these two bills to-night, I shall be willing to postpone the further consideration of the bill now before us until next week.

The Hon. J. B. PEDEN: The question of omitting the word "alien" raises a most important international and constitutional question, which will require to be very carefully considered!

The Hon. A. C. WILLIS: Very well, I will let that stand aside for the present and ask hon. members to consider the Legislative Assembly's message in relation to the Rural Workers' Accommodation Bill.

Progress reported.

RURAL WORKERS' ACCOMMODATION BILL.

In Committee (consideration of Legislative Assembly's message—the Hon. N. J. BUZACOTT in the chair):

The Hon. A. C. WILLIS: I move:

That the Committee does not insist upon its amendments disagreed to by the Legislative Assembly in this bill.

In paragraph (ii) of subclause (2) of clause 7, which deals with the accommodation to be provided, the Legislative Assembly reinserted in place of the word "three" inserted by this House the word "two," thus providing that not more than two persons should be accommodated in the one compartment, and in sub-paragraph (ii) of paragraph (b) of the proviso to subclause (3) which provides for proper and sufficient accommodation, the Legislative Assembly reinserted the word "two" in place of the word "six," which was inserted by this House. The amendments inserted in the bill were only agreed to by a small majority in this House, and I do not think the Committee should now insist on its amendments.

The Hon. E. H. FARRAR: When this bill was before this House what was uppermost in the minds of hon. members was the fact that it would apply to a large section of the farming community which had not been touched by previous legislation. It was felt that a hardship would be imposed on struggling farmers if they were compelled to provide the accommodation required by the bill for men whom they employed only during a short period of the year. Personally, I cannot see why the Government could not have accepted the amendments made by this House. If three men slept in a room with the cubic space provided for in this bill they would not be overcrowded. If the Committee does not insist on its amendments a large section of the farming community will have to provide accommodation for rural workers which is unnecessary. People employing fifty or 100 men are in a better position than the struggling farmer to provide the accommodation the bill provides for. They are in a better position to provide cubicles to accommodate two men than the small farmer is to provide cubicles for three. I think that the Committee ought to insist upon its amendments in this respect.

Question resolved in the affirmative.

Resolution reported; report adopted.

House adjourned at 11.12 p.m.

Legislative Council.

Tuesday, 23 February, 1926.

Personal Explanation (The Hon. J. Culbert and Allen Taylor & Company, Limited)—Petitions—Constitution (Amendment) Bill—Workers' Compensation Bill—Constitution (Amendment) Bill.

The PRESIDENT took the chair.

PERSONAL EXPLANATION.

THE HON. J. CULBERT AND ALLEN TAYLOR & COMPANY LIMITED.

The Hon. Sir ALLEN TAYLOR: I desire to make a personal explanation in reply to the attack on the firm of Allen Taylor & Company, Limited, made by the Hon. Mr. Culbert on Thursday last when speaking on the Workers' Compensation Bill. As to his reference to the sleeper tenders, restraint of trade, sea freights, &c., I do not propose to add one word to my previous remarks. With reference to the attack on the company

made by the hon. member in connection with the employee Watsford, who died in October, 1924, I feel it my duty to place on record the facts which can be verified. When the extraordinary and malicious statement was made I was ignorant of the situation. In fact, it was painful news to me. The following morning, Friday, on my arrival at my Pyrmont office, I for, the first time, examined the file. The Hon. Mr. Culbert said Watsford was injured in the company's employ, was treated shabbily, and was allowed only sixteen weeks' compensation, say, £48, and, further, that one week's sick pay was withheld. He said, *vide Hansard,* pages 291, 292 of 18th instant:

> This is the case of a man who was injured and a week's sick pay, to which he was entitled, was withheld from his widow. That woman was even denied payment of that amount after her husband went into hospital.

That statement is absolutely incorrect. The records show that Mr. Watsford was injured on 12th January, 1922, while employed at Birdwood Mill, Port Stephens. His weekly wage was £4 8s. 6d., as fixed by the award. While he was in the performance of his duty a flitch of timber slipped off the bench and struck him across the shins, causing cuts and bruises. He was attended by the local first-aid corps, and in due course was transferred to Newcastle Hospital, where he remained some weeks, at the cost of employers. He eventually got better, and resumed duty again about the middle of June, 1922. From the date of the accident until his resumption of duties his wife was paid weekly £2 19s. The period was twenty-two weeks, and the amount paid was £65. Three days after resumption of work he complained he was not well enough to continue. He automatically again came under sick and accident pay and treatment by the local doctor. Later, at the request of the insurance company, he was brought to Sydney for medical attention and placed in Lewisham Hospital, where he remained till 2nd February, 1923, when he was declared to be better and was ordered back home. On the 7th February, 1923, he was finally paid as up to 23rd February, 1923, and he gave the company a clean discharge for the full period. The period was thirteen months without a break. The amount paid was £165 13s. 4d., the average of which was £2 15s. per week, exclusive of Newcastle and Lewisham hospital fees, £40, which were paid by the company, and also a Christmas gratuity to Mrs. Watsford, which was paid in 1922. Watsford resumed work in March, 1923, in his old position, and continued there until July, 1924, a period of sixteen months without cessation. Early in August, 1924, he contracted influenza, followed by pneumonia, and died in October, 1924. I desire to give those facts, which are a true record of what occurred and a complete answer to the charge made by the hon. member.

PETITIONS.

The Hon. Sir JOSEPH CARRUTHERS presented a petition from the Permanent and Casual Waterside Labourers' Union of New South Wales, praying that the House will include that union in the schedule to the Industrial Arbitration (Amendment) Bill, and that the petitioners may be heard by counsel at the bar of the House in support of the petition.

Petition received and ordered to be printed.

The Hon. G. F. EARP presented a petition from the Newcastle and District Storemen and Packers' Union against the compulsory clauses of the Industrial Arbitration (Amendment) Bill, and praying that the House will reject those clauses and refuse to omit the union from the schedule to the bill.

Petition received.

CONSTITUTION (AMENDMENT) BILL.

Motion (by the Hon. A. C. WILLIS) proposed:

That the following motion: "That the Constitution (Amendment) Bill, which was introduced in the Council during a previous session, but was interrupted before its completion by the close of the session, be now

reintroduced at the stage it had reached at the time of such interruption" be postponed to a later hour of the sitting.

The Hon. Sir JOSEPH CARRUTHERS: I desire to ask the Vice-President of the Executive Council if he can fix the hour when the motion will be taken?

The Hon. A. C. WILLIS: Immediately after tea!

The PRESIDENT: Then I shall put the motion in this form:

That the notice of motion be postponed till immediately after the tea adjournment.

Question resolved in the affirmative.

WORKERS' COMPENSATION BILL.

In Committee (consideration resumed from 18th February, *vide* page 304):

Postponed clause 7. (1) A worker who receives physical injury arising out of and in the course of his employment, whether at his place of employment or on his direct journey to or from such place or (being in the course of his employment or while under his employer's instructions) away from his place of employment, and in case of the death of the worker, his dependants, shall receive compensation from his employer in accordance with this Act.

. . . . . .

