

Legislative Council,

Tuesday, 11th December, 1923.

In Committee.

	Page
Sittings, Additional day and hours	2305
Bills: Electoral Districts Act Amendment, recom. ...	2305
Workers' Homes Act Amendment, 8A.	2305
Licensing Act Amendment, 2B.	2305
Town Planning, 2A.	2309
Road Districts Act Amendment, 1A.	2313
Roads Closure (No. 2), 1A.	2313
Texas Company (Australasia), Limited (Private), 1A.	2313
Water Boards Act Amendment, Assembly's request for conference	2318
Harbours and Jetties, 2A.	2318

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

SITTINGS—ADDITIONAL DAY AND HOURS.*Standing Order Suspension.*

THE CHIEF SECRETARY (Hon. J. M. Drew) [4.33] I move—

1, That unless otherwise ordered the House shall sit on Friday the 14th and Friday the 21st December at 4.30 p.m. in addition to the usual sitting days 2, That the provisions of Standing Order No. 62 be suspended during the current month.

Members will recognise the necessity for this motion, for taking new business after 10 p.m., and also for sitting an additional day in the week; that is to say this week, and next week if it should be essential. The Assembly hopes to conclude its business on Thursday night of next week, and I feel almost certain we should be able to finish on Wednesday night of next week, after giving the business ample consideration.

Question put and passed.

BILL—ELECTORAL DISTRICTS ACT AMENDMENT.*Recommittal.*

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.35]: I move—

That the Bill be now read a third time.

HON. E. H. HARRIS (North-East) [4.36]: I move an amendment—

That the Bill be recommitted for the purpose of considering the insertion of a new clause to stand as Section 3 in the principal Act.

Amendment put and passed.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Hon. E. H. HARRIS: My object in moving a new clause is to make provision that when the report of the commissioners is submitted to the Minister it shall be published in the "Gazette." I move—

That the following new clause be inserted—
"Section 8 of the principal Act is amended by adding at the end thereof the following words—'On receipt of such report the Minister shall cause the same forthwith to be published in the "Gazette."'"

Section 8 of the Act of 1923 provides that the commissioners shall forward their report to the Minister, together with a map signed by them and showing the boundaries of the proposed districts. If the Bill were to be passed and the commissioners submitted a report in a couple of months' time, it would be sent to the Minister. My desire is that it should be immediately published in the "Gazette" and be made available to members. Because, should the Government decide to introduce the Redistribution of Seats Bill next session, they would have had a couple of months meanwhile to investigate the proposed boundaries. Under the amendment, all parties would stand on an equal footing regarding the information contained in the report.

Progress reported.

BILL—WORKERS' HOMES ACT AMENDMENT.

Read a third time and returned to the Assembly with an amendment.

BILL—LICENSING ACT AMENDMENT.*Second Reading.*

Debate resumed from the 6th December.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [4.41]: Mr. Harris, in speaking to the Bill, voiced an impression that no further money would be required for compensation and that no further licensed premises would be closed. It is true there will be no general policy of closure—the Board will not be operating with that particular object in view—but it is advisable that they should have the power to act should conditions demand.

The hon. member suggests that instead of keeping the fund open practically for the purpose of paying the cost of the board, the money in hand should be immediately transferred to the Treasury. That could be done, but it would defeat the intention of the Government to retain provision for closure of licensed premises in special circumstances. Mr. Harris asks whether "if it is determined to carry on the operations of the Act minus the collection of the 2 per cent., the licensed house will have to pay the 2 per cent. after the end of this year or will it be collectible only to the 31st December." The reply is that if the Bill passes, no further contributions to the compensation fund will be collected beyond what are already payable. To make sure I referred the point to the Solicitor General and he has written me as follows:—

Under Section 73 half-yearly returns of liquor purchases must be delivered to the receiver of revenue. Those returns are due on the 30th June and the 31st December. Under Section 97 the contribution of 2 per cent. is payable on the returns delivered under Section 73. By the proviso the 2 per cent. contribution under Section 97 will not be payable on the returns under Section 73 due on the 31st December, 1928, or on any such return due after the 31st December, 1928. Any contribution payable in respect of returns due prior to the 31st December, 1928, cannot be affected by the proviso.

This means that there will be no contribution paid to the compensation fund on the returns sent in on December 31st, and no contributions afterwards. Mr. Harris refers to £13,700 being in the compensation fund, and states that other members have suggested there is £6,000 or £7,000 to come in, and that it is not expected any more hotels will be delicensed. It is quite true as I mentioned in my second reading speech that there is £13,700 in the fund. The position briefly is this. If the Bill goes through, no more will be collected, and if it does not go through £11,000 will be collected. In reference to the statement that the board had arrived at certain determinations in connection with payments to licensees, and had subsequently further considered the cases and altered the amounts of compensation, what the hon. member says is quite true. For a time there was considerable doubt as to the interpretation of the portion of the Act dealing with compensation to licensees. Counsel's opinion was obtained for the Board as to the proper inter-

pretation, and the board decided to act on the opinion it had received. It has been acting on that opinion ever since. As to the manner of assessment, the board took evidence on each case and assessed on the information thus obtained. As regards the re-assessment, the board already had the figures dealing with each of the premises under consideration and had no difficulty whatever, after obtaining an interpretation of the section in question, in altering the amount of compensation, on the figures available. The main difficulty experienced, which created some anxiety and trouble, was the question whether the licensee and his family should be allowed the cost of their upkeep. That was practically the point at issue. Mr. Harris alleges that no one has yet been able to extract from the board what method was used by them in differentiating so widely as regards compensation. A reference to the law on the subject by any person interested would assist in elucidating the problem. The basis of compensation is not determined by the board. It is set out in Section 91 of the Act.

Hon. E. H. Harris: You said there was a defect in the interpretation.

The CHIEF SECRETARY: So there was in the early stages. It is stated that there was a difference in compensation in respect of premises *delicensed* in May, 1927, and those delicensed in August, 1928. That is so. It is very clear from these remarks that Mr. Harris does not grasp the true position. Let me explain. As long as the 2 per cent for the compensation fund was in existence there was provision to charge a moiety to the landlord and to the licensee. The 1 per cent. which it is now proposed to have payable to revenue is not a tax, but is portion of the fee payable for the license. The amount of the license fee will be deducted from the 5 per cent. or 6 per cent. as the case may be. It is a fee for a license just as much as a fee payable for any other license and therefore the person who by statute must pay the fee is logically the licensee. The compensation fund was by way, so to speak, of an assurance acting for the benefit of both the licensee and the owner; hence it was equitable that both should share the payment. The contemplated 1 per cent. is a part payment for services rendered—that is to say, it is part

of the price of the license, which affects the licensee and not the owner. There is apparently a general impression that the 1 per cent. will represent half of the 2 per cent. gathered into the compensation fund in the past. That is not correct. The 2 per cent. in the past has been payable on the whole of the purchases. From the 4 per cent. the minimum annual fee will be deducted and the additional 1 per cent. proposed in this Bill will apply only to those licensed houses whose purchases exceed those necessary to cover the minimum fee. On the first occasion it had not been fully realised by licensees that the section of the Act refers to a tenancy. In many cases there was no tenancy, the premises being rented from week to week and therefore there was no balance of term to be taken into consideration, as provided by the Statute (Section 91 (4)). After the first assessment, this became realised by the licensee and tenancies were entered into by them after that experience. I will read Subsection 4 of Section 91 for the information of hon. members—

The compensation shall, as regards the licensee, be based, for each year or part of a year of the unexpired term of his tenancy (not exceeding two years) remaining at the date when the license ceases to be in force, on the average annual net profit accrued to the licensee, or the licensee for the time being, of the premises during a period of three years next preceding the notice of deprivation.

It will be seen from what I have read that if there was no tenancy—if the licensee was renting his premises only by the week—he could get only nominal compensation. The assumption that no further delicensing is contemplated is not quite correct, inasmuch as one of the main objects for the retention of the fund is to have funds in hand for special cases. Mr. Harris further remarks:—

“The proposal to reduce the two per cent. to one per cent. has been referred to in another place as being on a fifty-fifty basis. It seems that the two per cent. is to be divided between a licensee and the landlord. Whichever way it goes the Government contemplate getting another one per cent. of revenue by a form of indirect taxation.”

For example, a licensee pays, say, a minimum fee of £100. Each half year he is allowed to deduct £50 from the 5 per cent. or 6 per cent. payable as the balance of the license fee. It follows that the revenue cannot possibly reach anywhere near half of the 2 per cent., which is now payable on the

whole of the purchases. I will give members an illustration that will enable them to grasp what is a difficult position. This is a return of liquors purchased during the six months ended 30th June, 1928. In the case of a publican's general license, the minimum license fee is £75. The gross amount paid including duty and cost of carriage on liquors purchased for the six months in this particular case was £4,565 3s. 4d. Customs or Excise duty then had to be deducted amounting to £1,466 14s. 6d. The brewers' rebate amounted to £1,141 0s. 9d., and this had to be deducted. A further deduction of discount, if allowed by the merchant, came to £13 1s. 4d. The net value on which the fee was payable was £1,944 6s. 9d. If this amendment is passed, the licensee will pay 6 per cent. on £1,944 6s. 9d., and this will be £116 13s. 2d., less half the minimum annual fee, £75, £37 10s. This means that he will only pay £79 3s. 2d. although the minimum license fee is £75. Then we come to the publicans' general license. The minimum fee per annum is £100. The total purchases of liquor amount to £1,693 19s. 2d., including duty and cost of carriage. Customs or Excise duty is deducted amounting to £536 13s. 2d. Brewers' rebate amounted to £401 2s. 6d. and discount £9 3s. 10d. The net value on which the fee is payable is £746 19s. 8d. If the Bill is passed, the licensee will pay only on a minimum annual fee of £100 (half year £50) as 6 per cent. on £746 19s. 8d. equals £46 16s. 3d., less deduction of half of the minimum annual fee of £100 equals £50, equals nil, except for the £50 minimum fee. I have here a return of the liquor sold or supplied by spirit merchants.

Hon. J. J. Holmes: Are these special cases?

The CHIEF SECRETARY: I did not stipulate that these cases should be specially prepared for the Bill.

Hon. J. J. Holmes: They may not be specially prepared, but the department takes out special cases.

The CHIEF SECRETARY: No. I interviewed the accountant some time ago. He told me that in some cases payment has to be made, and in other cases no payment is made. With regard to the return of liquor sold or supplied by spirit merchants, the total gross value is £1,233 0s. 6d. Customs and Excise duty £434 8s. 9d., discount £14 18s. 1d.; and net value upon which the fee is payable £783 13s. 9d. The

spirit merchants did not contribute to the 2 per cent. fund nor come under the compensation clauses. There would be no increase in the present rate of 5 per cent. on sales to unlicensed persons. The legislation would remain as it is in regard to spirit merchants. I also have a return of beer sold by breweries. Sundry persons are shown on the lists in detail. The gross value is £3,069 15s., less brewers' rebate £751 5s. 6d., leaving £2,318 9s. 6d., less packing £61 8s. 3d., leaving a balance of £2,257 1s. 3d. Customs or Excise duty amounted to £754 15s. 6d., net value £1,502 5s. 9d. Brewers did not contribute to the 2 per cent. fund, nor come under the compensation clauses. There would be no increase in the present rate of 5 per cent. on sales to unlicensed persons. With regard to temporary licenses, the gross amount paid (including duty and cost of carriage) was £113 15s. 11d., customs or excise duty £39 7s. 5d., deductions for brewers' rebate £19 9s. 6d., and net value £54 19s. Temporary licensees did not contribute to the 2 per cent. fund and there would be no increase in the present rate of 5 per cent. Clubs did not contribute to the 2 per cent. nor come under the compensation clauses. There would be no increase in the present rate of 5 per cent. The statement was made by Mr. Cornell that when the Act was passed it was considered that a fair impost on the trade by way of revenue obtainable for the license was 25 per cent., and that the imposition of another 1 per cent. was wrong. It must be borne in mind that up to the present two-thirds of the cost of administration has been borne by the compensation fund as it was considered that the greater portion of the board's duties were in connection with that work. Obviously if the contributions to the compensation fund cease and the Government does not add 1 per cent. to the cost of the license, the Treasury will be in a worse position than it was at the inception of the Act. The 1 per cent. can do little more than cover this extra expense. This is due to the fact that it is allowed as a deduction from the license fee. Mr. Brown remarked that of the 5 per cent. paid out by publicans 2 per cent. has been paid into the compensation fund. The hon. member is under a misapprehension. No part of the 5 per cent. has ever been paid, nor is it payable into the compensation fund. The compensation fund

is an entirely different matter, as I have already explained. The example quoted by Mr. Brown as to a hotel taking £100 a day for six days a week, and having to pay 1 per cent. on £600 or £6 a week is not strictly correct. The 1 per cent. is not on the takings, but on the purchases (less duties of customs or excise and cost of carriage from place to place within the State) and after deduction of what is represented by the minimum license fee already paid. In referring to the alleged closing of some hotels which should be open, and the carrying on of business in others which should be closed, Mr. Brown said: "Whether this is due to palm greasing or not, I do not know, but some influence is at work." It is to be regretted that any hon. member should express himself in these terms unless he is prepared to follow up the accusation by tabling a motion and making specific charges against the body whose honesty is impugned. Nothing is easier for a member of Parliament than to make sweeping imputations of this character, but the very fact that hon. members are privileged should lead them to exercise their rights with caution and with a due regard for the reputation of others. The members of the board are widely known as honourable men, and it is unfair that these unfounded aspersions should be cast on their character. Mr. Nicholson points out that under the existing Act the licensee pays half of the 2 per cent. contributions to the compensation fund, that this will cease under the Bill, but that the burden will be transferred to the licensee by the increase from 5 per cent. to 6 per cent. while the landlord will escape altogether. Most of the argument about this question of the difference between half of the 2 per cent. and the 1 per cent. seems to be based upon the assumption that these amounts are equal. As I have repeatedly stated, that is not the case. The 1 per cent. added to the 5 per cent. license fee will not by any means represent half of the 2 per cent. payment to the compensation fund. In many instances there will be no such thing as the 1 per cent. There is no such thing as the 5 per cent.—that is, where the minimum fee represents the full purchases. In dealing with the 2 per cent. payment to the compensation fund the whole of the purchases were taken into consideration. I trust my explanation will be found satisfactory and that the Bill will pass without amendment.

Question put and passed.

Bill read a second time.

BILL—TOWN PLANNING AND DEVELOPMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [5.7] in moving the second reading said: Last year Parliament passed a Bill now known as the Metropolitan Town Planning Act. By the authority given in the Act, the Governor appointed a board which is called the Metropolitan Town Planning Commission, which consists of eight members, and which has been inquiring into the conditions and tendencies of urban development in the metropolitan area, with a view to the better guidance and control of such development. It is to report on all matters coming under this head and give estimates in reasonable detail of the cost of carrying out its recommendations. The Commission is also required under the Act to suggest such amendments of existing legislation as it thinks desirable for giving effect to its recommendations. It will be some time before the Commission is able to present its report, but it has reached the stage when it considers the introduction of legislation, such as is set forth in this Bill, not only desirable but necessary. The members said so by deputation to the Minister for Works some time ago, and recently I received the following letter from the Chairman of the Commission (Mr. Harold Boas):

I desire to convey to you that the Town Planning Commission have given very serious consideration to the question of getting a Town Planning Act for this State, and during the period of the Commission's existence, have studied the Bill and have come to the definite conclusion that the Bill as presented to Parliament is a satisfactory one, and that its passing is long since overdue. Further, the Commission is of opinion that its own work will be materially prejudiced if such a Bill is not on the statute-book long prior to the issue of its own reports. The Commission may be in the position of having to issue interim town planning reports, in which case, it will be necessary for the local authorities to be armed with legislative authority to carry any schemes into effect immediately on such schemes being adopted. On the other hand, the early passing of the Town Planning Bill and the appointment of the board and commissioner would be of great value in that the Commission and the board could work conjointly on the scheme of preparation of the plan for the natural expansion and

development of the metropolitan area for the years ahead.

The above views were conveyed in an official deputation by my Commission to the Minister for Works, prior to the introduction of the Bill to the Legislative Assembly.

It needs to be particularly stressed that this Bill although providing for wide powers does not in any way override the powers of the local authorities and that the local authorities will have the advantage in the preparation of their schemes for the development of their domestic areas of an expert board and that in any case the final authority rests with the approval of the Government, through the Minister controlling the Bill, and further that in all schemes final approval for the financing of same must be submitted to the property owners for their endorsement. It also needs to be made perfectly clear that the Bill applies not only to the metropolitan area, but to the whole State and therefore the advantages of town planning will be gained by all country towns and districts.

I trust that the Bill will receive the favourable consideration of your House and pass into law this session.

