

BILL—LAKE GRACE-KARLGARIN RAILWAY.

In Committee.

Mr. Panton in the chair; the Minister for Works in charge of the Bill.

Clauses 1 to 7—agreed to.

Clause 8—Incorporation:

Mr. SAMPSON: This clause, I understand, relates to the powers contained in the Public Works Act, whereby land may be resumed for railway purposes, and whereby it is competent to sever land and do other things necessary to enable the line to be constructed. What are the powers the Act gives? To what extent will those people through whose land the line may pass be affected? I have in mind a case where a railway severed a certain person's property and where the amount of compensation offered was ridiculously small.

The MINISTER FOR WORKS: This clause appears in every railway Bill. A lot of property has been resumed in the hon. member's electorate under the Public Works Act. First there is a private negotiation between the Lands Resumption Officer and the owner. If a settlement is not effected, the department offer a price. Failing acceptance of this, notice of resumption is given. Thereupon the matter goes to arbitration, with a Supreme Court judge presiding and one assessor for the department and another for the owner. That board fixes the price. Various people have made a deal of money out of land resumed from then by the Government. I do not think the Government ever get the best of such a deal.

Mr. SAMPSON: I raised the matter for the purpose of obtaining information. I trust the Government will be reasonable in matters such as this, where statutory power is given to resume and where compensation is often a matter of long argument.

Clause put and passed.

Schedule, Title—agreed to.

Bill reported without amendment, and the report adopted.

House adjourned at 4.10 a.m. (Thursday.)

Legislative Council,

Thursday, 6th December, 1928.

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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

PERSONAL EXPLANATION—CHIEF ELECTORAL OFFICER'S RETIREMENT.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.32]: I wish to make a brief personal explanation. Yesterday, when the Electoral Districts Act Amendment Bill was in Committee, I stated that the Chief Electoral Officer had tendered his resignation. To be strictly accurate, I should have said that the Chief Electoral Officer applied to the Public Service Commissioner for retirement under the provisions of Section 66 of the Public Service Act, 1904, under which section every officer who has reached 60 years of age is entitled so to do. I regret that the mistake should have been made.

QUESTION—AGRICULTURAL WATER SUPPLIES.

Hon. J. CORNELL asked the Chief Secretary: 1, Has any provision been made in the 1928-29 Loan Estimates for permanent water supplies in the following agricultural areas: (a) Bullfinch. (b) Wheatley. (c) Turkey Hill. (d) Moorine Rock? 2, If so will the Minister give an itemised summary showing the amounts appropriated for each area? If not, why has no provision been made for those necessary works?

The CHIEF SECRETARY replied: 1 and 2, The provision on the Loan Estimates covers liabilities for works now in hand, but it is impossible to provide for all new water

supply works which are asked for. Within the amount available full consideration will be given to the many requests for new works which are before the department, including these referred to in the question.

BILLS (2)—REPORT.

- 1, Electoral Districts Act Amendment.
 - 2, Workers' Homes Act Amendment.
- Adopted.

BILL—LICENSING ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. R. BROWN (North-East; [436]: I do not wish to cast my vote in a way that will assist in doing away with the Licenses Reduction Board as that body has been constituted for some years. On the other hand, I object to the way in which the licensing authorities have been stalking the country, closing up hotels here, there, and everywhere, just as they may deem necessary. The Kalgoorlie and Boulder districts seem to have been the big game hunting ground for them. In that area, upwards of 50 hotels have been closed.

Hon. C. B. Williams: Was that not justified.

Hon. J. R. BROWN: I do not think some of the hotelkeepers welcomed the closing up of their premises. Of course, I am aware that some of them dressed their windows in the hope of securing compensation. Others, however, desired that their premises should be allowed to remain open. In my opinion some of the hotels closed on the goldfields should have been shut up, but others that were closed, should have been allowed to continue in business. I know one individual in Kalgoorlie who had a hotel. It was a two-storied brick building of narrow dimensions, in a side street facing the railway station. People were accustomed to come from all directions to get a drink at the hotel, because it seemed to be better and clearer than elsewhere. It has to be remembered that bricks and mortar are of little use on the goldfields when the house is vacated; windows and doors can be taken away, but bricks must remain. This parti-

cular individual would have taken £250 for his premises, lock, stock and burrel, with compensation thrown in. That man was intensely surprised when he found out that the Licenses Reduction Board had granted him compensation amounting to £1,100.

Hon. E. H. Harris: What authority have you for that statement?

Hon. J. R. BROWN: I am not talking to you! The reason the licensee received such a large amount was that he had been honest in making up his returns. He had put in fair statements of what his profits had been, and he had included in his income tax returns what he had received. There were others, however, who, according to Mr. Harris, received £1 or £4, while some received £7. It would be an insult to offer anyone compensation amounting to £1 to go out of his hotel. On the other hand, Mr. Harris mentioned that some men had received £600, while another had received £1,500. The explanation of the smaller amounts of compensation is that the persons concerned had not put in true returns covering their profits for the year. They had put in false returns, and in consequence their premises were not valued highly. They were not valued at more than £1, that assessment being fixed on the basis of the licensees' own figures. Seeing that they took that view of the position, the board assessed their compensation accordingly. The local governing authorities on the goldfields have been greatly concerned regarding the number of hotels that have been closed. The fact of 49 hotels being closed during a period of three or four years must be disastrous to any mining town.

Hon. C. B. Williams: They had their remedy.

Hon. J. R. Brown: No.

Hon. C. B. Williams: Yes: they could amalgamate.

Hon. J. R. BROWN: Amalgamate, be blowed! We have heard references made to the huge profits to be derived from hotel-keeping. That is not so, because the Commonwealth grabs the whole lot; and what the Commonwealth does not get down on, the State collars. Although it was possible in the pre-war period to make a fortune out of a hotel in the goldfields areas, in these days the savings of a lifetime can be lost in a very brief period by a hotel keeper there. The closing of an hotel on the fields means that the revenue of the local govern-

ing authority will be depleted to the extent of at least £70, and that is a serious matter in these days. To a visitor who may stay in a goldfields town, the sight of empty buildings and de-licensed and closed-up hotels cannot make any strong appeal. In fact, such a sight is calculated to have a demoralising effect upon those who may be inclined to invest money in mining projects. At Kanowna there were at one time 16 hotels: there is one there to-day. That demonstrates the fact that conditions that obtain at a centre will automatically close down hotels in the vicinity. On the other hand, we have the Licenses Reduction Board stalking about the country and closing hotels, in order to justify their existence. It is said that some people have been clamouring to get their hotels closed up. It is suggested that they have dolled them up in order to get compensation, but the members of the board have passed them by. Many other people have not desired their hotels to be closed up at all. One hotel at Boulder is to be closed up, although it has 30 permanent boarders! Notwithstanding that fact, the premises have to be closed up on the 31st December. The number of boarders at that hotel is double that of any other licensed premises in Kalgoorlie or Boulder. The hotel is upwards of three-quarters of a mile away from the next hotel. The license is held by an Italian. I do not know what will be done to keep the premises open.

Hon. C. F. Baxter: Are the 30 boarders Britishers?

Hon. J. R. BROWN: It does not matter about that. If we allow the foreigners to come to Western Australia, they must be looked after. We have to take them at face value. There is another point about the Bill. Of the five per cent. paid out by publicans, two per cent. has been paid into the compensation fund, which now totals £13,000, with an additional £7,000 to come in later on. That means that the compensation fund amounts to approximately £20,000. Now the Government propose to take 6 per cent. of that money. When the 2 per cent. was imposed, the idea was that the publican should pay 1 per cent. and the landlord 1 per cent. As has been pointed out, however, the landlord merely put up his rent, and so the publican paid the lot. A hotel may take £100 a day, which at six days a week would be £600. One per cent. on that amount would represent £6 a week,

which is a big item. I do not see why the publicans should be harassed with any greater liability than is imposed upon them at present. No doubt the Licenses Reduction Board have done good work in some places, but in other places they have never visited, hotels have simply gone out of existence because there was no more business for them to do. If we allow the board to continue for another 12 months or two years we shall inflict a great hardship on the goldfields. It is all very well to say that the existing hotels are doing a bigger business on account of others having been closed, but it is time the publicans got a bit of their own. Hotel keeping is not a bed of roses nowadays as it used to be. As I have pointed out, before the war a hotel keeper could make a fortune in 10 years, but nowadays he can lose at hotelkeeping in less than 10 years all he ever had. That is attributable to the high duties and charges imposed upon licensees, who already have enough hardships to bear. I should like to know what the Government intend to do with the £20,000 to the credit of the compensation fund. It belongs to the publicans. The Government cannot transfer the amount to Consolidated Revenue, and how are they going to refund it? Some of the contributors to the fund are in Heaven and some are insolvent, but the money cannot be refunded to them, and how the Government intend to overcome the difficulty I do not know, unless they propose to set it aside for the future when it becomes necessary to delicense other houses. The Licensing Board should not have a free hand to close hotels simply to justify their own existence. They have closed hotels without exercising any discretion whatever. Some of the hotels they have closed should still be open, and others that are carrying on business should have been closed. Whether this is due to palm-greasing or not, I do not know, but some influence is at work. On one occasion they wanted to close the Piccadilly Hotel, Kalgoorlie. There were only two hotels on the northern side of the railway line, the Piccadilly and the Tower. All the other hotels were on the south side of the line. We had an awkward job to persuade the board to allow the Piccadilly Hotel to continue, although the other was half a mile from it. If the Piccadilly were closed, it would merely create a monopoly for the remaining hotel. Though the board may be

retained as a licensing board, I hope its members will not have power to stalk the land and wipe out licenses merely to justify their existence as a board. If they are allowed to continue, I should like to know whether the Government intend to pay them the same salaries as at present. The chairman of the board receives £1,000 and each of the two members £750 a year, a total of £2,500 a year. I think the work could be done for considerably less.

Hon. Sir Edward Wittenoom: Why not do away with them altogether?

Hon. J. R. BROWN: Do so, if it is thought wise. I think we should retain the Licensing Board to ensure that hotels are well conducted, kept clean, and provide satisfactory accommodation for travellers, but I do not think a board of three is required to attend to those duties. One man could do the lot. Although I favour the retention of the Licensing Board, I hope the reduction part of the business will be cut out.

HON. C. B. WILLIAMS (South) [4.50]: I have probably had greater occasion to visualise the work of the board than has either Mr. Brown or Mr. Harris, for the reason that before I entered this House it was my duty to travel a good deal through the outback districts. Although Mr. Harris and Mr. Brown represent a different province from mine we are all in the same district and live in Kalgoorlie within a mile or two of one another. Though the reduction board created some hardship in the first place, especially in the cases mentioned by Mr. Harris, the position was rectified somewhat and in their later decisions the board have awarded very fair compensation. I do not pay any attention to the municipalities of Kalgoorlie and Boulder and their complaints, voiced by Mr. Brown, Mr. Harris and other members, of decreased revenue through the closing of hotels. There are two municipalities and one road board to cater for the few thousand ratepayers of the goldfields, whereas a few years ago they had treble the number. It is a case of the blind trying to teach the blind how to carry on. The amount of revenue they have lost through the delicensing of hotels could have been saved tenfold by amalgamating the municipalities of Boulder and Kalgoorlie.

Hon. E. H. Harris: That is not provided for in the Bill.

Hon. C. B. WILLIAMS: I am not worrying about that; logic is logic. If the Kalgoorlie and Boulder municipalities are worried about the loss of revenue consequent upon the closing of hotels, they have the remedy in their own hands. They could have amalgamated and saved ten times as much as they have lost through the reduction of licenses, and the results to the ratepayers would have been much better. I represent as many ratepayers in Boulder as Mr. Harris represents in Kalgoorlie, in fact, slightly more. There were too many hotels in Kalgoorlie before the reduction and there are too many to-day.

Hon. J. R. Brown: No.

Hon. C. B. WILLIAMS: The hon. member resides in Perth, and I reside in Boulder. I repeat that there are too many hotels in Kalgoorlie and Boulder to-day. I do not say that out of any hostility to the hotel-keepers of Kalgoorlie and Boulder, most of whom I know personally.