The Hon. A. C. WILLIS: This clause was postponed for the purpose of allowing further time to look into certain of its provisions. When the clause was previously under consideration I accepted an amendment which was moved by the Hon. Mr. Boyce. I now believe that that amendment goes further even than the hon. member intended, and it clearly goes further than I intended it should go. To get over the difficulty a new subclause has been drafted, which I intend to move in substitution for the present subclause (1). I move:

That subclause (1) be struck out, and the following be inserted in lieu thereof:—"(1) A worker who receives physical injury (a) in the course of his employment, whether at or away from his place of employment, or (b) on the daily journey between his place of abode and his place of employment; and (in the case of the death of a worker, his dependants) shall receive compensation from his employer in accordance with this Act. Compensation shall not be payable in respect of an injury received during any substantial interruption of or deviation from the journey referred to in paragraph (b) of this subsection, if the interruption or deviation is for a reason unconnected with the worker's employment.

This subclause appears to meet the difficulties which were raised. It makes it clear that it is to cover the dual journey, going to and from the worker's place of abode. It also provides for the objections—real or imaginary—that were raised as to the possibility of a worker turning aside and engaging in something totally unconnected with his work, or with his proper journey to and from his work, and his getting injured in those circumstances. The subclause as I now propose it was drafted after very careful consideration of the objections raised while the clause was previously under discussion, and I feel that, in its present form, it should meet the case. A point was raised by the Hon. Mr. Ashton with reference to the contraction of a disease by a person going to or coming from work. I purpose later to insert a clause making it clear that the contraction of a disease must be at or arising from the actual employment in which the person is engaged. That will cover that point.

The Hon. MARTIN DOYLE: You are still keeping in the adjective "physical." You do not use that word anywhere else in the bill, except in this subclause. What do you mean by it?

The Hon. A. C. WILLIS: It refers to a physical injury received going to or coming from work. I take it that the medical interpretation of "physical injury" would be some bodily injury—something other than an industrial disease.

The Hon. J. ASHTON: The question is as to how far "physical injury" will differ from "injury" as defined in the bill, and in what respect, which is a very difficult question for anyone to answer. I would put in the word "injury," without the adjective, and then set out the exceptions which the hon. member proposes to provide for!

The Hon. A. C. WILLIS: That part of the clause is designed to cover the risk of a person meeting some unexpected accident, some physical injury going to

or from his home, and is intended to be distinguished from an industrial disease contracted at work.

The Hon. MARTIN DOYLE: How do you square it with the definition of "injury"?

The Hon. J. ASHTON: "Injury" includes "disease"!

The Hon. A. C. WILLIS: "Injury" includes "disease" if contracted whilst actually following an occupation, and it is properly there. But in this case, for the purpose of distinction, the word "physical" is inserted. If a man caught a cold, or pneumonia, or anything of that kind, going to or coming from work, it is not covered by this clause. If we struck out the word "physical" and merely left the word "injury," we would be back again in the same position as before, because the word "injury" is intended to cover industrial diseases.

The Hon. A. SINCLAIR: Could not you put in the word "accident" instead of "injury"?

The Hon. A. C. WILLIS: I think it is perfectly all right as it is. I have given a lot of consideration to this matter and have also given due regard to the opinions of those who understand it. I appreciate the point raised by the Hon. Dr. Doyle, but this subclause is not intended to cover the case of a person catching a cold or anything of that kind.

The Hon. MARTIN DOYLE: Supposing a man receives a slight injury at his work and develops blood poisoning, it will not come under this?

The Hon. A. C. WILLIS: No, it will not, but that man is protected, because it arises out of his particular employment. Unless I can be shown to be wrong, I am quite satisfied with the subclause as now drafted.

The Hon. MARTIN DOYLE: It is the only place in the bill where the adjective "physical" is used!

The Hon. A. C. WILLIS: That is so, and this is a new feature in the bill, covering the liability going to and coming from the place of abode. For that reason it is necessary to distinguish to some extent between it and something arising at or on the place of employment.

The Hon. J. ASHTON: There is another place in the bill where the word "physical" occurs!

The Hon. A. C. WILLIS: I intend to move an amendment to the definition of "injury," which will perhaps meet the matter. It will then read:

> "Injury" includes a disease only where the disease is contracted by a worker at his place of employment, and where the employment is a contributing factor to the disease, but does not include a disease caused by silica dust.

I think with that alteration the matter is quite clear.

The Hon. F. S. BOYCE: The Minister has endeavoured to formulate a subclause which accords with the amendment I moved. I think he understands hon. members only wish to be just to the man as well as to the master, but he will find that the amendment which he has put forward omits something which should be in the bill in order to protect the master from malingering and from accidents which occur not in the course of the employment at all. He has inserted the words "physical injury in the course of his employment," but has omitted the words "out of." Some of my Labour friends who are accustomed to appearing in the courts will know that the words "out of" are very important. Those words were in the amendment which I moved and which was accepted, and at that time I referred to some cases which showed the necessity for them. May I very shortly put a case once more. The position I was dealing with was where a man was coming from his home on his way to work or going home from work, and upon the road got drunk. While he was drunk he was run over by a tram car. Under the amendment as the Hon. Mr. Willis has framed it, that man must be compensated, probably for life, by his employer, although the employer had nothing in the world to do with the accident and had no control over the man. If the words "out of" are included as well as the words "in the course of his employment," I think the position will be safe. This is the

test. I will read from Butterworth's "Willis' Workmen's Compensation Acts," 17th edition:

> Drunkenness.. Being in a state of intoxication during employment is serious and wilful misconduct, but it does not of necessity prevent an accident to a drunken man from being one arising out of the employment. If it can be said that the accident arose solely owing to the state of intoxication or that the drunkenness was the primary and effective cause of the accident, the occurrence is not one arising out of the employment.

It may be "in the course of" his employment, but if a man, in the course of his employment, gets hopelessly and absolutely drunk and then gets run over by a tram, the courts have decided it does not arise "out of" his employment. Those are the words which the Hon. Mr. Willis has omitted. I would therefore ask him to insert the words "out of" before the words "in the course of," because I am sure he does not want to include such a case. Take this case, the one which he says was not included in the bill: a man leaves his work and on the way to his home goes into an hotel, gets absolutely drunk, comes out and is run over by a tram. I am sure he will recognise at once it is not just that that man should be covered by the bill. If the words "out of and" are put in, it comes within the lines of the decisions, and that man will be held to be the author of his own misfortune.

There is another thing in the clause I would like to put to the Minister, because again I do not think he has covered what he meant to. In the bill the workman is protected from the moment he leaves his home until he gets to his place of employment. The clause as it stands says, "on his direct journey to or from such place." Now it is proposed to be altered to read in this way: "or on the daily journey between his place of abode and his place of employment," and "compensation shall not be payable in respect of an injury received during any substantial interruption of or deviation from the journey." That is perfectly fair, but does it go far enough? The injury does not occur while the man is in the public-house—that is, during the interruption or deviation; it occurs after he has come out of the public-house and is on his way to his work or to his home. The interruption is over; the deviation is finished. Then, being in a state of drunkenness, he is run over by a tram. I do not think the hon. member wants that covered; it would not be fair to anybody. I would point out that having omitted the word "direct," and put in these words the amendment does not cover the cases which the Committee was considering when clause 7 was before it. I would ask the Minister to look at those matters, and see if he cannot do something to meet the position I have outlined.