Nearly every country in the world has town planning legislation, and large cities are spending millions of pounds trying to remedy the mistakes made in the past. Sweden adopted compulsory town planning in 1874. It is compulsory in England, Scotland, and Wales, France, Germany, Holland, Italy and New Zealand. South America has a town planning Act with very limited powers. Queensland, New Wales and Victoria have town planning sections in their municipal Acts, but all are trying to obtain town planning Acts. In 1923 a metropolitan town planning commission was appointed and is still functioning in Melbourne. In 1927 in the United States 157 cities had plans for future development, 460 cities had adopted zoning ordinances, 390 cities had city planning commissions. In England and Wales on March 31, 1927, there were 466 local authorities preparing town planning schemes, some of which have finally been approved by the Minister for Health and become operative. In New Zealand every borough population of not less than 1,000 must prepare and submit a town planning scheme before 1930 to the central board of control. In 1923 a metropolitan town planning commission was appointed and is still functioning in Melbourne. This Bill can be made to apply not only to the metropolitan area, but to any municipality or road board of the State. The powers conferred on local authorities are necessarily wide. But no scheme can have effect unless

and until it is approved by the Minister, and it will be subject to such modification as the Minister may think fit. Furthermore, the borrowing powers of a municipal council or road board for the purposes of the Act, while unlimited, are subject to a poll of the owners under the Municipal Act, or resident-owners under the Roads Act. So that the ratepayers cannot be involved in great expenditure except with their own concurrence. I will now explain the clauses of the Bill. Power is given to the Governor under Clause 3 of the Bill to appoint a person, skilled in town planning, for a term not exceeding five years and at a salary appropriated by Parliament for the purpose. Under Clause 4 there is to be a town planning board of three members, appointed for three years by the Governor. One of them is to be an architect, the second an engineer or a surveyor, and the third must have qualifications in business matters likely to be dealt with by the board. They are to have no fixed salaries, but will receive allowances prescribed by regulation, and travelling expenses reasonably incurred by them in respect of their attendance at meetings of the board. Clause 5 makes the board an adviser to the Minister in the administration of the Act. Clause 6 sets out that a town planning scheme may be prepared in accordance with the provisions of the Act in regard to any land with the object of improving and developing it to the best possible advantage and of securing suitable provision for traffic transportation, disposition of shops, residence and factory areas, proper sanitary conditions and conveniences, parks, gardens and reserves and of making suitable provision for the use of land for building or other purposes. The preparation of such a scheme is not confined to the metropolitan area. Under Clause 7 any local authority may prepare a scheme on the lines I have indicated. It may do so with reference to any land within its own district, or in regard to land within its district and other land within an adjacent district, or it may accept a scheme proposed by all or any of the owners of any land. But any such scheme cannot have effect unless it is approved by the Minister who has power either to reject or to modify it. When a scheme is approved by the Minister and published in the "Gazette" it will have the full force of law. By virtue

of Clause 8 the Minister can prescribe by regulation a set of general provisions for carrying out the general objects of a town planning scheme. Particularly will it be necessary for him to do so for the purpose of dealing with the matters referred to in the First Schedule to the Bill. Special provisions must be inserted in the town planning scheme defining the area to which the scheme is to apply, naming the local authority responsible for enforcing the observance of the scheme—this local authority shall be referred to as the responsible authority—and making provision to cover all the ground necessary for the proper administration of the Bill. When land included in the town planning scheme is in the districts of more than one local authority, or is in the district of a local authority which did not prepare the scheme, the responsible authority for securing the observance of the scheme may be one of those local authorities, or the obligation may be divided among the different local authorities concerned, according to the particular purpose of certain phases of the scheme. It may be considered that one local authority can carry out a certain object better than another, and in that case it will be entrusted with the special task. Clause 9 enables regulations to be made for the procedure to be adopted for the preparation or adoption of a town planning scheme, and all matters connected therewith. Under the regulations the local authority of a district in which any land proposed to be included is situated must be notified of any proposal to prepare or adopt a scheme and must be sent a copy of the draft scheme before the scheme is made. Any local authority objecting will be entitled to be heard by the Minister. Clause 10 gives power to the responsible authority—the local authority responsible for enforcing a scheme—to remove, pull down or alter any building or other work in the area included in a scheme which has been commenced or continued after the approval of the scheme and which contravenes the scheme. The defaulting person may be called upon to bear all expenses incurred by the responsible authority. A dispute may arise as to whether any building or work is opposed to the scheme. In that event the Minister becomes the arbitrator and his decision shall be final. Clause 11 affords protection to a person whose land or property is injuriously affected by a scheme

The person must, in the first place, make a claim within the stipulated time, such time being not less than six months after the date when notice of the approval of the scheme is published. Having done so he will be entitled to compensation from the responsible authority. But he can obtain no compensation for having done with his eyes open anything that is contrary to the scheme. The betterment principle is introduced. Whenever, by the expenditure of money by a responsible authority to carry out a scheme, any land or property is increased in value within twelve months of the completion of the work, the responsible authority will be entitled to recover from the person benefited one half of the amount of this increase if the responsible authority makes a claim within the stipulated time. It may happen that a scheme is altered or revoked by the Minister at the instance of a local authority after it has been in operation for some time. A person may have incurred expenditure in complying with the original scheme. In such an event he will be entitled to compensation from the responsible authority insofar as his expenditure has been rendered abortive by the alteration or revocation. The question whether any land or property is injuriously affected in value under this head and to what extent will be determined under the Arbitration Act, 1895, unless the parties themselves can come to terms. The claimant will not be able to succeed with his claim on the ground that his land or property has been injuriously affected in respect of any provisions inserted in a scheme with the object of securing the amenity, health or convenience of the area included in the scheme, or in regard to the quantity of land that may be taken for parks or open spaces which the local authority considers reasonable for the purposes. For instance if land was resumed for the purposes of a park the owners of adjoining properties would not be able to sustain claims for compensation on the ground that their property had been injuriously affected as a result. Clause 13 gives power to the responsible authority to purchase land comprised in the scheme, and it may also take land compulsorily under and subject to the Public Works Act, 1902, even if the land is outside the boundaries of its district. Having purchased or taken the land, it has, under Clause 14, all the powers of an owner and can erect build-

ings on it or improve it in any other way it thinks fit. Clause 15 enables the responsible authority to grant to any person an easement in, upon or through, under or over any land taken or acquired. But the easement will be subject to revocation at any time, without compensation. The method of financing the scheme is dealt with under Clause 16. That clause gives a local authority, with the consent of the Governor, power to borrow, in addition to the sums it may raise under existing legislation, any further moneys required in connection with the town planning scheme. The provision of the Municipal Corporations Act, 1906, or the Roads Act, 1919, as the case may be, apply to those loans with a few exceptions. The restrictions, as to the amount borrowed, are removed; the local authorities will be able to proceed with the loan unless forbidden by a majority of the votes cast at the poll, and any demand that the proposal be submitted to a vote of the owners or resident owners of rateable land must be signed by not less than one per cent. of the persons enrolled on the electoral roll for the municipality or road district as the case may be. Under Clause 17 expenses incurred by one local authority in carrying out a scheme may be borne by some other local authority if the Minister so orders. The Minister will do so after investigating the matter and ascertaining the extent to which such local authority has benefited by the scheme, and he will place the burden of expenditure accordingly. There will be an appeal to the Supreme Court against the Minister's decision. Clause 18, in certain circumstances, imposes an obligation on a local authority to prepare or adopt a scheme. If it fails to do so when a town-planning scheme is necessary, the Minister may force it into action, or may approve of a scheme which shall then have effect as if all the ordinary conditions had been complied with. There is a wise provision in Part II., Clause 19, to the effect that where any land has been or shall be set aside or reserved under the Land Act as town, suburban or village land, it must not be sold or leased until the town planning board has been afforded an opportunity to prepare and submit to the Minister a scheme in respect of the land. If the Minister approves, the effect will be the same as if the scheme had been prepared by a local authority.

Part III. deals with alienated land. Under Clause 20, before anyone lays out a street or road through or subdivides land for sale in lots, a plan of subdivision must be approved by the board. And the plan cannot be registered until such has been done. Nor will transfers, conveyances, leases or mortgages of any land containing less than half an acre be received or registered without the approval of the Board, unless it comprises one or more lots shown on a plan that has already been registered. Clause 23 provides that where a plan of subdivision affects the powers or functions of a local authority, a public body, or the Government, the plan must be sent to the party concerned for their objections or their recommendations. Clause 24 is inserted to meet cases where a building erected by one owner encroaches on land belonging to another owner to the extent of not more than three feet, and where the encroaching owner wishes to purchase the land. In a case like that the board shall approve of the subdivision or transfer if satisfied that there has been no collusion between the two owners. In Clause 25 the right of appeal to the Minister is given from the refusal of the board to approve of any plan, transfer, conveyance, lease or mortgage. And the Minister may award costs to the suffering party. Clauses 27 and 28 need no explanation, while Clause 29 provides for the insertion of a subsection in Section 179 of the Municipal Corporations Act, 1906, for carrying into effect all or any of the purposes mentioned in the Second Schedule to this Bill, and for the insertion of similar provisions in the Road Districts Act, 1919. Other portions of these Acts are repealed for the purposes of this Bill, but it will be much easier to explain the matter in Committee. Clause 30 deals with by-laws. The rights of the Government to construct any public work or to take land for the purpose are protected under Clause 31, provided that the intent and design of any Town-Planning Scheme are not in any way affected. Where the carrying out of a scheme would conflict with any Act, Clause 32 enables the Governor, on the application of a local authority, to suspend or modify the provisions of the interfering law; but the Order-in-Council purporting to do this cannot take effect until it has been approved by a resolution of both Houses of Parliament. That seems to be perfectly safe. Clause 33 binds the Crown to the obser-

vance of the Act except where otherwise provided. We all know the unfortunate position of Perth to-day owing to the fact that no Town Planning Scheme has been in operation. In the beautification of the capital and of our chief port, almost everything has been left to the undisciplined whim of the individual; there has been no collective action, and there cannot be such unless it is dictated by the law. What a beautiful city Perth would be now if, say, thirty-five years ago the necessity had been foreseen of arranging the constituent elements of the metropolis—its shops, factories, public buildings, residential areas, markets, streets, and means of transport—into a convenient and ordered whole.

Hon. Sir Edward Wittenoom: And Parliament House completed.

The CHIEF SECRETARY: Yes: Even so simple a matter as playgrounds for the children has been overlooked, and it has been painful to me to observe that at some of our schools in the so-called playgrounds there is little more than standing room for the pupils. It will be a problem for trained minds to mould Perth into proper artistic form, but the longer the task is delayed, the more difficult and more costly will it be. I cannot do better here than to quote from a paper read in 1926 by Mr. William Allnutt Saw, president of the Town Planning Association of Western Australia, before the Australasian Association for the Advancement of Science. Mr. Saw said—

The unmistakable tendency of cities to increase rapidly in population and expansiveness should forcibly impress all legislators and administrators with the desirability of taking steps in due time to provide for the necessities of the future. The lessons to be learnt from the absence of such a policy may be found in the extensive and costly reconstruction schemes that have taken place in many cities. It is now generally realised that if a city is to serve best its true functions, it must have guidance and control in development according to a well considered plan. In this way only can economy in public expenditure, as well as efficiency and comfort, be enjoyed by the various classes of people who constitute its population. Prudent expenditure at an opportune time will obviate much larger expenditure in days to come. Wise planning in relation to constructive developmental work can provide for many future public needs. And, if not exercised, the result is that impossible barriers are erected that will make it impracticable, except at huge cost, to furnish the community with facilities that can now be predicted as future necessities.

Those are the words of a gentleman who has taken a continuous interest in this important

question, and whose professional career and experience give his opinions considerable weight and respect. But the country towns have a much easier task before them than has the city; and this Bill, with all the machinery that it provides, and with the expert advice which will be at the disposal of the local authorities, should be helpful in making a start with a town planning scheme on well-ordered lines. This Bill should be acceptable to all because of its worthy purpose; and the principle embodied in it that where expenditure is involved, those financially concerned have the determining voice, should remove all fear that any extravagant proposals can be forced on the people. I cannot conceive that the Bill will meet with other than a cordial welcome from this House. It is the outcome of a small movement, inaugurated twelve years ago, by men who could see well ahead, and who were inspired by the best of motives. On 31st March, 1916, they formed the Town Planning Association of Western Australia, and infected their members with their own enthusiasm. They have spared no effort to arouse interest in a question the consideration of which has been delayed too long by those who are connected with the public life of the country. In recent years the influence of the association which they brought into existence has been manifested in practical results. Its suggestions to the Lands Department, to local authorities, and to those controlling recreation grounds and school grounds, and even to private individuals, have been frequently accepted and acted upon for the public good. In concluding his lecture to the Australasian Association for the Advancement of Science from which I have already quoted, Mr. Saw said, in referring to the Town Planning Association of Western Australia—

In face of discouragement and apathy, we shall still follow on in the "course we have set before us," with hope in the present and faith in the future, knowing full well that the seeds sown by the Town Planning Association of Western Australia have not died by the wayside, but are even now bearing fruit, and later will fill the measure to overflowing.

I trust that the destiny of the measure and its subsequent administration will prove that Mr. Saw was prophetic, and that future generations will look back with feelings of gratitude towards those who first recognised the wisdom of cultivating civic beauty, associated with architecture, with our streets and

parks and our open spaces, our places of recreation, and of insistence on a rational lay-out of residential areas and of a fitting standard of decency and comfort in all that appertains to the homes of our people. I move—

That the Bill be now read a second time.

On motion by Hon. Sir William Lathlain, debate adjourned.

BILLS (2)—FIRST READING.

1, Road Districts Act Amendment.

2, Roads Closure (No. 2).

Received from the Assembly.

BILL—TEXAS COMPANY AUSTRALIA LIMITED (PRIVATE).

Received from the Assembly, and on motion by Hon. G. Fraser read a first time.

BILL—WATER BOARDS ACT AMENDMENT.

Assembly's Request for Conference.

Message received from the Assembly requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers.

BILL—HARBOURS AND JETTIES.

Second Reading.

Debate resumed from the 6th December.

HON. A. LOVEKIN (Metropolitan) [5.48]: The Honorary Minister was correct when he said there was an Imperial Act somewhat similar to the Bill under discussion. The Act was passed in 1913 but did not come into operation until 1918. The principle recognised in the Bill is that, although ships may be required compulsorily to have pilots on board, if any damage is done, the shipowners are to be held responsible in the interests of public property, unless negligence can be shown on the part of the pilot. So far as I can gather, the shipowners have no quarrel to find with that principle, provided they can get some measure of equity extended to them under

the provisions of the Bill. It seems to me quite contrary to the principles of justice, as we recognise it, that any shipowner should be compelled to take a pilot on board his ship, and yet if that pilot, through incompetency or any other reason, should run the vessel on a rock or into the wharf, doing damage to both wharf and ship, the owner is to be held liable, although he is not to have any voice whatever in the appointment of that pilot. The Harbour Trust is the body charged with the responsibility to appoint the pilot, and, as we all know, they appoint what I may describe as "cheap" pilots. At the same time, the Harbour Trust makes a huge profit out of transactions, for which the shipowner is primarily responsible. That is not right. When we deal with the Bill in Committee, we should try to give those who pay the piper for damage done some voice in the appointment of the pilots. Should an accident occur, we should make some provision that will enable the circumstances surrounding it to be inquired into by an independent board. At the present time the Fremantle Harbour Trust undertakes that duty. The Trust appoints what I have described as "cheap" pilots, in that the salaries are not sufficiently high to attract the best men.

The Honorary Minister: That is not correct.

Hon. A. LOVEKIN: In my opinion the salaries paid to pilots who are accustomed to handling millions of pounds worth of property when manoeuvring ships are by no means adequate. That is a matter in which shipowners who wish to satisfactorily protect their property might take an interest, and fix salaries that would be more commensurate with the responsibilities.

Hon. E. H. Gray: Shipowners have a great reputation for being liberal with their employees, haven't they?

Hon. A. LOVEKIN: Should an accident happen when a ship is under the control of a pilot, the Harbour Trust—that body appoints the pilots, and is responsible for them—is the body to conduct an inquiry into the occurrence. The instances we have before us show how the Harbour Trust has whitewashed its own employees. The grounds included in the reply given by the Chief Secretary to a question put to him by Mr. Nicholson as those upon which the pilots were exonerated, were really stupid.

In one instance it was asserted that the position of the stern of the ship was not indicated to the pilot by a ship's officer! What was the pilot on board for? What obligation was cast upon the captain or the officers of the ship to say where the stern was?

Hon. G. Fraser: But the pilot could not see.

Hon. E. H. Gray: There is the overhang that prevents the pilot from seeing.

Hon. A. LOVEKIN: But the pilot knows where the bow is, and he knows that the stern is opposite to the bow!

Hon. G. Fraser: You ought to go down to Fremantle and have a look for yourself, then you would understand what it means.

