

should be made mandatory instead of permissive as it is at present, and that several such medical referees should be appointed in each centre. It was the opinion of some witnesses that if a Medical Board were set up it could deal with a number of cases and thus relieve the present Court of Arbitration of some of the work ; other witnesses suggested a medical assessor as a member of the Court.

We, however, are of the opinion that there are few cases in which medical and no legal matters are in dispute, and that there would be few cases which a Medical Board would be able to entirely settle, and we do not recommend a Medical Board as suggested. With respect to the suggestion that a medical assessor should be a member of the Court, we are of the opinion that as medical and/or surgical matters coming before the Court are so varied in character as to make it very improbable that any one medical man would be a competent medical assessor in all cases, it would be better that the Court should have the power, as it has now, to obtain the opinion of medical or surgical practitioners on the cases which come before it, having regard in each case to the nature of the injuries and the special qualifications of the medical witness.

It will be noted that we recommend that the proposed Court should deal "principally" with workers' compensation cases, the inference there being that the Court might deal with other matters, as, for instance, assisting in any industrial arbitration work which might be allotted to it. We think, however, it would be misleading to suggest that the proposed Court might not be fully occupied with compensation work. Past experience in New Zealand and in other countries indicates that amendments to the Act have a tendency to increase the number of cases coming to the Court for settlement, and we have no reason to believe that such would not be the case again. Indeed, we suggest the separate Court so that more cases may come to it than now go to the present Court, because we have very strong reason to believe that rather than wait for the Court, as the parties are now compelled to do, claims are settled by agreements, which are sometimes unsatisfactory to the one side, sometimes to the other, and the Act itself is blamed in those cases for faults which are not inherent in the Act but are due to delays in administration. One witness, Mr. P. J. O'Regan, who has had an extensive experience in compensation cases, says in his evidence: "One complaint against the Act as it stands is the fact that the compensation is frequently stopped and the worker put to the inconvenience of going for a considerable time without compensation pending the next sitting of the Court of Arbitration. The number of accident cases coming before the Court is constantly increasing and will increase. It is a mistake to conclude that as time goes on and the principles of the Workers' Compensation Act are settled by judicial decision there will be fewer cases coming before the Court. There is a very large percentage of cases that has to come before the Court for the reason that it is impossible to get an injured man to agree to a settlement."

On the question of the constitution of the proposed Court many suggestions were made, and these were all carefully considered. Finally we have decided to recommend a Court constituted similarly to the present Arbitration Court, as we believe that a Court so constituted would secure the confidence of people to a greater degree than any of the alternatives suggested. To quote again from the evidence: "I think the public have every reason to be satisfied with the Court of Arbitration as far as its administration of the Act is concerned, and I think the assessors justify themselves, because there is a rooted belief on the part of the public in favour of the jury system, and this Court combines Judge and jury."

Further suggestions were that in place of permanent assessors travelling with the Court, assessors should be elected for each centre, or chosen by the parties to sit with the Court for each case. We, however, recommend permanent assessors, and on this point a witness with wide experience of the Court said, "I favour the permanent tribunal; a tremendous lot depends on that. It is very helpful when you get up in Court to be able to remind the Court of another case that you had had, something like it. If you are talking to people who have had no experience you cannot argue; it is far better to have a tribunal the members of which have had some experience, and to whom you are able to talk in a way satisfactory to yourself and to your client."