The Hon. J. B. PEDEN: Offhand it seems as if the amendment proposed by the Minister would be a considerable improvement on the clause at present in the bill, but of course the matter is extremely important, and it is impossible to say that the clause as amended will be satisfactory until we have an opportunity of studying it. For instance, the Hon. Mr. Boyce, on the spur of the moment placed on the clause as amended an interpretation which at all events is not the interpretation that occurred to me. I am not saying the Hon. Mr. Boyce is not perfectly right—it may be that he is—but that illustrates how impossible it is to make up our minds regarding the proposed amendment until we have had an opportunity of seeing it either in typewritten form or in print. I would ask the Minister whether hon. members might have a copy of the proposed amendment before debating it, and voting upon it. There are a number of points which occur to one in connection with the amendment as read. It is regarded as obvious that the words "physical injury" are thoroughly satisfactory, but I think that is very doubtful. It may be that the Minister is right. I understood him to say that "physical injury" is put in for a special purpose, because what he has in mind is the case of an injury, in the ordinary sense, happening to a man on his way to and from work, and not a disease, and that he has an amendment of the definition to make that plain. But subclause (1) of clause 7 is not limited by any means to the case of

an accident happening on the way to or from work. I do not imagine for a moment that the Minister is going to drop the protection given to the workman for a disease that takes place at the place of employment. I understand the hon. gentleman's suggestion is that the clause should run somewhat this way: first, the worker who receives physical injury in the course of his employment, whether at or away from his place of employment. That is the first branch. The next branch deals with the question of an injury happening on the daily journey between the man's place of abode and his place of employment. I can quite understand there is a very important difference between those two branches of the clause. While it is a perfectly fair thing to give compensation for disease or injury that arises in the course of employment at the place of employment, or arising in the course of employment, even away from the place of employment, when we come to an injury received on the daily journey between the place of abode and the place of employment, there are serious practical difficulties with regard to the question of disease, and therefore on practical grounds, even if one is in favour of compensation in respect of physical injury on the way to or from work, it may not be possible to give protection in respect of disease. All I am pointing out at present is that there are two distinct branches in the Minister's amendment. The whole amendment is designed to get rid, in the first place, of the difficulty raised by the amendment moved by the Hon. Mr. Boyce, and accepted by the Minister, inserting the words "arising out of and in the course of the employment." Those words govern the whole clause. The Minister not unnaturally says he never meant those words to cover the case of an accident on the way to or from work. If they apply to that they may go a very long way towards striking out from the clause protection to the workman on his way to and from work. The Minister says, "I never meant to go as far as that; I want to keep as the substantive part of the clause compensation to a workman for injury received on his way to and from work, but I am prepared to make certain amendments to improve the clause and make it clearer and more workable." Having heard the Minister's amendment read, and having had an opportunity of looking at it in type, it seems to me to be a distinct improvement on the original provision. When we have studied it, and, perhaps had some discussion on it, it may be that with some additions and some consequential alterations in another part of the clause it will be made a much better clause than it was originally. The point I want to stress is that this is a clause which deals with difficult and important questions, and it is only reasonable that the Committee should have the proposed amendment before it, either in typewriting or in print, so that it may have an opportunity of considering it. If the Minister is in favour of that suggestion I will say nothing further, but if he is not I can only discuss the amendment as it stands. I ask the Minister to have the proposed amendment printed and circulated.

The Hon. J. ASHTON: At an earlier stage hon. members generally recognised that when we reached clause 7 we would reach the clause which, if not the crux of the bill, was, at all events, one of its most important features. All the difficulties associated with this provision were pointed out to the Minister, who now proposes to substitute the subclause which he has just submitted to the Committee, and we are asked to agree to it without having seen it. I do not think that that is safe, even where the Minister is concerned. The unwisdom of that course has been pointed out by the Hon. Professor Peden. I have had an opportunity of looking at the typewritten copy of the amendment which is in the hands of the Chairman, and it seems to me that if the clause is adopted in its present form a man who sustains an injury which results in a disease at his place of employment will not be compensable. Does the Minister agree with that?

The Hon. A. C. WILLIS: It is provided for elsewhere.

The Hon. J. ASHTON: It may be provided for elsewhere, but I am

discussing the amendment. It is not reasonable that hon. members should be asked to consider the most important clause in the bill and have to trust to their memories as to what the Minister and the Chairman of Committee have said. If the Minister will undertake to furnish copies of the proposed amendment I will sit down at once.

The Hon. A. C. WILLIS: I thought I had succeeded in putting your views so well that you would recognise them!

The Hon. J. ASHTON: The Minister made an excellent attempt, but I do not think he has completely succeeded.

The Hon. A. C. WILLIS: I will have additional copies of the amendment typewritten. I might say that in connection with this clause hon. members have to consider the definition of "injury" in clause 6.

The Hon. J. A. BROWNE: Does the Minister propose to alter that definition?

The Hon. A. C. WILLIS: Yes.

The Hon. J. A. BROWNE: You should also place in the hands of the Committee the proposed amendment to that definition!

The Hon. A. C. WILLIS: I will do so. I propose to strike out the definition of "injury" in clause 6 and to insert in lieu thereof the following:—

> "Injury" includes a disease only where the disease is contracted by the worker at the place of employment, where the employment is a contributing factor to the disease, but does not include a disease caused by silica dust.

Disease caused by silica dust is provided for in another part of the bill.

The Hon. J. ASHTON: If you insert that amendment you do not need to use the word "physical" to qualify "injury" in this clause!

The Hon. A. C. WILLIS: If you could only get the doctors to agree as to the meaning of "physical" it would be a simple matter, but it is very difficult indeed to get them to agree.

The Hon. J. B. PEDEN: I wish to draw the Minister's attention to subclause (4) of clause 7, which provides that where the injury is a disease which is of such a nature as to be contracted by a gradual process compensation shall be paid by the employer in whose employment the worker is or who last employed the worker. The subclause then goes on to provide for the contribution between the different employers affected, and also that the worker or his dependents shall furnish the employer from whom compensation is claimed with the names and addresses of all the other employers who employed him during the twelve months preceding the injury. I wish to make two points. The first is, that before the worker can recover he has to give proper notice of the injury. We are not now considering disease as an injury, but the Minister proposes to provide later on that the contraction of the actual disease must be at or arising from the worker's employment. In the case of a gradual disease what about the question of notice?

The Hon. A. C. WILLIS: He would be expected to give notice, but the fact that he does not will not debar him from receiving compensation!