Hon. J. R. Brown: They did not vote for you last time.

Hon. C. B. WILLIAMS: I do not worry about that; as a matter of fact they would sooner vote for me than for the hon. member. While Mr. Harris and Mr. Brown are endeavouring to stick up for them, they are blessing those gentlemen with a heavy stick, because they are the people who have paid money into the compensation fund and have suffered as a result of the tax during the last five years. I appeal to members on behalf of the licensees who have contributed to the compensation fund. Mr. Harris quoted the total in the fund as £13,700 and Mr. Lovekin said there was a supplementary amount of £7,000 for this year.

Hon. Sir William Lathlain: The people who drank the beer provided that money.

Hon. C. B. WILLIAMS: Yes, the people who drank the beer provided it through the medium of reduced pots. They would have drunk more and paid less had they been supplied with bigger pots. The people who drink the beer have to provide the money for the compensation fund, not the hotel-keeper or the brewer, but any man who buys beer does not worry about that so long as he is satisfied with the beer. I wish to appeal for a continuance of the reduction work of the board. I am prepared to move an amendment that will prevent the money going to the Government. It is not fair that

the £13,000 or £20,000 should be mopped up by the Government.

Hon. E. H. Harris: Give it to charities.

Hon. C. B. WILLIAMS: No, give it to the people who paid it in.

Hon. W. T. Glasheen: Then, according to your statement you should give it back to the people who drank the pots.

Hon. C. B. WILLIAMS: When those people drank their pots they were satisfied. The hotelkeeper is the man who is not satisfied, because he is the man who paid the money directly to the fund.

Hon. W. T. Glasheen: You just said the pot-drinkers paid it.

Hon. C. B. WILLIAMS: But they do not worry so long as they get the pots they want. In two years' time—I would make it two years for Kalgoorlie—probably more hotels will be closed down. Mr. Brown intends to go to the fields to-night and probably I shall do the rounds of the place with him and show him how business has depreciated with the hotels—but at his expense.

Hon. C. F. Baxter: You will not get around many of them.

Hon. C. B. WILLIAMS: Yes, we shall; I have a motor car. Mr. Brown will then probably realise that what I have said is correct. In 12 months' or two years' time the board could cut out three or four more hotels in the Kalgoorlie and Boulder districts. Neither Mr. Harris nor Mr. Brown has said that, though numerous hotels have been closed on the goldfields, only about one has been pulled down in Kalgoorlie's main street and none at all in Boulder's main street.

Hon. J. R. Brown: Oh, oh!

Hon. C. B. WILLIAMS: The Shamrock Hotel in Kalgoorlie was pulled down, but no other.

Hon. J. R. Brown: What about the Goldfields Hotel?

Hon. C. B. WILLIAMS: That hotel had done no trade for many years and it is a blessing it has gone, but I will give the hon. member that in also. That makes two.

Hon. J. R. Brown: That one is in the main street.

Hon. C. B. WILLIAMS: The Goldfields Hotel was against the Hannans-street station, right at the end of the town, and the Shamrock was at the other end of the town. How then can the town of Kalgoorlie be depressed through the closing of hotels?

Hon. J. R. Brown: They have all been turned into boarding houses.

Hon. C. B. WILLIAMS: And the buildings are in the same condition as when the hotel business was conducted in them. Why camouflage the position?

Hon. W. T. Glasheen interjected.

Hon. C. B. WILLIAMS: No. The people still drink the same quantity of liquor although they probably have to walk a few yards further than before to obtain it. I wish members to understand that though 49 hotels in the Kalgoorlie and Boulder districts have been closed, and the municipal rate collections have been depleted to that extent, the municipalities have the remedy in their own hands. They are carrying the same staffs as they had 18 years ago, whereas one-third of the number would be sufficient.

Hon. E. H. Harris: I do not think that is correct.

Hon. C. B. WILLIAMS: It is very little wide of the mark. We are to lose five Parliamentary seats on the goldfields on account of the loss of population. That is sufficient to show there must be similar loss to the municipalities. I am not exaggerating the position to the detriment of the goldfields people, but facts are facts. I give Mr. Harris credit for sufficient shrewdness to admit that if he wished to push up the value of property in Kalgoorlie and Boulder, he would advocate the amalgamation of the two municipalities. The Kalgoorlie municipality is the most financial of any in Australia; it does not owe a shilling. Why talk about the closing of hotels making any difference to the municipality? That knocks out the hon. member's argument in one hit. I could say much against the Licenses Reduction Board, more so than could any member present, because before I entered Parliament, duty necessitated my travelling through the outback districts. I could instance the closing of a hotel that meant a traveller had to carry on for another 70 miles before he could get a bed for the night. The Licensing Board has done that and I do not agree with such action. It was wrong. They have created a monopoly in the back country in hotels. They closed two hotels where there were three, and left one. They did that at Laverton, Morgan and Norseman. All the same, the bench have done good work except that they have not kept the State hotels up to the mark. For instance, they have made the ordinary hotelkeepers provide such things as mosquito nets, but where the State hotels were

concerned the bench did not worry about such trifles. I am asking the Honorary Minister to bear this in mind because probably in the near future I will have the pleasure of accompanying him to the State hotel at Gwalia.

Hon. A. J. H. Saw: The trouble is that the Honorary Minister does not visit the State hotels as frequently as did his predecessor.

Hon. C. B. WILLIAMS: Probably so. Still, he might see to it that the State hotels provide mosquito nets for their guests, just as ordinary hotels do. I wish to emphasise the fact that the hotelkeepers have themselves provided the money that is now in the compensation fund, and I remind hon. members that the only hotels that are likely to be closed in the future are those that are on the goldfields. Optimistic as I would like to be, I cannot but think that in two years' time, when tributing on the goldfields has gutted the mines, there will be another couple of hotels less there. One is the Court Hotel at Boulder, which has been profitable because "White City" exists opposite its premises.

Hon. E. H. Harris: That is the hotel the licensee of which said he was making £16 a week out of White City.

Hon. C. B. WILLIAMS: It is not fair to the hotelkeepers who in the past have put £13,000 into the fund, and who will put another £7,000 into it this year, that they should be deprived of the right of compensation from the fund in the event of any one of them being compelled to close down in 18 months' or a couple of years' time, close down even of their own volition.

Hon. J. R. Brown interjected.

Hon. C. B. WILLIAMS: Mr. Brown cites Kanowna. There is no analogy between Kanowna and the position as it exists to-day. When Kanowna was flourishing, there was no thought of the closing of hotels, and no provision was made. The hotelkeepers of to-day have made provision for compensating themselves, and those who have had their premises closed during the last three or four years have got out of the business pretty well. Some of them have had as much as £1,500 in compensation, and amounts have been paid for what could have been bought for less. Those people that did not put in correct returns and tried to dodge the Taxation Department, suffered, but those that put in their

returns correctly were liberally treated. Needless to say, during the last couple of years, the income tax returns of all those people were put in quite correctly, with the result that they all got decent compensation. Mr. Lovekin is anxious to amend the Bill to provide that it shall operate for only 12 months instead of two years. I do not mind that because at the expiration of the first year if it is desired to extend it for another year, that can be done, but my chief concern is with regard to the compensation fund, and I claim that the £20,000 belongs to the hotelkeepers of the State and not to the Government.

Hon. A. Lovekin: It could be made a trust fund.

Hon. C. B. WILLIAMS: Yes, that could be done, and then if the necessity should arise within the next two or three years to close a few more hotels on the goldfields, the licensees and owners should have their share of compensation from the fund. They would be as much entitled to it as others who have had their share out of it in the past. I am not making an appeal for any particular individual, but I do know this, that the only hotels that are likely to be closed in the future are on the goldfields—the Murchison and the Eastern goldfields. No hotels will be closed in the metropolitan area. Probably more hotels will be opened in this part of the State, and perhaps also in the agricultural areas. So I repeat that the only people that are likely to suffer will be the hotelkeepers on the goldfields. Some provision should be made for those who, in two or three years' time, may even find that their hotels will automatically close down.

Hon. W. T. Glasheen: They may all close after the 1930 referendum.

Hon. C. B. WILLIAMS: I am not worrying about what is going to happen in 1930. All the same, I am convinced that it will not be in the hon. member's time or even in mine that prohibition will take effect. I repeat that my concern is about the hotels that will close down in two or three years' time.

Hon. E. H. Harris: You are a greater pessimist than I thought.

Hon. C. B. WILLIAMS: I know what the position is on the mines and I do not try to gloss it over by saying that I know that something is so and so when I am well aware that it is not. Anyone with the slightest smattering of intelligence knows

that when the mining industry goes on tribute, it is the beginning of the end. I make that statement as a miner. Mr. Harris is an enginedriver, and probably does not understand.

Hon. J. Cornell: They begin to find gold when they start tributing.

Hon. C. B. WILLIAMS: They begin to clean up what is left, and the present position which is boasted and boomed about in Kalgoorlie, is the result of the gold that is being won by the tributers.

Hon. J. R. Brown: The companies did not know it was there.

Hon. C. B. WILLIAMS: They knew it was there.

Hon. H. Stewart: Like the Perseverance.

Hon. C. B. WILLIAMS: Yes, like the underground manager and his confreres who cleaned up the Perseverance. I might qualify my remark by saying that if any of the mines find new lenses of ore, they will be able to carry on. But knowing the number of men in the eastern goldfields to-day compared with the number two years ago, I am aware that the prosperity of Kalgoorlie to-day is 50 per cent. better than it was at that time, and it has been brought about by the money spent in the town as the outcome of tributing and not as the result of the number of men employed.

The PRESIDENT: I ask the hon. member to connect his remarks with the Bill.

Hon. C. B. WILLIAMS: I appeal to members, no matter what they may desire to do with the Bill, to safeguard the interests of those who are engaged in the liquor trade and to see that justice is done to them in the event of their premises being closed down in two or three years' time. I trust that those who are unfortunate enough to have their premises closed down, will be able to get their quota from the fund, just as others have done. The money does not belong to the State; it belongs to the trade. Mr. Harris will admit that and he will admit also that it is not fair that future hotels should be closed and receive no compensation.

Hon. E. H. Harris: The Bill provides that 2 per cent. shall cease to be paid after the end of this year.

Hon. C. B. WILLIAMS: That is all right, but there is £20,000 in the fund and that will more than pay compensation for all the hotels that are likely to be closed on the goldfields, say, in the next five years. I am

going to support the Bill with the reservation that I shall endeavour to amend it in the direction of conserving the fund in the interests of the licensed premises that may have to be closed.

HON. J. NICHOLSON (Metropolitan [5.12]: The vehement protest made by the hon. member who has just resumed his seat will no doubt stir members to a sense of their responsibility in connection with this measure. It appeared to me that he seemed to be under the impression that the compensation fund was really money belonging to the hotel licensees of the State. I direct attention to Section 97, Subsection 4, of the principal Act, which shows that the compensation fund would only be divisible amongst licensees in the event of prohibition coming about. The subsection reads—

If under Part VI. of this Act the proposal that prohibition shall come into force is carried, any moneys remaining to the credit of the compensation fund when the proposal takes effect shall be distributed by the board in its discretion amongst those licensees who have contributed to the fund and who have not received compensation under this part.

Hon. J. Cornell: As there will be no prohibition there will never be a distribution.

Hon. J. R. Brown: Is there no other proviso?

Hon. J. NICHOLSON: No. Therefore the claim that this money should be placed in a trust fund can scarcely hold. If prohibition should come in, then the money standing to the credit of that particular fund would require to be applied in accordance with the Act, unless, of course, the Act happened to be altered in the meantime. The principal object of the Bill is to continue the operation of that part of the principal Act which deals with the constitution or the continuance of the Licenses Reduction Board. Under the principal Act the first body to be appointed were the licensing magistrates, three in number. They continue and would not be affected even if the Licenses Reduction Board disappeared. The same magistrates are appointed the Licenses Reduction Board, with certain powers. I should like to add my tribute to the good work that board have undoubtedly done in improving the condition of the hotels and improving the conduct of persons in the trade. All will acknowledge that the board since they came

into existence have rendered exceedingly good service. I think the people of the State fully recognise that.

