

Amendment (by Mr. WADE) agreed to:

That the words "the prescribed" be omitted, and the word "a" inserted.

Clause, as amended, agreed to.

Bill reported with amendments; report adopted.

House adjourned 11.44 p.m.

Legislative Council.

Wednesday, 10 August, 1910.

Assent to Bills—Saturday Half-holiday Bill (second reading)—Workmen's Compensation Bill (second reading)
—Railway Service Superannuation Bill—Crown Lands (Amendment) Bill—Bishop Tyrrell Trust Bill.

The PRESIDENT took the chair..

ASSENT TO BILLS.

Royal assent to the following bills reported:—

Loan (Railways) Bill.

Industrial Disputes (Amendment) Bill.

SATURDAY HALF-HOLIDAY BILL.

SECOND READING.

The Hon. J. GARLAND rose to move:

"That this bill be now read the second time.

He said: The object of this measure is to provide for a universal Saturday half-holiday within the metropolitan shopping area of Sydney. The question of whether the half-holiday should be held on one day within that area, or whether the shopkeepers should have the choice of Wednesday or Saturday for a half-holiday, has been a subject of discussion from the time of the passing of the first Early Closing Bill in 1889. The original bill, so far as the metropolitan shopping area was concerned, allowed each shopkeeper to have his choice whether the half-holiday was to be taken on Wednesday afternoon or Saturday afternoon; but a feeling has certainly grown up in the community, and it has been growing stronger and stronger, that, in the interests not only of the shop-assistants, but of the shopkeepers, it would be better that there should be a universal half-holiday, and

that the most fitting day would be Saturday. The matter was vigorously debated by parties holding these different views, and finally the Government was induced to appoint a royal commission about the middle of last year, to inquire into the question. Mr. Justice Street was the royal commissioner, and after making extensive inquiries, and hearing a large number of witnesses on both sides, he reported at that time that he did not see that those who claimed that a universal Saturday half-holiday should be made law, had made out their case, and therefore he recommended that matters should be allowed to remain as they were. But the position has been very much altered by the experience we have had of the working of a universal Saturday half-holiday in Melbourne. The experience has now extended considerably over a year, and the result of that experience, as embodied in the report of the late Chief Inspector of Factories in Victoria, certainly has shown to the Government that in Melbourne, at any rate, opinion is now almost unanimous that when once a Saturday half-holiday is instituted, it has been a conspicuous success. Let me read an extract from the report of the Chief Inspector of Factories upon the universal Saturday half-holiday for the metropolitan district in Victoria, which came into operation on the 1st May, 1909:

The Saturday half-holiday has proved a most astonishing success in this state, so far as the metropolitan district is concerned. It is true that, in several of the suburbs, grave fears were expressed when the act was passed, but all reports that have reached me indicate that those fears have proved to be unfounded. The act has now been in force over twelve months, and there is no proposal to take advantage of the provisions of the act to secure its suspension. Nothing in my official career has astonished me so much as the unanimity of the shopkeepers themselves in favour of closing on Saturday. I do not think the public were greatly inconvenienced by the Saturday half-holiday, but that is, of course, a mere matter of opinion. I am, however, quite clear that if a vote were taken on the question, it would be overwhelmingly in favour of the Saturday half-holiday, whether the vote were from the shopkeepers alone, the employees, or the public.

In addition to the testimony of this official as to the working of the act in

Victoria, the Department for Labour and Industry in this state observe, in their annual report for the year 1909:

As strong effort to bring about the change was made at the end of 1905, when the views of several deputations were placed before the Government, and many petitions received, both in favour of and opposed to the universal Saturday half-holiday, the majority of the suburban shopkeepers being then strongly opposed to any change in the existing law. Since that time, however, a very great number of these same shopkeepers have been converted, and are now strong advocates for a universal Saturday half-holiday in the metropolitan district, with qualifications in regard to certain classes of shops which it may be found desirable to exempt.

I submit that the official information now shows that a vast change has come over the feelings of those shopkeepers who, in its inception, were opposed to a Saturday half-holiday, and a large majority of them are in favour of its adoption. This bill does not propose to impose a Saturday half-holiday on all classes of the community. It expressly exempts those shops set out in the schedule attached to the act of 1899, which are, chemists' shops, druggists' shops, private dispensaries, public dispensaries, flower shops, fruit shops, vegetable shops, tobacconists' shops, confectioners' shops, newspaper and newsagents' shops, publichouses, hotels and wine shops, undertakers' shops, restaurants, refreshment shops, eating-houses, fish shops, oyster shops, and cooked provision shops. It is not proposed that the provisions of this bill shall affect those shops at all. They can have either Wednesday or Saturday. Then there is a schedule to the present bill, which contains two classes of shops—hairdressers and butchers—which will also be exempt; so that the measure will apply to all shops except those contained in the second, third, and fourth parts of Schedule 1 to the Early Closing Act of 1899, and the two shops mentioned in the schedule to this bill. The bill, as I mentioned before, is only intended to apply to the metropolitan shopping area; but in clause 5 power is given to the Governor, by proclamation, to extend its provisions to the Newcastle district or to any country shopping district.

The Hon. B. B. O'CONNOR: What is the metropolitan shopping area?

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The Hon. J. GARLAND: It is described in the schedule to the act of 1899.

The Hon. F. E. WINCHCOMBE: Does it include Parramatta?

The Hon. J. GARLAND: Yes. It is rather long, but perhaps I had better read it:

Description of metropolitan shopping district: The city of Sydney and the municipalities of Alexandria, Annandale, Ashfield, Auburn, Balmain, Bankstown, Botany, North Botany, Burwood, Camperdown, Canterbury, Concord, Darlington, Drummoyne, Dundas, Enfield, Ermington and Rydalmere, Erskineville, Five Dock, The Glebe, Granville, Hunter's Hill, Hurstville, Kogarah, Lane Cove, Leichhardt, Manly, Marrickville, Mosman, Newtown, North Sydney, Paddington, Parramatta, Petersham, Randwick, Redfern, Rockdale, Rookwood, Ryde, St. Peters, Strathfield, Vaucluse, Waterloo, Waverley, Willoughby, and Woollahra.

The Hon. B. B. O'CONNOR: Are flower shops included in the schedule to the main act?

The Hon. J. GARLAND: Yes; in Part II of schedule 1.

Question resolved in the affirmative.

Bill read the second time.

In Committee:

Clauses 1 and 2 agreed to.

Clause 3. Notwithstanding anything contained in the said acts, the closing time for all shops (other than those of the classes or kinds mentioned or specified in schedule one to the principal act, or the schedule to this act), situated within the metropolitan shopping district shall in every week be one o'clock in the afternoon of Saturday and six o'clock in the afternoon of Wednesday and ten o'clock in the evening of Friday.

