

LEGISLATIVE COUNCIL

FRIDAY, 28th MARCH, 1947.

The Council met at 2 p.m., His Excellency the Officer Administering the Government, Mr. W. L. Heape, C.M.G., President, in the Chair.

PRESENT :

- The President, His Excellency the Officer Administering the Government, Mr. W. L. Heape, C.M.G.
- The Hon. the Colonial Secretary, Mr. D. J. Parkinson (acting).
- The Hon. the Attorney-General, Mr. F. W. Holder, K.C.
- The Hon. the Colonial Treasurer, Mr. E. F. McDavid, C.B.E.
- The Hon. F. J. Seaford, C.B.E. (Georgetown North).
- The Hon. C. V. Wight, O.B.E. (Western Essequibo).
- The Hon. J. I. de Aguiar (Central Demerara).
- The Hon. H. N. Critchlow (Nominated).
- The Hon. J. B. Singh, O.B.E. (Demerara-Essequibo).
- The Hon. Peer Bacchus (Western Berbice).
- The Hon. H. C. Humphrys, K.C. (Eastern Demerara).
- The Hon. C. R. Jacob (North Western District).
- The Hon. A. G. King (Demerara River).
- The Hon. T. Lee (Essequibo River).
- The Hon. A. M. Edun (Nominated).
- The Hon. V. Roth (Nominated).
- The Hon. T. T. Thompson (Nominated).
- The Hon. W. J. Raatgever (Nominated).

The Clerk read prayers.

PRESENTATIONS

O.B.E. FOR MR. P. W. KING

The PRESIDENT : Before proceeding with the Order of the Day I have a pleasant duty to perform and that is to make

several presentations. The first will be the Insignia of the Order of the British Empire to Mr. Percy William King, and the hon. the Colonial Secretary will be asked to read the Warrant.

The COLONIAL SECRETARY reads the Warrant.

The PRESIDENT : Mr. King, by Command of the King conveyed to me by His Majesty's Principal Secretary of State for the Colonies, I present to you the Insignia of an Officer of the Most Excellent Order of the British Empire. You have rendered this Government most efficient and devoted service over a period of 22 years, and have filled with marked success a great variety of important posts including that of Colonial Secretary. During the war you were Superintendent of the Special Constabulary for the A.R.P., and greatly assisted in the original creation of that service. You have earned the respect and confidence of the community and by your retirement Government will lose the services of an able and loyal officer. My most cordial congratulations to you. (Applause).

M.B.E. FOR DR. DEW. WISHART

The PRESIDENT : The next presentation is that of the Insignia of a Member of the Order of the British Empire to Dr. William deWeever Wishart. The hon. the Colonial Secretary will read the Warrant.

The COLONIAL SECRETARY reads the Warrant.

The PRESIDENT : Dr. Wishart, by Command of the King conveyed to me by His Majesty's Principal Secretary of State for the Colonies, I present to you the Insignia of a Member of the Most Excellent Order of the British Empire. You have rendered valuable service to the Municipality and to the Colony for a very great number of years. You have taken the keenest interest in matters affecting the health of the people and in particular Infant Welfare. You have been Municipal Health Officer since 1896 and performed the duties of Police Surgeon for over 20 years. This surely constitutes a remarkable record, and I know that this award has given gratification to the whole community. My most cordial congratulations to you. (Applause).

I.S.M. FOR MISS CLARICE A. STEAMAN

The **PRESIDENT**: Miss Steaman, by Command of the King conveyed to me by His Majesty's Principal Secretary of State for the Colonies, I present to you the Imperial Service Medal. Over a period of 33 years you have devoted yourself to the care of the sick and the infirm in the Alms House, and your service should be a splendid example to all other nurses in this Institution. It gives me very great pleasure to present you with this award and I offer you my most cordial congratulations. (Applause).

RIBBONS FOR MAJOR A. J. WILLIAMS AND
MR. H. WENDT

The **PRESIDENT**: By Command of the King conveyed to me by His Majesty's Principal Secretary of State for the Colonies, I present to you, Major Williams and to you, Mr. Wendt, the Ribbon of the Medal for Service in the Cause of Freedom. The actual medals have not yet been received. The whole community knows that both of you have performed remarkable pioneer work in the development of air transportation in this Colony for some 14 years and have done much to open the interior. You have rendered valuable assistance to many boundary, scientific, mining and medical expeditions, frequently giving services free in transporting sick persons from the interior. During the war you, Major Williams, carried out some very special duties of an important nature, and by placing your planes at the disposal of Government both you and Mr. Wendt have performed most valuable services for the Allied Cause. My most cordial congratulations to you both. (Applause).

MINUTES

The minutes of the meeting of the Council held on the 21st March, 1947, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENTS

ACQUISITION OF PLNS. CANE GROVE AND
LA BONNE MERE.

The **COLONIAL SECRETARY**: With reference to Resolution No. 17 passed by this Council on the 1st of November, 1946,

by which this Council approved the proposals put up by Government for the taking over of Plantations Cane Grove and La Bonne Mere, I beg to report for the information of Members that the Secretary of State has now indicated his approval of the proposals on the conditions that maintenance costs must be met by rent rates and agistment fees and that a reasonable measure of control is exercised over the husbandry methods of tenants.

Negotiations are proceeding with Messrs. Bookers for the taking over of the estates by Government, and meanwhile the Government Departments concerned are preparing detailed recommendations for the allocation of the lands as they become available on a temporary basis, pending the conclusion of the formal transfer. As soon as the estates have been taken over by Government it is proposed to appoint a Land Settlement Committee, similar to the Vergenoegen Land Settlement Committee, to lay out and develop a settlement on a permanent basis.

POSITION OF VOTERS LIST

The **ATTORNEY-GENERAL**: I wish to inform Members of Council of the position in respect of the Voters lists. From the information received by Government it is estimated that the printing of all these lists will be completed by the middle of April. On this assumption they will then have to be distributed for publication in accordance with the Legislative Council Regulations, and it is estimated that the final date for publication of these lists will be 30th April. Further action will then have to be taken in accordance with the Regulations, such as lodging of objections and appeals, arrangement for publication of objections and appeal, with respect to the holding of Revising Courts and the preparation of the final register.

It is considered that the minimum time which will be required to carry out the prescribed procedure between publication of the voters' lists and the polling day is 111 days. If lists are published on the 30th April it may be possible to hold the elections either in the latter half of August or the beginning of September, but it is not possible to give an exact date at this stage.

The PRESIDENT : Are you moving the second reading of the Elections Bill today ?