The Hon. J. B. PEDEN: Not absolutely. There is a provision that the absence of such notice, or a defect or an inaccuracy in it, shall not debar a man from receiving compensation, but, at the same time, it is provided that proper and prompt notice shall be given to an employer of the injury on which the claim for compensation is based. I have looked into the history of subclause (4) so far as I have been able to do so by means of the marginal reference. There is a reference to section 12 of the Act of 1916, from which certain words have been taken from their context and used here in a different connection. The words in section 12 refer to cases of suspension from employment. Section 12 provides that when the certifying surgeon has certified that a workman is suffering from the disease mentioned in Schedule 3, the workman, in pursuance of the Act or regulations, is to be suspended from his usual employment on account of having contracted the disease. There is attached to subsection (1) of section 12 a proviso that if the disease is of such a nature as to be contracted by a gradual process, any employers who, during the preceding twelve months have employed the work-

man in employment to the nature of which the disease was due, shall be liable to make contributions to the compensation recoverable. What apparently has been done is to take out of this proviso certain matter relating to a disease which is contracted by a gradual process. There is no special objection to embodying this provision in the bill, but when words are taken out of the section in this way, one has to be careful as to how they will work out in the new context. So far as I can see, there is nothing whatever to fix the time at which the disease shall be notifiable. There is no starting-point at which the employee has to give notice. The fundamental and praiseworthy object of this bill is to get rid of confusion as far as possible and to make the law more clear than it has been. That is the object of subclause (1) of the clause now under consideration. No doubt a great deal can be said in support of the logic that compensation should be payable in respect of any injury arising out of or in course of employment. But as against the logic of that position is the fact that a provision of that kind may occasion a great deal of litigation. No doubt the object of the new formula in subclause (1) of the bill as also of subclause (1) of the draft proposed by the Minister is not so much to give the worker more liberal compensation as to get rid of arguable points, and my object is to make the formula as simple as possible consistent with safety. I want something on the lines of the amendment suggested by the Minister, but while we are carrying out the essential idea of the bill and adopting a formula that will, as far as possible, avoid litigation with its consequent expense and delay, we do not want to leave a puzzle or conundrum in the bill. At the moment I do not see the answer to the conundrum which is suggested by subclause (4). If a disease is a gradual disease, when has the worker to give notice? There should be some definite time fixed for the happening of the injury. In the case of section 12 of the Principal Act, the time at which the certifying surgeon certifies that the workman is suffering from a disease is treated as the time of the happening of the injury, but I do not see how that could be provided for here. At the same time we should put in some provision to fix the time at which the injury has occurred, so that we may ascertain where we stand in regard to the giving of notice.

A further point which seems to be of some importance arises in connection with subclause (4). In section 12 there is provision to the effect that if an employer, before employing a man takes the precaution to put to him definite questions as to whether he has been suffering from disease, and the worker falsely represents in writing that he has not previously suffered from the disease, compensation shall not be payable. If a man is employed on the strength of a false statement there will be a bar to claim for compensation. This does not seem to be an unreasonable provision.

The Hon. E. J. KAVANAGH: If the worker were excluded from claiming compensation as a result of a false statement of that kind, all previous employers would be relieved of liability.

The Hon. J. B. PEDEN: Yes.

The Hon. A. C. WILLIS: We do not propose to compel the worker to make a statement of that kind. How could a worker make such a statement as that when he might not know that he was suffering from the disease which might develop afterwards?

The Hon. J. B. PEDEN: It is not the case of a man making an honest statement—a statement "to the best of his belief"; it is the case of a man who makes wilful and deliberate false statements. Subclause (1), paragraph (b), of section 12, of the 1916 Act says:

> If it is proved that the workman has at the time of entering the employment wilfully and falsely represented himself in writing as not having previously suffered from the disease compensation shall not be payable.

The idea in subclause (4) of the bill has been borrowed from the proviso in section 12 of the 1916 Act. It has been put in this bill without any of the accompanying provisions with which it was associated in the 1916 Act. It seems to me that when it is torn from its

context a serious difficulty is at once raised as to the time when the injury has arisen, the time when the obligation on the workman to give notice has come into existence, and it also gets rid of what is a reasonable safeguard. I cannot at present see anything unreasonable in the provision that a man who makes a wilful and false statement in writing shall not be paid compensation. I ask the Minister to consider whether some provision cannot be inserted to make clear the time when notice is to be given in the case of a gradual disease and also whether it is not reasonable to have some provision to deal with cases of wilful and deliberate mis-statement in regard to the health of the employee when he is being employed.

The Hon. A. C. WILLIS: The point raised by the Hon. Professor Peden is very difficult. All he has said is from his point of view quite correct. A person having made a false statement should suffer. But the difficulty is that you are going to apply a provision which is perfectly just to a set of circumstances which are unjust in their incidence. I have known men who, for the sake of getting work, would swear anything. They have even had to change their name. They have had to make any statement they thought necessary to enable them to get a job, so as to get bread for their families. They may at the present time have to repeat that.

The Hon. MARTIN DOYLE: Surely those days are gone?

The Hon. A. C. WILLIS: The hon. member knows they have not gone; he can recall a number of cases that have come under his notice. Not two hours ago a man who is placed in a position similar to that to which I have just referred saw me. He has been out of work for two months. There is only one chance for him to get into the industry in which he has previously been employed, and that is to deliberately deceive some manager. Hon. members do not realise that is the position, but there are cases of the kind. They are not so frequent as they formerly were, but they do occur, and only to-day I got the Minister for Mines to agree to convene a conference of certain employers to discuss this very question. Therefore the cases do really exist. There is another difficulty which we may accentuate. The employer quite rightly from his point of view says to the man, "If I am going to employ you you have to satisfy me that you have not suffered from either of those diseases." That again involves a medical examination." I am not against that. This bill goes to the extent of making provision that persons found to be suffering from tuberculosis must leave their employment, but I propose having that struck out, not because it is in itself wrong, but because the result would be far more disastrous than the existing provision. When we have provided by some system of social insurance that a man shall not find himself compelled to do these things through, say, hunger, and he can be honest in these matters, then all will be right. But we have to face the fact that we are dealing with an imperfect set of conditions and it is a matter of trying to do the best we can under the circumstances.

The Hon. MARTIN DOYLE: You propose to do an injustice to one class in order to do justice to the other!

The Hon. A. C. WILLIS: I thought the hon. member did not believe in classes. The same thing applies to the point raised by the Hon. Mr. Boyce, who said, "The Minister does not want to do an injustice to an employer"! I do not; I want to do the fair thing. But I cannot get away from the fact that owing to the form of words that has been used in existing Acts there has been an enormous amount of litigation. For instance, take the man who becomes drunk and deliberately jumps under a motor-car. That is an extreme case. It is an exceptional case. But because of that exceptional case the hon. member wants to take out from the bill a provision which is intended to cover employees generally. Even if in a few instances the employer finds himself unjustly treated it is far better that he should suffer than that 99 per cent. of cases should suffer through our trying to provide for the 1 per cent. That trouble has been apparent everywhere for

a long time. We have been so careful to protect the particular case in question that the ninety-nine just cases have had to suffer. That is the difficulty. I ask hon. members to understand that that is the point of view of the Government, and that being so they will see how impossible it is for me to accept another point of view. The intention of the bill and the policy of the Government is to cover as many cases as possible, and if there happen to be individual cases of injustice we frankly admit that rather than that we shall run the risk of having ninety-nine cases of injustice against the employees, those cases will have to be covered by the employers.