The Hon. W. T. DICK said he desired to move a friendly amendment, which he understood the Government were prepared to accept. The amendment was designed to provide that the law should be made to operate immediately in the case of the county of Northumberland, as it did in the case of the metropolitan shopping district. The same amendment was debated in another place, and was only lost by one vote, which result, he believed, was due to the unfortunate absence of the member for Newcastle, who was then very ill. Had the hon. member been there and enabled to express the wishes of a large proportion of the shopkeepers and shop-assistants in the dis-

trict indicated, he had no doubt the result of the vote would have been different. Exactly the same reasons which might be urged with respect to the metropolitan district being dealt with straight-out by this bill instead of by proclamation could be used in the case of Northumberland. He moved:

That the following words be inserted after the word "district," line 8: "and within the Newcastle shopping district, and all other shopping districts comprised in the county of Northumberland."

The Hon. J. L. BEESTON said he would support the amendment. It would be acceptable to the majority, or, he might say, all, of the shop employees in Newcastle, and the vast majority of the shopkeepers themselves. No harm could come to the city of Newcastle, provided the rest of the towns in the Northumberland district—that was, the Maitland district—were included. The shopping there was chiefly done on the Saturday, in consequence of the men being paid on the Friday; but if the half-holiday were made universal on Saturday there was no doubt that the shopping would be done through the week by the miners. The question was discussed at the time the royal commission was sitting, and opinion was divided as to whether the holiday would be more acceptable on the Friday or the Wednesday. He had found, in conversation with different business men, that the same opinion prevailed in regard to this matter as prevailed in regard to the early closing movement when it was first proposed, namely, that it would be the death-knell of most of the small shopkeepers in the city. That, however, had not been proved to be the case, for business had gone on as usual, and no one had suffered.

The Hon. J. GARLAND said that, as apparently the people of Newcastle and Maitland had come to the conclusion that it was desirable the provisions of the bill should extend to those centres, the Government was not disposed to oppose the amendment.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 4 (Penalty).

The Hon. J. MACINTOSH said that if he understood the clause correctly, it imposed no restriction upon shops keeping

open on other days in the week till any hour they thought proper.

The Hon. J. GARLAND said the restriction was in the principal act, which the bill was amending. All shops not in the schedule to the principal act had to close at 6 o'clock on ordinary days.

Clause agreed to.

Clause 5 (Power to extend act to Newcastle and city shopping districts).

The Hon. W. T. DICK said that, in consequence of the amendment including the Newcastle district within the scope of the bill, it would be necessary, as a consequential amendment, to omit the reference to Newcastle. He therefore moved:

That the words "the Newcastle or" be omitted.

Amendment agreed to.

Clause, as amended, agreed to.

Schedule (Hairdressers' shops, butchers' shops).

The Hon. B. B. O'CONNOR said he wanted to be perfectly clear as to whether the bill preserved the rights of flower-shops to sell flowers on Saturday nights until 10 o'clock. A case had been brought before his notice of a nurseryman who travelled all the way from Guildford to Newtown market, where he had built up a considerable business in plants and flowers. If the bill deprived him and a large number of other men in different parts of the city and suburbs of their right to sell flowers and plants in the Newtown markets on Saturday night it would cause the industry to disappear by the board, as those men relied to a very considerable extent on the profits of that night's sales for their livelihood. He was not in any way antagonistic to the bill, but wanted to be sure that the cases he had referred to were not overlooked.

The Hon. F. E. WINCHCOMBE: If these shops are exempted, it meets the hon. member's objection!

The Hon. B. B. O'CONNOR said he wanted to be quite clear as to that, and would like to have the assurance of the hon. member in charge of the bill. On Saturday night, many people got their flower supplies for the Sunday, and he wanted to be assured that the bill would interfere neither with them nor with the nursery-

men at the Newtown markets. The Newtown markets were different from shops. The people who had stalls there conducted them themselves, and did not employ any outside labour. If the men could sell flowers there, he did not care if the rest of the market were shut up. If there was anyone going to be prejudicially affected by the bill, it would be the industrious little man.

The Hon. J. GARLAND said he quite recognised that the hon. member did not make his criticism in any hostile attitude towards the bill. He would point out to the hon. member a clause of the bill that put it beyond doubt that the class he referred to would not be prejudiced. Florists' shops were included in Part II of schedule I of the act of 1899. That schedule was covered by clause 3 of the bill, so that the bill would not affect the class of shops mentioned in schedule I of the principal act.

The Hon. H. E. KATER: But hair-dressers' shops are provided for in both cases!

The Hon. J. GARLAND said they appeared in the act of 1899, but the act of 1906 removed them from the schedule and that was why they were included in the schedule to the present bill.

Schedule agreed to.

Bill reported with amendments; report adopted.

WORKMEN'S COMPENSATION BILL. SECOND READING.

The Hon. J. GARLAND rose to move:

That this bill be now read the second time.

He said: I do not intend to take up the time of hon. members at any great length in explaining the provisions of this bill, but there are certain matters in a technical bill like this that require some explanation. The principle of this bill is not a new principle. It has been adopted in very many states and countries. Great Britain has had a bill of a similar character for some fifteen years. In New Zealand, South Australia, and Queensland, amongst the Australasian states, a similar act is in force, and it is generally recognised that it is better to adopt this compen-

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sation principle in the interests at once of the employer and of the employees. I will read two short extracts from two eminent men, both of them coming from the United States, in which they deal with this principle of compensation, as opposed to the principle which has hitherto been the law of this country, that a workman can only recover damages against his employer where he shows in some way or other that the employer or his representative has been guilty of negligence towards him. The first extract is from the well-known manufacturer, T. K. Webster, of the Webster Manufacturing Company. At a gathering in Chicago, some time ago, he summed up the matter in this way:

It is a matter of depreciation in men, just like depreciation in machinery. I presume there is not a manufacturer in Chicago but what, when he figures up his condition at the end of the year, charges off a certain amount for depreciation. It is the most natural thing in the world that he should do so. His tools wear out in from ten to twenty years, and if he keeps them on the books all that time he is simply fooling himself.

When it is presented to the American people, I believe they will see that it is just as fair to charge up every year the depreciation in men as it is to charge up the depreciation in machinery and buildings. And when we have done that, we will not only have done our duty to the great body of labourers, but we will not pay, in my judgment, one single cent more than we are paying now. We pay it all now just the same. Do not think for a moment we are not paying it. We are paying it in the hospitals, in the poor-houses, in the degradation, in the pulling down of all these people where they are swept under and become the "submerged tenth," simply because we are not doing justice to them. Let us put upon every industry the cost of the depreciation of its own men. Let us pay it as we would any other honest bill.

The other quotation which I propose to read to the House is from a statement made by Mr. Theodore Roosevelt:

Workmen should receive certain definite and limited compensation for all accidents in industry, irrespective of negligence. When the employer—the agent of the public—on his own responsibility, and for his own profit, in the business of serving the public, starts in motion agencies which create risks for others, he should take all the ordinary and extraordinary risks involved, and though the burden will, at the moment, be his, it will ultimately be assumed, as it ought to be, by

the general public. Only in this way can the shock of the accident be diffused, for it will be transferred from employer to consumer, for whose benefit all industries are carried on. From every standpoint the change would be a benefit. The community at large should share the burden as well as the benefits of industry. Employers would thereby gain a desirable certainty of obligation, and get rid of litigation to determine it. The workman, and the workman's family, would be relieved from a crushing load.