Hon. A. LOVEKIN: In some instances the decision arrived at was purely on *ex parte* statements. One explanation of an accident was that the hawser broke. The owners were not asked about that, and did not know anything about it. In another instance one of the engines failed to operate, yet the shipowners knew nothing about it, and no independent inquiry was made into that assertion. These are not reasonable grounds upon which shipowners should be called upon to pay for damage done to their ships while a compulsory pilot was aboard. Under the Imperial legislation, I understand that every port has its marine board, charged with the duty, in collaboration with the owners of ships using the port, of appointing pilots. When the appointment of a pilot is being considered, the recommendations of the marine board and the shipowners are sent to the Board of Trade. Should an accident occur, there is an independent inquiry by the Board of Trade. We should have something of the sort in Western Australia. I do not wish to labour the second reading stage of the Bill. I understand that when the Bill is in Committee, an amendment will be moved to provide for an independent board to appoint pilots and that board will comprise the Chief Harbour Master, as representing the Government, someone representing the shipowners, and others who will be mentioned. Another amendment will seek to provide for an independent board of inquiry to investigate accidents that may happen. The title of the Bill will probably not cover the amendments, but that difficulty can be easily overcome should we agree to the principle. For the present, I support the second reading of the Bill.

HON. H. A. STEPHENSON (Metropolitan-Suburban) [5.55]: I listened attentively to the speech delivered by Mr. Nicholson and I endorse his remarks. That also applies to the speech made by Mr. Lovekin. To my mind the Bill is unjust and unfair. Clause 2 reads—

The owner of a vessel, and the master of a vessel, shall be answerable under the provision of the Acts set out in the schedule to this Act, for any loss or damage caused by the vessel, or by any fault of the navigation of the vessel, notwithstanding that the vessel was in charge of a pilot and that pilotage was compulsory, unless it is proved by the owner or by the master that the damage was caused by the negligence of the pilot.

I do not remember ever having read anything more one-sided than that clause.

Hon. J. Cornell: It is either all wrong, or all right.

Hon. H. A. STEPHENSON: We must consider the position that applies to pilots in all ports of Australia. When a ship comes up in the offing, she has to wait compulsorily until the pilot comes aboard. The moment he steps aboard he takes charge, and the captain has to stand by. He has no further say in the navigating of his vessel until she is tied up alongside the wharf.

The Honorary Minister: Are you sure that is correct?

Hon. H. A. STEPHENSON: I understand that is correct.

Hon. E. H. Gray: The captain has a lot to say.

Hon. Sir Edward Wittenoom: And he should have nothing to say.

Hon. H. A. STEPHENSON: Once the pilot takes charge, the captain should have no say. There can be only one man in charge. If the captain is in charge, he must take sole responsibility; when the pilot boards the ship, he should take the full responsibility until he puts the ship alongside the wharf. That is what he is paid for. The Harbour Trust is paid handsomely for the use of the port. If the shipowner is to be responsible for damage done by his ship while it is in the hands of a pilot, it is merely fair that the shipowner should have some say in the appointment of the pilot. Should an inquiry be necessary, it is merely British justice that should require an independent board to deal with the matter. If the shipowners have to accept this re-

sponsibility, provision should be made to see that they get fair play. I have had something to do with the Harbour Trust and my experience is that the Trust practically regulates itself out of all responsibility, either through itself or its officers. It is practically impossible to substantiate a claim against them. I intend to support the second reading of the Bill but I hope it will be amended during the Committee stage so that shipowners will receive a fair and just deal. I appreciate the fact when damage is done to our wharves as has happened repeatedly during the last few years, someone should be brought to book. If it can be proved that it was the fault of the captain, the ship should pay, but if it is proved to have been the fault of the pilot, I do not think the company should have to pay. No doubt the port of Fremantle is getting a bad name. The grounding of the "Lygnern" a few weeks ago will be remembered against the port for many a day. That vessel in fine, quiet weather was taken out of the harbour by a compulsory pilot and allowed to go on the rocks only a few hundred yards away from the port. It is no wonder Fremantle is acquiring a bad name.

The Honorary Minister: Nothing of the sort!

Hon. A. Lovekin: Who was in charge of the vessel?

Hon. H. A. STEPHENSON: I understand on good authority that when the pilot was going over the side after anchoring the vessel, the captain of the ship informed him that the ship was on the rocks and bumping. That was before the pilot had actually left the ship. Seafaring men say it was anything but a credit to those concerned that the vessel should have been allowed to be wrecked in fine weather and while in charge of a pilot. We should try to avoid that sort of thing. And that is not the only case, for numbers of others have been cited. Fremantle is not enjoying a good name at present for the management of ships by the compulsory pilots.

The Honorary Minister: It has a better name than any other port in Australia.

Hon. H. A. STEPHENSON: The only respect in which it is in advance of any other port is in the high number of its accidents. It certainly has had more accidents than has had any other port.

Hon. A. Lovekin: Then it must be pretty bad.

The Honorary Minister. The hon. member does not know what he is talking about.

Hon. H. A. STEPHENSON: No, I never know what I am talking about. The Honorary Minister is the only member of the House who claims to be an encyclopedia.

HON. SIR EDWARD WITTENOOM (North) [6.4]: Unless I hear a good deal more in favour of the Bill, I will vote against the second reading. I cannot understand such an extraordinary arrangement as providing for three people being in charge of a vessel, as contemplated in Clause 2. Can we imagine a greater absurdity than divided authority in so important a matter? Either the pilot should be fit to take charge of the ship, or he should not be there. The whole point of the Bill is the fitness of the pilot to undertake the work he has in charge. I happen to know a little about pilots, so I am not like my friend who says he knows nothing. The Honorary Minister called Mr. Stephenson a layman, but I think Mr. Stephenson made a most excellent speech. My knowledge of pilots was gained years ago when I was a member of the then Government and we had the appointment of pilots. My grandfather was the first harbour master in Fremantle. He had charge of the piloting of ships after they passed Rottnest. Captain Jackson lived at Rottnest and brought in the ships to a certain point where Captain Harding, my grandfather, took charge of them and brought them into the harbour and out again. When I was in the Government there were very few pilots. One man, Captain Butcher, trained under my grandfather and afterwards went to Albany, where he proved to be a very capable pilot. All that he knew he learned in Fremantle. Later the responsible position of appointing a pilot came to me. I was fortunate in being able to select Captain Winzar, who later was Chief Harbour Master, and afterwards Captain Irvine. Those men were all selected on account of their experience and ability. In those days they were selected by the Government. I do not know who selects them now, but I understand it is done by the Harbour Trust. Whoever does select them has a very grave responsibility. When we remember the value of the present-day ships and the danger of accident happening to them, we see that the whole point of the Bill lies in the appointment of

the pilot. If he is not fit for his position, he has no business to be there, and whoever put him there should be responsible for his mistakes. Mr. Gray a little time ago interjected that the captain of the ship as well as the pilot had a great deal to say. To a large extent that is correct. Years ago when we were opening out the harbour at Albany ship captains coming in there were a little nervous. I was on board an incoming ship when the captain told me that his instructions were to watch the pilot the whole time. I know they do it even now. He remained on the bridge and watched the pilot. I agree that he would have taken a very great responsibility had he interfered with him. I cannot support the Bill, because I think that when a pilot is put in charge of a vessel he must take the whole responsibility. And for his fitness, that must be determined by those who appoint him.

HON. E. H. GRAY (West) [6.10]: I wish to say a word or two in defence of the good name of Fremantle as a port.

Hon. E. H. Harris: Say something in defence of the pilots.

Hon. E. H. GRAY: Just now I am speaking of the port of Fremantle. The remarks made by previous speakers were grossly exaggerated. When we consider the enormous tonnage that in the course of 12 months comes into Fremantle we, as fair-minded men, must admit that the percentage of accidents is very small indeed. Sir Edward Wittenoom just now remarked that the captain of a vessel is held responsible by his owners. That is correct, and he is on the job to see that the pilot carries out his duties to the best of his ability. In these days of big ships it is necessary that the taxpayers and the Government should be protected. All sorts of things can happen when a big ship is being manoeuvred in the harbour. Some members made quite a joke of the inability of the pilot to see the stern of his vessel or accurately to judge the distance between her stern and the wharf. In a modern ship it is impossible for a pilot to judge of the exact position of either end of the ship unless he is in active co-operation with the chief officer in the bow and the second officer in the stern. He is, or should be, in close co-operation with those officers by telephone. It is quite conceivable that some error may occur and, through the negligence of either officer, the pilot may make a serious

mistake causing considerable damage to the wharf. The whole question is whether the public should be called upon to pay the damage caused by those large vessels. In days gone by the possibility of enormous damage being done to the wharf was remote. To-day, however, when a pilot is manoeuvring a vessel in a high wind, or when there is a failure of the engine or when a hawser breaks, it is possible for the ship to do enormous damage by colliding with the wharf and perhaps smashing right through it. It is only commonsense that Parliament should say the vessel is responsible for that damage. The whole question is whether the public or the shipowners should pay.

Sir Edward Wittenoom: But the breaking of a hawser has nothing to do with the pilot. He would not be held responsible.

Hon. E. H. GRAY: And so in such a case the ship should be called upon to pay. At present she is not. The engine may fail, and that may cause the vessel to collide with the wharf. The "Orama" went practically through a new portion of the wharf. Who should pay for that?

Hon. H. A. Stephenson: Who provided the hawser?

Hon. E. H. GRAY: Not the Harbour Trust. Private enterprise did.

Hon. A. Lovekin: Was it broken?

Hon. E. H. GRAY: There is always danger of a hawser breaking. There are a thousand and one things for which the pilot cannot justly be held responsible. Under existing conditions the Harbour Trust is responsible for all damage done. It is only a commonsense proposal that legislation should be enacted, so that in the event of accidents occurring through the negligence of persons other than the pilot the shipowners should be required to pay the damage. I hope the House will see the justice and desirability of the Bill. Again I say that the pilots of Fremantle have proved by their records to be thoroughly competent men, that the port enjoys a high reputation with its conveniences for big ships—equal to those of any port in the Commonwealth—and that the Harbour Trust strains every nerve to render good service to the shipping people of the world by bringing their ships safely in to the harbour.

Sitting suspended from 6.15 to 7.30 p.m.

HON. J. J. HOLMES (North) [7.30]: There are several matters of importance in connection with this Bill that are worthy of consideration. The principal factor is the popularity of the port of Fremantle. We must be able to tell the world that we have a safe port into which the biggest vessels may enter and from which they may take their departure without extraordinary risks. That factor is of great importance to the State. Another point is, in the event of any accident to a ship coming into or going out of our ports, it should be seen to that the responsible party suffers and not the innocent party. The matter is a complex one. The master is in full control of the ship on the high seas, but when she arrives at Fremantle, if she is from overseas, the master is compelled to hand over his bridge to the pilot who navigates her into a safe place. Compulsory pilotage is not objected to, but if there is an accident there should be some independent tribunal that will place the responsibility on the right shoulders. Hitherto, according to the report laid upon the Table of the House, the trouble at Fremantle has been in some cases that the pilot has been free from blame, and in other cases neither the pilot nor the captain has been blameworthy. Notwithstanding this, these accidents have occurred and they have created for the port a difficult situation.

Hon. Sir William Lathlain: It did not occur when the "Hood" was brought in.

Hon. J. J. HOLMES: No. Through these returns the Honorary Minister has told us what accidents have occurred, and has given his version of the occurrences. In his reply I should like him to tell us what accidents have occurred over the same period to interstate vessels. These interstate boats, some of which are large, are exempt from pilotage, and week in and week out pass in and out of Fremantle without any pilot or accidents.

Hon. C. H. Wittenoom: The captains pilot themselves.

Hon. J. J. HOLMES: I am pointing that out. They bring their ships in and take them out without trouble. The overseas ships are, however, compelled by the Harbour Trust to hand themselves over to the pilot. The House should be given another return showing what accidents have occurred in the case of interstate ships. We are all anxious to conserve the interests of the State, and cannot do that better than by having

a port into which vessels may safely come and from which they may safely depart. This affects Western Australia more than any other State, because we are essentially a community of primary producers. Any imposition we pass on to the ships will be returned in the way of additional freight, and will indirectly affect our primary products. Strictly speaking, we have come down to the export of wheat and wool. We can export timber oversea, but the conditions of the Navigation Act have cut us adrift from the Eastern States market. We can send timber to New Zealand and overseas at about half the price we can send it to Adelaide. We are losing our interstate trade for that reason. Wool growing remains profitable, but the wheat market may place that industry in a serious position in the near future. Last year the man who received a nett profit of 3s. a bag on his wheat will be lucky if he nets a profit of 1s. a bag this year. The price has come down 8d. a bushel, which amounts to 2s. a bag, and there has been no decrease in the cost of production. We are still paying a high tariff on machinery, and a higher price for that machinery. There has been no reduction in the price of anything connected with the production of wheat, and I can see no possibility of a reduction in the cost of production. We have to sell our wheat in the world's markets. If it were to come down 2s. a bag next year I hardly think we should be exporting wheat. The butter industry we have had to prop up as well as the dried-fruits industry by means of bonuses and other systems. In Western Australia, therefore, we have to look for our exports to wheat and wool. If we put any imposition upon the chief port, it will come back on the primary producers and on a margin of profit that is already becoming too fine. I should like to illustrate the advantages of a number of ships coming to Fremantle. Recently there were more vessels in the port than there was freight available. A good deal of wool was offering for export, and the price came down 10s. a bale, with great advantage to the State. We cannot do too much to popularise the port, and induce ships of all kinds and sizes to call for oversea freights. Ship owners are quite fair in the matter and quite satisfied, if their officers are at fault, that they should pay. If the pilot is to blame they fail to see why the Harbour Trust should not accept the responsibility. That raises the point of a

tribunal outside the Harbour Trust to deal with the accidents. Some astounding statements appear in the return presented by the Honorary Minister. It would appear that on no occasion have the pilots been to blame, but that the accidents have been the fault of the master or due to some other cause.

The Honorary Minister: To what statement do you refer?

Hon. J. J. HOLMES: I refer particularly to the explanation of an accident being that the ship's officer did not tell the pilot where the stern of the ship was.

Hon. E. H. Gray: What is wrong with that?

Hon. J. J. HOLMES: Where else could the stern be other than behind the bow?

Hon. E. H. Gray: But how far from the wharf was it?

Hon. J. J. HOLMES: A pilot ought to know his ship. The complaint is that the ship's officer did not tell him where the stern of the ship was. Then there was the recent accident to the "Lygnern," a vessel worth over a quarter of a million pounds. She arrived just before the strike. The master safely navigated her to the port, and the pilot took her in. When the strike occurred she was taken out again by a pilot, and it is said that she struck a submerged object. Has any attempt been made to find that object? We understand now that she is on Beagle Rock.

The Honorary Minister: She is not where she was when she struck.

Hon. J. J. HOLMES: Has any attempt been made to find that submerged obstacle?

The Honorary Minister: Yes.

Hon. J. J. HOLMES: They cannot find it, but we are told that neither the pilot nor the master was to blame. One or the other must be blameable unless the submerged object is discovered. The sooner it is found the better will it be for all parties. If the harbouring authorities have issued a chart on which some submerged object is not shown they are misleading the ships' captains.

The Honorary Minister: There is such a thing as a moving submerged object.

Hon. H. A. Stephenson: Rocks occasionally move.

Hon. J. J. HOLMES: The general impression is that she was not on the Beagle Rock when her anchor was dropped, but that she swung round later and struck it. Before the harbour was opened the ships

used to go to the jetty. There was always a beacon on that rock in order to keep ships off. Some tribunal should be appointed to deal with accidents that occur from time to time. No one can say that the harbour authorities, who employ pilots to bring in and take the ships out, and who would have to pay if the verdict went against them, are the proper persons to constitute such a tribunal. We want an independent tribunal which can fix the responsibility upon the right party. If that difficulty could be overcome I would have no objection to the Bill, and I do not think the ship owners would have any. During the war the "Ulysses," the biggest liner that had then come to Fremantle, was taking out of Fremantle a huge cargo of food-stuffs for soldiers in France, as well as a thousand miners from Kalgoorlie who were wanted for tunnelling purposes. The ship had a clearance of only a few inches, but she had come safely into the harbour. On her outward journey she was put into the hands of "the boy pilot" as he was known.

Hon. F. H. Gray: He was a big boy.

Hon. J. J. HOLMES: Previous to his appointment as pilot, or junior pilot, he was in charge of a steam launch running for the harbour authorities at Fremantle. He had a master's certificate and he was appointed a pilot. This junior pilot was put in charge of that big ship to take her out. Everyone knows what happened. He put the ship on a rock between the two moles. The worst feature is that the companies insist that the master shall take some responsibility, and I understand that as soon as the ship touched bottom the master left the bridge and the chief officer took over control. The captain declared that he had carried thousands and tens of thousands of soldiers over the Mediterranean to Greek ports on dark nights and without lights to guide him, and he had never hit anything; yet on coming to Fremantle a boy pilot put him on a rock. That was the end of the captain: he has since died. Now we have a ship taken out of Fremantle harbour and run into the only object outside—another ship. The pilot in this case took a P. and O. boat out, and the only thing he could possibly hit was another vessel lying at anchor, and he hit it. We are told that slight damage was done. I have been informed semi-officially that it has cost £5,000

to repair one vessel and between £3,000 and £4,000 to repair the other. The worst feature about this collision is that the master of the P. and O. vessel was disrated. I am not certain whether he was dismissed; at any rate, he was disrated.