The Hon. J. A. BROWNE: The point which has been made by the Hon. Professor Peden in regard to the matter of notice is one to which the Minister would do well to give some consideration. The best way to meet that difficulty would be to get rid of the necessity of giving notice at all in that particular class of case. If an accident has happened, and there is to be an inquiry as to whether it arose in the course of a man's employment, or as to whether the man was wilfully careless, and if a claim for compensation is to be made in respect of that accident, then, unless such a claim is made promptly, it is quite impossible that the circumstances can be fairly inquired into. Persons who were present at the accident may have left the employment. It is always much more difficult to get at the truth of a case of accident, and to learn the surrounding circumstances after there has been delay. For that reason notice is required to be given in the case of an accident. But where a man has gone on slowly contracting a disease day after day and week after week, so that at last he has come to the time when he can be medically examined, and it can be stated with certainty that he has that disease, and that it is a disease which entitles him to compensation, I can see no reason why there should be any need to give any notice other than the presentation of the claim itself. In such circumstances as those the necessity of giving notice should be obviated.

In regard to another matter that was mentioned, it was a disfigurement in the old Act, and I hope it will be left out of this bill. I refer to the provision which robs a man of his right to compensation if he wilfully and falsely states that he has not previously suffered from an industrial disease. A man is compelled to answer that question truthfully at the risk of losing his right to compensation. What is the poor devil to do? He knows that if he tells the truth he will not get a job. We only need to picture a man with a wife and several children, when there is only one kind of work he can do, or at which he has a chance of getting a job. The first question put to him is, "Have you any such disease?" The first time he may tell the truth, but he will then find that he does not get the job. He will have to go home and tell his wife and children that he has been looking for work all day, but that owing to his mania for truth-telling, he has not been able to get any work, and consequently they cannot have any food. In those circumstances I think that most of us would get tired of telling the truth when we were looking for a job. I do not think it is a reasonable thing that, in such circumstances, a man should be compelled to tell the truth at the risk of losing his compensation if he fails to disclose the fact that he has suffered from disease. Let this be one of the cases along with others where justice, on the whole, will be better done even if a man, in order to get a job, is compelled to do what so few of us ever do in the course of our employment, which is to tell a wilful and deliberate lie.

The Hon. G. R. W. McDONALD: That is an argument for national insurance, and not workers' compensation!

Clause further postponed.

Postponed clause 17. (1) Notwithstanding the foregoing provisions of this Part the compensation payable by the employer for the injuries mentioned in the first column of the table hereunder set forth shall, when the injury results in total or partial incapacity, be the amounts indicated in the second column of that table.

(2) Nothing in the table shall limit the amount of compensation payable for any such injury during any period of total

incapacity resulting from that injury, but any sum so paid shall be deducted from the compensation payable in accordance with the table.

. . . . . .

The Hon. A. C. WILLIS: I move:

That in subclause (1) after the words "hereunder set forth shall," the following words be inserted:—"if the worker so elects."

That gives the worker the right to elect to accept a lump sum or to continue to draw his weekly payments.

The Hon. F. S. BOYCE: This should be looked at in connection with the next subclause. If a man has lost his leg, he probably is permanently incapacitated. He then will be entitled to £3 per week for himself, £1 for his wife, and the benefits which we know accrue to his children. Under subclause (1) as it is proposed to amend it he will be entitled to say, "I have lost a leg. I want £600 in a lump sum." Then subclause (2) says:

Nothing in the table shall limit the amount of compensation payable for any such injury during any period of total incapacity resulting from that injury, but any sum so paid shall be deducted from the compensation payable in accordance with the table.

He may say, "I will take the £600 and see how I get on, and if by the time the £600 is exhausted I am still totally incapacitated, I will then take £3 a week." Is that what it means?

The Hon. A. C. WILLIS: No, he will have to elect. He can draw his weekly allowance so long as he is incapacitated, but if after he has drawn the weekly allowance for, say, three months, he says, "I prefer to take a lump sum to settle," he can then get the settlement and whatever he draws on the weekly payments will be deducted from the total.

The Hon. F. S. BOYCE: I understand what the Minister wishes, but is this clear? He elects and says, "I will take the £600," but the next subclause says, "Nothing in the table shall limit the amount of compensation." Is it not still open for him to say, "I will take the £600, but under the operation of subclause (2) I will still have my £3 a week when the £600 is finished." Hon members will understand I have only just had an opportunity of looking at the amendment, but I think what I say is correct.

The Hon. W. BROOKS: I believe there is a great deal in what the Hon. Mr. Boyce has said. Whilst one may not object to the insertion of the words in order that the worker may have the privilege of electing to take a lump sum, if those words are inserted, surely subclause (2) must come out? He cannot, first of all, elect to take a lump sum, and then elect to come back on to a weekly payment. There must be some finality, one way or the other. I do not see any particular objection to the insertion of the words proposed by the Minister, giving the worker power to elect, provided if he makes an election, it is the final compensation.

The Hon. J. ASHTON: At the present time I am neither for nor against the amendment because I do not know what it means. I can make a guess at it, but I do not think it is quite as clear as it might be. The only meaning I can read into subclause (2) is that if a man elects to take weekly payments, he will continue to receive them during the whole period of his permanent and total incapacity, even although the aggregate amount of those payments exceeds the sum set out in the table. If, on the contrary, he elects to accept a capital sum in commutation of the weekly payments, that sum shall be the amount set out in the table, less the amount he has already received by way of weekly payments. Is that the intention?

The Hon. A. C. WILLIS: Yes!

The Hon. F. S. BOYCE: I have no objection to the amendment proposed by the Minister. I think it is an excellent thing in the interests of the worker that he should be entitled to receive a lump sum, if he so desires. Often he has a wife who is able to help him, and the two can start a business and cease to bother the insurance company with the payment of a weekly contribution. To make the matter clear, however, when we get to subclause (2) we ought to add at the beginning the words, "except when an election has been made under subclause (1)." I shall move that amendment.

The Hon. J. A. BROWNE: Something should be done to make this clause a little more understandable. I have no doubt the intention of the draftsman was that when an employee suffered an injury, such as one of those mentioned in the first column of the table, he might either immediately or at some later stage elect, in place of weekly payments, to take a lump sum. He might draw the weekly payments for two or three weeks or a month, and then see an opportunity to make use of a lump sum. He could then forego further weekly payments and commute them into a lump sum according to the table. The purpose is a very good one. In the case in which the worker did not elect to take a lump sum right away, the purport of subclause (2) is to provide that the weekly payments which he has received shall be deducted from the lump sum. The Minister would be well advised to put in some such amendment as he is proposing, and any difficulty with regard to subclause (2) can be easily got over by inserting after the word "table" in the second line of the subclause, the words "before such election." It is very obvious that it was never intended that, having accepted a lump sum, any further weekly payments should be received. I do not know whether the Minister will accept my suggestion, but it would give the subclause a plain meaning. There is one other suggestion I would like to make, and that is with regard to the words "nothing in the table." It is not the table which limits the amount of compensation payable, it is the wording of subclause (1), which incorporates the table. The wording should be "Nothing in subsection (1) of this section," which brings in the operative words of subclause (1) and the table. At present I will support the amendment moved by the Minister.