Hon. J. R. Brown: If you were a goldfields member you would not say so.

Hon. J. NICHOLSON: Clause 2 provides that Part V. of the Act shall continue in operation until the 31st December, 1930. Section 82 of the principal Act provides that this part of the Act shall come into operation on the 1st January, 1923, and continue in operation for six years but no longer. Merely as a matter of draftsmanship it would have been better, I think, simply to have struck out from that section the words "for a period of six years" and inserted the enlarged period, so as to have maintained that section. No doubt the wording of Subclause 1 will accomplish exactly the same thing. But when making an amendment which is really an amendment of Section 82, it might have been shown as a clause merely amending Section 82 and altering the period during which the Act shall continue in operation. Mr. Lovekin suggested it would be better to provide for an extension of only one year. There is a good deal to be said in support of that suggestion. It was indicated by the Minister when moving the second reading that really there will be no necessity, so far as can be seen, for any further reduction of licenses. Possibly there will be some work for the reduction board to do for a period, and probably one year would be ample for the purpose. And if at the end of one year it were found desirable to continue the Licenses Reduction Board as a board—of course the licensing magistrates will continue to hold office under the Act—the time could be further extended after the expiration of the year. I would ask the Minister whether it is intended to collect the fees that would be payable under the principal Act, and which in the ordinary course would accrue until the end of this year. In addition to the ordinary fee payable on the granting of a license, the licensees are bound to pay the 5 per cent. on the sales of liquor. That amount is assessed each six months. In addition, there is also the 2 per cent. payable in respect of the compensation fund. Is it intended to continue the operations of the Act and collect the fees until the end of this year? The proviso. I must acknowledge, states distinctly that it is not so intended. But seeing that this half year

is nearly expired, I am wondering whether the Government have it in mind to collect that sum and hold it for the time being. The licensees of hotels no doubt fully contemplated that the compensation fund would be payable until the end of the year. However, the proviso controverts that assumption. There will be six months accrued as at the 31st December. Obviously, if we pass that proviso, it will not be collected. I had the impression that everyone had intended paying up until the end of the present year, which has almost expired. If that is not intended, the proviso will stand. Subclause (2) of Clause 2 proposes to increase the 5 per cent. to 6 per cent. To that I am distinctly opposed. Some members have remarked, and I have seen it in the Press, that the Premier when moving the second reading in another place said that by repealing the section providing for the compensation fund of 2 per cent., and adding 1 per cent. to the amount payable under Section 73 by the licensee, really it was a fifty-fifty division. So far from that being so, actually it is the reverse. For this reason, that when a licensee holding premises at the present time entered into his lease with the owners of those premises, he did so with a full knowledge of the provisions of the Act. Probably every lease existing at present will be found to be a lease entered into since the passing of the principal Act. That being so, naturally the landlords when fixing the rent bore in mind the fact that under the Act there was a liability upon them to bear a proportion of the compensation fund of 1 per cent. Of course, when they recognised that, they passed on to the lessee whenever they could that extra burden of 1 per cent.

Hon. J. R. Brown: Under the Bill they are relieved of that.

Hon. J. NICHOLSON: No, I think the hon. member is under a misapprehension in regard to that.

Hon. J. R. Brown: I am not, but you are.

Hon. J. NICHOLSON: The hon. member is not seized of the position. If he will listen to me for a minute, he will realise that what I say is correct. When these leases were entered into, the owners of the premises bore in mind the fact that they had this obligation, and they fixed their rent accordingly, passing on the burden to the

licensee. And therefore he is bound to pay an added rent, no doubt commensurate with the extra obligation placed on the owner of the premises. It is proposed by the Bill that the compensation fund shall absolutely cease as from the end of the year. The position will then be that no relief will be given to the lessee of the premises. At present, as the principal Act stands, the lessee is entitled to claim a refund or deduction of 1 per cent. out of the 2 per cent. compensation fund paid by him. But if we wipe out the compensation fund, and if we place 1 per cent. extra on the licensee, the load upon the licensee or lessee of the premises will be increased without his getting any advantage, as he has at present, respecting the compensation fund. The whole burden of that 1 per cent. will pass over to the lessee or licensee, and the owner of the premises will cease to be liable for any contribution. If it is to be a fifty-fifty division, surely that 1 per cent. should be paid wholly by the owner and be deductible by the lessee from any rent payable by him; surely the whole of that, or at any rate one-half of it, should go back to the licensee, so that he would still get as nearly as possible a fifty-fifty division of this extra burden proposed to be placed on the lessee or licensee. This clause in its incidence would work out an injustice. Nobody wishes to see an injustice worked on anybody. I feel sure the owners of the hotels do not wish to see any injustice done. The effect of passing this clause would be that the owners of the hotels would be released entirely from any obligation to contribute any part of the compensation fund, and would still continue to draw the full rent agreed to between them and the licensees or lessees of the premises. And there would be no compensation or allowance made to the lessee. That being so, it seems to me that either there should be some proviso inserted here, making a more equitable adjustment between the owner of the premises and the lessee, or we should leave the amount, as was suggested by, I think, Mr. Cornell, at 5 per cent. as at present. Subject to these remarks, and possibly to offering some suggestions in Committee, I will support the second reading.

HON. H. SEDDON (North-East) [5.28]:

It seems to me the proviso to Clause 2, and Subclauses (1) and (2) of the same clause are entirely unnecessary. Members have

spoken of the operations of the Licenses Reduction Board and have paid a tribute to the work done by that board. When this section was introduced into the Act, I was inclined to query its effect as being introduced by those interested very largely in the trade. I have to admit that after five years' experience of the board the results have been entirely satisfactory. Not only have the Board eliminated many hotels that were entirely unnecessary, but they have raised the standard of accommodation and attention in other hotels, and the standard of new hotels, so that the entire community has benefited by their operations. I fail to see therefore that any reason has been adduced or advanced why they should not be allowed to carry on the good work.

Hon. Sir Edward Wittenoom: Simply because of the cost to the country.

Hon. H. SEDDON: It is more a matter of carrying on the work of closing hotels until 1930, when the next prohibition poll will be taken. Many opinions have been expressed in this House on prohibition. That question was an important factor in the last Presidential election in the United States. Whatever may be alleged against the people of that country, they cannot be accused of being either insane or fools, and yet the majority given to Mr. Hoover can be traced to the vote on prohibition. In the circumstances, and seeing that the people of that great country are so convinced of the advantages of prohibition, following the results achieved at that Presidential election, we might well continue the operations of the section which makes for the purification of the trade in Western Australia, and allow the board to carry on their work of reducing licenses until 1930 when our people will have an opportunity to express an opinion on this great question. A great deal of the value of the work of the board is due to the powers they hold to close hotels. If we are going to allow them simply to carry on and exercise what amounts to police duties only, and it is known that they are not going to close any more hotels, the value of their power will be minimised, if not entirely lost. By perpetuating the operations of Section 5 until 1930, which can be achieved by passing the first two lines of Clause 2 of the Bill, we shall be able to show the people of the State the benefits derived from a reduction in licenses for two years longer, show them the results of im-

proved conditions in those districts where licenses have been reduced, and further, that it will be possible to conduct a residential hotel on sound lines to which no one can take exception, and make for a better class of accommodation and the better conduct of the trade.

Hon. Sir Edward Wittenoom: What about the composition of the board?

Hon. H. SEDDON: In the circumstances I feel inclined to support the Bill up to the Committee stage in the hope that the operations of Part V. of the Act will be continued.

On motion by Chief Secretary, debate adjourned.

BILLS (3)—FIRST READING.

- 1, Reserves.
- 2, Lake Grace-Karlgarin Railway.
- 3, Hospital Fund.

Received from the Assembly.

BILL—HARBOURS AND JETTIES.

Second Reading.

Debate resumed from 28th November.

HON. J. NICHOLSON (Metropolitan) [5.37]: This Bill seeks to alter the liability of ship owners in a very important manner with regard to the loss or damage caused by a vessel when in charge of a compulsory pilot. Whilst there are certain provisions in existing Acts relating to harbours, jetties, river, shipping, etc., involving injury that may be done by vessels to jetties and other appliances such as buoys in the river, etc., when the vessel is in charge of a compulsory pilot it has been held by the courts that there is no liability for the damage done to any wharf or jetty so long as such vessel is in control of a compulsory pilot. There are many local Acts in force which contain certain provisions relating to injury to jetties, wharves, etc. There is such a provision in the Fremantle Harbour Trust Act, and the Bunbury and Albany Harbour Board Acts, as well as in the Jetties Act, 1926, which relates generally to any jetties or harbours which are not governed by any special Act. There are only three harbours, I believe, that are governed by special Acts, namely, Fremantle, Bunbury and Albany. There is one

comprehensive Act called the Jetties Act, 1926, which applies to all harbours. There is similar provision in this general comprehensive Act that there is in the Fremantle Harbour Trust Act and the other special Acts I have referred to. Section 36 of the Fremantle Harbour Trust Act, 1926, sets out that—

Where any injury is done by a vessel, floating timber, or material, or by any person employed about the same, to any part of the works or property of the commissioners—(1) The owner of such vessel, floating timber and material; and (2) in case the injury is caused through the act or negligence of the master of such vessel, or of the person having charge of such timber or material, the owner and also such master or person shall be answerable in damages to the commissioners for the injury, but the commissioners shall not recover twice for the same cause of action.

From this one would naturally say that if an accident takes place, the ship owner is liable. It has been held by the courts, not only in the Old Country where similar legislation exists, but also in our own High Court, that notwithstanding a provision such as this there is no liability where the ship is in charge of a compulsory pilot. In Western Australia the only vessels that require to engage a pilot, and are compelled to do so, are those from overseas. Coastal vessels, I believe, are all exempt. Ocean-going steamers must, when coming to any harbour here, engage a pilot and place themselves under his control before they can enter a harbour. An interesting case was decided by the High Court on a section somewhat similar to this. It was the case of the Townsville Harbour Board versus the Scottish Shire Line, Ltd. This was decided by the High Court on an appeal from the Supreme Court of Queensland. In the Harbour Trust Act there a section appears almost word for word in line with Section 36 of the Act to which I have referred. It was held there that there was no liability where the vessel, as was the case then, was in charge of a compulsory pilot. Once a pilot takes charge on the bridge, the master of the vessel has no voice in its navigation. It would obviously be unfair if through an error of judgment on the part of the pilot, the master could be held responsible.

Hon. E. H. Gray: Ship owners do hold the master responsible.

Hon. J. NICHOLSON: I believe that is so in certain cases. Some of these larger companies make it a condition of engagement with their masters that irrespective of

how an accident happens, whether it happens when the vessel is in charge of a compulsory pilot or not, so far as the company is concerned, the master must accept the responsibility. In the case to which I have referred the Townsville Harbour Board sued for damages, and an interesting argument took place on the law as it stood. The late Federal Chief Justice, Sir Samuel Griffiths, towards the end of his judgment, summed up the position in these words—

In my opinion the employment of a pilot by obligation of law cannot be held to distinguish in principle from *vis major*.

Through storm and tempest a derelict was driven on to the Townsville breakwater and the damage arose. The Chief Justice said—

In each case the owner is equally driven or compelled by necessity. In my judgment, therefore, apart altogether from the Act of 1911, the defendants are not responsible for injury done to the plaintiff's breakwater by the ship while in charge of the compulsory pilot.

That position of law exists here now. In a number of States, I believe, statutes have been passed to make the necessary provision fixing the liability on the ship owner or master whether or not the vessel is in charge of a compulsory pilot. When this Bill was brought forward, I was induced to ask the Honorary Minister certain questions, and I am obliged to him for having furnished full replies. I realise that the replies will provide a certain amount of argument for me in submitting my views on the Bill. My first question was—

Will the Honorary Minister furnish the name of the pilot or pilots in charge of the vessels referred to by him in his second reading speech on the introduction of the Harbours and Jetties Bill?