The ATTORNEY-GENERAL : Yes; I propose to do so if opportunity permits, although it does not appear on the Order Paper.

PAPERS LAID

The COLONIAL SECRETARY laid on the table the following documents :—

Report of the Georgetown Planning Commissioners for the half-year ended 31st July, 1946.

Report of the Georgetown Planning Commissioners for the half-year ended 31st January, 1947.

GOVERNMENT NOTICE

POST OFFICE SAVINGS BANK (SPECIAL PROVISIONS BILL, 1947)

The ATTORNEY-GENERAL gave notice of introduction and first reading of the following Bill intituled:—

An Ordinance to make special provision for the determination of certain claims by depositors against the funds of the Post Office Savings Bank, and for matters connected therewith."

ORDER OF THE DAY

LANDLORD AND TENANT BILL, 1947.

The PRESIDENT : Under the Order of the Day I should like to point out that the debate of the Bill to regulate the relationship between landlord and tenant has taken place, and that at the wish of this Council a Select Committee is being appointed to go into the matter. The principle of the Bill has been accepted and I now ask the hon. the Attorney-General to move, formally, the second reading.

The ATTORNEY-GENERAL: I omitted to move the second reading on the last occasion when this Bill was before the Council, and I do so now. I move that a Bill intituled

"An Ordinance to regulate the relationship between landlord and tenant and to amend the existing law with respect thereto."

be read a second time.

Mr. CRITCHLOW seconded.

Question put, and agreed to.

Bill read a second time.

FACTORIES BILL, 1947.

The ATTORNEY-GENERAL : I now beg to move the second reading of the following Bill intituled :—

"An Ordinance to provide for the registration and regulation of factories, and for purposes connected with the matters aforesaid."

I should point out that the object of this Bill is to carry into effect the recommendations contained in the report of the Factories Bill Committee, and also to regulate the hours of employment in factories. The Bill has been adopted from the Imperial Act of 1937. Some hon. Members are aware of the fact that the Factories Bill Committee was appointed in August, 1940, by the then Governor, Sir Wilfrid Jackson, and the Committee submitted its final report in the form of a drafted Bill on March 15, 1944. During that time it appears that the Committee was endeavouring to obtain information and data from outside the Colony. The members of the Committee were two Members of this Council—Messrs. Critchlow and Edun—the then Manager of the Transport and Harbours Department—Mr. I. Goring, the Deputy Director of Public Works—Mr. F. H. Allen, the Superintendent and Chief Engineer of the Demerara Electric Company—Mr. H. L. Talbot, Mr. F. E. Moirish representing the B.G. Sugar Producers' Association, and the then Commissioner of Labour—Mr. Colin Fraser, who was the Chairman.

The draft Bill presented by the Committee is, in substance, the Bill before hon. Members with the exception of Part VI relating to hours and holidays. This question was discussed by the members of the Committee, the majority of whom were not in favour of the provisions in the Bill, but the Chairman—Mr. Fraser—and Mr. Critchlow were in favour of them. Most of these provisions, however, are already incorporated in the Bakers (Hours of Work) Ordinance which was passed last year by this Council. I may point out that with respect to the panel of advisers to be appointed under clause 17, two members of the Committee were of the opinion that the Commissioner must seek advice. In other words, they thought it should be

compulsory rather than a matter of discretion for the Commissioner to seek the advice of this panel of advisers.

If I may refer hon. Members to another clause—25 (d)—I should like to draw attention to certain words which appear therein and those are, “*and not being the employer of the person killed or injured*” In the report of the Committee it was left to the Attorney-General as to whether those words should be omitted. By the inclusion of those words the employer of the person killed or injured is debarred from obtaining expenses as a witness, and I may point out that in a similar Bill passed in Trinidad last year those words are excluded. Further, I will refer hon. Members to Part VI of the Bill dealing with hours and holidays, and particularly to clause 27 which deals with intervals for rest. I should inform hon. Members that I have received representations from the Manager of the Demerara Electric Company to the effect that with this clause as it stands some considerable difficulty will be felt by the Company, because at the present time they work on a system of three 8-hour shifts per day. It will be noticed that this clause says :—

“27. The periods of work in a factory, during each day, shall be so fixed that no such period shall exceed six hours and that no person employed in a factory shall work for more than six hours before he has had an interval for rest as approved from time to time by the Commissioner.”

As I have mentioned, I have been informed by the Demerara Electric Company that they work in 8-hour shifts and that the duties of their operating personnel in so far as those shifts are concerned are not strenuous, so that they mostly are able to choose their own time when they want to sit or have their meals. There is no relief, and in the case of the shift engineers they are responsible for the operation of the plant while they are having their meals. It is also pointed out that it will be impossible to obtain a fully trained extra shift to go to the Power House and relieve the men, and that if that were possible nobody would want to go to work four

times a day at 6-hour intervals. The Bill, so far as the other parts are concerned, is fairly straightforward.

There is the question of power in the Governor in Council to make Regulations under Part VII, and therein are stated the subjects with which the Governor in Council should deal in the making of Regulations. That is a matter with which the Council will deal. The Regulations will be laid and, if the time prescribed elapses without any objections being taken, then those Regulations will become law. That is, they will be incorporated as part of the Ordinance. I do not think there is any other feature of the Bill which requires emphasis at this stage and, accordingly, I beg to move that this Bill be now read the second time. I may point out that it is proposed to take the second reading and, with the concurrence of hon. Members, to leave over the question of the Committee stage until later, so that if there are any objections they can be considered.

Mr. CRITCHLOW seconded.

Mr. JACOB : Sir, this Bill is a very important piece of legislation affecting the working people in this Colony. The Trade Unions operating in this Colony have been making representations to this Government for a considerable time in this matter, and we are now seeing the fruits of those representations. But I am sorry to say, it appears to me that there are some very serious omissions in this Bill and, I think, certain other points need clarification. It may be that Regulations will be made later to make this Bill somewhat more explicit and to make conditions more congenial for the working people, but since it has taken such a long time to produce this Bill perhaps it will take an equally long time to bring these Regulations into effect. I remember the Guiana United Trade Union making representations to this Government since October, 1942, in relation to certain things which they regarded as serious indeed, but a very long time had to elapse before anything was done. Those representations had some bearing on Legislative Council Paper No. 12 of 1942 which carries a report on the rum vat accident at Pln. Enmore in May, 1942. I have been looking at this Bill for improvements re-

lating to rice factories particularly, but have not been able to find any. Maybe they are in a general form, and I will deal with that aspect later.