I think that those expressions of opinion, together with the fact that the principle has been accepted in England, and in many of the Australian states, render it unnecessary for me to say anything further in advocacy of the principle of the bill. I shall now proceed briefly to show what the scope of the bill is. The bill does not include all the workmen who are employed in any industry. The scope of the measure is very largely confined to what may be called the dangerous industries—that is to say, it is limited to employment in and about

any railway, tramway, factory, workshop, mine, quarry, wharf, vessel, engineering or building work, any building used for dumping or storing wool, carried on by or on behalf of the employer as part of his trade or business; or any other employment carried on by or on behalf of an employer as part of his trade or business which is declared by proclamation to be dangerous.

It is provided that no such proclamation shall be made except pursuant to resolution of both Houses of Parliament. Not only is there this limitation with regard to the particular industries which come under the scope of the bill, but it is not every workman engaged in those industries who comes within the scope of the bill. It is provided, for instance, that no workman shall come within the scope of the bill unless he is one of four habitually employed by an employer in his trade or business. The small employer, who employs less than four workmen, does not come within the scope of the bill. The bill, which does not apply to persons other than those engaged in manual labour, provides that wherever an injury is caused to a workman by accident arising out of, or in the course of, his employment, the employer shall pay to such workman the amount of

compensation mentioned in the schedule, provided, firstly, that the injury disables the workman for at least two weeks—that is, that it is not a trivial injury; and, secondly, that the injury is not caused by the wilful or serious misconduct of the workman. If the injury is caused by such serious or wilful misconduct, the workman is debarred from obtaining any compensation at all. The amount of compensation payable is provided for in the schedule. In the case of the death of a workman who leaves persons wholly dependent on him—and the word “dependent” is defined in the first schedule—the amount to which the employer is liable is a sum equal to three years' earnings of the workman, or £200, whichever is the largest; and the maximum amount of liability is £400. For instance, if a workman were earning £100 a year, then, in the event of his being killed, and leaving dependents, the employer would be liable to pay £300, which would represent three years' earnings. But if his earnings were only £50 a year, three years' earnings would amount to £150; but in that case the employer would be liable to pay £200. So it amounts to this: that in the case of the death of a workman who leaves persons wholly dependent on him, the minimum amount of compensation payable is £200, and the maximum £400. In the case of a workman dying and leaving persons partially dependent upon him, the maximum amount of liability is £400, but of course in that case the minimum of liability may be very much larger, because it is declared that the amount payable shall be proportionate to the loss sustained by those persons who are partially dependent on the workman. If a workman leaves no dependents, the utmost sum which the employer can be called upon to pay is an amount not exceeding £12—that is to say, sufficient to meet the reasonable expenses for medical attendance and burial. Where there is total or partial incapacity after the second week, the employer would be liable to pay, during the incapacity of the workman, a sum representing 50 per cent. of the weekly wages of the workman, but not more than £1 a week; and

there would be a total liability of £200 in all—that is to say, where a workman is either totally or partially incapacitated the maximum weekly contribution the employer will have to make will be 50 per cent. of the workman's wages, provided that does not exceed £1 a week, and those payments will continue—assuming that the incapacity continues so long—until the maximum of £200 has been paid. The schedule provides that, in the case of persons who appear to be over the age of 60, and therefore naturally more liable to accident, an agreement may be entered into between the employer and the employee, by which the employer's liability may be limited to the maximum of £50 at death, or a maximum of £50 in the case of incapacity, paid weekly. Then with regard to infirm workers—that is, men who have a certificate from a medical man that they are suffering from infirm health, and so are more liable to accident—the bill provides that an agreement may be entered into between the employer and the infirm worker, by which the employer may limit his liability in the case of death to a sum not exceeding £25, or, in the case of incapacity, to a maximum sum of £50. Those are the maximum and minimum amounts to which an employer may become liable in case of accident; and it is provided, in clause 12, that a deduction is to be made from those amounts of any money payable to the workman under any act of Parliament in consequence of any injury received by him. The tribunal that has to determine all claims under the bill is, in the case of claims exceeding £30, a district court judge, because the maximum amount which can be recovered under this bill is £400, and that is the present limit of a district court judge's jurisdiction. So, firstly because it is within his present jurisdiction, and secondly, because a district court case is more expeditiously determined than a Supreme Court case, and determined at considerably less cost to the parties, the bill provides that, in the case of any claims exceeding £30, the amount shall be determined by a district court judge. In the case of claims under £30, the tribunal provided by the bill is a police or stipendiary magistrate. The bill further provides that employers may, under

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certain circumstances, contract themselves out of the liabilities which the bill imposes. Clause 14 deals with that question, and, generally speaking, it provides that if the Registrar of Friendly Societies, after examining into any scheme which has been agreed upon between an employer and his workmen, finds that the scheme of compensation is of benefit to the workman, and on the whole not less favourable to him and his dependents than the corresponding scales contained in the bill, he may grant to the employer a certificate, and while that certificate is in force the provisions of the Workmen's Compensation Act will not apply to the employer. There is power given, in the event of a change of circumstances in connection with the scheme, for the Registrar to revoke the certificate, and then the fund is distributed either by agreement or in such manner as is provided by law. One condition in connection with the power of contracting out is, that no scheme shall be so certified which imposes an obligation on the workman to join the scheme as a condition of his hiring, or which does not contain provisions enabling a workman to withdraw from the scheme. Another matter to which I wish to refer is what is known as the principle of subcontracting. Clause 15 provides that where a contractor—who is spoken of as the principal—in the course of his trade or business employs a subcontractor to carry out any work for him, the principal contractor shall be primarily liable, just as if he were the employer of those workmen who are employed on his work. But this principal contractor has a right to look to the subcontractor, the person who actually employed the workmen, to indemnify him for any money he may have been called upon to pay in connection with the workmen who were employed on his business. This section is not to apply, however, unless the accident occurred on the premises where the principal was carrying out his work, and the whole work was work which amounted to £100; and, further, unless the workman at the time of the accident was engaged in an employment to which the bill applies. Further, there is provision that, where a workman has been injured under such circumstances, that he has a

claim against a stranger to compensate him for injury, then he may pursue his remedies under the bill and also against the stranger. But if he recovers compensation under the bill either from his employer or from a principal, under the subcontractor clause, those persons have a right of recourse against the stranger who would be responsible to the workman if the workman had brought an action against him. It is also provided that the provisions of the common law and of the Employers' Liability Act, which enable a workman to recover compensation for injury done to him by the neglect of an employer, shall still subsist, and that the workman can, if he chooses, pursue his remedy either under the common law or the Employers' Liability Act; but he cannot recover under the Employers' Liability Act and the common law as well as under this bill; he must make his election whether he is going to proceed under this bill, or under the common law, or under the Employers' Liability Act. Then clause 18 provides that existing contracts shall not be disturbed—that is to say, if there is a contract in existence between a workman and an employer, that contract shall run its full term; and it is only on the termination of the contract by full notice that the provisions of this bill will come into force, though notice is deemed to have been given at the earliest possible moment under the bill. Those are the more important provisions. There are, of course, matters of detail and of technical difficulty which we shall be able to deal with in Committee, but I have endeavoured, as clearly and as shortly as I can, to put before hon. members the salient provisions of the bill, and I venture to think that those provisions are satisfactory along lines that have now been proved. They do not go as far as either the recent English act or the New Zealand act. To a certain extent they are tentative in this country, and therefore we consider that in a matter of this sort, which, undoubtedly, so far as this state is concerned, is an innovation in legislation, it is well not to go to extremes in the first instance.