The reply was as follows:—

The names of the pilots in charge of vessels which caused damage to Fremantle wharves as previously stated were:—(a) On the 24th August, 1926, at night, R.M.S. "Orama" struck Victoria Quay while swinging, the cause being attributed to the failure of an officer of the ship in not informing the navigation bridge of the position of the ship's stern. Pilot, Captain H. V. Rivers. (b) On the 12th October, 1927, s.s. "Jervis Bay" struck Victoria Quay when berthing owing to a tow line parting and the ship's anchors being unskillfully handled by the ship's officers. Pilot, Captain H. V. Rivers.

Probably the vessel is 900 feet long. We all know that vessels are controlled from the bridge, and not from the stern. The man in charge on the bridge is the man respon-

sible, and not the man at the stern. How such an excuse as this could have been given passes my comprehension. I take it this happened in swinging the vessel. Surely the first thing to present itself to the mind of one who might be in charge of the vessel would be to estimate what space he would require for swinging a vessel of a certain length, before he would attempt to swing her a narrow harbour. The responsibility, if there was responsibility at all, would surely be with the pilot in charge on the bridge.

The Honorary Minister: Surely the hon. member would not suggest that a pilot should rely entirely upon his own judgment in a case of that kind?

Hon. J. NICHOLSON: The pilot should be the man to determine whether there was space sufficient in which to swing the vessel. Otherwise he should never have attempted to swing her. That resulted in damage to the steamer.

The Honorary Minister: He must rely on information supplied by the ship's officers. He is on the bridge the whole of the time, and it is necessary for the ship's officers to co-operate with him by giving him the necessary information.

Hon. J. NICHOLSON: I do not agree with that. A pilot or captain when in charge of a vessel should himself determine, before swinging the vessel, whether or not he has sufficient space in which to swing. However, we are not here to determine that question.

The Honorary Minister: But you want to be fair.

Hon. J. NICHOLSON: I wish to be perfectly fair to the pilot, but I say he was the man responsible and no one else.

Hon. Sir Edward Wittenoom: How can you reconcile a pilot and a captain being in charge at the same time?

Hon. J. NICHOLSON: I do not say that the master is in charge at the same time as the pilot. Once the pilot steps on the bridge, he is the man in control of the vessel.

Hon. Sir Edward Wittenoom: No, he is not.

Hon. J. NICHOLSON: He can refuse to listen to any suggestion from the captain. The captain has no voice in the control of the ship when it is in charge of the pilot.

Hon. Sir Edward Wittenoom: Pardon me, I know a little about the subject. That

is wrong. The captain can override the pilot if he sees the pilot is making a mistake.

Hon. J. NICHOLSON: The position generally accepted is that the pilot is the man in charge and not the captain.

Hon. Sir Edward Wittenoom: That is admitted.

Hon. J. NICHOLSON: The pilot in charge was Pilot Rivers. The Honorary Minister's reply continues—

(c) On the 4th May, 1928, s.s. "Surrey" struck Victoria Quay while berthing. The cause is attributed to the fact that all ordinary seamanship steps were taken to control the ship's movements but failed. The master of the steamer wrote to the trust exonerating the pilot from all blame. Pilot, H. V. Rivers.

(d) On the 29th June, 1928, s.s. "Moreton Bay" struck Victoria Quay when berthing. The cause is attributed to the fact that one engine was out of commission and could not go astern, and in consequence the ship had not the power to overcome a sudden heavy squall which struck her but drove her into the quay. Pilot, Captain W. R. Clack.

I do not intend to go through the whole of the replies. They have been laid on the Table, and any hon. member interested will have the opportunity of studying them between now and the next meeting of the House. The replies are of such a nature as to arouse a sense of deep anxiety in the minds of ship owners who have vessels calling at our ports. I think the Honorary Minister will find that the statement I am about to make is correct. It is that whilst in earlier years Fremantle enjoyed a considerable degree of immunity from accident, in more recent years Fremantle has unfortunately become rather disliked by owners of ocean-going steamers.

The Honorary Minister: I do not think that is quite correct. I hope the hon. member will be specific.

Hon. J. NICHOLSON: I am speaking on information I have received, to the effect that ship owners whose vessels visit our ports view the entry to Fremantle with a great deal of anxiety. Whether that is due to the state of the harbour or to the manner in which the vessels are piloted into the harbour is a matter to be seriously weighed by those responsible.

Hon. Sir Edward Wittenoom: There can be only one opinion about that.

Hon. J. NICHOLSON: And what is that opinion, may I ask?

Hon. Sir Edward Wittenoom: It is the way the vessels are handled.

Hon. J. NICHOLSON: Naturally, owners are watching the position closely. As every ocean-going steamer which visits Fremantle pays for pilotage about £42, and as mail steamers making the round trip pay £84 per voyage, it must be admitted that the pilotage dues are fairly heavy and demand competent seamanship and careful men as pilots.

The Honorary Minister: Is your suggestion that the pilots are not competent?

Hon. J. NICHOLSON: I should be very sorry to cast any reflection upon the men, but the recurrence of those accidents, and the seriousness of some of them, is such that shipowners view the position with grave concern. Steamers using the port of Fremantle are of considerable value, some of them having cost as much as £1,000,000 and some nearly £1,500,000, to which must be added the value of the cargo.

Hon. Sir Edward Wittenoom: Are you speaking against the Bill?

Hon. J. NICHOLSON: At present I am criticising it. Surely it is necessary that something should be done to safeguard the position more than has been manifested in recent years. Each of the last five years shows a continuous record of mishaps—mishaps that should not have occurred.

The Honorary Minister: That record is better than that of any port similar to Fremantle.

Hon. J. NICHOLSON: I will not offer any comparison in that respect, but it demonstrates that whatever is done, having regard to the high pilotage fees charged, we should assure that only highly competent men are employed to take charge of vessels of such immense value. If we can establish that our port is one of the safest for vessels to enter and that the pilots we have are men who are competent and most reliable, then our port will undoubtedly get a good name. Should a port have a bad name, freights to the port are influenced accordingly. It is strange to find out that the freights to Western Australian ports are considerably higher than those charged to other ports of the Commonwealth. That may be due to the fact that if the whole of a ship's bottom can be chartered, arrangements can be made for cheaper rates of freight. The fact remains, however, that the freights to Fremantle are higher than they are to other ports of the Commonwealth. Such a position must affect the people of the State as a whole, and it is

essential that steps be taken to improve the conditions, and to prevent a recurrence of mishaps that can operate only to the detriment of our chief port.

Hon. Sir Edward Wittenoom: Do you not think that once a pilot takes charge of a vessel, he should take the whole of the responsibility?

Hon. J. NICHOLSON: The proposal embodied in the Bill—

Hon. Sir Edward Wittenoom: Evades that point.

Hon. J. NICHOLSON: The effect will be to alter the liability. At present, if a compulsory pilot is in charge of a vessel, the liability rests with the pilot, but under the Bill it will be thrown on to the ship owner.

Hon. Sir Edward Wittenoom: It should be with the pilot.

Hon. J. NICHOLSON: The Bill will transfer that liability to the shipowner, notwithstanding that his vessel at the time of a mishap is in charge of a compulsory pilot.

Hon. Sir Edward Wittenoom: That would be very unfair.

Hon. J. NICHOLSON: I think the law should be left as it stands, because the present method is the fairest. Of course, if existing practices were altered so that those, who are to be made responsible under the Bill, shall have a voice in the appointment of the pilots, something might be said in favour of the Bill. I will remind hon. members of the experience of the Swedish ship "Lygnern." It is stated that she struck a submerged rock when being taken out of the harbour in charge of a pilot. It is a strange thing that our State legislation does not provide for an inquiry to be held into a mishap to a foreign vessel by a properly constituted board. In this instance, I believe an informal inquiry was conducted by the harbour authorities.

The Honorary Minister: Two inquiries were held, one by the Swedish Consul and the other by the Harbour Trust.

Hon. J. NICHOLSON: And it was held that the pilot was not to blame. If it could be done without conflicting with any Federal law, advantage might be taken of the introduction of the Bill to make provision for the holding of an inquiry by a competent board into mishaps that may occur to British or foreign vessels that come to our ports. At present it is not possible to hold such an inquiry where foreign ships are

concerned, although one can be held in regard to British vessels.

The Honorary Minister: It is provided for in the Commonwealth legislation.

Hon. J. NICHOLSON: That is so, but I was referring to the powers of the State. There is no reason for bringing the Commonwealth into a matter that can be legitimately dealt with by ourselves. Should a mishap occur to a foreign or a British vessel, I do not know that we should deny ourselves the right to hold a proper inquiry. Reverting to the experience of the "Lygnern," the vessel, when being taken out to an anchorage, was supposed to have struck a submerged object. The anchors were let go and, strange to say, although the vessel was in the vicinity of Beagle Rock and that she had apparently struck that obstruction, the anchor chains were paid out to such an extent that the vessel drifted back stern-on to Beagle Rocks. That such an occurrence could happen is serious from the standpoint of the port, and also casts a serious reflection upon the men appointed by the harbour authorities to act as pilots.

The Honorary Minister: Are you sure that the statement you have made is correct?

Hon. J. NICHOLSON: I am informed that that is correct. The vessel drifted stern-on to the Beagle Rocks and is now fast on those rocks. That statement can be checked and if it is not accurate, I will stand corrected.

The Honorary Minister: You said that a certain length of chain had been paid out.

Hon. J. NICHOLSON: From the information I have received, the vessel was allowed to be anchored in dangerous proximity to Beagle Reef, whereas she should have been taken some distance away from those sunken rocks.

Hon. E. H. Gray: Was that the finding of the board?

Hon. J. NICHOLSON: I do not care what the finding of the board may have been.

Hon. E. H. Gray: Are you expressing the opinion of a shore captain?

Hon. J. NICHOLSON: I have given the House the information I received.

Hon. Sir William Lathlain: At any rate, they have not been able to find any other submerged obstacle.

Hon. J. NICHOLSON: That is the astonishing thing. Although the "Lygnern"

was supposed to have struck a submerged object, the authorities have not been able to find any apart from the Beagle Reef, and the vessel is fast enough on those rocks.

The Honorary Minister: Is the hon. member aware that the master of the ship was perfectly satisfied with the position the pilot had placed her in?

Hon. J. NICHOLSON: Although the master of the vessel may have said he was perfectly satisfied, the fact remains that he was not in charge of the vessel when the pilot was on board. Surely there was but one man on board who was most competent to judge where the vessel should be taken, and that was the pilot. That is the man who must take the responsibility, if we are to keep the name of our port clean and reputable. There is only one way by which that can be done, and that is by maintaining our pilotage service on the highest possible plane. I would also like to refer to the experience of the steamship "Nirvana." The report on that incident reads—

On the 23rd February, 1926, s.s. "Nirvana" collided with steamer "Eburna" in Gage Roads owing to vessel failing to answer her helm. Very slight damage reported.

If that was the position, it is very strange that it took several thousands of pounds to repair the damage done to the two vessels. The extraordinary thing about that incident was that it was a calm day. There was but one vessel anchored in Gage Roads at the time, notwithstanding which the pilot in charge of the "Nirvana" chose to manœuvre his vessel in close proximity and the upshot was that the "Nirvana" struck the "Eburna." Had the latter been struck a couple of feet away from the actual point of contact, her tanks might have burst, with disastrous results. I think the "Eburna" was an oil ship. The extraordinary part of it all was that although the pilot had plenty of room to handle the "Nirvana" without coming near to the other vessel, the accident happened.

The Honorary Minister: What was the result of the collision?

Hon. J. NICHOLSON: The statement says that very little damage was reported. I am informed that it required over £3,000 for each vessel in respect of repairs. There was no chance of recovering damage from the pilot, and the owners had to shoulder the expense.

The Honorary Minister: It is strange that there was no report regarding that phase.

Hon. J. NICHOLSON: If the owners themselves were equally responsible for the engagement of the pilots, there would be some reason in the introduction of such a measure. The desire now is to saddle the owner with that liability. There is one other point: If that responsibility is to be placed on the shoulders of the owners, they should have some voice in the appointment of the pilots. At present those officers are appointed by the Governor-in-Council on the recommendation of the Harbour Trust.

The Honorary Minister: The procedure is set out in the report.