I also have here Legislative Council Paper No. 1 of 1941—a report by Mr. S. E. Gomes relating to loss of life in an accident at Pln. Skeldon. After those two accidents Government thought it advisable to appoint a Committee, and I believe that two Nominated Members of this Council representing Labour were members of that Committee. The representations made to Government were in respect of several details, but I will not go into those details at the moment except to hope that this legislation will meet all the representations made. Looking at this Bill, I notice that the Commissioner of Labour has got a very important function and that in a particular clause—clause 35—it states :

“35. (1). No prosecution under this Ordinance shall be instituted except by or with the previous sanction of the Commissioner.”

Well, sir, the Trade Union that I have referred to has had most unfortunate experiences with the Commissioner of Labour. If this Bill is to provide that nothing can be done except the Labour Commissioner approves or sanctions it, then I do not think the people concerned would have that protection that is so necessary. I have known several cases where representations were made to the Commissioner to act and he has not acted. I am not going into the details as they will be very unpleasant, but the fact remains there is a lot of correspondence with the Labour Department showing that this Union has got so disgusted with the tactics of the Labour Department that relations have been broken off and the correspondence is not being carried on at the present time. If it is to be that everything must depend on the sole discretion of the Labour Commissioner, I do not think that this Bill would prove a success when it becomes law. I think there should be freedom of action. If aggrieved parties feel they should take action, they should be given that right. Their rights should not be restricted in any Bill or law. If you look at the Interpretation clause you would see there—

“ship,” “vessel” and “harbour” have the same meanings as are respectively assigned to them in the Merchant Shipping Act, 1894.”

Then in the marginal note there is the reference—“57 & 58 Vict.c.60.” That is Greek to me as an ordinary layman though, I think, I can claim to have a little bit of intelligence. I wonder why such an interpretation is given and such a reference is given, when that reference can hardly be found. Surely something more simple should be put in regard to the definition of “ship”. I notice that clause 3 states :

“(1) The provisions of this Ordinance, other than Part II thereof, shall apply—

- (a) to every dock, wharf, quay, stelling and warehouse and all machinery or plant used in the processes of loading or unloading or coaling any ship in any dock or harbour or at any wharf, quay or stelling—”

“Ship” referred to in the Interpretation clause refers to “ship” “vessel” and “harbour,” but in the operative clauses in the Bill “vessel” is completely left out. I understand the meaning of a ship should be a ship propelled by some kind of power and a vessel should mean a ship propelled or driven by sails. In other words, a ship and a vessel should have two different meanings. A vessel should mean a sailing craft and a ship should mean a vessel propelled by steam or some such power. I see here that there is no reference to “lighters”, “punts” and vessels of that type that are used frequently in this Colony in the sugar industry, the rice industry, the timber industry and, possibly, the bauxite and other industries.

The PRESIDENT : Mr. Attorney-General, what is the difference between a ship and a vessel ? Is it merely a question of size ? You can have a power-propelled vessel and a power-propelled ship. Is a vessel only referred to as a ship propelled by sails ?

The ATTORNEY-GENERAL : Under the clauses of the Merchant Shipping Act which is the Act dealing with all these matters, a vessel includes any ship or boat or any other description of vessel used in navigation not propelled by force. That

has been the definition and all decisions have followed along that definition. It is desired to maintain uniformity.

The PRESIDENT : I think the hon. Member was under a misunderstanding when he said that a ship is one propelled by force and a vessel is one propelled by sails. I am glad for the explanation.

Mr. JACOB : I am glad for the explanation too. I am sure that it means both. But when these definitions and these words are taken into consideration in respect of "ship" and "vessel", there are serious omissions applicable to local conditions, and that is the point I am making. Here we have a Labour Commissioner who ought to be very familiar with local conditions at the present time. So I am making the point, that it appears to me that with all the words here still we have no protection for workmen who are working alongside a factory or around a factory. They would be safeguarded by way of whatever this thing means to them, if they are working on a ship or craft propelled by oars or any other craft not propelled by anything but possibly drawn by mule, oxen and so forth. These things are completely left out of this Bill. Perhaps I am wrong. Perhaps on the estates we pull our punts by oars, I do not know. Perhaps I am not familiar with these conditions. Perhaps we drive them by steam power and we do not pull them by mule. Here we have after four or five or possibly six years a Bill which is intended to bring relief or protection to working people engaged in the major industries of this Colony, and we find when we look into the Bill itself there are these serious omissions. Yet we say we have an expert Labour Commissioner and a very well staffed Labour Department. What have they been doing with this Bill? Did they look into it? Did they see to the local application of it, or did they just bring this Factory Law from England and Scotland to British Guiana? That is what has struck me by the reference to 57 and 58 Victoria, Chap. 60. Can we not find some clearer definition for the words "ship", "vessel", "lighter," "punt," etc?

The time has arrived, Your Excellency, when we have to make our legislation here

to suit local conditions and to be easily understood by the local man. In view of all the difficulties we are experiencing, I am going to suggest very seriously to those concerned and the Labour Department to begin, if they have not yet started, to do things that will be appreciated by the local workman. I am afraid they do not realize that part of their duty as yet. So I suggest that this Bill be referred to a committee, not necessarily a Select Committee, or, as the hon. Mover has stated, it be held over and the details gone into very carefully. This Bill was only published on the 8th March, and I do not think the Trade Unions have had an opportunity of going into it. I think representation will be made by some of them for an opportunity to go into the details of this Bill to see that when it is passed it really has local application.

I am saying, and I think it is very well known to the people engaged in the major industries here—I am not referring to sugar alone nor to rice, nor to bauxite, but to all industries—that serious accidents are occurring and will occur in the future in regard to the various types of work not only in the factories but around the factories. Possibly I may be told that if this Bill is passed and does not offer adequate protection, the Workmen's Compensation Ordinance would offer some protection. I do not want to be left in any doubt. I see the Workmen's Compensation Bill is to come up. As I have said, the time has arrived when we decide to pass legislation here and it is passed, that it should have proper relation to local conditions. I have not had the privilege of seeing the report that the hon. Mover referred to. The hon. Nominated Members, Mr. Critchlow and Mr. Edun, were members of that Committee. I will try to get a copy of that report in order to look into it to see what has been suggested therein. I think that is all I have to say at the moment.