Question proposed.

The Hon. F. FLOWERS: I am not going to use any extravagant language

in welcoming a bill of this character. I certainly think it is a little advance in the right direction, and only a little advance. I am not going into ecstasies over the probable good it may do, or over the possibility of its removing the difficulties which from time to time have arisen in connection with this very important matter. It has been a reflection upon our legislative function generally that we have for so long neglected to introduce some alteration with respect to the law affecting injuries to workmen. It is true that we have an Employers' Liability Act, a measure which has been termed a "barristers' employment act," and it well deserves the term. I am quite convinced that every barrister and lawyer in the House will admit that, so far as that act is concerned, it is obsolete. I am not prepared to say that the bill now introduced will do all that the hon. and learned member who has introduced it imagines it will do; nor does it cover all the ground, nor will it give that general satisfaction expected of it. In the definition clause "employer" is defined as a person "who habitually employs." Does that mean constantly employs?

The Hon. J. GARLAND: No!

The Hon. F. FLOWERS: What is the interpretation of "habitually" as it is used there?

The Hon. J. GARLAND: It is the same word as "usually." It means one whose habit it is to employ!

The Hon. F. FLOWERS: Does it mean that a man will have to employ four persons during the year before he can be held to come under the bill? Because, if so, there will be a very large number of deserving cases which will be absolutely prohibited under the bill. The hon. and learned gentleman has no conception of the number of small employers carrying on different occupations in connection with all classes of industry who will be enabled to escape under that clause unless some definite meaning is applied to the word "habitually." Lower down in the same clause it is provided that workman "does not include any person whose employment is of a casual nature." I should like the hon. and learned gentleman in his reply to give a definition of the word "casual."

The Hon. J. GARLAND: Let the hon. member read on. Two things have to be combined!

The Hon. F. FLOWERS: "And who is employed otherwise than for the purposes of the employer's trade or business." What is the meaning of that? I am of opinion that the word "casual" will exclude a large number of workmen from the provisions of the bill. Men are taken on in the building trade sometimes for three or four days only. I should like the hon. and learned gentleman to say whether such labour could be called casual. Would it not amount to that?

The Hon. J. HUGHES: No!

The Hon. F. FLOWERS: What does "casual" mean?

The Hon. J. HUGHES: We will tell the hon. member presently!

The Hon. F. FLOWERS: It is just as well to know what we are doing.

The Hon. J. GARLAND: I am glad the hon. member is calling my attention to these things. I will deal with them in my reply!

The Hon. F. FLOWERS: The hon. and learned gentleman, in the course of his speech, mentioned the fact that it would be possible, under clause 14, for persons to contract themselves outside the bill, with the consent of the Registrar of Friendly Societies. Does the hon. and learned gentleman know that, as a matter of fact, every employer will contract himself outside the bill?

The Hon. J. GARLAND: I shall be very much surprised if he does!

The Hon. F. FLOWERS: Is the hon. and learned gentleman aware that employers contract themselves out of the provisions of the present Employers' Liability Act?

The Hon. J. HUGHES: To the loss of the employees?

The Hon. E. W. FOSBERY: They insure!

The Hon. F. FLOWERS: What I want to show is, that the workman will not in every case have to deal with the employer, but with the insurance companies. In every dangerous occupation to-day the employer is fully insured against every possible risk. He has contracted himself out of the provisions of the act just as he will contract himself out of the provisions of this bill. I also want to know whether, under this bill, the liability of

the employer only covers the actual working hours. I should like the hon. and learned gentleman, in his reply, to devote a little attention to that phase of the question of compensation to workmen. First of all, the hon. and learned gentleman must connect this bill, not with the employers as a class, but with the rich insurance companies, with whom, in every case, the employee will have to deal.

The Hon. H. E. KATER: Not a bit of it!

The Hon. F. FLOWERS: That is the case to-day. There is not a builder operating within the metropolis but who is fully covered by the insurance of the amount of wages he expects to pay during twelve months. And in every case where an accident happens, the employee deals with the insurance company, and not with the employer.

The Hon. H. E. KATER: That is not so!

The Hon. F. FLOWERS: So that, in dealing with a bill of this character, we must consider it from the point of view of the association and connection of the insurance company with the workman. I would ask the hon. and learned gentleman if there is a provision in the bill that will cover more than the actual working hours? Let me give a case in point: In the erection of a large building a year or two ago, a few moments after the hour that proclaims the dinner-time, a workman was coming down a ladder from one storey to another. No flooring had been put down; there were simply open joists. For some reason or another he slipped and fell, and sustained severe injuries. Did he recover compensation? Not at all. The insurance company held that the injury was not received during working hours.

The Hon. J. HUGHES: Did the court hold that?

The Hon. H. E. KATER: The hon. member is quite wrong. The insurance companies had nothing to do with it!

The Hon. F. FLOWERS: I am quoting a case which is within my own knowledge. I am only drawing attention to what happened, and am asking for information from the hon. gentleman who introduced the bill as to whether it will cover cases of that kind. I know another case where a painter, taking a heavy ladder from one job to another during actual working hours, slipped in the street and

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sprained his ankle, and it was held that he was not actually at the time on the work.

The Hon. J. HUGHES: The hon. member says it was held; by whom was it held?

The Hon. F. FLOWERS: I believe it was held by those whom he was in treaty with. As a matter of fact, he did not recover.

The Hon. J. HUGHES: Did these cases come into a court?

The Hon. F. FLOWERS: No; I do not think they did. That is what I want—that these cases should have to come into court. But there are two cases even where the man himself had actually paid the premiums and covered the whole of the insurance that the employer was liable for.

The Hon. J. GARLAND: Insurance against negligence, not against accident!

The Hon. F. FLOWERS: The hon. gentleman does not know these things; he paid the insurance against accidents. I am here as a practical man who has paid this money from week to week, not only covering the expenses of the employer, but leaving him a handsome profit in some cases, for the trouble he went to in collecting it. The hon. gentleman does not know all these things.