The Honorary Minister interjected.

Hon. J. J. HOLMES: I do not know, but I have been told that fortunately he struck a strong part of the vessel; otherwise it might have gone down.

Hon. A. Lovekin: There has been no independent inquiry into any of these cases, and that is the trouble.

Hon. J. J. HOLMES: We have heard the version of the Harbour Trust as to what happened. What I am aiming at is that there should be a proper tribunal to enable us to ascertain what the other side has to say, a tribunal that will put the responsibility on the right shoulders. In nearly every case the harbour authorities proceed no further. In one case the damage was over a thousand pounds, and in another in the vicinity of a thousand pounds, and the shipping company invited the authorities to take action, but no action was taken.

The Honorary Minister: Which case was that?

Hon. J. J. HOLMES: I can give the Minister the particulars. The damage in one case was £1,300 and in the other £700. The harbour authorities, though invited to do so, took no action.

The Honorary Minister: What is the use of taking action?

Hon. J. J. HOLMES: The law at present is that if a ship is responsible, the ship pays. And further, it is willing to pay. Now it is proposed that if a pilot is responsible for any damage done the ship must still pay.

The Honorary Minister: Are you aware that an action is pending?

Hon. J. J. HOLMES: If what is contained in this document I have is true, I cannot understand why the Government have not taken action to recover the amount due, because it is not quite clear, if it is the fault of the ship, that the ship has to pay. There is one other matter to which I wish to refer. I have already shown how captains have suffered through no fault of their own. The other day when Mr. Nicholson was speaking—I would like the Minister to listen to this if he is not too busily engaged

otherwise—he (the Honorary Minister) interjected, “Is the hon. member aware that the master of the vessel was perfectly satisfied with the position?” The vessel in question was the “Lygnern.” Does the Minister wish the House to believe that the master of a magnificent ship now stranded at Fremantle is satisfied with the position? The master has lost his ship and probably lost his berth with the company and may not get another berth. Yet the Minister has let it go forward that the master of that was satisfied with the present position.

The Honorary Minister: I did not say he was satisfied with the present position.

Hon. A. J. H. Saw: Well, what position was he satisfied with?

Hon. J. J. HOLMES: The Minister plainly interjected while Mr. Nicholson was speaking, “Is the hon. member aware that the master of the vessel was perfectly satisfied with the position?” Can we imagine the master of a vessel being satisfied with the loss of his ship which would not have been taken out of the harbour but for the unfortunate strike at that time?

The Honorary Minister: You are misconstruing my remarks. When Mr. Nicholson was speaking I asked him whether he was aware that the master was perfectly satisfied with the place where he was first anchored.

Hon. J. J. HOLMES: This document comes into my possession from the Swedish Consul. He says—

Neither in the minutes of the Harbour Trust inquiry or my own can I find such evidence by the master of the ship.

That is, the evidence that the master was satisfied with the position of the ship. I have already explained the position of the master of the ship. An interjection such as that made by the Minister was out of place, to say the least of it. No master could possibly be satisfied when his ship had been left on a rock. Here are some of the questions that were put to the captain during the course of the inquiry—

Did you apply for a pilot?—Yes, through the agents.

And the pilot was a compulsory pilot?—Yes, the same that brought me in the day before.

What was his name?—P. H. Steer.

Did he take full charge of the vessel?—Yes.

That is the law of the port?—Yes.

And you proceeded out under his instructions,—Yes, to Gage Roads.

Hon. H. A. Stephenson: What does “full charge” mean?

Hon. J. J. HOLMES: I cannot tell you; I am not a nautical man. If the hon. member asks me a question about wheat or wool I might be able to answer him. The questions and answers went on—

What did he tell you when he came on board?—He asked me what berth I wanted.

And what did you say?—I said, “It does not matter to me what berth you give me so long as you give me a good swinging berth and a good holding ground.” He said, “I have a good berth for you.”

Whereabouts?—He did not mention, but he said he would give me a good berth if a boat had not taken it just before us.

Evidently another boat had gone out ahead of him and the pilot did not know whether the berth he had in view would be available when he got out. There should be some agreement about anchorage for vessels. One would have thought that under a proper system when two ships were going out it would be possible to arrive at an agreement as to which ship could take a particular position. Evidently in that case there was no agreement and the pilot said to the captain, “I will put you in the second berth if the other is not already taken.” The questions and answers continue—

What did the pilot say to you after the anchor was dropped?—When the engine was rung off he told me that we were in a good berth, in eight fathoms of water, good holding ground, and I had nothing to worry about. Those are exactly the words that he told me. On the assurance of the pilot, whom I knew to be one of the best pilots in port, I had no reason to believe it was not a safe berth.

What time was it when you felt her bump on the bottom?—The ship was swinging a bit, and in five minutes’ time from the engine being rung off, she touched the bottom. I went down from the bridge after the engine was rung off, and was standing on the lower bridge, when I felt as if she was touching the bottom. I told the third mate to run after the pilot who was just on the ladder on the way to the pilot boat.

And he returned to you?—Yes, he came up.

The pilot was still in charge of the steamer at that particular time?—He came up and took charge.

This is evidence that was given by the captain, and we are now told by the Honorary Minister that the captain was satisfied as to the position of the ship. The Swedish Consul goes on to say that the captain is not here to repudiate the interjection made by the Honorary Minister, an interjection which is regarded as a reflection on his posi-

tion as a captain. The Swedish Consul adds—

I would most respectfully ask you as agent for the Transatlantic S.S. Company—

He is referring to the agents of the line.

—to most humbly request the Honorary Minister who made the statement referred to, to withdraw it, as it is a great injustice to the master of the vessel.

There we have the other side of the story. What I am aiming at, and what we should all aim at in the Bill, is to get an independent tribunal to deal with matters such as these. It is not fair to put the responsibility upon the ship, as is proposed by the Bill. At one time, in the event of a maritime mishap, we had a system of appointing two nautical assessors and a police magistrate to deal with these matters, but it did not operate too satisfactorily. I can quote an instance where nautical assessors found that a ship struck an uncharted rock and a Government surveyor went out and found the vessel on a recognised reef. That raises the point of the personnel of the tribunal to deal with such matters. I do not think the Harbour Trust are entitled to too much, if any, responsibility; we should certainly have an independent tribunal that could probe these matters and determine the responsibility. The fact of having some independent competent authority to put the responsibility on the shoulders of the pilots, if they should rightly bear it, would have a wonderful moral effect. Written over the whole of the evidence of the accidents that have happened at Fremantle one may read that the pilot has not been to blame except in one instance, where the unfortunate man had such a run of bad luck that he decided to tender his resignation.

Hon. A. J. H. SAW: But even then it was found that he was not to blame.

Hon. J. J. HOLMES: We have to get away from the tribunal set up by the Fremantle Harbour Trust to protect the pilots.

The Honorary Minister: What would you have said if the Harbour Trust had not held an inquiry into the accident to the "Lygnern"?

Hon. J. J. HOLMES: I would have had something to say, but the inquiry by the Harbour Trust authorities is not satisfactory and their inquiries never will be satisfactory.

The Honorary Minister: You cannot blame the pilots or the Harbour Trust for that.

Hon. J. J. HOLMES: Let us get over the difficulty in this measure.

The Honorary Minister: By some other legislation?

Hon. J. J. HOLMES: Yes, let us have this or some other legislation to deal with it. I do not see why we cannot, by amending the present Bill, bring our legislation as well as the port of Fremantle up-to-date. No doubt the port of Fremantle is a credit to everyone associated with it from the late Mr. C. Y. O'Connor down. We have a harbour there of which we may be justly proud, but accidents have occurred and are occurring. It is not an uncommon thing for a vessel to hit the wharf and cause damage to the extent of thousands of pounds. So far the State has been paying for the damage, although I understand the law provides for shifting the responsibility on to the ship. I am further advised that in some cases where it has been claimed that the pilot was free from all blame, the shipping agents have invited the Government to take action so that they could get the question determined, but they have not been able to get the Government to move in the matter.

The Honorary Minister: Suppose that is quite correct, are you aware that an alteration is pending at the present time?

Hon. J. J. HOLMES: No, but the Premier stated in another place that such accidents had cost thousands and tens of thousands of pounds and the State had had to pay. If the pilot was not to blame I cannot understand why the State has paid the money, because I am advised that if it is the fault of the ship the ship has to pay. This Bill goes a stage further and that is what I object to. No matter whether it is the fault of the master, or of the pilot, the ship will have to pay. That is not British justice, and unless I see a way of amending the Bill to make it equitable, I cannot support the second reading.

HON. A. J. H. SAW (Metropolitan-Suburban) [8.4]: This is a matter that does not seem to me to be quite as simple as it appears to some of the previous speakers. The operation of bringing into the harbour vessels of varying sizes—some of extreme

magnitude and some not quite so great—and putting them against the wharf in all kinds of weather requires considerable skill and, in certain instances, it is far from being free of risk. Practically every vessel must present a different problem to the pilot engaged to bring her in. It is probably a vessel he has never handled before, a vessel whose idiosyncrasies he may not know, and there are the altered factors of weather and tide. So it must present a different problem in practically every instance, the factors not always being known. It must be apparent that it is safer for the harbour authorities to provide a pilot than to allow every ship to enter the harbour in charge of its own master, the master perhaps not being familiar with the port or only familiar to a slight degree.

Hon. J. J. Holmes: A good many would not take the risk.

Hon. A. J. H. SAW: Consequently, for the sake of the shipping and of the State, it is necessary that, unless exemption can be claimed by masters who enter and leave the port frequently, there should be compulsory pilotage. The present law, so far as I understand it, provides that where there is a compulsory pilot the Harbour Trust is liable for any damage to the wharf unless they can succeed in proving negligence on the part of the ship or the officers of the ship. We have heard from Mr. Nicholson how extremely difficult it is to prove negligence. The Bill proposes to shift the liability on to the ship, unless the owners can prove negligence on the part of the pilot. That is to say, at the present time the onus of proof lies on the harbour authorities, and what this Bill proposes to do is to throw the onus of proof on to the shipping people.

Hon. J. Cornell: In gold stealing cases the onus is thrown on the defendant.

Hon. A. J. H. SAW: The fact that it must be extremely difficult to prove negligence is shown by the numerous instances cited by the Honorary Minister of damage having been done and yet in no instance have the Government thought it worth while to try to shift the responsibility on to the ships, knowing, as Mr. Nicholson pointed out, the difficulty of proving negligence. Undoubtedly it is not an equitable arrangement whereby the Harbour Trust select the pilot and in the event of an accident the Harbour Trust hold the inquiry, and the in-

quiry very often solves on whom the responsibility for paying for the damage should rest. That is an extremely one-sided affair. In other parts of the world it appears to have been necessary to alter the law and throw the onus on to the ship-owners, as the Government propose to do under this Bill. But it is incumbent on the Harbour Trust, or those responsible for the administration of the harbour, whether the Government do it directly or through the trust, to use every endeavour to employ the most efficient pilots available. Looking at the number of inquiries held wherein the pilot in every instance seems to have been exonerated from blame—one of them on four occasions until finally he said he had lost his nerve through continued bad luck and saw fit to resign—it appears that the investigations cannot have been sufficiently vigorous and that there has been a tendency to shield the pilot. Perhaps that may be partly responsible for the frequency with which the accidents have occurred. Therefore I say it is incumbent on the Government firstly to provide efficient pilotage, and, secondly, to hold a perfectly impartial inquiry, and not an inquiry under the auspices of the Harbour Trust, who first select the pilot and then perhaps have to foot the bill for the damage done. It would be more equitable if the present law were retained, throwing the liability on the Harbour Trust unless the shipping companies can prove negligence on the part of the pilot, and the Harbour Trust covered the increased risk they are carrying by imposing a higher scale of fees—really a system of insurance against such accidents, some of which doubtless are inevitable.

Hon. G. Fraser: What sort of a reception would a Bill of that kind receive in this House?

Hon. Sir William Lathlain: Very hot. The Bill is too hot.

Hon. A. J. H. SAW: Under the present conditions the State is having to foot a very large bill for the damage done by shipping coming into the harbour and especially where the fault, if any, cannot be sheeted home. The position is very much like that which obtains in the industrial world with regard to workers' insurance against accidents. The most equitable arrangement would be to increase the fees whereby this damage, which, in many cases, is due to stress of weather or to unknown factors present when

bringing ships to the wharf, could be covered by a system of insurance such as I have indicated.

Hon. Sir William Lathlain: That would be a popular proposal with the ships!

Hon. A. J. H. SAW: I am not concerned whether it would be popular with the ships. I am suggesting it as a fair method of covering the risk. It is not fair to place the responsibility on the shoulders of the people, nor is it fair to put it on the shoulders of the shipowners when it might be covered by a system of insurance.

HON. G. FRASER (West) [8.14]: Quite a wrong impression might be gathered from the speech of Mr. Holmes, particularly from his reference to the pilots. The pilot in charge of the "Ulysses" when the accident occurred was rather a big boy!

Hon. J. J. Holmes: Call him the junior pilot.

Hon. G. FRASER: I knew him fairly well and I should say he was close on 40 years of age. What Mr. Holmes should have said was that he was a junior pilot. There is a great difference between a junior pilot and a boy pilot. It could be possible for Sir Edward Wittenoom to be the junior member of this Chamber, but I do not think that by any stretch of imagination he could be called a boy politician. Notwithstanding all that has been said against the Fremantle pilot service in the course of this debate, I wish to compliment the pilots on their efficiency. In view of the thousands of vessels arriving at and departing from the harbour in the course of 12 months, the small number of accidents occurring is a standing testimony to the ability of the pilots. As to sea knowledge, Captain Nicholls has considerable sea knowledge, and so has Captain Saunders. Much has been said about holding the pilots responsible for everything that occurs. If any hon. member had been in Fremantle to-day, when the "Orama," one of the vessels which have been frequently mentioned during the debate, was in the port, and if he had viewed the steamer he would have recognised the absolute impossibility of controlling the stern from the bridge. The length of the vessel is between 800 and 900 feet, and no man standing on the bridge could see the stern. Therefore it is necessary that there should be collaboration between the officers

of the steamer and the man on the bridge. I took the trouble to view the steamer, and am quite satisfied that it is an absolute impossibility for a pilot to control the movements of the vessel off his own bat.

Hon. J. Nicholson: Did you go on the bridge?

Hon. G. FRASER: That is not necessary.

Hon. J. Nicholson: Why?

Hon. G. FRASER: Because one can see from the shore that the bridge is not high enough to command a view of the whole steamer.

Hon. J. J. Holmes: Do you claim that there should be two pilots?

Hon. G. FRASER: No. I claim that the officers of the vessel must collaborate with the pilot.

Hon. Sir Edward Wittenoom: That is done now.

Hon. G. FRASER: Yes, and that point of view has been put forward by the Honorary Minister. He urges that the officers are responsible for many of the accidents that occur.

Hon. J. J. Holmes: The officers have never had the chance to refute that.

Hon. G. FRASER: I have no inside knowledge, and do not know how the accidents occur. However, I have no doubt that the Honorary Minister in his reply will deal with that phase. Another point stressed in the course of the debate was that the shipping companies had no say in the appointment of the pilots. I understand that the Fremantle Harbour Trust are the body who appoint the pilots. On examining the constitution of the Harbour Trust we find that first and foremost is Mr. Carter, of Dalgety & Co., who represents the shipping interests and is chairman of the Trust. Then there is Mr. Bateman, who represents the Chamber of Commerce, or the Chamber of Manufactures, or some such body. The farmers have a representative in the person of Mr. Tanner. Then there is a representative of the Government, and a representative of the workers.

Hon. J. J. Holmes: How many of the members have masters' certificates?

Hon. G. FRASER: I cannot say.

Hon. J. J. Holmes: Yet they sit as a tribunal and judge.

Hon. G. FRASER: I am dealing with the phase that the shipping companies ought to have representation. I contend that they

have representation: the chairman of the Trust is their representative. The shipping companies must accept due responsibility for the appointment of pilots, and the idea of creating another board to give them representation in that respect merely amounts to duplicating representation.

Hon. J. J. Holmes: If you are referring to me, I said the shipping companies should not have representation.

Hon. G. FRASER: I was not referring to Mr. Holmes. I think Mr. Nicholson was one member who mentioned that aspect.

Hon. J. Nicholson: The oversea shipping companies have no representation. The coastal shipping companies are represented, I believe.

Hon. G. FRASER: I do not think there would be any great difference in that respect between oversea and coastal shipping companies.

Hon. J. J. Holmes: I do not think any of them should be represented. I think there should be an independent tribunal.

Hon. G. FRASER: As long as the shipping companies are represented, it is not necessary to discriminate between oversea and coastal shipping companies. The main question which the Bill raises is whether the taxpayers of the State should bear the brunt of the damage, or whether the shipping companies should bear it. I shall vote for something which will protect the taxpayer.