I am at a little disadvantage in not having had an opportunity to go into this Bill in real detail, but I trust my contribution will be of assistance to those responsible for the welfare of the people, and particularly to the Labour Department that is

charged with the responsibility of making conditions here suitable for the working people. As a matter of fact, that Department was created with the sole object of offering protection to every kind of working people. Perhaps those responsible for that Department have forgotten why it was created and how it was created. I think they have to think very carefully and clearly as to their duties. I know, sir, it is the intention — the view has been expressed that it is a Department that is top-heavy — to reduce that Department. If we find, as I have found here—it is true I have not gone into it very carefully—that there are such serious omissions, then I think a good case can be made out for a reduction of the Department to a mere skeleton. I shall go into this matter a little carefully later on.

Mr. ROTH : Personally I am not too keen on any more committees, but if it is the intention of Government to appoint a committee in this matter I think they should take into consideration the correlation of this Bill with the Mining Regulations of 1931, because I see according to clause 3 (1) (c) the greater part of this Bill applies to mining operations carried on for trade or business. I draw attention to the Mining Regulations of 1931, Part XIII, which deals with the regulation of mines, and which seems to be very comprehensive in regard to the control of work in mining operations. I am afraid that, if you are including mining operations in this Bill, in carrying out the law it would be to the detriment of those people. But this law is intended to benefit them, and I ask Government to consider that aspect of the matter.

Mr. RAATGEVER . I am supporting the request of the hon. Member for North Western District (Mr. Jacob) that this matter be referred to a Select Committee. I appreciate that the hon. the Attorney-General has a lot of work to do. As a matter of fact he is a glutton for work, judging from the number of Bills he has put before the Council. This Bill affects an important statutory body—the Georgetown Sewerage and Water Commissioners—which is meeting this afternoon at 3 o'clock to discuss certain matters. I suggest that we refer it to a committee so

that that body will be in a position to make representation in the matter.

Mr. EDUN : As a member of this Committee I consider it my duty to support the application made by the last two hon. Speakers—that a Select Committee should go into the provisions of this Bill. The reason for that is, sir, that this Committee sat from the year 1940 and in subsequent years until it reported. In view of the modern trend of industrial practice in other parts of the world, I think, a Select Committee will be able to throw some light, especially in view of what the hon. Member for North Western District has said concerning the hauling of canes to the factory on sugar estates. I can remember very well, indeed, that I had raised that question as to how it will affect the workers who are employed in the service of bringing canes from the field to the sugar factory. I remember making strong observations on this point, but it was not favoured by the Committee because it was said that there was no mechanical hauling involved.

Before I go further in this matter, I want to pay tribute to Mr. Colin Fraser, who was the previous Labour Commissioner in this Colony and who had presided as Chairman of this Committee. Mr. Fraser by his tact and genial disposition was able to bring employers and employees and the Trade Union members together in order to hammer out this Bill. I will not say it is a perfect Bill. I am not competent to say that at all, but, sir, this Bill was the result of a frequency of accidents that occurred in certain factories in the country, not only sugar but also rice factories. It will be remembered that taken generally, all the factories in this Colony were, I must say, not in a condition that could be considered fairly well equipped. As a matter of fact there were no replacements in those factories for a long number of years. But the time has come when a comprehensive Bill of this nature should be passed in order to rectify the situation, and it should be examined fully by Members of this honourable Council.

I support the application that this Bill should be referred to a Select Committee in

order to see whether new light cannot be thrown on the situation. It is indeed very comprehensive. If one should look at the marginal notes it would be found that every provision is made to meet an emergency, and I must say that Mr. Colin Fraser, as Chairman, did know the subject matter thoroughly and was of material assistance to the members of the Committee.

But that was the year 1940 and this is 1947, and, perhaps, we can throw some more light on it. It will serve a very useful purpose to examine the whole Bill. It was suggested by the Labour side of the Committee that such a Bill with such comprehensive provisions would hamper industrialization. As a matter of fact, they said it would be very detrimental to the small man. I am not concerned with that. I am concerned with the preservation of life in these factories. Should one go into a sugar factory or a rice factory in this Colony, one would see conditions that would make one's flesh creep. There is absolutely no safety. There is much to be done in that direction. I do not want to blame anyone at the moment for the neglect, as if they want to put safety appliances on those machines at the moment they cannot be bought. For that reason I think that referring the Bill back to a Select Committee will do no harm but will do much good. I support the application.

Mr. SEAFORD: I think that when this Committee that enquired into the Bill was first appointed I happened to be a member of it, and so I know a good deal about the working of it as mentioned. I left the Colony and, I think, my place was taken by someone else. I think we are all in agreement with the principle of the Bill, but what I find here is what has been happening in this Colony so much of late. We have been frightfully slow, but now we seem to be galloping faster than any machinery in the world. You are now bringing in here a Bill which is in advance of the English Act. This is a country which is not industrialized; it is an agricultural country. We are fighting our way to industrialize it as possibly as we can, and we have gone further than the Act which regulates it in England which has been indus-

trialized for hundreds of years. To use the words of the hon. Member for North Western District (Mr. Jacob) this Bill is not altogether applicable to local conditions. This Bill envisages factories that are enclosed all round. In this country the factories are open and people walk in and out of them as they like.

The hon. Nominated Member, Mr. Edun, said he will not worry about the small proprietor or small landowner or small rice-miller. But it will not do for us in this Colony to kill the small man. There are one or two things envisaged in this Bill which are going to be quite impossible for the small man to carry out. You have a Committee which is called the Secondary Minor Industries Committee. They are trying to promote mining industries in this Colony. This Bill, if carried through in the way it is, would kill the mining industries. I am in favour of the principle of the Bill, but there are certain clauses in it that will have to be amended. Take as an example, Clause 2; it talks about—

“Any line or siding which is used wholly or mainly in connection with and for the purposes of a factory shall be deemed to be part of the factory, and if any such line or siding is used in connection with more than one factory belonging to different occupiers, the line or siding shall be deemed to be a separate factory.”

In this Colony your siding runs for some distance. If an accident occurs a mile from the factory someone has to report it, someone has to be there and to know what happened. It is not easy. There is some difficulty in that. Further, the employees on the siding are not employees of the factory in this Colony but are employed by the Government, and yet as far as I see it requires the occupier of the factory to report an accident which happened to people not employed by him; he is to be responsible for that. Another point that is going to be very difficult, and that is to find an Inspector to do all this work. It is a big job. In England people are specially employed; in this Colony, as far as I see, your Inspectors are going to be members of the Labour Department who are quite incompetent to go and report whether a machine is safe or unsafe. It

is no good a Labour Inspector going and saying this thing should have a guard around it. We have had cases of that already. In one instance he asked us to do things which, if done, would make it more dangerous than it was before. If we are going to have difficulty over the Inspectors, I feel that only people who are qualified to be Inspectors should be appointed as such. Clause 20 (2) says :

“Any person who sells, or lets on hire, or as agent of the seller or hirer causes or procures to be sold or let on hire, for use in a factory in the Colony any machine intended to be driven by mechanical power which does not comply with the requirements of this section shall be guilty of an offence.”