The Hon. C. E. PILCHER: The bill only gives a legal right; it does not deal with any matter between the employer and the employees!

The Hon. F. FLOWERS: The bill is only a little in advance of the present act that we are working under, and very little in advance. We have been moving so fast in the last twenty years that this has become almost obsolete in comparison with the treatment in other countries of men meeting with accidents, for it perpetuates one of the worst features in regard to accidents that occur from day to day in connection with our dangerous industries. Clause 6 says:

The employer shall not be liable, under this act—

(a) in respect of an injury which does not disable the workman for a period of at least two weeks from earning full wages at the work at which he was employed.

That means that if a workman is injured for a week he will take jolly good care that he is injured for a fortnight. That is an inducement to malingering

of the very worst type. If a man is injured for a day, he should be paid for that day if he is not able to do his work. But it is in paragraph (b) that I want to point out the obsolete character of the bill.

(b) in respect of an injury which is directly attributable to the serious or wilful misconduct of the workman.

Now, who is to judge? Does it not mean—and I ask the Solicitor-General, who is handling this bill—does it not mean that in half the cases that occur the rich insurance companies will make a man prove that he was not wilfully negligent? I ask the hon. member, Mr. Pilcher, if that does not mean that the workman shall be put to the expense of action to recover moneys under certain conditions?

The Hon. C. E. PILCHER: The bill determines the liability of the employer; the liability of the insurance company depends entirely on the wording of the policy that is taken out!

The Hon. F. FLOWERS: The workman never sees the policy; that is the trouble of the whole thing. Why cannot the Government be progressive, and leap the barrier, and say they will form a state insurance, and not leave these premiums to fill the coffers of the wealthy insurance companies, who can do what they like?

The Hon. H. E. KATER: The workman never sees the insurance company!

The Hon. F. FLOWERS: That is so. All he has to do is to pay willy-nilly, with the alternative of being told to go off the job, certain sums each week, for which he never even gets a receipt. I ask the hon. gentleman is there anything in the bill to prevent excessive premiums being compulsorily paid by the workman? Is it not understood that the employer will contract himself outside the bill, and will compel the workman to pay every penny of such insurance, and that he will have the rich insurance companies behind him to fight the workman? I am not in love with this bill. A good deal has been said in the Lower House, by men who should know better, in exuberant praise of it. It is because I have been through the mill myself that I say the bill will not carry out what it professes, and that

it is very little improvement on the existing act. Some little time ago a most interesting and very valuable discussion took place in this House, and I believe the hon. member, Mr. Kater, contributed a very valuable speech on that occasion. It was as far back as 1899, and Mr. (now Judge) Heydon, who has been looked upon as an authority in dealing with matters of this kind, said he viewed the whole basis upon which a bill of this kind should be founded in a different light, and that the question of negligence should be eliminated altogether from its provisions. I am not going to take his exact words; but that is pretty nearly the conclusion he came to. He did not think that the question of whether the workman was at fault or not should be considered. It can be proved sometimes that owing to an error of judgment, a workman may injure not alone himself, but possibly someone else; and if that can be shown, then, according to the bill, those men could not recover compensation. No man will wilfully inflict an injury on himself or upon his fellow-workman; and I agree with Judge Heydon when he said that the element of negligence should be eliminated altogether from bills of this character, and they should be founded upon the principle that when an accident occurs, provision must be made for compensating the injured man, and enabling him to live until he can return to his work, and again earn his livelihood. Just as when a machine gets injured, and you substitute something else until that machine is repaired, so with a workman. It should not be a question for consideration whether the accident has been brought about by carelessness. The question is, that the man is not able to earn his livelihood, and provision must be made for him until he can. As a matter of fact, we have an act working in this state practically on all-fours with the suggestion made by Judge Heydon. I refer to the miners' accident relief fund. I am quite sure that hon. members will recognise that it has been an unqualified success. It has made special provision for special cases, for an in-

[*The Hon. F. Flowers.*

dustry that has been understood to be highly dangerous. Notwithstanding that sometimes we are shocked by disasters in coal-mines, that probably mean death to a large number of workmen, and injury to a further considerable number, and that precautions have been taken, and acts of Parliament passed to regulate the industry of the coal-mines, yet there are numbers of industries to-day more dangerous than coal-mining. If it is a good thing that you should have special and exceptional legislation for the coal-miner, such as has proved itself by experience to be so successful, why should you not have similar legislation for the other industries? Include them little by little, if you like, and take one section of industry after another, so that in a few years' time the legislation will embrace the whole of the industrial system of the state. If it is a good system for the mines and miners, it is equally a good system for the building trade, for the iron trades, for those who earn their living on the water or by the ship's side when the ships are in harbour; and it is equally good for every trade and occupation. If it has been so successful where it has been applied, why not extend it? It is a perfectly fair proposal. The men contribute so much, the industry contributes so much, and the Government pays its quota, and there is a fund under the Government control free from the dangers of a financial crisis, and free from the possible danger of an insurance company toppling over and becoming a thing of the past; free from financial embarrassment of that kind. Surely that would be a progressive step to take, instead of asking us to be satisfied with the introduction of a bill of this kind. The Government says it has come up to the legislation of other countries. Nothing of the kind. It is one of those things that the Government propose to do in their dying moments as an act to placate or convert or to hold a few more supporters. One begins to wonder whether the Government has not forgotten some section of the community. They evidently do not think a large number of squatters will

give their votes to them, or they think they are so few and far between that they are not worth troubling about.

The Hon. H. E. KATER: They never were!

The Hon. F. FLOWERS: They have remembered every other section of the community who have votes.

The Hon. J. GARLAND: That seems to annoy the hon. member!

The Hon. F. FLOWERS: It does not annoy me. I am only sorry that the Government did not go one better, and, instead of offering workmen half a dirty crust, which they have picked up from the floor, give them some bread which they could have eaten. That is all the bill amounts to. After waiting for twenty years for a measure that would be workable, and give relief, the Government come down with a bill which has become obsolete in other states, and the provisions of which have been surpassed in Great Britain, Germany, and America. I tell the hon. gentleman who has introduced this measure to look up what has been done in other countries, and he will see how his bill dwindles in comparison with the measures which have been carried into law in those countries. I am not going to vote against the bill. I am going to vote for it, because anything is better than the obsolete act which we have to-day, although it has found some hon. gentlemen a little occupation. Still we cannot always be kind to the legal fraternity. And if this bill is going to get rid of the complications connected with getting a verdict for a workman in the courts under the existing act, I am prepared to accept it as a step in advance. I regard it as just one step towards the time when we shall possibly march a little further in the direction of state insurance.

The Hon. C. E. PILCHER: I have listened with great pleasure to the speech of the hon. member, and I think it would have sounded magnificent from the hustings. I am neither going to find fault with my hon. friend, nor commend him for his speech; but I should like to point out one or two things in connection with

the bill. I think the hon. member referred to subclauses (a) and (b) of clause 6:

The employer shall not be liable under this act—

- (a) in respect of any injury which does not disable the workman for a period of at least two weeks from earning full wages at the work at which he was employed; or
- (b) in respect of an injury which is directly attributable to the serious or wilful misconduct of the workman.