Hon. C. B. Williams: How can you protect him? He pays both ways.

Hon. G. FRASER: If the cost of blunders is transferred from the Harbour Trust to the shipping companies—

Hon. C. B. Williams: The taxpayer will pay an extra rate, and so it is just the same thing.

Hon. G. FRASER: I shall cast my vote to protect the interests of the taxpayer and therefore I support the second reading.

HON. V. HAMERSLEY (East) [8.24]: I feel that it is rather an important decision which has to be arrived at by the Chamber, and feel also that the credit of the port must be conserved. As Mr. Holmes mentioned, we are all proud of the port. If the imposts which have been referred to are generally recognised in other ports, there is no reason why they should not obtain here. I am given to understand that whatever damage

was done by vessels at Fremantle in previous years was readily paid for by their owners. It is only latterly that a flaw has been found in the legislation rendering the shipping companies responsible, a flaw that enables them to dodge here the responsibility they have to accept in other ports. As suggested by Dr. Saw, the whole thing could probably be covered by the imposition of further charges. However, that is something we wish particularly to avoid. I assume that the charges already made are sufficient, and that the vessels using the port are well covered by their insurance policies. Certainly the ships pay insurance in respect of any damage likely to happen to them, and the cost of such insurance is invariably added to the freights charged. Australian ports have rather bad repute in other parts of the world. I am told that Fremantle has not too good a name, and that the charges in which vessels are mulct here, and which have to be passed on to the community, are altogether out of proportion to charges at other ports. I fail to see that it is necessary to increase the charges. Various members have stressed the point that if the measure is passed the shipping companies must cover themselves by increasing their charges. That increase would be passed on to the primary producer, whose goods and wares largely go over the wharves. I have here an extract from the "Sydney Morning Herald," headed "High Charges on Shipping"—

A cable message from Vancouver, published yesterday, stated that the steamer "Tremeadow" had arrived in ballast from Australia to load wheat for Britain, the captain reporting that, although wheat was available in Australia for shipment home, the loading expenses at Australian ports were so heavy that it was cheaper to send the vessel 6,000 miles to Vancouver to load. He also complained of the Australian income tax on freights and the duty on goods used in port. This may appear an exaggeration, but the position is well known in Sydney shipping circles, for it is a fact that sometimes it pays owners better to send their vessels from Australia in ballast and seek freights on the West coast of America and elsewhere sooner than load in Australian ports. This is due to several causes, but primarily to what are regarded as unduly high port charges exacted by Federal and State authorities. The captain of the "Tremeadow" stated that wheat was available in Australia, but did not name any particular port. As Western Australia is the chief exporting State this season, the case of a large steamer loading there may be instanced, charges in that State being probably even in excess of those in other Aus-

tralian ports. It costs the shipowner about 9s. per ton to load his vessel in a Western Australian port, and get clear of all charges incidental to the visit. A vessel in ballast at Port Said has been known to refuse 40s. per ton to come to Western Australia to load wheat for Europe, and has promptly turned round and gone to Vancouver via the Panama Canal, where she has accepted 30s. per ton to load wheat for Europe. A steamer is also charged both Federal and State income tax on freight earnings.

I have also a statement of ship owners' complaints concerning heavy charges in Australian ports. A warning is given to ship owners generally as to the need for taking these charges into consideration when thinking of visiting an Australian port. A steamer of 2,966 tons register loaded 6,784 tons of flour at Sydney, Melbourne, Albany and Fremantle—four ports—and had to meet expenses of £3,179 6s. 2d., or 9s. 4½d. per ton loaded. In another case a steamer loaded 5,560 tons of wheat at Fremantle—this was in March of last year—and the cost of loading amounted to £2,111, or 7s. 7d. per ton. Those costs are interesting when we compare similar charges at New York, where they work out at 3s. 2d. per ton.

Hon. J. Cornell: Is it similar cargo that is handled?

Hon. V. HAMERSLEY: I presume so.

Hon. J. Cornell: Loading wheat at New York!

Hon. V. HAMERSLEY: The charges at New Orleans work out at 4s. 1d. per ton and at Montreal at 2s. 11d. per ton.

Hon. J. Cornell: Cotton would be lifted from New Orleans.

Hon. V. HAMERSLEY: That may be so.

Hon. E. H. Gray: And bulk handling would lower the costs.

Hon. V. HAMERSLEY: That may be so too, but we must realise we cannot go on loading up these charges. The shipping world is complaining of the charges at Fremantle as well as at other ports in Australia. It is decidedly interesting to learn that it pays to take a ship away from Australia in ballast to load wheat elsewhere. If that can be done after a voyage of 6,000 miles, it shows that there is something radically wrong.

Hon. E. H. Gray: It sounds more like a fable.

Hon. J. J. Holmes: Do the ships cover themselves in the freight charges?

Hon. V. HAMERSLEY: It is realised that the ships make up in freights what is necessary to cover the charges levied upon them. That sort of thing does not appeal to me. In other ports the shipping companies have been liable for these risks and lately they have realised that owing to a flaw in our legislation they are not liable here. It would be advisable to provide a more acceptable tribunal to deal with inquiries. It is unfair that the Harbour Trust that employs the pilots should also hold inquiries. By that means the Harbour Trust is liable to stamp itself as a white-washing machine, because, in the view of the outside world, the members of that body will be less likely to fault their own servants.

The Honorary Minister: They would, if the pilot were at fault.

Hon. V. HAMERSLEY: Natural bias would certainly influence the Trust in the direction of exonerating its own employees, because the Trust is responsible for keeping the pilots in the service.

Hon. Sir Edward Wittenoom: Surely the Trust would not retain the services of a man who was no good.

Hon. V. HAMERSLEY: I should imagine the Trust would not keep a pilot after he had been proved to be incompetent. I understand that should a vacancy occur, it is freely advertised and the Trust secures a fair choice from applicants for the position. By that means competent men are secured for the service.

The Honorary Minister: The best men available are appointed.

Hon. V. HAMERSLEY: Should a ship damage the wharves at Fremantle, the taxpayers of the State should not have to shoulder the cost of the repairs. The shipping companies are already covered in the freights they charge, because freights are fixed to cover all such liabilities. In addition to that, they are insured against such risks. I do not know that we need worry about any increases as the result of the passing of the Bill. I support the second reading.

HON. E. H. H. HALL (Central) [8.35]: The debate has clearly shown that the Government will be well advised to take steps to secure the appointment of an independent and impartial tribunal to investigate matters that have been referred to during the discussion on the Bill.

Hon. E. H. Harris: Do you suggest that past inquiries have not been impartial?

Hon. E. H. H. HALL: Instances quoted by members indicating that the Harbour Trust Commissioners have the right to determine who is at fault in connection with various accidents, will not tend to maintain confidence on the part of the general public. We are indebted to Mr. Gray for his informative speech, which was illuminating to members who are not so conversant with the operations in berthing large steamers at Fremantle. The statement that the pilot was not in supreme command did not seem to be feasible until Mr. Gray pointed out that the pilot on the bridge was dependent upon the ship's officers at the stem and the stern. In such circumstances, it is rather difficult to adjust exactly the portion of blame attachable to those concerned should an accident occur. During the tea adjournment, I was discussing the position with an hon. member and he put this proposition to me: "Should a signalman on the railways give a wrong signal and the engine-driver derail his train, who is the responsible party?" I answered at once that the signalman would be responsible for the accident. The hon. member then said to me, "If the chief officer or the second officer of a ship gives a wrong signal to the pilot on the bridge, who then is the responsible party?"

Hon. J. J. Holmes: And who is to decide that?

Hon. E. H. H. HALL: Mr. Holmes touched upon another important phase when he referred to the necessity for an independent tribunal. Surely it is not impossible for the Government to establish an impartial board of assessors. I would like the Minister to give the House information regarding the practice adopted at ports in the Eastern States and in other parts of the world. There is nothing novel or original about the proposition. Mr. Holmes took us back to the stranding of the "Ulysses," an occurrence that I have good cause to remember. In view of such incidents, it is high time that action was taken. In the light of statements that have been made regarding the unfortunate stranding of the "Lygnern," I hope the Minister will present the House with a more detailed official explanation of what happened. I shall support the second reading of the Bill in the hope that during the Committee stage,

amendments will be made in the directions I have indicated.

THE HONORARY MINISTER (Hon. W. H. Kitson—West—in reply) [8.38]: I regret that the discussion on the Bill and the criticism indulged in by one or two hon. members in particular, may lead the general public to believe that the Fremantle harbour is either very dangerous for shipping or that the pilot staff comprises incompetent officers. It was almost suggested that during the last few years the pilots had proved themselves to be incompetent.

Hon. G. Fraser: They are a very fine body of men.

The **HONORARY MINISTER**: Although he may not have intended it, Mr. Nicholson was very severe in his criticism. I regard this matter in a serious light, and I therefore submitted various statements that had been made, to the Fremantle Harbour Trust Commissioners with a view to receiving their comments upon them. I refer particularly to points raised by Mr. Nicholson and by Sir William Lathlain. I propose to deal with this subject in perhaps a rather lengthy fashion so that members may not be able to say that the Harbour Trust Commissioners did not supply all possible information. Much of the criticism apparently arose from the fact that in the reply furnished to a question submitted by Mr. Nicholson, a lot of details were supplied. I regret that Mr. Nicholson, who saw fit to quote from the return, did not go a little further and quote other portions of the statement. Had he done so, he would have given a little of the other side of the question, from the pilots' point of view. Mr. Nicholson's criticism was particularly severe in regard to one pilot, and the burden of the remarks of several other members was to the effect that one pilot in particular—he is not now in the service of the Harbour Trust—was incompetent.

Hon. G. Fraser: And that officer was complimented by the British Admiralty!

The **HONORARY MINISTER**: It was suggested that he was not capable of carrying out his duties in a proper manner. That suggestion was made because he had been unfortunate enough to experience several accidents while he was in charge of vessels.

Hon. J. Nicholson: He had an unfortunate succession of incidents.

The HONORARY MINISTER: In the words of one hon. member, the Harbour Trust is alleged to have whitewashed these pilots. I say definitely there has been no whitewashing process on the part of the Harbour Trust. The question I asked Mr. Holmes was pertinent. I asked him, "What would this Chamber say if the Harbour Trust had not inquired into accidents of the description covered by the return." Undoubtedly members would have said that the Harbour Trust had been lacking in its duty.

Hon. J. J. Holmes: We want to go beyond the Harbour Trust.

The HONORARY MINISTER: As there was no other tribunal to which these matters could be referred, the Harbour Trust held an inquiry, came to a decision, and on that decision based definite action.

Hon. A. Lovekin: But the inquiry was only into one side of the question.

The HONORARY MINISTER: I will deal with that phase, and I shall show the hon. member that if the inquiry was into one side of the question only, it was because the Harbour Trust could not help itself. Before I introduced the Bill I realised it was necessary that I should become a little more acquainted with the subject than I was when I first dealt with the proposition. I was interested to find a little bit of history of pilotage included in an opinion furnished by Mr. Norbert Keenan, K.C., when dealing with the question of the responsibility of ship owners regarding accidents to ships at Fremantle. I am referring to that matter because it will put rather a different complexion on the subject from that which has been raised by some hon. members. From the speeches of some who have dealt with the Bill, I should judge they are of the opinion that pilots are provided for the purpose of protecting the ships only. That is a mistaken notion.

Hon. J. J. Holmes: I thought the pilot was provided to place the ship in a safe berth.

The HONORARY MINISTER: And also for other purposes as well.

Hon. J. J. Holmes: Smashing wharves is not one of them.

The HONORARY MINISTER: In his opinion, Mr. Keenan said—

The laws governing pilotage are, of course, of very ancient origin and have been modified and changed from time to time to meet

the altered conditions of navigation and of the size of ships and the method of users of harbours. In the days preceding and down to the 19th century, tidal harbours were sought after for commercial purposes for two reasons—(a) they would be by natural conditions more immune from damage by storm, and (b) what was then of more importance, such harbours were safe from raid by hostile ships when the tide was out. Hence the popularity of such ports as Bristol and numbers of other harbours of a similar type. In those early days pilotage was purely a private contract between the ship owner and some mariner practising the calling of a pilot in the neighbourhood of a particular harbour, and there were no laws either general or local governing such employment other than the common law applicable to contracts. Obviously the taking on board of a pilot was purely a matter of choice for the ship owner and purely also one for the protection of his own property. The question involved was one only of the time and place for crossing the bar, and local knowledge of tide action, shoals and currents, and any error of judgment on the part of the pilot or any of the ship's personnel or crew could lead only to the casting away of the ship with the remote contingency, whilst ships still continued to be of small tonnage, of impeding the future passage from or to the harbour until the wreck was broken up or removed. If there were jetties or docks, ships were warped alongside or entered same under conditions that involved no, or at most but the slightest, risk of damage to such jetties or docks. In those days and under those conditions the ship owner was left free to employ or not to employ any mariner with local knowledge to assist in the navigation of his ship when entering or leaving harbour. If he did employ any such mariner, he did so entirely as a matter of private contract. The person so engaged was selected by him and on terms mutually agreed. He was the servant of the ship owner and therefore by law the ship owner was liable for the consequences of any acts of his done in the scope of his employment. If in fact under those circumstances any damage was done to the harbour or any of its works such as jetties, docks, beacons or buoys, the ship owner was liable unless at common law liability was avoided by the act coming under the head of inevitable accident or act of God. As civilisation progressed and the seas became cleared of pirates and privateers—men who were but slightly different in their character and proceedings—commerce by sea expanded marvellously, larger and more artificially constructed harbours were brought into existence, and the tonnage of ships progressing with the times was multiplied manifold, not only in the total merchant tonnage afloat, but in the size of individual merchantmen. Thus a state of affairs came into existence which required that pilotage should be regulated not so much for the protection of ships availing themselves of it as for the protection of commercial ports that had cost large

sums of money to construct, and for the protection of other shipping using such ports. This was pointed out by Lord Esher in the case of the "Charlton," 8 Asp. M.C. at p. 29, who said, speaking of compulsory pilotage, "It was not enacted for the protection of ships only, it was enacted for the protection of ports, of commercial ports and also of naval ports, of commercial ports in particular because if a vessel is wrecked and lost and sunk near to the entrance or within the entrance of a commercial port, she is not only lost herself, but she is a great danger and obstruction to the port and other shipping." At first there was no general Act governing the appointment of pilots or prescribing areas in which pilotage was compulsory, but purely local Acts such as the Newcastle Pilot Act, 41 Geo. III., C. 86, the Liverpool Pilot Act, the Clyde Navigation Act, 1858, and numbers of others. The first general Act was that of 52 Geo. III., C. 39, but this did not have jurisdiction over all pilots licensed throughout the Kingdom, but only over those enumerated in the Act.

Then he goes on to deal with the various Acts that have led up to the present position in the Old Country, where shipping is liable for damage done, notwithstanding that the shipping is in the hands of compulsory pilots. The Imperial Act is very clear on that point. While some members have implied that the Act in Great Britain is not quite what I have represented it to be, I say definitely that that is the position; the provision reading that notwithstanding the fact that the ship is in the hands of a compulsory pilot, the ship shall not be free from liability.

Hon. Sir William Lathlain: Shipowners here do not object to that.

The HONORARY MINISTER: Then I do not know what all the argument is about.

Hon. Sir William Lathlain: They object to the way in which you appoint your pilots.

Hon. A. Lovekin: And to the way in which you hold your inquiries.

The HONORARY MINISTER: I do not know that the manner of holding the inquiries affects the position regarding the compulsory pilots. No doubt if proper representation were made, the Harbour Trust would have no objection to the appointment of some independent tribunal. But failing that, the Harbour Trust have carried out their functions under the Act under which they are working, and if there is no provision made for an independent tribunal to inquire into these happenings, I say the Trust are doing all that can be expected of them by holding the inquiries that they do.

Hon. A. Lovekin: If you were to set up a representative board to appoint the pilots and hold the inquiries, the shipowners would not object to the rest.

The HONORARY MINISTER: One reason for the criticism to which the Bill has been subjected is the return I placed on the Table. I suggest that Mr. Nicholson was a little more severe than he really intended to be, and that he might have quoted a little more of the report than he did, especially in regard to the number of so-called accidents that have occurred—I might almost call them incidents, for some of them were nothing more than incidents. Members should understand that in navigating the large ships that come into Fremantle there is something more to be taken into consideration than the mere position of the vessel. For instance, there is the wind to be considered. With vessels that have so much top-hammer, that is an important factor. Then there is the tide to be considered, the proximity of other shipping, and a number of other factors of a similar nature, all of which have to be taken into consideration, I might say, on the spur of the moment. It has been admitted that the pilot on going aboard a vessel has to handle her although probably he has never seen her before, and he must accept the word of the master that everything is O.K. I am going to show that while he does that as a rule, and while perhaps in most cases it is quite correct, yet there are occasions when it is anything but correct. I suggest to members that in those circumstances a pilot is in a very unfortunate position; for he stands alone and carries a lot of responsibility, and if anything goes wrong it is only reasonable to suppose that most of the people affected are going to look after their own interests with, as a consequence in some cases, prejudice to the pilot. In this return, a very full return put up in reply to questions asked by Mr. Nicholson, I gave not only the number of mishaps that have occurred and the pilots engaged in the handling of the ships when those mishaps did occur, but I gave also the number of boats those pilots had handled during the period of their service. I venture to assert that if those figures are accepted—and they are perfectly correct—and compared with the figures of pilot services in other parts of the Commonwealth, they will be found to compare favourably. If we take out of the account the number of small mishaps that

were recorded merely as something that had happened, and compare what I may call the serious mishaps with those occurring in any other part of the Commonwealth, it will be found that Fremantle harbour and its pilot staff are by that comparison held up to commendation. This return covers a period of five years. It is all very well for an hon. member to select from this return just what suits his arguments. Mr. Nicholson said he realised that he would be able to use this return for the purposes of his argument. At the same time, had he quoted a little more from this return probably it would have served to tone down the severe strictures he passed on the pilot staff.