Whether it is a rice huller or a motor pump that he imports into the Colony or is sent out to the Colony, he becomes liable. How is he to know what is being shipped to him ?

Mr. LEE : What clause is it ?

Mr. SEAFORD : Clause 20 (2) on page 8. We know that a lot of machines cannot be safeguarded until they have been actually erected. I think it is hard on the importer that he should be made liable for that. The man who erects it should be made liable and not the importer. Then clause 26, which the hon. Mover spoke about—if I am not mistaken—goes rather further than the English Act. I do not think, sir, that the English Act regulates the hours of work, and I do not think it regulates the payment of rates or anything like that in respect of overtime. I think that is left to agreement between the employer and the Labour Union. I do not see why in this case it should be brought in here. It seems to me to be destroying what has been granted to us a good many years. Both Labour Commissioners, Mr. Fraser and Mr. Bissell, have told us that such things are essentially for negotiation between employer and employee. You are destroying, sir, the working agreement which exists today between trade unions and employers by laying down stipulations which, so far as I am aware, do not exist in the United Kingdom at all. As I have already said, we are travelling very quickly in this country and are trying to get ahead of the United Kingdom today.

As regards the fixing of hours for public holidays, it should be remembered that in the United Kingdom there are special hours fixed for public utility concerns, and so on. I think a public utility is a different thing, and I do not think this Bill envisages utility factories which one cannot stop. If the Power House here has to give an hour to the engineers for breakfast or dinner, as the case may be, it would be very difficult to bring in other men from outside for an hour and that kind of thing. The small man who goes into a field and puts up a little shed for three or four men to store their padi and things of that kind will have established a factory according to this Bill, but I do not think it is intended that a man who puts up a little shed like that should be penalized in any way. There are one or two other things with which I do not agree, but I think I have pointed out enough. The other points I have in mind can be easily ironed out when we meet the hon. the Attorney-General.

The PRESIDENT : Do you recommend a Select Committee ?

Mr. SEAFORD : I would agree to that.

The PRESIDENT : The recommendation is that instead of proceeding in Committee stage the hon. the Attorney-General should consider this Bill with a Select Committee of this Council. We have done that already with two other Bills. There is no doubt about it, that if this Bill is referred to a Select Committee it would mean that its passing would be delayed. It would take longer than it would in the ordinary way and that is the difficulty.

Mr. SEAFORD : If the Select Committee would hold it up, I will not press for it. Perhaps if the hon. the Attorney-General can meet us at an early date we will be able to iron out the difficulties.

Mr. CRITCHLOW : I am not opposing the appointment of a Select Committee, but I would like to advise that the Committee should meet and report within a certain time. We have been trying to get this Factories Bill since 1941 and, I am afraid, if it goes to a Select

Committee we might not get it for another few years.

Mr. JACOB: I am asking for a postponement.

Mr. CRITCHLOW: I know that it is necessary to have this legislation as early as possible. We want to move as fast as they are doing in Great Britain. Machinery is coming down from there for packing all the sugar and it is putting men out of work. I must thank Government for bringing forward the Bill.

Mr. LEE: I along with the hon. Nominated Member, Mr. Critchlow, would like this Bill to go through as quickly as possible. We feel that it is a necessity at the present moment. The Landlord and Tenant Bill is also a necessity. If it is necessary, a Select Committee should be appointed to get through this Bill with the hon. the Attorney-General as early as possible. Your Excellency must have seen that since the other Select Committees were appointed there were certain points that needed rectifying. I would like to take opportunity at this stage to find out whether we will not be abolishing the 1942 Labour Code as a result of this Bill. Section 31 (4) of that Code states:—

"(4) A register of accidents in the prescribed form shall be kept by the employer engaged in any occupation to which this section applies."

I notice, however, that this has been studiously omitted from this Factories Bill and, I am afraid, this provision would not be carried out if the Code is abolished. It is intended that a register of accidents should be kept so that an Inspector could see the number of accidents that occurred in the area around the factory. In that way a check can be made by the owner or the person in charge of the factory. There is much to be said for the encouragement of small industries, but even then protection should be given to the rights of workers, and we cannot overlook the fact that the life of a human being is more valuable than a small industry in which a man may try to invest. As regards the interpretation of the Ordinance I think certain things should be made more clear. For instance, I think the meaning of "dock" should have been clearly set out in the interpretation clause. Your Excellency

knows that the transportation of things like cane and rice is often done by batteaux and other small crafts and, if the interpretation of "dock" is not made more explicit, any landing-place whether it is far in or not might be called a dock. I would like to know whether the term will be applicable to a place where a cane-carrier loads his punt? I think all these things should have been properly defined so as to let the worker know exactly how he stands.

The hon. Member for Georgetown North (Mr. Seaford) spoke about hours for holidays, but I would like it to be known that there is not sufficient industrial legislation in this Colony to protect the worker when it comes to overtime. As you protect his life if he wants to commit suicide, so you should protect it from economic enslavement when he goes to work. These changes are absolutely necessary. I admit that most employers have to consider their financial standing and the question of future possibilities, but at the same time Government should protect the workers and see that they are given their just dues. The Trade Unions are asking that there should be no change from the provision in the Labour Code to which I have referred. They have also requested the Commissioner of Labour to insist that legislation be passed so that if workers are called upon to work over and above certain hours they should be paid at special rates. Certain clauses in this Bill provide that they should not work more than six hours on a stretch, and that is right because modern experience has shown that a man should not work more than six hours without having something to eat. Further, resolutions have been passed recently at certain labour conferences, and I do not know whether Government is going to accept the proposal for a 40-hour week. We passed one such resolution at the Barbados Labour Conference, and I sincerely ask Government to consider and adopt it. I admit that certain utility factories must be carried on, but there seem to be methods whereby trained men will be able to perform the necessary duties with satisfaction to both sides, and I support the idea of having evidence before the Committee.