As I understand the hon. member, he thinks that serious or wilful misconduct on the part of the workman should not interfere with his claim for compensation.

The Hon. F. FLOWERS: That is so!

The Hon. C. E. PILCHER: If that is good law for the workman, it should be extended to other classes of the people. Suppose the hon. member required to undergo a surgical operation, and went to a skilful man, and suppose the hon. member were guilty of serious and wilful misconduct, and that, instead of being restored to health, my hon. friend was absolutely incapacitated for life. Should any fault be found with the surgeon? And what action of law should lie against him? You cannot make law for one class only.

The Hon. F. FLOWERS: But every time the employer will try to prove that there was serious or wilful misconduct on the part of the workman, and the workman must go to court to defend himself!

The Hon. C. E. PILCHER: If the hon. member were an employer he would find it very hard if an employee of his, who was guilty of serious or wilful misconduct, which was admittedly the cause of the injury received, compelled him to pay compensation. My hon. friend forgets the object of the bill. It is to determine the legal rights between employee and employer. In the cases which come before the courts, the employer safeguards his liability to loss by insuring with an insurance company, and the company have nothing to do with the employee. If the employee recovers against the employer, then the employer can demand to be paid by the insurance company.

The Hon. F. FLOWERS: The money is paid to the employer before the employee gets it, and the employer makes the employee sign a declaration that he will not take any action at common law!

The Hon. C. E. PILCHER: I am certain that if the employee gets a verdict he will get the money from the employer. And if the employer takes out a policy with the company, he gets the money from the company. So, what cause of complaint has the employee? If I were a workman, I would sooner run the chance of getting compensation from a company which was substantial than from an employer who might not be.

The Hon. F. FLOWERS: The employee does not always get the money!

The Hon. C. E. PILCHER: No country has ever been able to make laws that will absolutely protect every person in his legal rights. Many verdicts are obtained which are of no use to the parties who gain them, because the other side have not the money to pay. I do not say that this is a perfect bill, nor that it is the kind of bill my hon. friend, Mr. Flowers, would draft. I am only showing that the points he seeks to make against the bill are unjustified.

The Hon. B. B. O'CONNOR: This bill is unquestionably a substantial advance on the existing statute, and the Government are to be commended for doing as much as they have done. But I find that the miners' accident relief fund makes better provision for widows and children than this bill. I regard this bill as the beginning of a policy which is going to effectuate what the party of the hon. member, Mr. Flowers, desires. This is going to be the foundation-stone of some such scheme as that provided by the miners' accident relief fund. It is idle to think of perpetuating the old system of insurance companies, and of negotiating between the employer and the employee. I think the question will be put on a different ground. Instead of regarding a measure of this kind as repairing the wear and tear of the employee, the state will be more interested in providing against the wear and tear of the citizens. The

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miners' accident relief fund is a good scheme. The widow gets 8s. a week, and all the children under 14 get 2s. 6d. There is also a funeral allowance.

The Hon. J. GARLAND: I think the amount paid to the widow has been increased!

The Hon. B. B. O'CONNOR: I understand that the Government have substantially increased the amount. It seems to me that the miner has been placed on a pedestal which other members of the community ought also to occupy. It is wonderful the sympathy which is manifested towards the miner. In the case of a man who follows the hazardous occupation of working on high buildings, the compensation is limited to £400, and he may have a wife and six children. The present bill represents a greater advance than state insurance would be. In the courts it is always a fight to prove negligence, however meritorious the claim may be.

The Hon. C. E. PILCHER: That is a matter for the jury!

The Hon. B. B. O'CONNOR: Exactly. And to eliminate the question of negligence, and say that the workman is entitled to compensation for accident, is a greater benefit than state insurance would be. I regard this measure as the forerunner of some scheme by which the state will come in and get the benefit, while the workmen will be able to insure at lower rates. If the state compels the employee and employer to contribute to the fund, it is absurd that a third party should be allowed to come in and "mop up" all the profits.

The Hon. C. E. PILCHER: It would be a good thing to shift into a country where there is no state!

The Hon. B. B. O'CONNOR: One may talk about Great Britain being a conservative country, but Australia is unquestionably more conservative than Great Britain. Their legislation for the relief to workmen is years in advance of ours. In many of the actions where negligence is alleged it is nominally a case of Jones the workman against Smith the employer. Smith may be willing to pay compensation, but he is not permitted to settle the action, because the insurance company is involved. They put

up money for the fight; so, while the case is nominally the employee against the employer, everyone who has fought such a case in the courts knows that behind the nominal parties is the insurance company. I think this bill is a wonderful advance on the present law, but, of course, no Government can do everything in a day. What will be the construction placed on certain clauses of the bill by the court is another matter. The Employers' Liability Act was a splendid act, but its scope was cut down by the decisions of the court, with which lawyers had nothing to do. It is the judges who decide these things.

The Hon. C. E. PILCHER: Are they not lawyers?

The Hon. B. B. O'CONNOR: Yes, but still they are judges. I see a difficulty in connection with the bill with regard to the words "habitually employed." It will be interesting to see what interpretation the court will place upon those words. I think that even the hon. and learned member, Mr. Pilcher, would find it difficult to decide what those words mean. I can well understand what the Government want to do, but the limitation of the English language is against them. I congratulate the Government on introducing this bill. I do not know how far the Employers' Liability Act is repealed.

The Hon. J. GARLAND: It is not touched!

The Hon. B. B. O'CONNOR: Nor do I know how far the common law doctrine is affected.

The Hon. J. HUGHES: Very largely!

The Hon. B. B. O'CONNOR: I am only calling attention to the extremely liberal provisions of the miners' accident relief fund, which is an anomalous thing to my mind. If miners are entitled to get such large benefits from a mutual co-operation on the part of the employees, the employers, and the Government, then any large aggregation of workmen in any industry should be given the same opportunity to come in and protect themselves, or else to seek the support of the insurance companies.

The Hon. H. E. KATER: The hon. member, Mr. Flowers, in the course of his speech, said that every employer would contract himself out of this bill.

If the hon. member looks at clause 14 he will see that the only way in which an employer can contract himself out of the bill is, if there is any scheme of compensation, benefit, or insurance for the workmen. As to the workmen coming in contact with the insurance companies, the hon. member is quite mistaken. The ordinary process is this: if an employer wishes to contract himself out of the bill, he does not insure his employees individually but collectively.

The Hon. F. FLOWERS: He does not take the men at all, but his wage-sheet!

The Hon. H. E. KATER: Exactly; and in the event of an accident happening, and on being brought into court it is proved, then the employer goes to the insurance company, and says, "You must pay the proportion for which you have insured this particular workman." The individual employee never comes in contact with the insurance company; he has nothing whatever to do with it. I mention this because the hon. member laid great stress upon this possibility of the employer contracting himself out of the bill as one of the evils which would result.