Hon. J. Nicholson: I said I could not read the whole of the report.

Hon. J. Cornell: So he read what suited him.

Hon. J. Nicholson: And that it was on the Table for other members to read.

The HONORARY MINISTER: But the hon. member quoted what suited his arguments, and so much as he quoted has been published. Any impartial person reading what has been published on that score could only come to the conclusion that it was highly prejudicial to the pilot staff at Fremantle. Actually the pilot staff at Fremantle before being appointed have to pass a more stringent test than that in any other part of the Commonwealth. Also I say their record is as good as, if not better than, that of any pilot staff in the world.

Hon. J. J. Holmes: What test do they pass?

The HONORARY MINISTER: I will give you the full test. That statement I have just made I have carefully verified.

Hon. J. J. Holmes: Who tests them, a board of laymen or a nautical board?

The HONORARY MINISTER: A nautical board. The tests the pilots have to undergo are set out in the regulations. Only quite recently a new pilot has been appointed on probation. I saw the advertisement for applications, containing those conditions, in the local Press, and the same advertisement appeared throughout the Commonwealth, with the exception of Queensland. Great stress has been laid on the fact that one pilot had a number of mishaps. That, of course, is Captain H. V. Rivers. He joined the service in March, 1913, and entered the service of the Harbour Trust on the 15th April, 1916. Accord-

ing to this return, he had in all eleven mishaps in five years.

Hon. J. Nicholson: I did not want to do him an injustice, and so I did not refer to those eleven.

The HONORARY MINISTER: Some of those mishaps were merely minor mishaps. The average number of ships per annum handled by that pilot was 210. In other words, in a period of five years he handled 1,050 ships and had 11 mishaps to report, some of them of only minor character. And where they were of major character, the inquiries that were held, whether satisfactory or not to hon. members, showed that the pilot himself was not to blame.

Hon. J. J. Holmes: Dogged by bad luck!

The HONORARY MINISTER: That is so. He himself considers that is so. Any members who read the whole of the facts must agree that it was so if the facts given are true, and if the statement made here is a true statement: because he had to contend with things over which neither he nor the master of the ship had any control. He cannot by any stretch of the imagination be blamed for such an accident. The report goes on to say —

It should be recorded that on four notable occasions Captain River's quick and seaman-like action prevented what might have been a serious accident.

Hon. Sir William Lathlain: On whose statement is that evidence given?

The HONORARY MINISTER: This is a statement of the Harbour Trust.

Hon. Sir William Lathlain: How do we know?

The HONORARY MINISTER: I can understand members being a little suspicious of the Harbour Trust trying to whitewash members of the pilot staff, but there is no intention to do anything of the kind.

Hon. Sir William Lathlain: I have not that in mind.

The HONORARY MINISTER: These cases can be proved by documentary evidence from the shipmasters or shipowners. If that is not sufficient for hon. members, I do not know what is. I have here some more reports.

On the 4th January, 1926, while entering the inner harbour with the R.M.S. "Mongolia" the ship suddenly sheered heavily to the southward, and she was with great skill manoeuvred out of the entrance channel and straightened up for the passage which was negotiated safely.

On the 11th May, 1924, s.s. "Persie" took a heavy sheer at the outer end of the North Mole in heavy North-West weather then prevailing and threatened to run on to the Mole, but was saved and backed out again, and anchored in safety.

On the 12th August, 1927, s.s. "Moreton Bay" sheered heavily in the entrance channel, but was saved. The cause was that the ship's steersman relieved one another at a critical spot, and the helm was uncontrolled for a period.

Hon. Sir William Lathlain: That was a peculiar thing to do.

The HONORARY MINISTER: The pilot had no control over the steersman. He had been given his directions and was acting upon instructions to keep the vessel to a certain course. It just happened that there was a change in the steersman, such a change as does not often occur at that spot. The passing of the helm from one man to the other I believe led to the wheel being allowed to run back, with the result that the ship suddenly altered her course, without the pilot being aware of it. The report continues—

On the 30th June, 1927, s.s. "Hobson's Bay" sheered heavily on taking the entrance channel at the outer end in heavy weather, but with anchors and engines the danger of her striking the North Mole was averted.

I now desire to quote some more figures. Captain Saunders joined the State Shipping Service as master on 25th April, 1915, and the Harbour Trust as pilot on the 25th September, 1918. He had three mishaps in five years. The total number of ships he handled per annum was 222; therefore he had in five years under his control 1,110 vessels and only three mishaps. Not one of these was what might be called a major accident. In the first accident no damage was done, in the second slight damage was done to the whaling pieces, and in the third slight damage was also done to the whaling pieces.

Hon. J. J. Holmes: That chap was not dogged by bad luck.

The HONORARY MINISTER: Captain Steer joined the service on the 9th July, 1920. He has had three mishaps in five years, including the "Lygnern." He has handled 210 ships per annum, or 1,050 in the five years. The first accident occurred during a heavy North-West gale when the vessel he was piloting developed a fault in her steering gear and struck a beacon. In the second case the s.s. "Euralia" narrowly missed colliding with s.s. "Eburna" in the

Gage Roads owing to the ship's officers having forgotten to turn steam on the steering engine.

Hon. J. Nicholson: I did not mention the name of the pilot.

The HONORARY MINISTER: I am giving the names of them all. Both anchors were dropped and the main engines sent hard astern to hold the ship. The ship's engineer was seen to turn on steam after the main engines had been started astern. That was a serious state of affairs. Surely the pilot cannot be blamed for that.

Hon. A. Lovekin: Was an independent inquiry held over that?

The HONORARY MINISTER: I do not know about an independent inquiry.

Hon. A. Lovekin: That is the trouble.

The HONORARY MINISTER: An inquiry was held by the Harbour Trust.

Hon. E. U. H. Hall: According to the Act.

The HONORARY MINISTER: In some of these mishaps there is no necessity for an inquiry. In some instances the pilot himself is the only person who makes a report. The mishaps have been of such a minor character that the shipping companies have neither complained nor reported them. Such cases cannot be looked upon with the seriousness described by Mr. Nicholson. The "Lygnern" was in charge of Captain Steer. That is a different matter, and I propose to deal with it by itself, because it deserves more consideration than members have given to it. Captain Trivett joined the service in July, 1920. He has had four mishaps in five years. In the first no damage was done, in the second the vessel flying light was driven on to a beacon in a heavy North-West gale, and in the third no damage was done. A mistake was made in the ship's engine room, by the starboard engine being put full steam ahead when full steam astern was asked for.

Hon. A. Lovekin: That is denied by the shipowners.

The HONORARY MINISTER: The fourth case was that of the "Mongolia," but only slight damage was done. Captain Trivett has handled 220 vessels per annum, or 1,100 vessels in five years, and has had four mishaps. And yet it is said that our pilot service is incompetent. Pilot Turner joined the service on 12th December, 1927.

He had one mishap, in the case of the "Glenbank." The whalings and fenders on the wharf were struck but no serious damage was done. He has handled 139 ships during the six months he has been in the service. In addition there have been many removals of large ships about the harbour. In 1927-28 these numbered 64. This is in addition to the vessels which have been piloted in and out of the port. This is the procedure followed in the appointment of pilots. I claim that the qualifications of a pilot in the service of the Fremantle Harbour Trust call for as severe a test as is required in any port of the Commonwealth, and probably of the world. The vacant position is advertised in Western Australia, South Australia, Victoria and New South Wales. The required qualifications, which are of a very exacting nature, are stated in the advertisement. The applications are placed in the hands of a special board of nautical experts under the harbour master, and the most eligible are submitted to the Fremantle Harbour Trust Commissioners. The selected applicant has then to go before a nautical board and undergo an examination in local knowledge. If that is satisfactory, he enters the service on probation for six months, and if he is then 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. When applications are invited, only holders of master mariners' square-rigged Board of Trade certificates and pilot exemption certificate for Fremantle are asked for and considered. This is the highest certificate that a master mariner can hold. The applicants are limited to 45 years of age, and medical and vision tests have to be satisfactorily passed. Each year every member of the pilot staff is examined medically and his eyesight is tested. Not in every place outside of Western Australia is it necessary for a pilot to hold a master mariner's square-rigged Board of Trade certificate. The commander of one of the largest vessels calling at Fremantle told me it would be impossible to provide a more strict examination, or ask for more severe qualifications than these. It is a fact that in the other States these are not required, and the age limit is not as low as 45. Furthermore, a six months' probationary service is not required. What I have read shows that far

from our pilot service being incompetent, it is particularly competent. The records I have quoted and those that I will quote show that the pilots' seamanship and knowledge in handling large vessels are equal to anything existing in any part of the world. I considered the strictures of Mr. Nicholson and Sir William Lathlain as too serious for me to deal with without reference to the authorities. I submitted their remarks to the Harbour Trust and will reply to them in detail. It is easy to see from the statements of some members that they are not fully seized of the facts. Some of them seem to think that for some purpose the inquiries that have been held have been one-sided, and that certain people who are held to be blameworthy for certain mishaps have not been given a hearing. That is a serious charge to make. I can show conclusively that it is not always possible to hold an independent inquiry. A mail boat may meet with an accident of a minor character when leaving the port, or a mishap that does not prevent her from continuing her voyage. She cannot afford the time necessary for the officers to be present at an inquiry. In such cases, therefore, it may be said that the evidence is one-sided. There is, however, a way by which this can be checked, and by which the other side, if there is another side, can be secured. Mr. Lovekin said on two or three occasions, when certain things have been denied, that people have not been given an opportunity to put their side of the question before an independent board. So that I might not be misunderstood, and so that I might not say things that I cannot substantiate, I propose to quote some of the opinions that have been supplied to me. With regard to the Harbour Trust selecting incompetent men, Mr. Lovekin suggested by interjection that it would be possible for the State to appoint an incompetent pilot.

Hon. A. Lovekin: A cheap pilot, I said.

The HONORARY MINISTER: I think the hon. member used the word "incompetent." I referred the matter to the Harbour Trust, and this is the reply I received—

It is of course obviously the desire of the Government and the Fremantle Harbour Trust Commissioners that the officers occupying the important posts of pilots should be entirely capable men, and good well tried sailors, men of nerve and capable of quick decisions, and with a full knowledge of their work and of the peculiarities of ships. This is believed to have been attained. The qualifications required in

officers to become pilots at Fremantle are probably as stringent as in any similar position in the world. The Trust Commissioners ask for and will only consider men who hold the highest navigation certificates and have spent years as masters in private employ as well as exemption from pilotage for the port of Fremantle, which latter means in effect that these applicants have already performed the act of pilotage at Fremantle by navigating their own ships in and out of the port. The call for applicants when a vacancy occurs is not confined to Western Australia but is spread over the other States as well, and even after the applications received have been narrowed down by nautical men, the selected applicant has to serve for six months on probation before he becomes a full-fledged pilot. In addition every member of the staff is medically examined and his sight tested annually. It is difficult to imagine what more can be done to insure that only the best men are obtained.

In most cases pilots appointed at Fremantle are men who have been employed by various shipping companies for many years as master mariners, and again in most cases they hold pilot exemption certificates for Fremantle, and in some cases for other ports in the Commonwealth. I do not think anyone could have higher qualifications. The Harbour Trust statement goes on—

The result is that the officers operating as pilots at Fremantle are men of long experience in private employment. We have there officers who have had no less than 20 years constant service in one well known shipping company, and have had some 15 years service as master and when they left their old employ to become a pilot they were most warmly spoken of and recommended by their late employers. There are men on the staff of pilots who hold exemption certificates for practically every port in Australia and Tasmania, and members should reflect upon what the awarding of these exemptions mean in steadiness, skill and study. This staff is held in the highest esteem by every commander and master mariner who comes to Fremantle and time and time again has the pilot staff been complimented upon their skill and promptness. Many a mail steamer commander has taken advantage of the boarding of the pilot off Rottnest to leave the bridge to attend to private business, some times not again appearing till the ship is inside the Inner Harbour. Never in the history of the Fremantle Harbour Trust has the slightest complaint been made reflecting upon the pilot by the men who count, viz., the commanders, the men to whom the owners have entrusted the care of valuable ships. The only complaints—and these have been only verbal, and after all very few—have come from the local agents of the ships—landsmen who are entirely incapable of expressing an opinion. These are the men who stand behind the critics of this Bill.

That is perfectly true.

Hon. J. J. Holmes: Was it a landsman who wrote that?

The HONORARY MINISTER: I had the privilege this morning of boarding the "Orana" and having an interview with the commander. I also had the privilege of looking at the vessel from the bridge, and without hesitation I say that the commander was most eulogistic of the Fremantle pilot service. He said he had never had a complaint to make about their seamanship, which he considered to be of the highest order. He added that he had the utmost confidence in the pilots. When told of some of the criticism that had been levelled against the pilot staff, he agreed with some of the remarks I am going to make at a later stage. When one looks aft from the bridge of the "Orana" it is impossible to see the stern, because of the top hamper and the various awnings. It is some 400 feet from the bridge to the stern. But I am getting a little ahead of my story. I venture to say, from the records in the possession of the Fremantle Harbour Trust, that there is no pilot staff in the Commonwealth that can claim to have a better reputation, or is held in higher esteem by the people who count—the men in charge of the large steamers that enter and use Fremantle harbour. The statement goes on to say—

These, too, are men who have not the confidence or support of their commanders. I am not making this statement at random—the matter has been each time tested by reference to the commanders personally, and the answer invariably received has been to take no notice of the landsmen in the office who do not know what they are talking about. Sir William Lathlain follows Mr. Nicholson in his criticism both of the efficiency of the Fremantle pilot service and reiterates the opinion that appointments to the pilot service and also inquiries into accidents should be made by an independent board. For an independent board to appoint highly technical officers and force them upon the Harbour Trust Commissioners as Port Authority is unthinkable. The Trust must appoint, as it must control its pilot officers, as it must all other officers engaged in the administration of the port. It is mentioned that the Chief Harbour Master might have a hand in the appointments, but what will you say when you hear that some of the men whom you now criticise as having had mishaps are men appointed when the late Captain J. C. Irvine, then Chief Harbour Master, was a Commissioner of the Fremantle Harbour Trust, and I do not think anyone will doubt his navigational qualifications. As to inquiries into the reasons for such accidents as may occur, no one would welcome more than the Commissioners the holding of an inquiry by a properly constituted board or

court. The absence of such provision in the legislation of the State cannot in any sense be blamed to the Trust Commissioners. It is and always has been the object of the Government and the Trust Commissioners to have the most capable officers possible as pilots, and the system carried out by the Trust shows that unmistakably. The credentials and qualifications required for admission to the service when vacancies occur are as far as can be ascertained the most stringent in the world to-day—in fact it would be difficult for any practical man to suggest any improvement. The pilot service at Fremantle is recognised by the men who really count, viz., the commanders of the ocean liners coming to our port—men who are not mere office agents, who have never spent a day's sea training in their lives—to be one of the finest services in the world. As regards the accident to the "Lygner"—I have already said that it is greatly regretted but the Trust Commissioners cannot be blamed for the absence of legislative power to have an inquiry held by a court of marine inquiry. They took every step possible to bring this about but were prevented by the peculiarity of the existing legislation. It was the Commonwealth Government which announced that the only way to hold a court of inquiry was at the request and at the expense of the Swedish Government, not the State Government and certainly not the Fremantle Harbour Trust Commissioners. We have not been favoured with the names of the men behind the gun—the men who for obviously interested motives have chosen to belittle probably as fine a body of men as can be found anywhere, but I would state this: Some time ago a branch manager in Western Australia of the Orient line informed the secretary to the Fremantle Harbour Trust verbally that the commanders of the ships of that line were becoming nervous as to the capability of the Fremantle pilots. The manager was properly informed that his statement was such an important one that he should confirm it in writing. The matter was reported in due course to the Trust Commissioners, who directed that the manager should be written to officially asking that the statement, and any complaint his company might have, should be put on paper in the proper fashion. This he declined to do, saying that the conversation was a purely private one and that he intended to convey that there was a feeling that the men appointed as pilots were drawn from a class not originally experienced in handling large steamers. The Trust Commissioners not satisfied, wrote again to him asking that if his company had any complaint to make it should be communicated properly, but he again sidestepped the matter, when the Trust Commissioners then informed him that he had failed on request to make his complaint properly and the Commissioners wished to definitely record the fact that they regarded the verbal statement made as grave and serious, and had done their best to get him to either justify or withdraw the statement but without avail.