The ATTORNEY-GENERAL: With regard to the several points raised by the

hon. Member it seems clear that he agrees with the principle of the Bill and, after all, that is what we are dealing with in the course of the second reading. Hon. Members have also made certain suggestions which would be considered when we get to the Committee stage if we do not appoint a Select Committee. Of course, I think Your Excellency will deal with that matter later on. May I suggest that all these details, which have been advanced by hon. Members, should await consideration either by the Select Committee if appointed, or when we reach the Committee stage? The hon. Member for Georgetown North (Mr. Seaford) says he was on the Committee which dealt with this matter, and I am sorry I did not make mention of that. I apologize to him. I think we appreciate very fully his knowledge with regard to matters of this sort. The last hon. speaker dealt with the question of accidents and referred to what is colloquially called the Labour Code—Ordinance No. 2 of 1942. The hon. Member referred specifically to section 31 of that Ordinance, but if he turns to Part V of this Bill which deals with "Notification and investigation of accidents and industrial diseases," he would see in clause 21 (1) that it states:

"21. (1) Where any accident occurs in a factory or in any prescribed occupation which either—

- (a) causes loss of life to a person employed in that factory or occupation; or
- (b) disables any such person for more than three days from earning full wages at the work at which he was employed;

written notice of the accident, in the prescribed form and accompanied by the prescribed particulars, shall be dispatched by the occupier to the Commissioner, within twenty-four hours after the notifiable accident comes to the knowledge of the occupier."

In other words, provision is being made for immediate notice to the Commissioner, and that follows along the lines of section 31 of the 1942 Labour Ordinance. This is limited to an accident where it occurs in a factory, but section 31 of the 1942 Labour Ordinance refers to "any accident."

I hope the hon. Member appreciates that fact, but still the point he is making does not cut across it and will be borne in mind.

Mr. LEE: If I may interrupt the hon. the Attorney-General, I would like to point out that in the Second Schedule to this Bill you are repealing sections 31 and 32 of the 1942 Labour Ordinance, and that is my concern. If there is an accident in any occupation the Commissioner has to be notified and the employer has to make a record of it in his book, but you will not have that in the Factories Ordinance since the employer is not being compelled to keep a register

The ATTORNEY-GENERAL: I said I appreciate the hon. Member's point and that it will be borne in mind. I was only pointing out that this is limited to factories while the other is wider, referring as it does to "any occupation". I should like to emphasize the fact that when you are dealing with legislation of this kind there are certain decisions which have to be borne in mind, and you have to endeavour to follow as closely as possible to those decisions so far as the written word goes and the interpretation of that word—or those words. That is done by reference to the Merchant Shipping Act. The words have a particular meaning assigned to them and have been the subject of interpretation and decision. The hon. Member considers that these matters should be simplified by some definitions relating to "punts" and so on, but I will ask all hon. Members to bear this point in mind—that this is legislation dealing with factories and the interest of those who work in those factories, and of those who work in ships and shipping. As I see it, the question of working in punts—I do not pretend to know a great deal about it—stands on a different footing. I do not know how we can get over the difficulty. In an industrial undertaking—life or no life—such as shipping, the question of using winches and hatches is totally different from working a punt. I can only assure the hon. Member that the point will receive consideration. I ask that the Bill be now read a second time.

The PRESIDENT: I am quite prepared to put this Bill to a Select Committee. It is a very difficult Bill and, if hon. Mem-

bers so desire, I am prepared to appoint a Select Committee and I will announce the personnel at the next meeting of the Council. In the meantime I suggest that as the principle has been already accepted we should pass the second reading this afternoon.

The ATTORNEY-GENERAL: I beg to move that this Bill be now read a second time.

Mr. CRITCHLOW seconded.

Question put, and agreed to.

Bill read a second time.

WORKMEN'S COMPENSATION
(AMENDMENT) BILL, 1947.

The ATTORNEY-GENERAL: I now beg to move the second reading of a Bill intitled:—

“An Ordinance to amend the Workmen's Compensation Ordinance, 1934, for the purpose of extending its application and in respect of miscellaneous matters connected therewith.”

It will be seen from the Objects and Reasons of this Bill that the Workmen's Compensation Ordinance, 1934, which it is proposed to amend, has been in operation for a little over 11 years. The Ordinance introduced into British Guiana the principle of payment of compensation to certain classes of workmen for injuries suffered in the course of their employment, and within the limited scope of its application it achieved a certain measure of success. It is felt that the time has arrived to extend the scope of the Ordinance to cover certain other classes of workmen hitherto specifically excluded from its operation, among them being persons employed generally in boats, mining, agriculture, animal husbandry and forestry (including the balata industry) and also clerical workers and shop assistants. Clause 2 of the Bill seeks to effect this object by substituting a new definition of “workman” for the existing one. If hon. Members refer to section 2 of the Principal Ordinance—No. 7 of 1934—they would see there that in the definition of “workman” there is a proviso which states that “*the following persons shall not be regarded for the purposes of this Ordinance as workmen.*” Then follows the list of the persons excluded.

The amendment to be effected by clause 3 reduces the minimum period of incapacity necessary to qualify for compensation from eleven days to three. Clause 4 repeals and re-enacts section 5 of the Ordinance which deals with the amount of compensation. In the new section compensation payable in respect of temporary incapacity is substantially increased, and provision is made that payments by an employer for conveying an injured workman to hospital, for emergency treatment and for treatment in hospital are to be disregarded in fixing the amount of compensation. By clause 5 it is sought to substitute a new Schedule of the list of injuries deemed to result in permanent partial incapacity. In the new Schedule the percentage of loss of earning capacity is increased, and there are separate scales applicable to manual workers and clerical workers. With regard to clause 6, this renders an employer liable for the expenses of conveying an injured workman to hospital, for emergency treatment and for treatment in hospital. A registered medical practitioner must afford a workman emergency treatment, if required. Failure to respond renders such a practitioner liable to prosecution. Clause 7 provides that employers in certain specified classes of employment must be covered by insurance, or enter into contracts of indemnity in respect of their liability under the Ordinance, and by clause 8 the conditions under which liability for payment by an insurer or person liable under a contract of indemnity arises are set out. Provision is also made for the insurer or such person to be joined as a co-defendant, and it gives him the same right to defend as the employer has. This Bill, if passed, will take effect on a date to be fixed by proclamation.

I may mention that this whole question of Workmen's Compensation has been examined. First of all, there was some time ago a report submitted by the Executive of the British Guiana Trades Union Council making certain recommendations along the lines which have now been dealt with by this Bill, and those recommendations were examined by the then Commissioner of Labour in 1944, Mr. Colin Fraser. After that there was a Committee under

the chairmanship of Mr. J. A. Luckhoo, now acting Chief Justice, and that Committee dealt with the matter and later the recommendations were considered by a Committee of the Executive Council. As the result of that consideration given to the question of Workmen's Compensation we now have this Bill before you, which seeks certain modifications and variations in minor details to carry out the original recommendations made by the Trades Union Council and the comments on those recommendations by Mr. Colin Fraser. I think the hon. Member on my left, Mr. Critchlow, had taken a very active part in all those meetings and the hon. Member for Georgetown North, Mr. Seaford, was a Member of the Executive Council Committee of which I was Chairman and was assisted by Mr. Burrowes, then acting Labour Commissioner, and Mr. Crane who was then acting Solicitor-General. With those observations I beg to move that this Bill be now read a second time.