The Hon. J. HUGHES: I think the hon. member was referring to the existing Employers' Liability Act!

The Hon. H. E. KATER: The hon. member said that the same thing would occur under this bill.

The Hon. F. FLOWERS: There is nothing to prevent it!

The Hon. H. E. KATER: I differ entirely with the hon. member. It will not occur under this bill. This is simply a process to enable the employee to establish his legal rights against the employer; and the employer may either draw a cheque on his banker, or he may go to the insurance company and obtain the money for which he insured the particular employee. The employee himself will not come in contact with the insurance company.

The Hon. F. FLOWERS: I did not say so!

The Hon. H. E. KATER: I understood that, in the case quoted by the hon. member, particular employees came in contact with the insurance company.

The Hon. F. FLOWERS: I did not say between whom the negotiations had taken

place. I only repeated the fact as it was told to me—that the man did not get his insurance!

The Hon. H. E. KATER: The hon. member quoted a case, and said that the employee had to face the insurance company, and he argued that under this bill all employees would have to face the insurance companies.

The Hon. F. FLOWERS: Of course they will!

The Hon. H. E. KATER: I want to make it quite clear that they will not, because I was under the impression that the hon. member was unintentionally misleading the House by what he said.

The Hon. Sir JOSEPH CARRUTHERS: Whilst the Government is to be complimented on introducing this bill, which is a distinct advance on the existing state of the law, notwithstanding what the hon. member, Mr. Flowers, said, there is something more than a dirty crust of bread; there is a substantial enactment of reform. At the same time I am very much of the same opinion as the hon. member, that we have reached that almost inescapable position, when, having granted old-age pensions to people permanently invalidated by old age, having granted invalid pensions to those permanently injured by illness or accident, and having granted assistance in the shape of accident insurance to the miners, we shall have to make all-round provision by a system of voluntary contributions for insurance of all kinds. We cannot justify any sectional legislation unless we are prepared, either gradually or at one step, to give all citizens an equality of rights. Bismarck—and I suppose there was no greater conservative in the world—saw the necessity for a reform of this character, and he introduced into the Prussian Parliament, and made it the law of the country over whose destinies he was then presiding as Minister, a system of compulsory state insurance for adults. I, as Treasurer, administered the miners' accident relief fund. I confess that up to that time I had not paid much attention to the working of the fund, but as the figures were presented to me week after week, I saw that the fund not only provided for the claims of the miners, but left an enormous surplus. I venture to assert that the contributions on the

part of the Government to that fund are too large. It is the Government that ought to be relieved. The miners make their contribution—there should be no diminution of that; the mine-owners make their contribution—there should be no diminution of that; but there should be a diminution of the payment by the Government, because the fund is far too large to meet, on an actuarial or any other calculation, the claims likely to be made against it. That brings me to this: that if we have an all-round system of state insurance against accidents, with the experience of the miners' accident relief fund, it would not be anything like the charge against the public funds that people imagine. We should not need to appeal to charity; we should not have to go begging to this or that party for assistance. Hon. members know, I think, that the section of this community which has to give to our charities is extremely limited. The hat is going round continually; but unfortunately the hat is always going to the one set of persons every hour of the day. It is a fair thing to make all classes contribute, and to let all classes share in the benefit. That may be a socialistic doctrine or a state socialistic doctrine, but it was good enough for the greatest conservative Minister Europe has seen during the last century. The hon. member is to be commended for his utterances, and I am glad to hear that he proposes to vote for the bill. I certainly agree with the hon. member that the position is inescapable, and that sooner or later we shall have to face the problem, just as we have faced the problem of old-age and invalidity pensions, and provide equality all round. Let me stand in the same position as the miner. Let every citizen stand in the same position as another. Put all on an equality of terms under the law, so that there will not be this complaint, that one class is paying for the benefit of another class, but all will share equally in the provisions made under our legislation.

[The President left the chair at 6.25 p.m. The House resumed at 7.33 p.m.]

The Hon. J. GARLAND, in reply: With regard to the criticism by the hon. member, Mr. Flowers, it appears to me that a great deal of it is absolutely beside the point, and my friend

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seemed, if I may say so without discourtesy, to be talking more to the outside public than to the members of this Chamber, because this bill has nothing to do with insurance companies, or the evils they do. It is an honest attempt to provide in a moderate way for injuries sustained by employees where they cannot bring home negligence to the employers. Hitherto, before an employee could recover anything from an employer for injuries sustained in the course of his employment, it was absolutely necessary for him to bring home negligence, either to the employer or to some person in the service of the employer. Under this bill, the whole question of negligence is swept away, and if an accident happens to an employee who is employed about a particular class of work included in the bill, then, no matter if negligence can be shown by the employer or any person employed by him, the employee gets a right to compensation. It is a new right, and a new principle. The only qualification on that new right and that new principle, and the only point where negligence occurs in the bill is a provision which is a fair and legitimate protection to the employer—a provision which says that where the accident is brought about by the serious or wilful misconduct of the employee, in that instance the employee shall not be entitled to recover as against the employer. If it were a matter of insurance, there might be something in what the hon. member says; but how he can assure this House that he believes that the employer should be made to pay compensation to an employee for an accident that is directly caused by the serious or wilful act of the employee, passes my comprehension.

The Hon. F. FLOWERS: I was only speaking of conditions such as existed under the miners' accident fund!

The Hon. J. GARLAND: Under the miners' accident fund the position is wholly and totally different.

The Hon. F. FLOWERS: That is so; but I was speaking with regard to that fund!

The Hon. J. GARLAND: I am sorry I misunderstood the hon. gentleman.

That is a fund which is formed for the purpose of paying compensation to a miner, no matter under what circumstances he may be injured, and that fund is built up by contributions from the employee, the employer, and the Government—a totally different state of things.

The Hon. F. FLOWERS: I only alluded to that in such circumstances!

The Hon. J. GARLAND: The hon. member has said there are some words in the bill that are hard to define. I grant that. The word "habitual" is a word that is perhaps difficult to exactly define. Perhaps the nearest English equivalent to it is the word "usual"; but it is impossible, with the limitations of the English language, to get words that are not bound to have more than one meaning, or, perhaps, that have not an elastic meaning; and that is a difficulty one has in a measure like this. But I take it that the phrase "habitually employs at least four persons" means that that person, during the major portion of the year, employs four persons—that usually he has four persons employed. That, I take it, is a matter easy to prove. Then with regard to the word "casual." That is a word with regard to which the precise meaning is not easy to arrive at. It has been the subject of a good deal of discussion in England, because the same word is used there. It is treated in the latest work on compensation—Beven on "Workmen's Compensation." On page 456 Beven says:

The Oxford Dictionary (d) defines the word "casual"—"Depending on chance; depending on or produced by chance; occurring or coming at uncertain times; not to be calculated on; unsettled; coming without design or premeditation. Casual labourer: one who does casual or occasional jobs."

