

During the year the Court of Arbitration stated a case for the opinion of the Court of Appeal on the question of what is the true basis upon which the "average weekly earnings" of a worker should be calculated for the purpose of assessing compensation under the Workers' Compensation Act. In calculating average weekly earnings in the past, difficulty has been experienced in regard to the construction that should be placed on the expressions "while at work" and "but in calculating such average no account shall be taken of any periods during which the worker has been absent from work" which are contained in section 6 (1) of the Act. The judgment of the Court of Appeal has settled the construction that should be placed on these expressions and has laid down the method that should be adopted in ascertaining the average weekly earnings of a worker in accordance with section 6 (1) of the Act. This method may be stated concisely as follows:—

- (1) Ascertain if there has been employment with the same employer for the period of twelve months preceding the accident, and if not, for what less period.
- (2) In the period so determined, ascertain the total number of weeks during which the worker was at work—*i.e.*, the total number of weeks in which he performed any work at all.
- (3) Deduct therefrom the total of the fractions of each actual working-week during which the worker was absent from work—*i.e.*, absent from available work.
- (4) Divide the total earnings for the weeks "while at work" (*vide* (2) above) by the number of weeks ascertained in accordance with (3).
- (5) The result constitutes the average weekly earnings of the worker.

SHEARERS' ACCOMMODATION ACT.

All necessary inspections under this Act were previously carried out by the Inspectors of the Agriculture Department, but following the report of the National Expenditure Commission set up in 1932 inspection has been suspended.

AGRICULTURAL AND SAWMILL LABOURERS' ACCOMMODATION.

Forty-one inspections were carried out during the year, resulting in 28 requisitions for improvement, alteration, &c., of accommodation.

SCAFFOLDING AND EXCAVATION ACT.

During the year 3,413 notices of intention to erect buildings and scaffoldings and to commence excavations were received, and 11,849 inspections were made.

There were 18 prosecutions, convictions being recorded in 17 cases, and fines amounting to £24 being imposed.

The number of accidents to workers during the year ending 31st December, 1934, is 212 (of which 3 were fatal). It should be mentioned that the total includes not only accidents to workers on scaffolding or in connection with gear or excavations, but also all other accidents occurring in connection with building operations. Taking into consideration the hazardous nature of the work and the number of workers involved, the number of accidents due to falls from scaffolds, ladders, or roofs is small—*viz.*, 29. The numbers according to occupations are: Labourers, 115; carpenters, 62; painters, 3; bricklayers, 3; plumbers, 2; plasterers, 4; steelworkers, 7; unclassified, 16.

The cases in respect of which information as to the time lost and compensation paid is available—*viz.*, 196 and 205 respectively out of the 212 accidents—show that a total of 4,996 days were lost and compensation to the amount of £5,369 1s. 1d. was paid.

The following are particulars of the fatal accidents reported:—

Two carpenters were working on a scaffold securing a queen-bolt to a roof principal of a dairy factory when one apparently slipped, and the other, in endeavouring to hold him, was knocked backwards, both workers falling to the concrete floor below. The fall of the former was broken through his striking one of the factory employees, but the latter sustained fatal head injuries. There was no guard-rail on the scaffold at the time of the accident, and proceedings were taken against the employer for failing to give notice of his intention to erect the scaffolding and against the foreman for failing to have the necessary guard-rail fitted, penalties being imposed in both cases.

A carpenter who had been working alone on a platform of planks built across the top of a bin some 40 ft. from the bottom was found lying on the floor of the bin with extensive head injuries, to which he afterwards succumbed. It was thought that the worker dropped his hammer through a crevice between two planks, and in order to recover it removed one of the planks with a view to climbing down an iron ladder fixed on the inside of the bin. When either descending or ascending the ladder he apparently missed his footing and fell to the bottom of the bin.

The foot of a derrick which had been used to raise a 12 cwt. principal for the roof of a new workshop slipped, and the principal fell, striking a worker engaged on other duties and inflicting fatal injuries. Proceedings were instituted against the builder for failing to have the derrick tested in the presence of the Inspector, and a penalty was imposed.

SERVANTS' REGISTRY OFFICES ACT.

There are eighty-four offices registered in New Zealand (last year sixty-eight). Two persons were convicted during the year for breach of this statute, fines amounting to £6 being imposed, but otherwise the offices appear to be satisfactorily conducted.