Mr. CRITCHLOW seconded.

Mr. LEE : In going through this Bill I made one or two notes. I do not know whether the hon. the Attorney-General can enlighten me on those things I have noted. I must say this Bill is too long overdue. In the Interpretation clause I notice the definition of the term "workman" reads :

"workman," subject to the exceptions hereinafter mentioned, means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing and whether the remuneration is calculated by time or by work done :"

I cannot follow "otherwise." Does that apply to the loafer who gets one penny a day because he is not doing manual labour nor any clerical work but is only a hanger-on? That word "otherwise" seems to imply something which I would like defined.

The ATTORNEY-GENERAL : The definition is that of a workman and not a loafer.

Mr. LEE : I admit that, but I am asking that it be defined—the workman who

does no manual labour and no clerical work but just walks around—whether that applies to a watchman who does no manual work except walking around.

The ATTORNEY-GENERAL: He will not be given a penny a day. If I may be permitted to suggest, you have to read it with what goes before. Obviously you have to read it in such a way as "workman" means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work—which are specific things—or otherwise, which means maybe someone who is a watchman or a messenger and not the man who gets a penny a day for walking around.

Mr. LEE : I am glad for the explanation that has been given. This is the point I am more serious about—

"and whether the contract is expressed or implied, is oral or in writing, and whether the remuneration is calculated by time or by work done."

As you know, sir, and the hon. the Attorney-General knows, if an independent contract is made the work is done by the independent contractor. If that independent contractor gets injured, is he entitled to be compensated under the Ordinance?

The ATTORNEY-GENERAL : If you look at paragraph (g) you would see he is included in the exceptions. The paragraph reads

"(g) a person who contracts or sub-contracts for the carrying out of work and himself engages other persons, independently of the employer, to perform such work;"

Mr. LEE : Thank you, sir. I have it here noted in the exceptions, but the definition states that. All the work done may not be by an independent contractor. The next point is in respect of employment of a casual nature in the exceptions 2 (b). There are many persons whose employment is of a casual nature, as I know it. Let us take the term used in Water Street, "the casual labourer". Is that the meaning of it?

The ATTORNEY-GENERAL : The hon. Member must appreciate the fact that it must have a legal meaning and not what is used in Water Street.

Mr. LEE : I would like to have defined what "casual labourer" means. If a workman is employed to carry two bags of potatoes from the stelling to a private residence, is that employment of a casual nature, or is he a casual worker? I would like that to be made clear.

The ATTORNEY-GENERAL : Perhaps the hon. Member would appreciate that the word "casual" indicates there is no degree of permanence to the employment. I am reading from Mr. Crane's note on this :

"Casual employment has been defined as employment necessitated by chance e.g. employment at times uncertain and without regularity."

Mr. LEE : That is the reason why I am asking this Council and Government to consider that every workman, wherever he is employed, should be entitled in some way or other to compensation if he is injured in the employment.

The ATTORNEY-GENERAL : You are making a departure from all the general principles.

Mr. LEE : It may be, but he is working under someone. If he is injured he is left without being cared for by any person except Government. It may look very startling, but some day every workman doing all kinds of work will be entitled to compensation for injury sustained, so that anyone who desires to employ a workman even on work of a casual nature must take out insurance protection. That is the principle I am asking Government to consider. Your Excellency, if you are travelling in any of the big countries on the Continent you are asked if you want insurance on your baggage and self. Why in this Colony you should not protect all workmen? Why not take out insurance even if you know the employment is of a casual nature? The Insurance company protects you and can give such an insurance. Your Excellency will see in exception (j) it is provided :

"(j) a person in the civil employment of His Majesty otherwise than in His Government of the Colony;"

I am thinking whether this applies to the subordinate workers who are not on

the Fixed Establishment and who are working as Subordinates in certain institutions of this Colony. If they are exempted from compensation, then I say that is not quite fair. Other than that, I support the Bill.

Mr. EDUN : I am supporting this Bill in all its phases. It is very much needed so far as the agricultural workers are concerned. If one should take as an example the sugar estates, the agricultural workers in comparison with the factory workers, it would be found that 5,000 are employed in the factories while between 25,000 and 30,000 are employed in the field. So you see, sir, that using the democratic test, in the past the Workmen's Compensation Ordinance simply functioned in the interest of the factory workers. Therefore I am of the strong opinion that the time has come when every form of work for which day-wages are given should be included within the sphere of this Bill and, I think, there is some merit in the argument put up by the hon. Member for Essequibo River (Mr. Lee) when he questions the provision in clause 2. Frankly I cannot understand paragraph (b) myself, because the word "casual" is used specifically as a class of employment. A casual labourer is a worker who is employed for a day or, perhaps, for two hours, and if during such employment he is injured is he not entitled to compensation? There is merit in what the hon. Member for Essequibo has said.

I am absolutely in agreement with all the provisions here that put the onus on the employer to find conveyance from the place of injury to hospital or to a First-Aid Station, because the employer is in the best position to do so. In the past, I must say, while there were certain types of employers who were very considerate indeed, there was a lack of interest when an injury had taken place aback of certain plantations. For that reason, I think, these amendments to the original Ordinance will meet the purpose for the agricultural worker. It has been a long time since the hue and cry from the sugar estates had been sent up to Government that the Ordinance should be amended. I have seen, sir, that the present Law Officers of the Government and the Draughtsman of Ordinances and Bills are doing very good work indeed. The Council

is being rushed with very many Bills, but it must be pointed out that those Bills have been long delayed and because of certain factors they have reached this Council now, and we should dispose of them. In respect of the last Bill which came up here just now, I particularly mentioned that it was old enough for one to have changed one's views—from 1940 to 1947. For the same reason, sir, I say that we should dispose of our business as quickly as possible as they come along to the Legislative Council and, I think, we ought to finish this Bill today. It is now 10 minutes to 4 o'clock and, I think, if we are energetic about it this Bill can become law within a period of a week. I am supporting the Bill, but ask that clause 2 (b) be clarified.