But let me point out that, whatever the exact definition of casual may be, its use in the particular collocation in which it is used in the definition of workman, cannot cause any very serious harm, because the hon. member will see the definition clause provides that a workman "does not include any person whose employment is of a casual nature and who is employed otherwise than for the purpose of the

employer's trade or business." So, therefore, before a workman is excluded from the provisions of this clause two things must occur—namely, that the employment must be of a casual character, and that the person must be employed otherwise than for the purpose of the employer's trade or business. Any casual labourer who is employed in or about his employer's trade or business comes within the scope of this bill.

The Hon. F. FLOWERS: Suppose you employ carpenters in your house and one is injured, he could not recover?

The Hon. J. GARLAND: Certainly not, and it is not intended that he should; but if a contractor employs carpenters and he comes to my house to make repairs and four men are employed, they can recover. It is not the intention of this act that private individuals should be made responsible in dealing privately with people; the only people who are made responsible are men who are carrying on business, and who are then responsible for accidents that occur in or about that business. The bill is perfectly clear, for if the hon. member will look at clause 3 —

The Hon. F. FLOWERS: You may have forty men employed in your house, and you would not be responsible for one of them!

The Hon. J. GARLAND: I can conceive a series of cases in which persons would not be responsible. But we are dealing with the act of business as generally carried on. The cases the hon. gentleman names do not occur with any frequency, and we are not proposing in this bill to impose obligations on persons not carrying on business, but to impose obligations on persons who are carrying on dangerous trades or businesses. With regard to a difficulty that occurred to the hon. member, Mr. O'Connor, I would like to point out that clause 8, subclause (a), provides that "nothing in this act shall affect any civil liability of the employer independently of this act." So therefore, if an employee is injured by negligence while in the employment of his master, that master is liable at common law or under the Employers' Liability Act to-day, and if this bill passes he is in just the same position as he would have been if it did not pass. With regard to the remarks of the hon. member,

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Sir Joseph Carruthers, I do not desire in any way to contravert the desirability of a scheme of compulsory insurance following on the German lines. All I have to say is, that at present that is not before this House. At present we are concerned only with a bill that is framed on the lines of the workmen's compensation laws in other countries. That is the farthest we are prepared to go, and I think it is as far as the House is prepared to go.

The Hon. F. FLOWERS: Will it be legal for an employer to deduct from the employee's wages sufficient to cover the insurance premiums under this act?

The Hon. J. GARLAND: There is nothing in this bill to justify any such action.

The Hon. F. FLOWERS: Would it mean they would be breaking the law as far as the Truck Act is concerned in doing so?

The Hon. J. GARLAND: Yes, the wages must be paid in full.

Question resolved in the affirmative.

Bill read the second time, and reported from Committee without amendment; report adopted.

RAILWAY SERVICE SUPERANNUATION BILL.

Bill received from the Legislative Assembly, and (on motion by the Hon. J. Hughes) read the first time.

CROWN LANDS (AMENDMENT) BILL.

Bill recommitted for the further consideration of clause 8.

In Committee:

Clause 8. Section twenty-eight of the said act is hereby repealed.

Such repeal shall take effect as from the first day of February, one thousand nine hundred and nine.

The Hon. J. HUGHES said that when the bill was last under consideration the following words were added to the clause as it originally stood:—

Such repeal shall take effect as from the first day of February, one thousand nine hundred and nine.

The intention was that the two classes of settlers interested should not be put on a different basis. But amendments introduced at a moment's notice sometimes required reconsideration, and it seemed

that the words which were inserted might go further than was intended. The section of the original act which it was intended to repeal dealt only with royalties, and it had occurred to the department, on revising the amendment, and looking at the section itself, that in some cases these royalties would be paid. He therefore moved:

That the clause be further amended by the addition of the following words:—
“Provided that such repeal shall not affect anything lawfully done under the said section.”

Amendment agreed to.

Clause, as further amended, agreed to.

Bill reported with a further amendment; report adopted.

BISHOP TYRRELL TRUST BILL.

Bill recommitted for the further consideration of clause 1.

In Committee:

Clause 1.

And provided also that in each and every year the annual sum hereinbefore declared to be payable to the endowment fund of the See of Newcastle shall be paid in full before any arrears are made up for any of the other annual payments hereinbefore directed to be made.

The Hon. J. GARLAND said that, as he had indicated on the second reading of the bill, it seemed that if the clause were passed as it originally stood, the priority given to the funds for the support of the clergy, and also of the aged clergy in the diocese, would be done away with. The hon. gentleman in charge of the bill saw that that was the case. So, in order to carry out the intention of the will, he moved:

That in line 2, after the word “sum,” the word “firstly” be inserted.

Amendment agreed to.

Amendment (by the Hon. J. GARLAND) agreed to:

That the words “to the endowment fund of the See,” lines 3 and 4, be omitted, with a view to the insertion of the words “towards the income of the bishop.”

Clause, as amended, agreed to.

Bill reported with further amendments; report adopted.

Bill, with concurrence, read the third time.

House adjourned at 8.10 p.m.

Legislative Assembly.

Wednesday, 10 August, 1910.

Questions and Answers—Papers—Adjournment (Amendment of Invalidity and Accidents Pensions Act)—Railway Service Superannuation Bill (third reading)—Public Service Amendment Bill—Goulburn Sewerage Bill—Closer Settlement (Hardwicke Estate—Tibberreenah Estate)—Additional Sitting Days—Fisheries (Amendment) Bill (second reading).

Mr. SPEAKER took the chair.

FOREST RESERVES.

Mr. BRINER asked the MINISTER FOR AGRICULTURE,—(1.) Are any methods being followed in carrying out the work of classification of forest reserves? (2.) Have any independent men of expert knowledge and reliable character been engaged in the work? (3.) When is it expected that the classification will be complete?

Mr. PERRY answered,—(1.) Yes. (2.) Not yet. (3.) It is hoped that the work will be completed within the time prescribed by the act.

URUNGA PILOT HOUSES: SALE OF ALLOTMENTS.

Mr. BRINER asked the SECRETARY FOR LANDS,—(1.) Is it proposed to offer any town allotments for sale in the village of Urunga, within a reasonable time; and, if so, how many? (2.) Have complaints been made to the department regarding certain houses used by the pilot service at Urunga, and was any action taken in the matter; if so, is any further action proposed to be taken?

Mr. MOORE answered,—(1.) It is not proposed to offer any allotments in the village of Urunga, pending survey of the North Coast railway line. (2.) Yes, and a report having been obtained from the district surveyor, the matter has been referred to the Navigation Department.

GLENFERNAIGH FOREST RESERVE, No. 355.

Mr. BRINER asked the MINISTER FOR AGRICULTURE,—(1.) Is it a fact that repeated applications have been made to have a large part, if not the whole, of Glenfernaigh forest reserve 355, cancelled and made available for settlement? (2.) Is it a fact that forestry