Hon. J. NICHOLSON: Yes, the procedure is as follows:—

The procedure for the appointment of pilots is that the vacant position is advertised throughout Western Australia, South Australia, Victoria, and New South Wales, the required qualifications, which are very exacting, being stated.

The applications received are placed in the hands of a special board of nautical experts under the Harbour Master, and the most eligible are placed before the board of Fremantle Harbour Trust Commissioners, with the whole of the applications received. The selected applicant has then to attend before a nautical board under the Harbour Master and submit to an examination in local knowledge. If that examination is satisfactory, the selected applicant serves on probation for six months, and if that period of service has been satisfactory, he is appointed by the Governor in Council, acting on the recommendation of the Harbour Trust Commissioners, as a pilot for the port of Fremantle, and furnished with his pilot's license. In calling for applications only the holders of Master Mariners' Square Rig Board of Trade certificates and pilot exemption certificate for Fremantle are asked for and considered. The age is limited to 45 years and medical and vision tests have to be satisfactorily passed. Each year the whole of the members of the pilot staff are examined medically and their eyesight tested.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. NICHOLSON: I was dealing with the accidents to the "Lygnern" and the "Nirvana." The "Lygnern" was reported to have struck a submerged object and was damaged. The "Nirvana," however, struck the one visible object in the roads, which was an extraordinary thing.

Hon. J. J. Holmes: What was the visible object?

Hon. J. NICHOLSON: Another vessel.

Hon. Sir William Lathlain: Which was the only one in the roads at the time.

Hon. J. NICHOLSON: That is so.

Hon. A. Lovekin: And she did £1,600 worth of damage.

Hon. J. NICHOLSON: No, several thousand pounds worth of damage was done to both vessels. Yet it was reported that the damage done was very slight. If the pilot of the "Nirvana" had managed to strike the other vessel a few feet lower down, it would probably have resulted in very serious damage. I referred to the question of the appointment of pilots and quoted the answers which have been laid on the Table. Those answers to the questions I submitted are well worth perusing. They all serve to show what I have already emphasised, that in recent years the port of Fremantle has become somewhat notorious for accidents as compared with former years. That is to be regretted.

Hon. E. H. Gray: Can you back up that statement by figures?

Hon. J. NICHOLSON: I refer the hon. member to the answers giving details of the accidents.

Hon. E. H. Gray: But there is a lot more shipping now than there was years ago.

The PRESIDENT: Order! The hon. member will have an opportunity to speak later.

Hon. J. NICHOLSON: In former years the management of shipping in harbours was a much more difficult problem than it is now, for the simple reason that nearly all big steamers now placed in charge of pilots have twin screws, whereas in former years, when there were fewer accidents, the steamers had only the ordinary single screw. Vessels nowadays are also much more easily controlled and managed, so I am informed, because of their modern equipment, than they were years ago.

Hon. J. J. Holmes: Two tugs are always employed now, one at the head and one at the stern.

Hon. J. NICHOLSON: Yes, the tugs are a very great help. The tug boats are more powerful and one is invariably placed at the bow and another at the stern. Consequently vessels entering the harbour nowadays are protected in every possible way. All that is needed is the exercise of correct judgment, and men capable of exercising correct judgment so that mishaps may be avoided and the port may have restored to it the good name it enjoyed previously. I am informed by shipowners who have to employ pilots that the name of Fremantle

as a port is sinking in their estimation. I regret to have to say that.

Hon. E. H. Gray: Someone is pulling your leg.

Hon. J. NICHOLSON: If the hon. member happened to be interested as an owner of some of the big vessels that come here and suffer damage and had to effect repairs at his own cost, he would be the first to cry out.

Hon. J. J. Holmes: That big steamer on Beagle Rock is a great advertisement for Fremantle!

Hon. J. NICHOLSON: I agree it is a bad advertisement. That stranding should never have happened.

The Honorary Minister: What bearing has that on damage to wharves and jetties?

Hon. J. NICHOLSON: Under Clause 2 of the Bill the owner of the vessel and the master shall be answerable for any loss or damage caused by the vessel, or by any fault of the navigation of the vessel, notwithstanding that it is in charge of a pilot and that pilotage is compulsory, unless it is proved that the damage was caused by the negligence of the pilot.

Hon. J. Cornell: The damage would be done to a jetty or wharf.

Hon. J. NICHOLSON: We have to bear in mind that the pilot is really a servant of the Government. He is appointed by the authorities on the recommendation of the Harbour Trust. No doubt the procedure set out in the answers tabled is followed.

The Honorary Minister: Are you inferring that the pilot was responsible for the accident to the "Lygnern"?

Hon. J. NICHOLSON: People competent to judge have informed me that, had they been in control of the pilotage of that vessel, they would never have attempted to take her so close to Beagle Rock that she would have struck a submerged object; they would have taken special precautions to avoid casting the anchor in close proximity to Beagle Rock. It is an acknowledged fact that the "Lygnern" is now hard and fast on Beagle Rock.

Hon. J. Cornell: In other words, it would not have happened had one of those critics been aboard.

The PRESIDENT: I must ask hon. members to allow Mr. Nicholson to proceed with his speech. If the debate is carried on in a conversational way, no progress will be made.

Hon. J. NICHOLSON: We have the good name of the port to consider and I am sure the Honorary Minister is fully seized with the importance of that. It is proposed by the Bill to throw on the master or owner the liability for all damage that may be done, and it will be necessary for the owner or master to prove that the damage was caused by the negligence of the pilot. We all know how difficult it is to sheet home a charge of negligence. It is one of the most difficult processes of law and one of the hardest things to prove in a court, unless the negligence was very culpable indeed. Undoubtedly there are many men expert enough to be able to draw a different conclusion from that drawn from the many accidents mentioned in the answers. How can the position be met? Only by leaving the law as it stands.

Hon. E. H. Gray: And letting the public pay.

Hon. J. NICHOLSON: It is not a question of the public paying. The Government should not appoint a pilot or retain in the service a pilot such as Rivers, who repeatedly had accidents.

Hon. G. Fraser: He is now out of the service.

Hon. J. NICHOLSON: He has been retired from the service. The accidents in which he was involved may have been due to the strain of long service, but the fact remains that, when a man is placed in a highly responsible position such as that of pilot in charge of a vessel of £1,000,000 to £1,500,000 in value—some with expensive cargoes would probably exceed that—he should have the highest qualifications and be in the highest degree expert in his calling. If the owners had to be fixed with the liability, as is proposed by the Bill, they should, in common justice, be allowed a voice in the selection of a pilot.

The Honorary Minister: Does that obtain in any other part of the world?

Hon. J. NICHOLSON: I believe that in other places the owners have a voice.

The Honorary Minister: Where?

Hon. J. NICHOLSON: I explained earlier in my remarks that the pilotage charges paid by a large mail steamer on a round voyage amounts to £84. No charge for pilotage is exacted from the owners of coastal vessels, whose masters are allowed to navigate their vessels into and out of port

under their own steam. The ocean-going vessels, however, must employ a pilot. That being so, it is reasonable to contend that the owners of vessels, who have to pay, should be represented on the board. Even if this proposal necessitates an alteration of the title of the Bill, I suggest that some provision should be made for the appointment of an independent board. It could consist of the Chief Harbour Master as the representative of the Government and representatives of the shipowners and other interests. These men would constitute an independent board and more faith would be placed in them. They would assume a greater responsibility and the appointment would greatly relieve the Government.

Hon. J. Cornell: They would not be infallible either.

Hon. J. NICHOLSON: But there would not be cause for so much complaint. The inquiries that have been made have been departmental and the Harbour Trust have really been responsible for the appointment of those who have carried on inquiries.

The Honorary Minister: They have no option.

Hon. J. NICHOLSON: I realise that.

The Honorary Minister: Why blame the Harbour Trust?

Hon. J. NICHOLSON: The men inquire into acts of their own appointees. There is great cause for concern on the part of the shipowners who are to bear the burden of the heavy losses. We must also remember that we are carrying the responsibility of the people of the State and those who trade with us, and we must do everything we can to maintain a good name for the port. The only way to do that is to exercise the greatest care possible in the selection of pilots and try to secure the maximum of high service. Personally I think the Bill should not be passed, but if the second reading be agreed to, I will feel compelled to move amendments in the direction I have indicated, even if these necessitate the alteration of the Title of the Bill.

HON. J. CORNELL (South) [7.49]: I do not intend to occupy the time of the House for so long as did Mr. Nicholson because, to my mind, the issue is very simple. The position to-day is that ships entering Fremantle Harbour engage pilots. It is compulsory for them to take a pilot on

board. If a ship, while in control of a pilot, does any damage to the wharf the obligation to pay for that damage is not on the shipping company. There can be no half-way house—either we must agree to the Bill or we must throw it out. It may be argued that because pilotage is compulsory and a ship gets out of control whilst in the hands of the pilot and does damage to State property, the shipping companies ought not pay. The fact remains that State property has been damaged. Things must remain as they are or the shipping companies must be held responsible for the damage. I intend to vote for the companies being made responsible for the damage. Mr. Nicholson drew a comparison with workers' compensation. If a workman in the course of his employment meets with an accident, that accident may have been due largely to his own carelessness, and it is not fair that the employer should pay compensation. The fact remains that the principle has been established and the onus of paying compensation is on the employer.

Hon. A. Lovekin: But the employer has a voice in the engagement of his workmen and the ship owners have no voice in the selection of the pilot.

Hon. J. Nicholson: A big difference.

Hon. J. CORNELL: You might also say that a soldier who goes to the war should have a voice in the appointment of a general. What sort of court would Mr. Nicholson set up? Would he give all nations representation on the board? All nations trade with us. The Japanese who trade with us would have as much right to have representation as would a British vessel. It seems antiquated to say that we should alter our method of appointing pilots and adopt the procedure under which ship owners would have a say in the appointments.

Hon. A. Lovekin: They have to pay.

Hon. J. CORNELL: We might also say that others should be entitled to have a voice in the appointment of medical officers and indeed in connection with many other matters. The hon. member's proposal is getting us back to the middle ages, if not to the days of the Ark.

Hon. J. Nicholson: I did not know they had steamers in those days.

Hon. J. CORNELL: On sentimental grounds it seems a monstrous act to say that a P. & O. liner calls at Fremantle and is forced to take on a pilot and that that boat then comes under the control of the pilot.

But why does the law of the land insist on that being done? Because the master of the vessel is not as conversant with tide, wind, weather and other conditions in the port as he is out in the open sea. The whole history of pilots never had for its origin the protection of property; it had for its origin the protection of life.

Hon. W. T. Glasheen: And do not ships count?

Hon. J. CORNELL: A ship would not count if it were not navigated properly. We could introduce a thousand and one parallel cases where property has to be subordinated to the public weal and the protection of life. If there were a half-way house, as I said before, I might agree to the proposal; but there is none. Either things must remain as they are or the responsibility for the damage done must fall upon the owners of the vessel.

Hon. J. J. Holmes: Where does the danger lie in Fremantle harbour?

Hon. J. CORNELL: There might be considerable damage done by a ship entering the harbour. Take the case of the "Greycliffe," the ferry boat that was run down in Sydney harbour by an ocean-going vessel that was in charge of a pilot and as the result of which there was a most appalling loss of life. I quote that case because Mr. Nicholson referred to the wrecked steamer "Lygnern" and said that some friends of his told him that that would not have happened if they had been in charge of the vessel. With regard to the "Greycliffe," that vessel was sunk by an ocean liner which was in charge of one of the most experienced pilots in Sydney. I intend to support the second reading for the reason that if damage is done to State property, the damage must be paid by someone.

Hon. W. T. Glasheen: By the people who pay the freights?

Hon. J. CORNELL: I do not see why the taxpayers of the State should be called upon to foot the bill. The shipping companies should be called upon to do so. They have all the protection to which they are entitled and they will not be culpable if the pilot be negligent.

Hon. A. Lovekin: The State can appoint any incompetent pilot who may wreck the ship and then not be responsible; is that your argument?

The Honorary Minister: I take exception to the remark that the State can appoint incompetent pilots.

The PRESIDENT: Does the hon. member rise to a point of order?

The Honorary Minister: Yes.

The PRESIDENT: What is it?