The Hon. A. C. WILLIS: I will accept a form of words in subclause (2) which will make the subclause clear.

Amendment agreed to.

The Hon. F. S. BOYCE: The Minister says he will accept an amendment and no doubt he would prefer to have the words drafted by his own officers.

The Hon. A. C. WILLIS: My suggestion is to insert the words "except when an election has been made." The Hon. Mr. Browne suggested something similar in a different place.

The Hon. F. S. BOYCE: I think the words I suggest are perfectly clear. The subclause should read: "Nothing in the table shall, except when an election has been made under subsection (1) limit the amount of compensation payable."

The Hon. J. A. BROWNE: I would suggest striking out "the table" and putting in "subsection (1) of this section." It is not the table that makes the provision, but the operative words of subclause (1).

The Hon. A. C. WILLIS: I will accept such an amendment.

Amendment (by the Hon. J. A. BROWNE) agreed to:

That the words "the table" first occurring in subclause (2) be struck out and the words "subsection (1) of this section" be inserted in lieu thereof.

The Hon. J. A. BROWNE: I now propose to move that the words "before such election" be inserted after "payable," first occurring in subclause (2).

The Hon. F. S. BOYCE: I would point out that there is nothing payable before the election, except the weekly payments. That is not the case I mean to cover. What I mean to cover is that if a man elects to take £600, and is then totally incapacitated, he shall not be entitled under subclause (2) to say that nothing in the table is to limit the amount of compensation during the period of total incapacity. That is to say, he is not to be entitled to take the £600, and £3 per week after the £600 has been paid.

The Hon. A. C. WILLIS: That is not intended!

The Hon. F. S. BOYCE: I know it is not, but with great respect to the hon. member I do not think he has made it quite clear in the bill. I move:

That after the word "shall" first occurring is subclause (2) the words "except when an election has been made under that subsection" be inserted.

Amendment agreed to.

The Hon. MARTIN DOYLE: With regard to the table attached to cause 17 showing the compensation payable for various injuries, it seems to me to be very indefinite, and that it would be well to have it recast, with a view to making its meaning clearer. What does "loss of either arm or of the greater part thereof," or "loss of a leg," or "loss of the lower part of a leg," mean? I know what it means, but I do not think the lawyers will let you know what it means.

The Hon. A. C. WILLIS: If the hon. member will look at subclauses (4) and (5) he will see that subclause (4) provides that, "for the purposes of the said table the expression 'loss of' includes 'permanent loss of the use of'." Subclause (5) provides that, "for the purposes of the said table the expression, 'loss of' also includes the 'permanent loss of the efficient use of,' but in each case a percentage of the prescribed amount payable equal to the percentage of the diminution of the full efficient use may be awarded in lieu of the full amount."

Clause as amended agreed to.

Postponed clause 31. (1) There shall be a Workers' Compensation Commission which shall consist of a chairman and two other members appointed from time to time by the Governor.

The provisions of the Public Service Act, 1902, shall not apply to the appointment.

The Hon. F. S. BOYCE: This clause is entirely novel and introduces a scheme of administration of workmen's compensation which, as far as I know, obtains nowhere else in the world. It takes away from the present tribunals the right to adjudicate upon workmen's compensation cases, and vests it in a commission. In Queensland there is an insurance commissioner who deals apparently with cases under the Act, but I myself do not know of any place where a commission has been established to take these cases away from the ordinary courts. In England prior to the passing of the last Act, which was, I think, in 1923, a commission inquired into the proper method of adjudicating upon accidents and the recommendation was made that there should be a commission; but when the House of Commons came to deal with the bill, I do not think it was suggested that the cases should be taken away from the ordinary courts. Under the 1923 Act in England the whole administration of the Workmen's Compensation Act is left to the County Court judges. In New South Wales we have a very efficient system of District Court circuits. The District Court judges travel the length and breadth of New South Wales, and they try workmen's compensation cases all over the State. As some of my Labour friends know, a large number of these cases are heard in Broken Hill by District Court judges, who also travel as far north as Tenterfield, as far south as Albury and Deniliquin, as far west as Bourke, and they also go to such places as Parkes and Forbes. I suppose every District Court throughout New South Wales adjudicates on workmen's compensation cases. The District Court judges try these cases, and judging from the number of appeals that come before the Supreme Court, I think I may safely say that they are giving every satisfaction. At the present time there are on the Full Court list only three appeals for the whole of the State against decisions in workmen's compensation cases. I said previously that there was only one, but I was wrong. One of these appeals is by an employer, and two are I think, by workers.

The Hon. W. BRENNAN: Are the appeals on questions of law or on questions of fact?

The Hon. F. S. BOYCE: They are appeals on questions of law. The Hon. Mr. Brennan no doubt knows of a number of these cases in Newcastle and elsewhere, and it is no exaggeration to say that most of the contested cases are won by the worker.

The Hon. T. STOREY: Many cases never see the court, because of the fear and expense of going to the court!

The Hon. F. S. BOYCE: That may be so, but what about the fear and expense of going before the commission? Solicitors' and barristers' fees and all sorts of charges will have to be paid, and there is no guarantee that the total expense will be any less than that now incurred.

The Hon. T. STOREY: Some people would rather be deprived of their rights than go to the court!

The Hon. F. S. BOYCE: They will no doubt be just as much afraid of going to the commission. The hon. member will agree that, so far as his experience goes, the District Court judges have given satisfaction to both employers and workers.

The Hon. T. STOREY: To some of them!

The Hon. F. S. BOYCE: Some people would not be satisfied with any tribunal. In the case of the commission, the chairman will have the deciding vote. The litigants will not have the pick of a number of District Court judges, and, for all we know, the chairman of the commission may have a bias against the workers or against the employers. The chairman is to be a barrister-at-law of five years' standing, and is to have the same rank, title, status, and precedence as a District Court judge. He will probably be paid a salary of £1,500, and may be entitled to a pension of £750. Two gentlemen are to sit with him on the commission. We are not told what they are to be paid, but I presume their salaries will be something substantial. There is to be a registrar and a deputy registrar, and the commission is to have its own fund and its own offices. We have had no estimate as to what the cost will be.

The Hon. MARTIN DOYLE: Where is the commission going to sit?

The Hon. F. S. BOYCE: I was just coming to that point, which is very important from the point of view of the workers themselves. We want to see the interests of both workers and employers properly protected. There will be only one commission, consisting of three members, to try all the cases arising under this measure in New South Wales. This month there are ten contested cases on the Sydney list. When can the poor man at Broken Hill expect to get his case dealt with by the commission? If the commission goes to Broken Hill, what is to become of the claimants on the North Coast at such places as Lismore, Grafton, and Tweed Heads? With all the travelling that will have to be done, I suggest that from the point of view of delay the worker will be in worse case than he is at present. Then what can be said in regard to the expense? Take a man who sustains injury at Dubbo, while the commission is sitting in Sydney. In all these cases medical evidence is necessary. Will the worker have to bring his doctor from Dubbo, and will the employer have to do the same?

The Hon. W. BRENNAN: That will be necessary only when there is a dispute!