I submit that that statement differs considerably from the statement made, for instance, by Mr. Lovekin. There was the

opportunity given for the branch manager of one of the biggest shipping lines which comes to this port to commit to writing the statement that he made to the secretary of the Harbour Trust, so that an inquiry might be made. He, however, refused to do so. Yet we find that the pilot staff, and anybody, in fact, is blamed except the shipping company. The record of mishaps given by me during the last five years includes all mishaps, trivial and otherwise, and several of these are due to serious faults in the equipment of the ships or on the part of her officers. The number even all told is very small over a total pilotage movements of all ships at Fremantle during the period mentioned of no less than 8,151 up to end of June last. That is my statement in reply to the comment by Mr. Nicholson. I said in my second reading speech that this particular question had been dealt with by the different harbour authorities over a period of years, and that at the last conference held in October at Fremantle a definite resolution was carried unanimously. I was asked whether the shipping companies were represented at that conference, and I replied in the negative. I desire now to qualify that reply to this extent; that there was no necessity for shipping companies to be represented at the conference, but as shipping companies are represented on practically all port authorities throughout the Commonwealth, they were indirectly represented at that conference. I propose to give one or two extracts which led to the carrying of the resolution I quoted in my second reading speech, and when I state the names of those who were present at the conference, members will agree that there is a necessity for legislation of this kind. After copies of the House of Lords' judgment in the "Mostyn" case had been circulated—that was a test case with which Mr. Nicholson will be familiar—and after certain regulations had been circulated, the chairman said—

The next item on the agenda is "Damage to property of port authorities." At the last conference it was decided that this matter be referred to the next conference. This is a question that deeply concerns the Fremantle Harbour Trust. Although the Act under which the Fremantle Harbour Trust operates contains precisely the same wording as is quoted by the Rockhampton Harbour Board, we have found that this is not proof against old statutes of this State, which actually demand that where compulsory pilots are stationed, the shipowner shall, under penalty, hand over full

control of his vessel to the pilot, and this in view of the fact that the English Pilotage Act of 1913 has not been adopted in Australia, defeats the evident intention contained in the wording in the Fremantle (and Queensland) Act, and enables the shipowner to escape under the plea that he is not liable as his vessel, when doing the damage, was under the control of a compulsory pilot. We have had several bad crashes at the Fremantle wharves by heavy foreign ships under the control of pilots, and the trust have been unable to recover the cost of the repairs. A special pilotage sub-committee of the conference dealt with this matter in October last, and reported that relief to port authorities was promised in the Australian Federal Navigation Act, but that portion of the Act has not yet been proclaimed. The Fremantle Harbour Trust has had before it the "Mostyn" and other cases. In Western Australia it has been promised that legislation will be submitted during the present session of the legislature which it is hoped will give Western Australia the relief it desires. That is to say, that the ship will be held responsible for damage done when the vessel is in charge of a pilot.

Mr. E. A. Farquhar (South Australia): I should like to ask Mr. Boyd whether the Melbourne Harbour Trust was satisfied with the amendment that it got in that State. I do not think the whole proposal was adopted.

Hon. J. A. Boyd (Melbourne) No, it was amended.

Mr. E. A. Farquhar: If Mr. Boyd will be good enough to tell us the position in Victoria, it will be helpful. Although we were anticipating legislation stipulating that a ship should not be exempt from liability because there was a pilot on board, we have experienced difficulty with our Crown Law authorities, who advised that it is necessary to prove negligence on the part of the ship. It has always appeared to the South Australian harbour authorities that it was within our province to lay down the conditions under which a ship should occupy a berth, and we wanted to say however the damage was caused, the expense should fall on the ship. It is essential that this matter should be made quite clear.

Hon. J. A. Boyd (Melbourne): The position with us is this: We asked for power in the case of damage to our property to seize and sell the vessel if there was refusal to pay the full amount of the damage. This was a proposal drafted by Mr. Latham, K.C., for the Melbourne Harbour Trust. It went to the Victorian Government which, however, did not go the whole length. It amended the proposal, but gave us power to make the master, owner, or agent of any vessel liable for damage done to the property of the trust even though the vessel were in charge of a compulsory pilot. That is the extent of the power given to us under the Act. It enables us to collect the cost of the damage done. We had a very considerable debt banked up against various shipping companies for damage done to the port property, which the companies had refused to pay. They always took the stand that the vessel was in charge of a compulsory pilot, and that they were not responsible. The new Act gives us power to make the charge and to recover it. We have taken action against one

of the big shipping companies to recover the amount.

The Chairman: Was it successful?

Hon. J. A. Boyd (Melbourne): Yes.

A Delegate: Was it made retrospective?

Hon. J. A. Boyd (Melbourne) No. I think a decision was given in one of the courts in which the shipping company took the stand that as the vessel was under the control of a compulsory pilot, the company was not responsible. I am not positive about that, but there was sufficient doubt in the minds of the Melbourne trust commissioners to prevent us going on with the action until we got the law amended. Once we got the law amended, we issued a summons and the company paid. The other companies are all paying now, and we have had no further trouble. I have copies of the suggestions made by Mr. Latham for the amending measure, together with the Bill actually passed. If members of the conference would care to have copies, I will hand over my documents that copies may be made. Delegates will then be able to see exactly what the position is.

Mr. R. T. McKay (Sydney): We are endeavouring to secure an amending Act to enable the Commissioners to recover in respect of damage done to their property. Our proposals have been modelled on the lines suggested by Mr. Latham in the light of the "Mostyn" judgment. The Commissioners in Sydney have not excluded the negligence provision which was deleted from the Victorian Bill by the Victorian Parliament. We hope the New South Wales Parliament will pass it.

Captain J. E. Morris (Superintendent of Navigation, New South Wales): There has been only one case in which I have been unable to collect from the owners of a vessel that had damaged a wharf. That was the case of the "Delungra," at that time owned by the Commonwealth line. Even if negligence on the part of the pilot is proved, we can still recover, but the Crown Solicitor thought it would be unwise in the case mentioned to fight the Commonwealth Government. That is the only case in which we have not recovered the damage done to wharves outside of Sydney. I have had reductions made for putting new work in place of old work damaged. In order to remove any possible doubt on the question, I have prepared an amending Bill which goes further than the Pilotage Act of Great Britain. The clause I forwarded to the Minister as an amendment of the Navigation Act is explained, as follows:—"The proposed draft of the Navigation Act Amendment Bill fixes responsibility for injury to the works of a public authority, notwithstanding that at the time injury is caused, the vessel occasioning the damage is compulsorily in charge of a pilot. 'Public authority' includes 'any corporation or person who, by or under the authority of any Act has constructed, or who has the control or management of any work, or in whom any work is vested.' 'Work' includes 'any wharf, jetty, pier, quay, landing place, breakwater, bank, beacon, buoy, dolphin, port equipment of any kind, electric cable, gas pipe, water pipe, ferry cable, bridge, dock, dam, lock or weir.' A vessel causing damage to the property of port authorities may be detained by order of the Supreme Court until

the claim for damages is met, or until sufficient security is given for the damages and costs of any action in respect of the injury."

Hon. A. Lovekin: The ship owners do not object to that although under compulsory pilotage. That is not the point.

The HONORARY MINISTER: From some of the arguments raised, that is the point. Mr. Lovekin has said that if we are prepared to accept certain amendments, which he has not yet outlined, the ship owners will be satisfied with the measure.

Hon. J. Cornell: The local agents or the owners?

The HONORARY MINISTER: The ship owners, I understand.

Hon. J. Cornell: No ship owners in Western Australia are affected.

The HONORARY MINISTER: But they are represented here and I take it their agents can speak on their behalf. Until we have a chance to peruse the amendments we cannot take much notice of Mr. Lovekin's statement.

Hon. J. J. Holmes: All I ask for is a proper tribunal to fix the responsibility.

The HONORARY MINISTER: I have pointed out that our examination for pilots is as strict, if not stricter than that in any other part of the Commonwealth, and what better could we have than nautical experts, who must possess the confidence of nautical people? In view of the statement I have made about the record of the pilots, it should be sufficient.

Hon. A. Lovekin: Why not make the appointments on the lines of the English legislation?

The HONORARY MINISTER: The legislation varies in different countries. If it is possible to get a better system than the existing one, I am not opposed to it, but when members criticise the Harbour Trust for the findings they have brought in as a result of inquiries made, and when the inquiries have been made notwithstanding that there is no statutory authority for an independent inquiry, it is not fair to lay the blame on the Harbour Trust either for the findings or for the fact that there have been accidents. The Trust have taken all steps possible to avoid accidents and to get at the root cause of every accident that has occurred.

Hon. J. J. Holmes: You should have a proper tribunal.

The HONORARY MINISTER: When members outline their amendments we shall have an opportunity to consider them. The conference of harbour authorities was unanimous and as a result of its representations to other States, certain legislation is being considered just as it is being considered here. In Melbourne the matter has already been dealt with by the Victorian Parliament, which passed an amendment to the Melbourne Harbour Trust Act on the 23rd December, 1926. The essential provision in that Act is Subsection 2 of Section 153 which reads—

The owner, master or agent of any vessel shall not be relieved of any liability to the Commissioners by reason of the fact that such vessel was under compulsory pilotage at the time any injury was caused as aforesaid.

That is very definite. It is actually the same as the Imperial legislation of 1913. Much has been said about the accident to the "Orama." The reply given was as follows:—

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, Capt. H. V. Rivers.

The reply of the secretary of the Harbour Trust on behalf of the trust to the criticism of Mr. Nicholson is as follows:—

Much has been made by Mr. Nicholson of what he has chosen to regard as negligence on the part of the pilot in attempting to swing the ship so close to the quay, and he has made light of the part which the second officer should have played at his station at the stern of the ship in warning the bridge of the proximity of the ship's stern to the wharf.

Mr. Nicholson simply spurned the idea of any officer of the ship's company having anything to do with the manoeuvring of the boat. These are the facts.

Hon. A. Lovekin: During the adjournment I was advised that those are not the facts.

The HONORARY MINISTER: It has been admitted by some members that it is necessary to have the utmost co-operation between the officers of the ship and the pilot. That co-operation consists of instant acknowledgment of instructions given and the conveyance of definite information to the pilot without delay in the event of something untoward happening or being about to happen. Two or three seconds may make all the difference. With a 20,000-

ton boat, no matter how slowly she may be moving, if she touches any obstruction, wharf, buoy or another ship, a tremendous pressure is brought to bear upon the object struck. The whole of the weight is concentrated upon one beam or post, say a few inches in thickness, and it is not surprising that the action is, as described by one authority, equivalent to cutting a pound of butter with a hot knife. However slight the impact, comparatively speaking, may be, something must give way. In listening to Mr. Nicholson one would think that a boat was swung on a spindle and that nothing else had to be taken into consideration. He implied that so long as the requisite space was available in which to swing, nothing else was necessary. It is essential to remember windage. The top hamper of a boat might be 80 feet or 90 feet out of the water with only 20 feet or 25 feet of the vessel's hull in the water. Probably a gale is blowing, the tide setting in one direction or a current setting in a direction not known at the moment. Taking all those facts into consideration, it is remarkable that there have not been more accidents.

Hon. A. Lovekin: The point is, did that officer inform the bridge?

The HONORARY MINISTER: The reply of the Harbour Trust is as follows:—

It may be of advantage to Mr. Nicholson and those who have prompted him, to be tutored a little on ship discipline. Officers have their stations for particular and important reasons, and have important duties assigned to them. On this occasion it was the duty of this officer to keep the bridge informed as to whether the stern end of the ship, which for the moment was in his special care, was not coming into a dangerous position. The whole manoeuvre was talked out by the pilot and the commander of the ship and his officers before the ship was let go from the wharf, and the commander (one of the strictest disciplinarians in the Orient line service) agreed with the pilot that the methods to be adopted were the best in the circumstances prevailing. The stern is 400 feet away from the bridge and the view cluttered up with deck erections, boats, etc., so that no one on the bridge could possibly see how far the stern was off any object in daylight, much less at nighttime when this accident occurred.

No report was made that the ship had struck the wharf till the ship was outside the Inner Harbour, and it would serve as an eye-opener if the hon. critic of this Bill and his office coadjutor could have heard what the commander said to the officer who had so signally failed in his duty. It would be interesting if the hon. member would ascertain from his friends whether the officer is now in the ser-

vice of the Orient Line, and, if so, what position he occupies, or, if not, why he is not there now.

I ask the hon. member to make the inquiry.

Hon. A. Lovekin: I think I shall be able to give you the evidence on the other side to-morrow.

Hon. J. Cornell: In Committee, I hope.

The HONORARY MINISTER: This accident occurred late at night, when it was dark. The pilot was on the bridge. He had consulted with the master of the ship, and they had decided on a certain line of action. The second officer of the ship had certain duties to perform. It is claimed that he failed to perform those duties. As a matter of fact, neither the commander of the ship nor the pilot knew, until the ship was outside the harbour, that an accident had occurred.

Hon. A. Lovekin: They cannot see, but they telephone.

The HONORARY MINISTER: Until that vessel had got outside, they were not aware of the accident. The second officer then said to the pilot, "That was a nasty bump you gave the wharf." The pilot asked, "What bump?" I would like the hon. member, who apparently has information on the subject, to give the facts of the case and to state what happened to that particular officer.

Hon. J. Cornell: I suppose he was shown the gate.

The HONORARY MINISTER: With respect to the stranding of the "Lygnern" there has been some criticism, based, in my opinion, on lack of knowledge of the circumstances. I do not blame hon. members for not knowing all the facts, but I say they have been wrongly advised. I do not like to suggest that misrepresentations have deliberately been made to them. However, two inquiries have been held, and the evidence at each was such as to prove that it could not be the pilot that was to blame. Certain circumstances are admitted by all the parties affected. Therefore I do not think it right that hon. members should be advised to make statements which are not in accordance with facts. This is the reply I have to submit on behalf of the Fremantle Harbour Trust—

Everybody regrets most deeply the accident to the "Lygnern," but the evidence at the two inquiries held distinctly showed that the

ship was originally anchored in a safe position, half a mile to the westward of the Beagle Rocks.

Hon. J. Nicholson: I said she drifted on to the rock.

Hon. J. J. Holmes: I did not say the ship was on the rock; I said the captain said so.

The HONORARY MINISTER: I will deal with that. The observations of the Harbour Trust proceed—

The statement made by the hon. Mr. Nicholson that so much chain was paid out that she came stern on to the rocks is pure nonsense. The ship was anchored half a mile clear of the rocks, and 75 fathoms or 450 feet of chain was paid out. The position is settled beyond all doubt, as it was checked by the master of the "Lygnern" and the masters of the steamers "Mandalla," "Laomedan," and "Tongararo," which were all anchored in the immediate vicinity. That is four master mariners in addition to the checking by the pilot. All the practical men concerned, and others who were in a position to judge, hold that the ship struck some submerged object which has since shifted its position, bent her rudder up till it got into the propeller aperture and prevented the propeller from turning. This was not known till the original anchor was hoisted. The failure of the tugs then to reach the ship promptly, and their poorly-equipped condition when they did go out to her, caused her, in spite of anchors being again let go, to drive astern in the heavy weather prevailing, till she reached the reef.

That is quite a different state of affairs from what Mr. Nicholson would have the House believe.

Hon. A. Lovekin: Another instance of being dogged by bad luck.

The HONORARY MINISTER: Let the hon. member wait until I have finished. My endeavours were applied to get an inquiry held—

As to inquiries, the Fremantle Harbour Trust took every step possible to have a properly constituted inquiry held, but were stopped by the want of effective legislation. When they found they were powerless to have a proper inquiry held, they appealed to the Government, which placed the position before the Prime Minister and urged that an inquiry was highly desirable, but without avail.

Hon. A. Lovekin: What has become of the object the vessel struck?

The HONORARY MINISTER: Efforts have been made, covering a period of days, with the facilities at the disposal of the Harbour Trust, to locate the object struck. Those efforts have failed. An obstruction must have been there. The hon. member smiles; but when I repeat what the report

says, that four master mariners in addition to the pilot, and including the master of the "Lygnern," checked her position when she was first anchored, and found that that position is at least half a mile away from Beagle Rocks, there is no reason for any hon. member to cast suspicion on that particular pilot.

Hon. A. Lovekin: It is rather strange that the vessel strikes an object, and that the object disappears, and that the vessel drifts half a mile on to Beagle Rocks?

The HONORARY MINISTER: Such things do occur. In the Press we sometimes read that a steamer has struck a floating object.

Hon. J. J. Holmes: Has the Harbour Trust informed mariners that there is a floating object in that locality?