The Honorary Minister: I take exception to Mr. Lovekin's remark that the State can appoint incompetent pilots. The hon. member must know that the State does not appoint incompetent pilots.

Hon. A. Lovekin: I did not suggest that the State appointed incompetent pilots. I said that the State might appoint an incompetent pilot and that that pilot might wreck a ship and the State would call upon the owners to pay the damage. I merely suggested that, following on what Mr. Cornell said.

The PRESIDENT: The hon. member is disorderly in interjecting.

Hon. J. CORNELL: Assume for the sake of argument that an ocean liner comes into Fremantle and takes aboard a pilot. She does a certain amount of damage and in the natural order of things an inquiry will follow. If at that inquiry it be found that the accident was due to negligence on the part of the pilot, the shipping company will be exonerated. There is then only one place for the pilot. He goes on the road where he ought to be. He ought not to get another chance of piloting if he was negligent. That is all the protection that anybody could desire. Mr. Nicholson said that if a charge of negligence were laid it would be very difficult to prove. I am thankful to say I have never been in a court of law. If, as Mr. Nicholson says, a charge of negligence is very hard to prove in a court of law, then a man would never know how he would come out of such a place once he got in there. But if it be so difficult to prove a charge of negligence, it is a wonder Mr. Nicholson has not suggested the appointment of a board to prove negligence. He has suggested the appointment of a board to examine the pilots, and the corollary of that would be a board to prove negligence. I hope that, in Committee, Mr. Nicholson will put forward that suggestion as an amendment. Members should accept the inevitable in the Bill. It had to come. It is said that among the most liberal, broad-minded institutions in the world are the tribunals and authorities that operate in the Old Country. On the showing of the Honorary Minister, we have it that the Port of London Authority have decided to put this principle into operation. I understand that

for centuries the position in the port of London was as it is to-day in Fremantle. But now the Port of London Authority have decided that onus of damage should be upon the shipping company. That is all the Bill asks. The shipping companies have rights and so, too, has citizenship of this State. And when it comes to a clash of rights as between a company and the State, the advantage must lie with the State.

HON. SIR WILLIAM LATHLAIN (Metropolitan-Suburban) [8.4]: The Bill is of very great importance to the State, and it has gained in importance through the papers laid on the Table in response to questions asked by Mr. Nicholson. One has only to consider the list of accidents that have occurred at the port of Fremantle during the last few years to see how very serious those accidents have been. I do not propose to follow Mr. Nicholson into all the details, but of the examples quoted by the Honorary Minister in reply to the questions asked by Mr. Nicholson, the first two will do as well as the others. The first one was that relating to the "Orama." It may interest the Honorary Minister to know that the statement given here is a statement by the pilot who was in charge of the boat. That pilot reflects on the officer of the ship who, he says, should have informed him as to the position of the ship. But the officer has never been given an opportunity to reply to that statement made by the pilot himself, who was not cross-examined by those who would be interested. The same thing applies when the pilot, the same pilot, states that the second accident was due to a line parting through being unskillfully handled by the ship's officers. Those officers deny that anything was unskillfully done on their part. But they have never had opportunity to deny it officially.

Hon. A. Lovekin: And as a matter of fact the statement is not true.

Hon. Sir WILLIAM LATHLAIN: I am not saying whether it is true or not true, but I do say those ship's officers have never had an opportunity to reply to that statement because no proper inquiry was made at the time.

The Honorary Minister: To which cases are you referring?

Hon. Sir WILLIAM LATHLAIN: To cases (a) and (b) of the statement put forward by you. The second case is that of the "Jervis Bay." Most of these accidents

have been due to the one pilot. Nevertheless that pilot was allowed to carry on until August of this year. All the accidents that took place during his term were attributed to bad luck, and no action was taken. According to the Honorary Minister, Captain Rivers, finding his health and nerves were beginning to suffer from what he considered a run of bad luck he had experienced, resigned his position in 1928. I am inclined to support the remarks of Mr. Nicholson. For the Harbour Trust not only appoint the pilot, but when an accident occurs they hold an inquiry into the actions of their own employees. I have no wish to lay charges against the fairness of the Harbour Trust, but this matter is of such great importance that I say there should be an impartial independent body to appoint the pilots and also to conduct inquiries. The Chief Harbour Master, the representative of Lloyds and a representative of the interests of the ship owners, should constitute that board for the appointment of pilots and the holding of inquiries into accidents. And to that independent board I would add a police magistrate as chairman. Such a board as that would be entirely independent and would deliver its judgment without bias and without any question of holding an inquiry into the actions of its own employees. I have said that this is a matter of serious importance to the port. Most members will remember, that during the war period the "Ulysses" grounded in the harbour. It may interest members to know that in consequence of that mishap Holt's line did not allow another of their ships to enter the port of Fremantle for ten years. Surely in view of such an action on the part of a great company we should see whether our house is in order, and whether we have the best pilots and the best system. Considering the revenue the Fremantle Harbour Trust are making, they should be prepared to pay a big price in order to secure the best pilots in Australia.

Hon. E. H. Gray: They have them now.

Hon. Sir WILLIAM LATHLAIN: Well it is unfortunate that they should make so many errors. I agree that our port is suffering from insecurity arising out of the position set up by the entrance of the bigger ships.

Hon. W. T. Glasheen: Do you say the port is suffering?

Hon. Sir WILLIAM LATHLAIN: I say it suffered through the "Ulysses" being kept out of Fremantle for 10 years.

Hon. E. G. Gray: Did you say that none of the Holt's line steamers came here for 10 years?

Hon. Sir WILLIAM LATHLAIN: I say that the "Ulysses" did not come up here for 10 years after her accident.

Hon. E. H. Gray: Perhaps she was not on the Australian run during that time?

The Honorary Minister: But the hon. member distinctly said that none of the Holt's boats were allowed to come here for 10 years.

Hon. Sir WILLIAM LATHLAIN: If I said that I will withdraw it. The position regarding the appointment of pilots is wrong. It is wrong for the Harbour Trust, who are to employ those men, to appoint them without reference to others interested. Apart from the ship owners there is another section of the community, namely, the insurance companies, who are very largely interested in the appointment of pilots. Then there is Lloyd's representative, who also should be consulted. In my view not only the appointing of the pilots but also the holding of inquiries into accidents that may occur should be left to an independent body. Whilst it is competent for the Commonwealth Government to hold an inquiry into the grounding of the "Lygnern," yet the Commonwealth Government will not do it except at the request of the Government of the country where the boat is registered.

Hon. A. J. H. Saw: And the owner will have to bear the expense of the inquiry.

Hon. Sir WILLIAM LATHLAIN: That is so. I also take exception to another statement in those replies to questions. It is there shown that on the 23/2/26 the "Nirvana" collided with another steamer in Gage Roads owing to the vessel failing to answer her helm, and that very slight damage was reported. It is not fair to members to make a statement that very slight damage was done. I am credibly informed that the damage in the case of one boat amounted to £5,000 and in the case of the other to £4,000. Each of the owners had to pay his own costs.

And yet it is stated in the papers tabled that very slight damage was reported.

The Honorary Minister: That might be quite correct. Do you doubt the integrity of the Harbour Trust?

Hon. Sir WILLIAM LATHLAIN: I doubt the veracity of the statement that slight damage was done.

The Honorary Minister: You are casting a reflection on the integrity of those who compiled the report.

Hon. Sir WILLIAM LATHLAIN: No, but I am questioning the accuracy of the statement.

Hon. J. J. Holmes: Does £9,000 represent slight damage?

The Honorary Minister: It might have been reported that slight damage occurred, and the Harbour Trust could only pass on the information given to them. You should not take exception to a statement if you are not sure of your ground.

The PRESIDENT: Hon. members must allow Sir William Lathlain to proceed.

Hon. Sir WILLIAM LATHLAIN: I do not know who made the statement, but it is a serious one in view of the amount of the damage totalling £9,000.

Hon. E. H. Gray: Who is your authority for that?

Hon. Sir WILLIAM LATHLAIN: That does not matter.

Hon. J. Cornell: We now have two statements before us.

Hon. Sir WILLIAM LATHLAIN: I hope when the Honorary Minister replies he will set out clearly what the actual position is. The record of accidents quoted during the period mentioned in the reply given to Mr. Nicholson's question will convince members that there are more accidents than one would expect if matters were being properly handled.

On motion by Hon. A. Lovekin, debate adjourned.

BILL—DOG ACT AMENDMENT

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 2, 3 and 6 made by the Council, but had disagreed to amendments Nos. 1, 4 and 5 for the reasons set forth.

BILL—MUNICIPAL AND ROAD DISTRICTS ELECTORAL.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [8.20] in moving the second reading said: This Bill is introduced to liberalise the franchise for municipalities and road boards. In almost every country the tendency during recent years has been to liberalise the franchise of local authorities, more in line with the adult franchise for our Legislative Assembly, and that for the national Parliament, the House of Representatives and the Senate.

Hon. J. J. Holmes: The experiment in Sydney did not work out too well.

The HONORARY MINISTER: The franchise there goes very much further than is proposed in this Bill. Because it was liberalised in Sydney to that extent is no reason why we should not liberalise our franchise.

Hon. J. Nicholson: It was a lamentable experience.

The HONORARY MINISTER: That might have occurred even if the franchise had not been liberalised.

Hon. A. J. H. Saw: It could not happen in Perth.

The HONORARY MINISTER: It is possible that it could.

Hon. J. J. Holmes: The inference is that the further you go the worse you get.

The HONORARY MINISTER: The inference is that those people who are not possessed of property entitling them to more than one vote belong to the unlawful section of the community, and are more prone to disobey the law and take advantage of circumstances than any other section of the community.

Hon. A. J. H. Saw: Having a bigger interest at stake, they return better members.

The HONORARY MINISTER: I do not know that I agree with that statement. Because a person possesses property giving him the right to a larger number of votes than another who possess less property, it does not mean that the former will be more law-abiding than the latter, nor does it mean that we shall get the best selection from men of that class. I do not know that the hon. member can quote any particular instance.

Hon. J. Nicholson: What is wrong with the present system?

The PRESIDENT: Hon. members must allow the Honorary Minister to explain the Bill without these constant interruptions.

The HONORARY MINISTER: A very few people are enabled to exercise an influence on the policies of local authorities as compared with the larger number of citizens who are equally as estimable as those who make up the smaller section.

Hon. Sir William Lathlain: That statement is not founded on fact.

The HONORARY MINISTER: I shall be pleased if the hon. member will show me where that is not so. One person may record a large number of votes for some particular candidate for the position of councillor. A citizen of Perth may have two votes in each ward. According to the number of wards in the municipality he may have that number of votes multiplied by two.

Hon. J. Cornell: According to the number of votes he gets, so does he pay his rates.

The HONORARY MINISTER: Because one man pays £100 in rates, he should not be entitled to so many more votes than he who pays only £10.

Hon. J. Nicholson: What about the shareholders in a company?

The HONORARY MINISTER: The position of shareholders varies according to the constitution of the company. Some work on co-operative principles and very little distinction is made between shareholders, no matter how many shares each may possess. It would be better if we worked generally on that co-operative principle.

Hon. Sir William Lathlain: Does "The Worker" newspaper adopt that system?

The HONORARY MINISTER: Its articles of association provide for quite a different procedure from that which is adopted in the hon. member's business. The law to-day governing road board districts provides for plural voting to the extent that some people may have four votes, while others may have only one. That is decidedly unfair.

Hon. W. T. Glasheen: What do the road boards think of it?

The HONORARY MINISTER: In this democratic age there should be no need for plural voting. That has been recognised in many countries. In some of the States of Australia the franchise has been liberalised and plural voting has been done away with. The Old Country has always been regarded as a conservative place, and yet it is long since plural voting was abolished. The Bill

provides that a person may have one vote for a municipality and one for a road board district, instead of a number of votes up to two in the case of a municipality (two for each ward for which he holds a qualification) and four in the case of the election of mayor, and a plurality of voting in road board districts. The interests of the man who has only one vote are just as vital as in the case of he who has a larger number. If we desire to be fair, we should give to the great majority of those who are residents of municipalities equal rights with each other. So long as they have that qualification, they should one and all be entitled to record their votes on one value. Because one person owns more property than another he should not be entitled to a larger number of votes.