The Hon. F. S. BOYCE: Of course; we are speaking of disputed cases and those alone.

The Hon. W. BRENNAN: If the employer plays the game there will not be the number of cases you indicate!

The Hon. F. S. BOYCE: We will take a case where the employer is playing the game—where there is a *bona fide* dispute as to whether or not a man has been injured. I will quote a case which the Hon. Mr. Brennan must be acquainted with. A man who was employed in a mine went away hunting rabbits, and during the course of that excursion he fell dead. It was claimed that his death was due to an injury that had been sustained by him in the mine. The employers contended that the man had been suffering from heart disease for many years, and that his death was not in any way connected with his employment. The Hon. Mr. Brennan must remember that very case.

The Hon. W. BRENNAN: I know the case!

The Hon. F. S. BOYCE: There was a *bona-fide* dispute as to the cause of the man's death. Take that case, with the commission sitting in Sydney. Is it fairer for the man——

The Hon. A. C. WILLIS: It will not necessarily be sitting in Sydney!

The Hon. F. S. BOYCE: Well, let us take the case of a man who is injured at Maitland, with the commission sitting in Sydney. Take the very case to which I have referred, in which the evidence

of six doctors was required, three being on the side of the worker and three on the side of the employer.

The Hon. A. C. WILLIS: The commission could go to Maitland!

The Hon. F. S. BOYCE: Would it be cheaper for the worker to have his case heard in Maitland than in Sydney?

The Hon. W. BRENNAN: It would be cheaper for the worker to come to Sydney than to get a specialist up from Sydney and lose his case after all!

The Hon. F. S. BOYCE: Of course, the commission could go to Newcastle or Wollongong, or any other place, but how many places is the commission going to? Will it go to Broken Hill or Forbes, or Dubbo, Orange, Parkes, or away up the North Coast. The commission cannot go everywhere.

The Hon. A. C. WILLIS: Look at clause 35!

The Hon. F. S. BOYCE: That provides:

> For the purpose of conducting an inquiry, investigation or hearing under the authority of this Act, at which it may be inconvenient for all or any of the members of the commission to be present, the commission may delegate any of its powers or functions to any one member of the commission, or to any fit person, but the decision of any matter in dispute shall be determined by the commission.

That is to say, on a matter which may involve difficult questions of law or fact one of the members of the commission may go to Tweed Heads or Broken Hill and give a decision while the other members of the commission are staying at home. Why should not the worker or employee have the benefit of the brains of the three members of the commission? In regard to the expense involved in the commission, I would point out that the salaries of the members of the commission will amount possibly to £4,000. There will be the cost of all the attendant officers, the salaries of the registrar and deputy-registrar, and the cost of a separate court. Altogether, the expenses will represent a large sum. Today all this work is done without costing the State one penny piece.

The Hon. J. CULBERT: The District Court judges do not think that!

The Hon. F. S. BOYCE: They do not get a single penny of extra pay for the work they do in connection with claims arising under the Workmen's Compensation Act.

The Hon. J. CULBERT: They are continually telling those who appear before them what it is costing the State!

The Hon. F. S. BOYCE: I fail to understand that. It is not costing the State anything excepting for the salaries of the District Court judges. Now it is proposed to find three billets for three persons and to take the work away from those who are doing it at no expense and under a system as to which there has been no complaint. If we may judge from the records of the law courts, there have been very few appeals. For some reason the work is being removed from that ambit and is put into the hands of a tribunal which, as far as I know, has not been adopted for such a purpose in any other part of the world. Under clause 38 this commission may sit in public or private. Sitting in private is not advisable in connection with any court of justice. The commission may make rules regarding the scale of fees and costs to be paid to barristers and attorneys, the expenses paid to witnesses and fees generally payable in any proceedings. There is to be a separate fund from which all moneys required for the salaries of the commission and staff and the carrying out of the provisions of the bill are to be paid. Then there is a provision that the decisions of this commission, which has very vital issues to determine, shall be final in all matters of law. The commission can decide what it likes. It can condemn an employer to pay pensions up to large sums per week over long periods and there is no appeal. On the other hand, a workman who has been genuinely injured, who has grievously suffered, perhaps because of the incapacity or wrongdoing of his employer, is bound by the finding of this commission. It is unfair to the workman who has more to lose than the employer, and it is unfair to the employer that the decision of this commission should be final.

Those are the points which I respectfully submit. No reason has been given for this commission. I only casually scanned the second-reading speech of the Vice-President of the Executive Council, but I did not notice that he gave any reason why this great change in our judicial system is to be made, and why a most expensive and intricate tribunal is to be set up, when there is no reason for it, and when the present tribunal is doing the work expeditiously and well. A little while ago something was said about delay. Hon. members come from all parts of New South Wales. They know that the district court sits in the different towns at least every three months. In some place it sits much more often. In Parramatta it sits every two months. Therefore there is a quick and ready method of getting before the tribunal provided under existing arrangements.

The Hon. W. BRENNAN: How would you like to wait for months for your compensation?

The Hon. F. S. BOYCE: If your case is a *bona-fide* dispute no injustice would be done. The Hon. Mr. Brennan only wants to have a fair thing done. Does he think he would get a decision in less than three months under this commission? I do not think he would. Cases will be much more expeditiously settled under the present system than if there was one commission for the whole State. With respect to Wollongong, of which place I can speak with certainty, and I think also with respect to Newcastle, where workmen's compensation cases often occur, whenever the judge has discovered that he has not been able to finish the list, or that some urgent case is ready for trial, he has appointed a special court. That has occurred, and I have appeared at a special court.

The Hon. A. C. WILLIS: Was not that special court held as the result of representations made to the Government that there had been delay?

The Hon. F. S. BOYCE: It may have been so; I do not know. But it shows how easily defects are remedied now. If the Vice-President of the Executive Council found there was undue delay in dealing with a dispute he could do the same thing again—send a judge down to hold a special court. I should like to hear why this change has been made, and if there is any precedent for it in the British Dominions, I should like to hear it stated.

[*The Chairman left the chair at 6.8 p.m. The Committee resumed at 7.35 p.m.*]

Progress reported.

CONSTITUTION (AMENDMENT) BILL.

The Hon. A. C. WILLIS moved:

That the Constitution (Amendment) Bill, which was introduced in the Council during a previous session, but was interrupted before its completion by the close of the session, be now re-introduced at the stage it had reached at the time of such interruption.

He said: I understand that it will not be competent to discuss the merits or demerits of the bill on this motion. I will confine myself to just stating two or three reasons why we consider it is necessary, highly desirable, and, indeed, imperative, in the best interest of the State of New South Wales that this bill should be considered at the earliest possible date. Whatever differences of opinions may exist as to the desirability for some kind of a second or revising chamber, I do not think there are two opinions, even in this House, with regard to the position of the Council as at present constituted. It is generally admitted that the House as at present constituted can only be a reflex of one or other of the particular political parties which happen to be in power, and, for that reason, we say that it is not necessary. It would be merely continuing to exist for the purpose of registering the opinions and decisions arrived at in another place, and there is no justification for its continued existence.

The Hon. N. J. BUZACOTT: It amends bills sent here from another place!

