of the moneys received by way of compensation. I wish this year to refer to the volume and nature of the work devolving upon the Office under these headings.

All compensation cases come before the Public Trustee, and in numerous instances the solicitors to the Office are called upon to conduct the claim for compensation. The circumstances of the cases dealt with cover a wide and varying range, and the knowledge acquired in regard to workers' compensation in New Zealand is thus very comprehensive. In the application for apportionment it is the Public Trustee's duty to report to the Court upon the best and most equitable method of apportioning the moneys, having regard to the circumstances of the various dependants. This must be done in all cases, and necessitates careful inquiries in order that proper information may be made available to the Court. During the period under review the Public Trustee made forty-seven applications to the Arbitration Court for apportionment orders, and reports were filed in a number of cases in which applications were made by private solicitors acting for the dependants.

Very frequently the widow and children dependent upon the deceased worker are possessed of no means whatever beyond the compensation money, and, in any case, dependants are never in prosperous circumstances. For these reasons it has always been the endeavour of the Office to perform the necessary work at a minimum