Hon. J. Nicholson: Does the Bill limit a man's votes to the estate he has in one municipality?

The HONORARY MINISTER: No. In whatever municipality he has a vote he will have one vote and only one.

Hon. J. Cornell: Logically, he should have only one in one municipality.

The HONORARY MINISTER: One may carry the matter to its logical conclusion in that way, but we are not at present proposing to go so far. We are advocating what has been in vogue in Great Britain for many years, and what is in vogue in New Zealand, New South Wales, and Queensland.

Hon. Sir William Lathlain: What about Victoria?

The HONORARY MINISTER: In Victoria plural voting still exists, but not in the same way as here. If hon. members desire the information, I can give it to them in regard to each of the States. I do not think that necessary, because the information has already been given here repeatedly. At present, in Western Australian municipalities a man with property not exceeding £25 in value has one vote for mayor, and if the property exceeds £75 he has four votes. I contend that the difference of £50 should not be taken into consideration at all. As regards councillor, property not exceeding £50 in value entitles to one vote, and property over £50 to two votes.

Hon. W. T. Glasheen: But the man has one vote in every ward.

The HONORARY MINISTER: That is so.

Hon. W. T. Glasheen: That means eight votes for councillor, as against four for mayor.

The HONORARY MINISTER: As the law stands, a citizen may have two votes in each ward of his municipality. That is not fair. With reference to mayor, it is possible for a citizen to have up to four votes, but not more. In road districts, property of an unimproved capital value not exceeding £150 entitles to one vote, not exceeding £300 to two votes, not exceeding £600 to three votes, and over £600 to four votes. In the case of annual value, not exceeding £10 entitles to one vote, not exceeding £25 to two votes, not exceeding £50 to three votes, and over £50 to four votes; provided that the aggregate number of votes for any such person shall not exceed four. The time has arrived for placing the franchise on a more democratic basis. As regards the Legislative Assembly, a person can only be registered for one particular electorate. In the case of the Legislative Council, which has a recognised property franchise, a person may hold property in every province of the State but can exercise only one vote. The difference between what one man pays in rates and what another man pays should not be the deciding factor as to voting strength.

Hon. Sir William Lathlain: If a man invests his money in a company, he gets the same proportion of votes.

The HONORARY MINISTER: I do not think an analogy can be drawn between a company and a municipality or a road district from that aspect.

Hon. V. Hamersley: It amounts to the same thing.

The HONORARY MINISTER: I do not propose to state the conditions prevailing in each of the Australian States. I may repeat that as regards Great Britain, New Zealand, New South Wales, and Queensland there is provision for one vote only, and no more, as regards the election of local authorities. In the other Australian States plural voting does exist, but not to the same extent as here. I believe I am correct in stating that Australia is the only country in the world which retains plural voting, although in some of the Australian States it has been abolished.

Hon. J. Nicholson: And we have reached a high standard in municipal management.

The HONORARY MINISTER: I think we have something to be proud of as to

some of our municipalities, but that does not mean that it would be a retrograde step in municipal life to liberalise the franchise. The passing of the Bill will give another section of the community a larger interest in municipal life.

Hon. J. Nicholson: Have you ever attended a ratepayers' meeting?

The HONORARY MINISTER: I happen to be a municipal councillor. As such I know a little about the conduct of municipal business, and I see no particular risk in liberalising the franchise.

Hon. H. A. Stephenson: Are your council in favour of this Bill?

The HONORARY MINISTER: I do not know whether they are or not. However, the people who returned me to the municipal council are in favour of it.

Hon. H. A. Stephenson: Can you give a rough guess as to the municipal council?

The HONORARY MINISTER: Yes; and it is that the council are in favour of the Bill. I do not think the measure calls for further explanation from me at the present stage. I submit it in all seriousness, believing that the time has arrived when we should be prepared to liberalise the franchise for local authorities. I trust hon. members will give the measure every consideration, and I have much pleasure in moving—

That the Bill be now read a second time.

HON. A. LOVEKIN (Metropolitan) [8.38]: I have looked at the Bill, and it appears to me much too democratic for this House at the present time. Hon. members know that the first part of the measure provides for the abolition of ward voting, and limits the voting of a ratepayer who has property in, say, eight wards of Perth, to one vote in one ward, and he must elect as to which ward he will vote in—and this although he is contributing to the rates in each of the eight wards. The second part of the Bill, referring to ratepayers generally, provides that notwithstanding the amount of rates any person may pay, we have to get down to the level of one vote, one value. When the Bill was introduced I took the trouble to make some investigations. I have not much to show as the result of a tremendous lot of work, but I will give the result to the House. Taking the last mayor's roll for Perth I find that there were on it 21,647 ratepayers. I took out from that lot the number who had four

votes, and the number is 1,812. Out of the 21,647, 1,812 have the four votes, which fact at once dispels the Honorary Minister's contention that these gentlemen with four votes dominate the situation.

The Honorary Minister: That is equivalent to 50 per cent. of the balance.

HON. A. LOVEKIN: The total rateable value of the city, and of the whole of 21,647 ratepayers, is £1,299,000.

HON. W. T. GLASHEEN: Would they sell out for that amount?

HON. A. LOVEKIN: Possibly not. They might want a profit. Of the £1,299,000 total rateable value, the ratepayers with four votes have £556,977. So that 8 per cent. of the ratepayers contribute 43 per cent. of the rates. And the Bill wants to lessen their representation below that! I do not think this House can listen to such a proposal. The investigations I made were interesting, because on page 30 of the roll I find the name of a gentleman who some time ago was a member of this Chamber—Mr. Harry Boan. On that page there were 53 ratepayers. Mr. Boan's rateable value was £13,286, and for that he had four votes. The next name to Mr. Boan's was that of a Mr. Boar, who had a rateable value of £35, entitling him to two votes. The next ratepayer had a valuation of £2, and he had one vote. On the same page there were rateable values of £2, £3, £5, £3, £5, £4, £7, £8, £9, £4, £5, £8, £7, £4, £8, £8, and £8. The total rateable value of the 57 ratepayers on that page other than Mr. Boan, was £2,970, and they had in the aggregate 106 votes as against the four votes Mr. Boan had for his rateable value of £13,286. It is apparent to hon. members that the Honorary Minister wants to proceed regardless of the capacity, or the payment on property, of the particular ratepayer. In other words, the Bill comes back to what is commonly called mob rule. I do not wish to take up the time of the House further, but I do not believe that hon. members will want to discuss the Bill to any great extent. Therefore, in order to shorten the proceedings, I move an amendment—

That the word "now" be struck out, and "this day six months" added to the motion.

HON. H. A. STEPHENSON (Metropolitan-Suburban) [8.43]: I move—

That the question be now put.

Motion put and and negatived.

HON. J. CORNELL (South) [8.44]: I wish to offer a few remarks on the amendment. Our first guiding principle should be to conserve the interests of those whom we represent, or are alleged to represent. The effect of carrying the amendment will be the rejection of the Bill. I happen to represent one municipality and part of another municipality, which the passage of this measure will not affect, because those municipalities have no ward system. The greatest number of votes any ratepayer in them can have is two for councillor and four for mayor.

HON. E. H. HARRIS: Do you say the Bill will not affect them?

HON. J. CORNELL: No. I have several road boards in my province, and, generally speaking, many of the people there are not wealthy enough to have a vote, so that it will not affect them. In my opinion the passing or rejection of the Bill will not make a bit of difference in municipal government or in road board affairs. Mr. Lovekin quoted the position of Mr. Harry Boan and that should be sufficient to show what the effect will be. Mr. Boan has all his eggs in one basket and if the Bill be agreed to, he will have one vote as he has all his property in one ward.

HON. A. LOVEKIN: No, he has not all his property in the one ward.

HON. J. CORNELL: That was the case the hon. member put before us. He showed that Mr. Boan, with a rateable value of £13,000 odd, had four votes, whereas others had many more votes between them, although the total rateable value of their properties represented but a fraction of that of Mr. Boan's property. If Mr. Boan had his property values spread through the different wards, he would have a total of 16 votes, but only four for mayor. The principle suggested by the Honorary Minister regarding a property vote for this Chamber, would make up the number of votes for this part of the Legislature to ten. That would be the maximum, if a person possessed the qualification in each of the ten provinces. An individual could be qualified 50 times over in one province, but he would still have one vote. If it is reasonable to elect members of this Chamber on the basis of one vote, it should be quite reasonable to elect mem-

bers of municipal councils and road boards on the same basis.

Hon. A. Lovekin: But you are not paying rates for your vote for the Council.

Hon. J. CORNELL: I think there is a good deal of the bogey in the talk about the nigger in the woodpile on the part of those who have spoken to the measure. In my opinion the procedure under the Bill, as opposed to that obtaining at present will not make the slightest difference to the personnel of municipal council's or road boards. Local government is a thing apart from State or Federal politics. No better illustration of the effect of the intrusion of party politics into municipal government can be found than in my own home town. One party has captured the whole representation, and now they are falling out among themselves. With that solitary exception, party politics in municipal life has made but little progress. As a further illustration, I can mention the Senate vote in New South Wales. The Labour Senators topped the poll, and yet within ten days at the municipal elections the Labour candidates were routed. The same thing happened in Queensland. People take a totally different view of municipal politics compared with State or Federal politics.

Hon. J. J. Holmes: There is no payment of members.

Hon. J. CORNELL: No, and they have to look after themselves more. Then, again, one cannot vote unless he pays rates.

Hon. W. T. Glasheen: Do you think adult franchise has bettered Parliament?

Hon. J. CORNELL: If Mussolini were here for a while, I think he might do some good. He would put some of us in our places if we got out of order. I will not discuss the question whether adult franchise has improved Parliament. For a long time, my opinion has been that Parliament is what the people make it, and the people deserve what they get.

The PRESIDENT: Order! We are not discussing that phase.

Hon. J. CORNELL: No, but Mr Glasheen drew me off the track.

The PRESIDENT: I ask hon. members not to interject.

Hon. J. CORNELL: I can see that no danger can arise if we pass the Bill. When adult franchise was gained, the end of the world was predicted. When women were

given the vote, people said something awful would happen. When women were given the right to enter Parliament, it was said that they would swamp the Legislature, but, in point of fact, very few have entered Parliament.

HON. SIR WILLIAM LATHLAIN (Metropolitan-Suburban) [8.55]: I shall oppose the Bill because I regard it as one of those endeavours that are constantly being made, not only to lower the franchise, but to place us in a similar position to that obtaining in Sydney.

The Honorary Minister: Poor old Sydney!

Hon. Sir WILLIAM LATHLAIN: I will give an illustration that I placed before members on a former occasion. In Sydney, D. & W. Murrays have a warehouse worth upwards of £250,000. Alongside that warehouse is a very old and dilapidated building used as a lodging-house. It is probably worth what could be obtained for the land, for the building is not worth anything. Under the existing franchise in Sydney, D. & W. Murrays have one vote, whereas the old dilapidated building alongside represents as many as 70 votes. That gives an indication of what a departure from our present system would mean to us. I am probably the largest ratepayer in the City of Perth, and I have a number of votes for the premises I lease. There are 70 tenants of rooms in the premises I lease, and they have votes for the parts of the building they occupy. I live in West Perth and pay rates on my property there. If the Bill be agreed to, I shall have to decide whether I shall protect the city property of which I hold the lease, or whether I shall do my best for the district in which I reside. I do not think that is a fair proposition. The Honorary Minister has decried the man who pays heavy rates as against the man who pays a small amount. I would remind the Honorary Minister that there is more than that in it. There is the right we have to select councillors to represent the various wards and also to give the council power to borrow money from time to time. I would not like to see any departure from the present municipal franchise. Mr. Lovekin has shown that plural voting has not had such an effect upon the position as one would think from the Honorary Minister's remarks. Mr. Lovekin pointed out that on the ratepayers'

roll for the election of the Mayor of Perth there were 21,600 ratepayers, of whom 1,800 had four votes. When one considers the enormous value of the properties at stake, I do not think that number of votes can be regarded as very many. I do not think much will be gained by further considering the Bill, because we have had legislation of this description before us on previous occasions. The same arguments have been used before, and they are being repeated. In the circumstances I shall support the amendment moved by Mr. Lovekin.