The Hon. A. C. WILLIS: That, in itself, provides a very strong reason for the abolition of this Chamber. The existence of this Chamber has been made an

excuse, or used as a convenience, we will say, by political parties, for the purpose of passing legislation which they have known perfectly well at the time was not in a satisfactory condition, and they have passed it knowing very well that it would receive a check at this stage. That, in itself, provides a strong reason for removing this excuse, and placing the responsibility for the legislation that is passed upon those who are responsible to the people for that legislation.

There is one other very important reason. The House as at present constituted, with its present powers, is an excrescence upon democracy. We are told only too frequently that we live in one of the most democratic States in the world, and that it is within the power of the electors to obtain almost anything possible, if they will exercise sufficient intelligence in using their votes in the direction they desire. We find that in practice that is not the case. It is true that periodically the electors have an opportunity to elect representatives to the Assembly, and to obtain pledges from them to pass certain legislation, only to find that in the last analysis, whatever the will of the people may be, if it is contrary to the opinions of a majority of this House—it is not acceptable. This House is composed of members who are not elected by the people, who are not responsible to the people, who only have to exercise their own opinions as to what they think is right, and who on certain occasions have said it does not matter what the people think, what a majority of this House think is right must be done. So long as this House exists we can never have a complete political democracy, because there is in existence a House composed of members elected for life, who have a right to veto the will of the people, however strongly it may be expressed. It is true, and it will probably be contended, that the business of this House is to try to interpret the will of the people, and experience has shown that whatever interpretation this House has agreed to put upon legislation which has come before it, has been invariably said to be the will of the people.

There is one other very important reason why this bill should be brought forward, and I want to commend this reason to the thoughtful consideration of hon. members opposite, who always claim to do what is the best in the interests of the State. I believe they mean it. From their point of view they want to do what is best in the interests of the State. They have frequently deplored the development of Bolshevism; they have frequently condemned what is known as direct action, yet the very fact that this House exists with power to veto the will of the people is a direct incentive to the development of Bolshevism and direct action. Those features only develop where there is some resistance. Where there is an open channel through which changes can be brought about by constitutional means without let or hindrance, there is no opportunity for the development of either what is known as direct revolutionary action or Bolshevism. The one has come into existence because the other has existed. It is because of the fact that we have had for a long time a dictatorship vested in a few people that grounds exist for the establishment of another dictatorship. Both are wrong, and there is no other way to avoid the alternative to the existing dictatorship than by opening the channel and allowing the policy of the Australian Labour party to function where it seeks to bring about the changes it desires by constitutional means. The House as at present constituted, with its powers, is an obstacle to bringing about those changes by constitutional means.

I hope for these few reasons hon. members will vote in favour of the motion and will give us an opportunity to further discuss the matter to-morrow night, and that ultimately a majority of this House will decide that it is in the best interests of New South Wales that we should face the inevitable at this stage and remove what is admittedly a negation of democracy to enable us to put what may be desired in its place. Of course, that gives room for considerable difference of opinion, but at this

stage, in order that we may build, it is necessary to clear the site for a good, solid foundation.

The Hon. MARTIN DOYLE: Are you altogether in favour of a single House, or are you a bicamerist?

The Hon. A. C. WILLIS: I am not prepared to go into that aspect at the present moment. We can discuss that afterwards.

Question put. The House divided:

Ayes, 41; noes, 47; majority, 6.

AYES.

Ainsworth, W.	Keegan, J.
Alam, A. A.	Magrath, E. C.
Archer, G. S.	Mahony, R.
Brennan, W.	Malone, D.
Bridges, C. B.	McGirr, P. M.
Carey, W.	McIntosh, H. D.
Coates, J. F.	Minahan, J. M.
Connington, M. J.	O'Regan, J. F.
Cotter, L.	Pillans, R.
Cruickshank, R. W.	Ryan, L. W.
Culbert, J.	Smith, T. J.
Dewar, G. A.	Spicer, F. W.
Dickson, W. E.	Sproule, R.
Doyle, T. P.	Suttor, J. Bligh
Estell, J.	Tyrrell, T. J.
Grayndler, E.	Willis, A. C.
Hepher, J.	Wrench, G.
Hickey, Simon	Yager, A. W.
Higgins, J. F.	*Tellers,*
Hoad, J. E.	Concannon, J. M.
Kavanagh, E. J.	Storey, T.

NOES.

Ashton, J.	McDonald, G. R. W.
Black, G.	Meeks, Sir Alfred
Black, R. J.	Murdoch, J. A.
Boyce, F. S.	Onslow, Colonel
Braddon, Sir Henry	Oakes, C. W.
Brooks, W.	O'Conor, B. B.
Browne, J. A.	Peden, J. B.
Bryant, F. H.	Percival, J. W.
Buzacott, N. J.	Robson, W. E. V.
Carruthers, Sir Joseph	Ryan, J.
Creed, J. M.	Shakespeare, T. M.
Dick, W. T.	Sinclair, A.
Doyle, H. Martin	Smith, Sir Joynton
Farleigh, J. G.	Travers, J.
Farrar, E. H.	Trethowan, A. K.
Fitzgerald, R. G. D.	Varley, G. H. G.
Holden, T. D. P.	Waddell, T.
Horne, H. E.	Wall, Dr. F. E.
Hughes, Sir Thomas	Warden, W. D.
Hunt, A. E.	White, J. C.
Innes-Noad, S. R.	Wise, J. H.
Lane-Mullins, J.	*Tellers,*
Latimer, W. F.	Earp, G. F.
Mackay, Major-Gen.	Taylor, Sir Allen

Question so resolved in the negative.

House adjourned at 8.2 p.m.

Legislative Council.

Wednesday, 24 February, 1926.

Petition — Business of the Session (Ministerial Statement) — First Readings — Workers' Compensation Bill — Industrial Arbitration (Amendment) Bill — Workers' Compensation Bill—Adjournment (Order of Business).

The PRESIDENT took the chair.

PETITION.

The Hon. G. F. EARP presented a petition from the South Maitland Railway Officers' Association protesting against the exclusion of that association from the Industrial Arbitration (Amendment) Bill and also protesting against the compulsory clauses of the bill.

Petition received, and ordered to be printed.

BUSINESS OF THE SESSION.

MINISTERIAL STATEMENT.

The Hon. A. C. WILLIS: I desire to state the intentions of the Government with regard to the business for the remainder of the session. It is the Government's desire to clear up the business as early as possible. If it is possible to do that this week we shall try to do it. Of course, if hon. members want to carry the discussion on all these matters into next week, and probably the week after, it does not matter, but I believe we are all anxious to close the session as early as possible. I promise that I will not introduce anything new—anything other than that which is already on the business-paper. I think there are three small measures to come up from the other place, namely, the Juvenile Migrants Bill, the Gas (Amendment) Bill, and the Motor Taxation Bill. There is, I understand, nothing contentious in them. Apart from those measures, if hon. members think that by getting down to the matters at issue we can get through by sitting, say, on Friday, we shall be able to finish up this week. Unless I am forced by circumstances which may arise here, I do not intend to bring in any new matters. In the