Mr. SEAFORD : The hon. Nominated Member referred to agricultural labour and to sugar estates. That has had a great deal of consideration because the conditions of agriculture in this Colony are very different from those of other places. Here our agriculture has gone up on a very big scale and, as he well knows, the labourer working in the fields some miles away from the factory does not always come from the estate but from the villages. It is, therefore, very difficult at some times in the case of an accident to tell whether the worker was going to or from work or where the accident occurred. That has been one of the great difficulties in the matter.

The other point is in respect of casual labour. In this Bill, as I see it, compulsory insurance is enforced. If the hon. Member employs a casual labourer to take his goods from Vreed-en-Hoop to his house, he can be prosecuted because he has not insured the employee. Those are difficulties which always creep up and to which a good deal of consideration should be given in this Bill. I do feel that they should be hammered out, but I am going to protest against the Bill going to a committee again as a committee had already agreed to it.

Mr. EDUN : While I agree with the hon. Member, I think some other word should be used. In this Colony casual labourer has a specific meaning.

Mr. JACOB : The hon. Member who has just taken his seat, the hon. Member

for Georgetown North (Mr. Seaford) while talking on the Factories Bill referred to the fact that we are making very rapid progress here and said that we are going far in advance of England. I do not know what the hon. Member means when he makes such a statement. Here you have this Bill—

Mr. SEAFORD : To a point of order! When I referred to that I specifically referred to the Factories Bill, that it had gone ahead of what the Bill is in England. I was referring to no other Bill at all.

Mr. JACOB : I quite realize that. We have been so backward that this is the first time we are introducing something in this Colony, and the hon. Member gets up and says we are ahead of England. I cannot understand the logic of it

Mr. SEAFORD : The Factories Bill !

Mr. JACOB : The hon. Member must not interrupt in that way !

Mr. SEAFORD : I am not interrupting the hon. Member, but he must not misconstrue what I have said and put an entirely different interpretation on it.

The PRESIDENT : The hon. Member must not misconstrue the hon. Member for Georgetown North. He referred to a particular point and not to our social legislation.

Mr. JACOB : I was making the point that the Factories Bill is now being introduced here. When the hon. Member spoke he did not give any particular case. He just—

The PRESIDENT : I must ask the hon. Member to move on. We are not dealing with the Factories Bill. It is the Workmen's Compensation Bill.

Mr. JACOB : They are interlocked. One can hardly separate one from the other. I am talking on this Bill and referring to the speech of the hon. Member. I am making the point that we should not attempt to mislead the public or insert in the debate something which is not absolutely correct.

Mr. SEAFORD : I rise again to a point of order ! I object to the hon. Member saying about misleading the public.

When he talks about misleading the public he is more guilty of that in this Council than anyone.

The PRESIDENT: The hon. Member explained that he was referring to the Factories Bill and I accept that explanation. It is a correct one. I must ask the hon. Member for North Western District to leave that point and go on.

Mr. JACOB: I am dealing with this Bill.

The PRESIDENT: I think you have finished your point, and I ask you to move on.

Mr. JACOB: I am dealing with the Workmen's Compensation Bill, and the hon. Member—

The PRESIDENT: I must ask you to leave that. I think the hon. Member answered you. I think you are entirely incorrect in saying he is misleading the public. I ask you to move on to the next point on this Bill.

Mr. JACOB: You are anticipating what I am going to say. It was not when the hon. Member spoke on this Bill. I am not suffering from confusion of thought. I want to refer the hon. Member to this fact. Here you have a Bill being introduced now to amend a law which was made in 1934, and this Government has had numerous representations—certain representations, verbal representations—since 1940 asking that this Workmen's Compensation Bill be extended. But the point I am making is, after all those years Government comes along and extends the scope of the Ordinance. I want to congratulate Government on this Bill, but I want to make my point very clear. While in some things we are moving fast—that is what I have heard—I have always complained about the slowness of movement here. An Ordinance was passed in 1934 and written as well as oral representations were made in respect of it; it is now in 1947 that we are beginning to do something about it.

I think this Bill does not go far enough. That is my other point, and I trust when this Bill goes through—I am most anxious that it should go through today and I want to suggest to the hon.

Nominated Member, Mr Critchlow, that we are as anxious as he that the Factories Bill and this Bill should all go through and when discussing them we have to see that our points are made clear—and it becomes law it will be a successful law. The Factories Bill is not going to be a successful law when it passes, but this Workmen's Compensation Bill is going to be a successful one. In these very rapidly moving days, when we ask that something be done, we hope that improvement will go very fast. I have got up really to congratulate Government on this Bill which, I hope, will be passed today.

The ATTORNEY-GENERAL: The general view is that this Bill is acceptable to Members. I beg to move that this Bill be now read a second time.

Question put, and agreed to.

Bill read a second time.

The Council resolved itself into Committee to consider the Bill clause by clause.

COUNCIL IN COMMITTEE

Clause 6—Liability of employer for expenses of conveyance to hospital and for other expenses of treatment.

The ATTORNEY-GENERAL: A word has dropped out from clause 6 (4), at the end of the fifth line. The word "employer" should be inserted after the word "that" which is at the end of the fifth line, and I move that that amendment be made.

Question put, and agreed to.

Clause, as amended, passed.

Clause 7 — Compulsory insurance against workmen's compensation claims.

Mr. HUMPHRYS: I do not know whether the majority of small employers really understand the import of this clause. I entirely agree that it is necessary, but I doubt whether you are going to find it popular with the small employer when he appreciates what it means. If I may augment that, it seems that every time a small employer employs anybody—and even if he is not a constant employer—he will have to keep that person covered by

insurance all the time. I do not think that has been appreciated at all. When the workman seeks compensation the small employer will not be able to say "I have not got money." This is going to compel the small employer to cover him. I am in agreement with it, but I hope the small employer understands what it means.

Clause 7, as printed, passed.

Council resumed.

The PRESIDENT : Would you like to take the third reading now, Mr. Attorney-General ? The Bill has to be brought into force by Proclamation and, if any explanation is necessary for the public, that can be arranged.

The ATTORNEY-GENERAL : With the consent of this Council I beg to move

that this Bill be now read the third time and passed.

Mr. CRITCHLOW seconded.

Question put, and agreed to.

Bill read a third time and passed.

The PRESIDENT : Mr. Attorney-General, you will see that when this Bill is submitted to Government for Proclamation, perhaps, an explanation is given to the public.

The ATTORNEY-GENERAL : An explanation as regards certain important points will be given to the public through the usual channel, sir.

The PRESIDENT : There being no other item on the Order Paper, I adjourn the Council until 2 p.m., on Thursday next.