HON. A. J. H. SAW (Metropolitan-Suburban) [8.58]: I support the amendment. I am not at all concerned as to whether the Bill is more democratic or more logical than the existing system. What I am concerned with is the efficiency of the working of the various systems. I maintain that the present system gives good practical results. Throughout Western Australia we have had indicated a very clean system of municipal government, and whether it be a municipal council or a road board, I think the results have reflected much credit upon those who elected the people and upon their representatives. That being the result of the present system, why should we change it? Undoubtedly there are some inequalities in the existing system. For instance, a man may own considerable property on which he pays the rates and yet he has not a vote because all his property is let to tenants and they it is who get the vote. Nevertheless, the present system gives good results and so I think it ought to be maintained. As to the question of plural voting in relation to the office of mayor, I do not think that is anything this House should cavil at. We have had as mayor of the city several gentlemen who have been chosen by the electors to represent them in this Chamber. We have here this evening three former mayors of Perth. Since this present system gives such good results, why should anyone cavil at it?

THE HONORARY MINISTER (Hon. W. H. Kitson—West—on amendment) [9.2]: For long I have been struck by the reactionary opinions of some members of the House but I never dreamt that we had members so reactionary as to be prepared to move that such a Bill should be read this day six months.

Hon. Sir William Lathlain: Well, what is the use of wasting time?

The HONORARY MINISTER: Probably the hon. member is of opinion that a majority of the Chamber will agree with him.

Hon. J. Cornell: I think it is the best way to dispose of it.

The HONORARY MINISTER: I do not think we have many members who would be prepared to take that attitude in this Chamber. I agree with Dr. Saw when he says there are certain illogical phases of the present system. He quoted the instance of a property owner whose property is let to tenants, to whom the votes go instead of to the owner. I do not think there are many such instances. But there are quite a few instances of this kind: One man may own a highly valuable property in one ward and have votes for that one ward only, while another property owner may have property of much lesser aggregate value scattered over several wards of the municipality and in consequence he has more votes than the first property owner. That is illogical and cannot be defended, whereas the position put forward in the Bill is a reasonable one and has some regard for the great majority of people rather than for a small section only. Some members like to quote examples of what has happened in other places where a liberalised franchise obtains. Quite a number of members like to quote Sydney.

Hon. Sir William Lathlain: You quoted Sydney.

The HONORARY MINISTER: I did not; I quoted the State of New South Wales. Other members quoted Sydney and with glee, on the assumption that if the same franchise is given in another part of Australia the same state of affairs will exist. May I ask those members why they must bring in the circumstances that have occurred in Sydney as associated with the Labour Party? Take the case of Maling.

Hon. E. H. Harris: Nobody has been attacking the Labour Party.

The HONORARY MINISTER: References have been made to it during this debate.

Hon. J. Nicholson: I did not hear them.

The HONORARY MINISTER: And from the utterances of several members on other measures, we know that that is the main bone of their contention.

Hon. J. Nicholson: Oh no! be fair!

The HONORARY MINISTER: I am trying to be fair. Members of this Chamber hold up the position in Sydney as a reason why we should not liberalise the franchise in Western Australia. During the course of the debate they quoted the circumstances that occurred in Sydney as a reason why we should not liberalise the franchise here. Consequently we can assume only one thing.

Hon. J. Nicholson: It is quite a wrong assumption.

The HONORARY MINISTER: Very well. Let us take the comparison a little farther. Because this has happened in Sydney where they have adult franchise, let us compare their position with the position in other parts of the world. Mr. Gray suggested Glasgow, one of the finest examples of municipal government in the world, where they have adult franchise. Take the London County Council. Can any better example be shown? Is there any municipality in Australia that can approach the London County Council or the Glasgow Corporation?

Hon. A. Lovekin: Surely the conditions are quite different.

The HONORARY MINISTER: They are different to this extent, that those authorities in the Old Land are charged with far bigger responsibilities than any municipality in Australia.

Hon. A. Lovekin: And all pay about the same rates.

The HONORARY MINISTER: That is not correct. There are just the same divisions in those municipalities as are to be found here; there are large property owners and small property owners both in the Old Country and in Australia. Take any of those municipalities; take Manchester, Liverpool, Leeds or Sheffield, and it will be found their responsibilities are about equivalent to those we have in this Chamber. As a matter of fact, some of them are carrying more responsibility than we do. Yet some members here would say that if we broaden the franchise it will be a retrograde step. I am concerned only with the right of every individual. I claim that no individual, merely because he happens to own more property than another, has any more rights in the community than his fellow-man. By broadening the franchise we shall create a greater interest in municipal life.

Hon. E. H. Harris: Are the Government carrying out that practice in their own party?

The HONORARY MINISTER: I am not referring to parties. There again we have a member introducing party into the debate. I do not desire to do that. I say that from the academic point of view we should give every man the same right in all matters of local government. There should be no distinctions. Everyone that has an interest in the country is entitled to a vote and to just as big a say in local government affairs as the other fellow who may be possessed of more of this world's goods.

Hon. A. Lovekin: Why does not that practice obtain in a union?

The HONORARY MINISTER: It is remarkable how some members want to bring in extraneous matters. Quite a large number of ratepayers are not members of any union, and are entitled only to the same voting as members of unions, whilst others, members of unions, are entitled to a larger number of votes than many of their colleagues. So I do not see the application of the interjection. In our present-day communities there should be no distinctions such as we have. If a man is qualified to record a vote for municipal government he should be on an equality with his fellows. That is all we desire to obtain by the Bill. I hope the amendment will not be carried.

On motion by Hon. J. T. Franklin, debate adjourned.

BILL—EDUCATION.

Assembly's Message.

Message from the Assembly received and read, notifying that it insisted upon its amendment No. 3, to which the Council had disagreed.

BILL—POOR PERSONS LEGAL ASSISTANCE.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [9.12] in moving the second reading said: All over the world, in Great Britain and the Australian States the practice has gradually arisen of making

provision by statute for the defence of persons and the conduct of legal proceedings on behalf of persons unable to find the necessary means to proceed in courts of law. Although different methods are followed in the various states, practically the same result is sought and that is, in criminal cases to defend persons without sufficient means and in civil cases to conduct proceedings on behalf of destitute persons whether they are suing or being sued. In Great Britain the matter is placed by the Government in the hands of the law societies, which have provided the necessary machinery and roster, with country branches, and which receive a small subsidy from the Government to meet whatever expense is unavoidable. In New South Wales there is a public solicitor appointed, who looks into cases and advises the Minister as to whether he considers the case is a deserving one for Government assistance, and, if so, the case is taken up on behalf of the destitute person. The Act is more or less an enabling Act and all the details are carried out by regulations. This is considered by our Crown Law Department to be unsatisfactory because there are two sets of regulations, one made by the supreme court judges and the other by the district court judges, and they do not synchronise. In Victoria also a public solicitor has been appointed and where he considers there is a good case he, or some other solicitor, is appointed by the Minister to act on behalf of the poor person. In Queensland the same procedure is followed, except that the provision is made under the Public Curator's Act, and it is the Public Curator who, if required by the Minister, provides assistance in civil cases. There is also a public defender appointed for criminal cases. In South Australia a public solicitor has been appointed, but the Act is considered faulty and incomplete by our Crown Law Department. In Western Australia we are at present acting under old and obsolete rules of the Supreme Court as far as civil cases are concerned, the rules being faulty inasmuch as they provide that the poor person must obtain first of all a certificate from a lawyer that he has a good case, and as that lawyer is invariably appointed and receives no fees, there may be a suspicion that the person in question will have a difficulty in obtaining a certificate, and therefore will not be able to secure a defence of his position. It has been decided, therefore, to in-

troduce legislation to deal with the position, and this Bill was framed after careful consideration of all the legislation in force in the Eastern States. The Bill proposes that following the practice elsewhere a poor person shall mean a person who is not worth £50, excluding wearing apparel, tools of trade, etc., and who has not earned the basic wage during the previous twelve months. It is provided that a qualified legal practitioner shall be appointed the public solicitor, who shall report to the Minister in charge of the Crown Law Department, and advise on applications submitted for consideration. There may be no necessity to make this appointment here.

Hon. J. Cornell: There is a necessity for it.

The CHIEF SECRETARY: The Law Society of Western Australia has offered to prepare a scheme to provide the requisite legal assistance.

Hon. J. Cornell: There is a necessity for the appointment up to the time when that is done.

The CHIEF SECRETARY: It is a most generous offer. It reflects great credit on the Bar of this State, and there is little doubt that the proposal will be such as will be gratefully accepted by the Government. But for the purposes of an explanation of the Bill I have to assume that a public solicitor will be appointed. There is provision in that respect in the measure. On the criminal side, persons unable to pay for their defence can lodge with the Minister an application on the prescribed form, and the public solicitor will inquire into the matter, and if he certifies that the case is a bona fide one and should be defended it will be taken charge of by the public solicitor. Where two or more persons are committed jointly for the same offence he will also consider whether their defence can be conducted by the same solicitor, and if not, whether some second solicitor should be appointed to defend the second person where their interests clash, as is often the case. In such circumstances it would be advisable to appoint a second solicitor for the occasion. On the civil side the Rules of the Supreme Court already referred to are extended to apply to persons being dealt with under this measure. The anomaly, which has previously existed through their having to obtain a legal practitioner's certificate that the case is a fit one, will be removed by the fact that it will be the public solici-

tor and not an outside solicitor who will officially decide the question. On application being made the matter will be referred to the public solicitor, and according to the requirements of the case the public solicitor or some other legal practitioner will be assigned by the Minister. Where both parties to an action are poor and unable to obtain legal assistance, then both parties can be assisted, under the Bill, but some other practitioner will of course have to act for the second party. The same provision applies to appeals. Where costs are recovered by a person whose case has been conducted as a poor person the costs will be paid to the Crown as a recoup to Crown expenditure. If in any civil proceedings taken on behalf of a poor person and an amount exceeding £50 is recovered, then the cost the Crown has been put to may be recouped from such amount, provided that such cost shall not exceed one-fourth of the amount involved. Apart from this, where the public solicitor acting on behalf of a poor person is successful, there will be nothing to prevent his applying for costs as against the party losing the action. In the drafting of the Bill submitted for consideration the whole of the laws in England and the other States on this question have been considered by the Crown Law Department with a view to providing an up to date and workable scheme. It might be thought that the provision of legal aid as set forth in this Bill will involve the expenditure of a considerable sum. That has not been the experience of the Eastern States. In South Australia the cost does not exceed much more than £1,000 a year. In view of the action taken by the Law Society, which is offering to put up a suitable scheme, I think the cost in Western Australia will be considerably less than the figure I have indicated. I move—

That the Bill be now read a second time.

On motion by Hon. E. H. Harris, debate adjourned.

House adjourned at 9.24 p.m.

Legislative Assembly,

Thursday, 6th December, 1928.

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The SPEAKER took the Chair at 4.50 p.m., and read prayers.

QUESTION—UNEMPLOYMENT.

Mr. MANN asked the Premier: 1, What is the number of unemployed registered for employment at the Labour Bureau? 2, What is the number of single men so registered? 3, Are the single men receiving rations? 4, Do the Government intend taking any action to relieve the position?

The MINISTER FOR RAILWAYS replied: 1, 556, but many of these have obtained employment since registration. 2, 190, of whom some have obtained employment. 3, No. 4, The Government have in hand a works programme which is limited only by its financial resources.

BILLS (3—THIRD READING.

1, Hospital Fund.

2, Reserves.

3, Lake Grace-Karlgarin Railway.

Transmitted to the Council.

BILL—ROADS CLOSURE (No. 2.)

Second Reading.

Debate resumed from the previous day.

MR. SAMPSON (Swan) [4.37]: I desire merely to say that the Leader of the Opposition has intimated that he has looked into this Bill and is of opinion that it should have the support of members.

Question put and passed.

Bill read a second time.