The HONORARY MINISTER: Mariners have been notified in accordance with the findings—

As a last resort the Government directed, at the request of the trust, that the Chief Harbour Master should hold an inquiry, though it could not be constituted under the State legislation; and he took the evidence of those connected with the mishap and found no blame attachable to the pilot. The Trust Commissioners on receipt of the report found that, from the evidence and statements, they had no reason to depart from the findings. To blame the pilot service or to blame the Trust Commissioners in the circumstances is simply grotesque.

I mention that because certain members have offered criticisms on the subject.

Hon. A. Lovekin: But you did hold the inquiry.

The HONORARY MINISTER: Yes, without any statutory authority. Hon. members criticised the fact that an inquiry was denied to the Swedish Consul unless it was to be held at the Swedish Government's expense. I am pointing out that it is the Commonwealth Government, and not the State Government, who put forward that condition.

Hon. G. Fraser: Was any application received from the Swedish Government for an inquiry?

The HONORARY MINISTER: Yes. The Swedish Consul himself held an inquiry, and arrived at a certain conclusion, which I assume he has communicated to his Government. The Consul made a request that an inquiry should be held by the Fremantle Harbour Trust or by the authorities. It was found that under our State

Act there was no power to hold an inquiry, and that under the Commonwealth Act there was only power to hold a court of marine inquiry if a British ship was affected or British lives had been lost. On representations being made to the Commonwealth Government, the reply received was that an inquiry would be authorised on condition that the Swedish Consul was prepared to bear the cost. I do not know what the expense would be, but apparently so little was thought of the matter that the Swedish Consul was not prepared to authorise the expenditure. Consequently it was left to the Fremantle Harbour Trust to hold the purely departmental inquiry which I authorised. The evidence adduced in both cases was, I believe, similar; at all events, in neither case was any evidence adduced attaching blame to the pilot, and the finding in both cases was that no blame attached to him.

Hon. A. Lovekin: Did the captain of the vessel give evidence at the inquiry?

The HONORARY MINISTER: Yes, but unfortunately the crew of the "Lygnern" had been repatriated a day or two before. It was the knowledge of their approaching repatriation that led me to speed the inquiry. However, we could only manage to hold it before the master of the vessel went on his way. On the advice given to me I have no hesitation in saying that the principal cause of the "Lygnern" being on the Beagle Rocks to-day was the fact that one of the tugs, at any rate, was belated in her arrival and that her gear was quite unsuitable for the job. Before the tugs were enabled to get the necessary tow-lines, the "Lygnern" had drifted that distance on to Beagle Rocks.

Hon. A. Lovekin: Does the Harbour Trust control the tugs?

The HONORARY MINISTER: No. They are the property of private ship-owners. The Harbour Trust are in no way responsible for them. If there is blame attachable to anybody, in my opinion it is to the private tug-owners, who allowed their tugs to be available for service in the Fremantle harbour without the heavy gear required in a case of that kind.

Hon. E. H. H. Hall: Do not you think that point should be attended to in future?

The HONORARY MINISTER: Yes. I expect that the tug-owners have taken note of the position, and that while they have

certain difficulties to contend with, those difficulties will be overcome. I know that the powerful tugs in Fremantle as a rule do very satisfactory work. On this occasion, apparently, owing to certain circumstances the first tug was not, or both tugs were not, up to the requirements of a job of that kind. Mr. Nicholson referred to the case of the "Nirvana," which was in collision with the "Eburna." Mr. Holmes also referred to that case. I would like hon. members to pay particular attention to what I am about to say, because although the Harbour Trust reported only very slight damage, considerable doubt has been thrown by hon. members on that statement. I said at the time, that the return was submitted in all sincerity and that the whole of the facts possessed by the Harbour Trust were summarised in the statement. If greater damage was caused by the collision than was reported, the Harbour Trust cannot be blamed if information to that effect was not forwarded. When I read the following statement, members will realise the difficulties confronting the Harbour Trust pilots. The report states—

This incident has been used by Mr. Nicholson and Sir William Lathlain to flay the pilot in charge of the "Nirvana." The hon. gentlemen said it happened on a calm day, yet we find that a North-West gale was blowing. The reason for the collision was that the "Nirvana" refused to answer her helm, and this is the absolute truth. It may be of interest to these gentlemen to know that the collision with the "Eburna" was the third collision that the "Nirvana" had figured in on that voyage. She was in a collision at Aden and again at Singapore, and all due to defective steering gear. This gear was later fixed up as best could be done, and the ship had fitted a tell-tale in the main rigging to inform the navigating officers what the rudder was doing.

Hon. A. Lovekin: Dogged by bad luck again!

The HONORARY MINISTER: The hon. member can describe it as he chooses. I am giving the House the truth. In view of these facts, it is particularly unfair to blame the pilot, seeing that the ship had been in three collisions during the one voyage.

Hon. G. Fraser: There must have been bad pilots all the way along.

Hon. J. J. Holmes: And yet the captain was disrated.

The HONORARY MINISTER: Of course, seamen will understand exactly what the last statement in the report con-

veys. On inquiry I find that it indicates a very serious state of affairs. The secretary of the Fremantle Harbour Trust in his report writes—

I stated that little damage was reported. That is a fact, but none of us know what the subsequent overhauls of either the "Nirvana" or the "Eburna" cost, or what was included in the work that was done to these vessels.

These vessels are covered by insurance, and I presume that when the ships were placed in the dock for overhaul—I say I "presume," because I have not a full knowledge of the position—all that was necessary would be repaired. Not only would the repairs be effected to the ship as the result of the collision in Gage Roads, but what about the steering gear that had proved defective throughout the whole voyage? Would not that gear be repaired as well?

Hon. J. J. Holmes: Would you say that the captain was disrated because of the defective steering gear?

The HONORARY MINISTER: Had the damage been so serious as hon. members have suggested, would not a report to that effect have been made to the Harbour Trust? One hon. member said it cost one ship £4,000 and the other ship £5,000. Another hon. member said that it cost approximately £9,000 to remedy the damage done as the result of the collision in Gage Roads. In view of that, I believe I am justified in casting doubt on the figures quoted. Is there any shipping company, whose boats visit Fremantle, that would not make a strong protest to the Fremantle Harbour Trust Commissioners in the event of an accident occurring for which the pilot was to blame? There are circumstances that should be taken into consideration by hon. members before they express such adverse opinions regarding the pilot service. Fancy a vessel like the "Nirvana" experiencing three collisions during one trip and all due to the one cause. I could mention other remarkable instances as the result of my perusal of records. From these documents I was able to ascertain that the Fremantle pilot staff had proved themselves to be wonderful men on various occasions. At times they have been able to extricate ships out of what seemed to be impossible situations. Although it seemed impossible, they succeeded, and yet we hear but little of such incidents. There was another point mentioned by Sir William Lathlain, who referred to the

stranding of the "Ulysses." When challenged, Sir William withdrew his statement that no vessel of the Holt line had visited Fremantle for 10 years after the stranding of the "Ulysses," but he substituted for it a statement that the "Ulysses" had been kept off the run because of the accident. I suggested at the time that if that hon. member were to make inquiries in the right quarter, he would ascertain that he had been misinformed. This is what the secretary of the Fremantle Harbour Trust has to say regarding Sir William's statement—

Sir William Lathlain made a statement to the effect that the Holt Blue Funnel liner "Ulysses" grounded in Fremantle Harbour during the war period and, in consequence, steamers of this Line were withdrawn from Fremantle for ten years. On being challenged as to the correctness of this statement he toned down his extraordinary statement to one that the "Ulysses" was withdrawn from Fremantle for ten years. What do we find? The "Ulysses" grounded outside the entrance to Fremantle Inner Harbour on the 8th March, 1916, when in charge of Pilot Captain Williamson. She grounded in Gage Roads to the southward of the entrance channel. A Court of marine inquiry investigated the circumstances, and found that the grounding was caused by an error of judgment on the part of the pilot, and Captain Williamson lost his position.

May I here remark that that is one instance at least in which the Fremantle Harbour Trust, rather than attempt to whitewash a pilot, dismissed him from his position. Could anything be more stringent than that?

Hon. G. Fraser: That case was fought out tooth and nail.

The HONORARY MINISTER: Then the statement goes on—

The pilot appealed against his dismissal and the matter came before a Royal Commission, but the Fremantle Harbour Trust Commissioners did not reinstate him nor compensate him for loss of office. It was shown, however, that the reason for taking the ship, which was of heavy draft, into this dangerous water was the desire of the pilot to give as great effect as he could to a request made to him by the District Naval Officer at Fremantle (the vessel being then controlled by the Navy) to anchor the ship as close in as possible.

Here was a pilot who endeavoured to meet the wishes of the district naval officer, under whose control the ship happened to be for the time being. In endeavouring to meet that officer's desires, the pilot took the ship into water where she struck a submerged

object. As a result, that pilot lost his position! Then Mr. Stevens continues—

As to steamers of the Holt line being withdrawn from Fremantle, we find that this accident made no difference whatever in their calling at Fremantle, nor has it even been suggested before that it did. During the year after the accident, namely 1917, Holt Line steamers made 20 visits to Fremantle; in 1918, 20 visits; in 1919, 13 visits; in 1920, 7 visits; in 1921, 18 visits; in 1922, 19 visits; in 1923, 16 visits; in 1924, 21 visits; in 1925, 25 visits; in 1926, 26 visits; in 1927, 32 visits; and in 1928, 34 visits. I think that record clearly shows the statement to have been a foolishly incorrect one. As regards the "Ulysses," herself being kept away from Fremantle for ten years after her accident in 1916, even that is not a fact as the ship came to Fremantle three times in 1917, namely, on 5th April, 21st May, and 4th November; she also visited Fremantle once in 1918, namely, on 11th March of that year. Then the aftermath of the world war, as well as the Shipping Conference Routes, kept this ship on another run until 22nd December, 1926, and since that date she has been a regular visitor on her trade route.

So much for that statement. Mr. Nicholson mentioned that numbers of vessels at Fremantle were assisted in the berthing operations by two tugs, one at the bow and one at the stern. At the time I thought the statement was hardly correct, although I was aware it happened at times. I find from enquiries that the only standing order for two tugs is in connection with the P. & O. and Orient liners. Other ships take one tug, some none at all. Except on mail boats days, it is the custom for one tug only to be under steam and available for use by ships, the owners working out the crews' holidays by that means. On this question the Harbour Trust report states—

It was the delay experienced in getting the tug which was enjoying an off day which largely accounted for the "Lygnern" disaster.

That is a most important statement.

Although the ship was whistling and urgently calling by flags and wireless for tug assistance, it was twenty minutes before she got one tug, and 2½ hours before the second came to her assistance; and then they were without gear for the work of towing the ship into safe waters. The ship was afloat for some considerable time after she had disabled her rudder and jammed her propeller. Had the tugs been even reasonably quickly on the job and had they had their heavy-duty towing gear with them, the vessel would not have touched the Beagle Rocks. As it was the ship was helpless, with rudder gone and propeller jammed, and failed by the tugs which she asked for urgent help. I say it was the fault entirely of the tugs that the ship became a wreck at

all, and yet it is presumed to throw the blame on the pilot. It may be interesting also to know that the tugs at Fremantle are incapable of swinging one of the large steamer calling at Fremantle without the assistance of the ship's engines. In 1925 there was an unfortunate stoppage of work among seamen and during these weeks no tugs at all were available, yet ships had to be, and were handled.

Hon. G. Fraser: Yes, by the pilots.

The HONORARY MINISTER: I think it was Mr. Holmes who inferred that ship piling accidents were more frequent at Fremantle now than formerly.

Hon. J. J. Holmes: I did not suggest that.

The HONORARY MINISTER: Some hon. members did. The position is that that is not so at all. In the early days when the long jetty was used, ships were smaller and accidents were more frequent than they are now.

Hon. J. J. Holmes: I should think so.

The HONORARY MINISTER: Mr. Stevens, in his report states—

Ships then were small and much more easily handled than are the great ships of to-day which are, from their very size, capable of doing immensely greater damage than before in spite of every care. I would like Mr. Nicholson to ask his friends outside how many of the commanders of the mail steamers using Fremantle would attempt to berth their ships in the Inner Harbour or take them out after their business was finished. It may be of interest to know that these commanders do not manoeuvre their ships in narrow waters at any place during their voyages. They are always relieved by pilots, and indeed even while at sea their routes are marked out for them, and they cannot depart from them, so that the men who do the actual navigating of the ocean are not the mail steamer captains.

Here is a reference to one particular mishap that occurred. It is one of the most remarkable cases that may be quoted because it goes to prove what I have been endeavouring to indicate, that when these mishaps occur, there are many circumstances that must be taken into consideration before members attempt to blame pilots. The secretary of the Fremantle Harbour Trust reports—

I stated in my answers to questions asked by Mr. Nicholson that on the 30th June, 1917, that the s.s. "Hobson's Bay" sheered heavily in the entrance channel to Fremantle Harbour and was only saved from striking the North Mole by the seamanship of the pilot. The facts are that while at London on that voyage, the telegraph chains to the engine room were, during overhaul, crossed, namely, that operated on the bridge supposedly to the port engine led to the starboard engine and so forth.

Curiously enough the ship escaped mishap, but it was remarked by her officers that she behaved in an extraordinary fashion each time she was being manoeuvred by her engines. At Colombo she created considerable stir by her erratic behaviour and narrowly missed running another vessel down. She behaved in a very curious manner at Fremantle in addition to endeavouring to climb over the entrance mole. On the voyage to Adelaide when in the Bight a mishap in the engine room caused the commander to heave the ship to, and it was then discovered that such a vital mistake had been made in the controls. They were naturally put right and as a result, a circular was issued to the officers of the ships of the line directing that exhaustive tests should be made of all controls each voyage before the ships left the London Docks. In addition, I believe, some persons lost their positions owing to the error made on the "Hobson's Bay." Yet not a word of this was allowed to leak out, and, in fact, it was only privately that the Fremantle pilots were informed of the matter and the circular shown them in secrecy. Had an accident happened here owing to this vital error the pilot would have been blamed and would have been unable to defend himself.

Just substantiating what I have said. The pilot stands on his own. There is an instance that can be definitely proved.

Hon. J. J. Holmes: If you wanted her to go north she went south, yet he got her out!

The HONORARY MINISTER: That boat created quite a stir in Colombo and at Fremantle she almost climbed the mole. It was hard to understand why she behaved so erratically and on investigation it was found to be due to defective steering control.

Hon. J. J. Holmes: It was remarkable how she ever got here.

The HONORARY MINISTER: Had she hit the mole, the pilot would have been blamed.

Hon. J. Nicholson: What did they do to correct it?

The HONORARY MINISTER: They soon corrected it once it was discovered. But several individuals lost their positions, and instructions were issued that in future before leaving London the strictest examination should be made. As an instance having a distinct bearing on the capability of the Fremantle pilots there was the wonderful handling and berthing of the special service squadron of the Royal Navy in February, 1924. This squadron, as all know, included the splendid ships H.M. Battleship "Hood" and H.M. Battle Cruiser "Repulse." The "Hood" was then the greatest battleship in

the world and measured 861 feet in length, beam 104 feet and draft 33 feet, and was of 45,000 tons displacement; the "Repulse" measured 794 feet in length, 100 feet beam, drew 30 feet 3 inches of water, and was of 26,500 tons displacement. There were also five smaller ships. The whole fleet was so well handled by the Fremantle pilots as to evoke a burst of enthusiasm, and many letters of congratulation were received by the Harbour Trust Commissioners. There was not the slightest hitch and all ships berthed and left their berths in remarkably quick time. Yet the men who were capable of this spectacular and splendid feat are the same men that hon. members, who are not seamen and probably could not handle a rowing dinghy, now criticise and question their capability. This is what Admiral Sir Frederick L. Field, Vice-Admiral in command of the squadron, thought of the matter. Speaking at the reception tendered him at Fremantle Town Hall he said, *inter alia*:—

I offer my warmest congratulations to the two pilots who were responsible for bringing in the "Hood" and the "Repulse"—Captain W. R. Clack and Captain H. V. Rivers. We have the utmost admiration for their great feat of seamanship. It was an immense responsibility to take to their berths these two immense and heavy ships on the first occasion in confined waters.

Coming to 1927 we find it was Captain W. R. Clack who brought into the Inner Harbour and berthed without hitch the splendid battle cruiser "Renown" which conveyed T.R.H. the Duke and Duchess of York round the world. And yet there are landsmen amongst us who presume to say that these very men are not competent sailors, and there are evidently other landsmen behind these critics who dare to give expression to such thoughtless statements. An endeavour has been made to make this House believe that Fremantle stands out above all other Australian ports in the matter of accidents to ships. But that is the utmost nonsense. Many more and more costly damages have been done in the other ports but the circumstances there are judged by reasonable men who know their business, and that is why perhaps little is heard here of what occurs. Hon. members, however, will all recall reports of disasters in other ports of Australia many times worse than any that have happened at Fremantle. The inference too has been that the qualifications imposed here are easier

than elsewhere. The secretary to the Harbour Trust states—

In order to confirm what our knowledge of the happenings and practices are in the other States, the following telegram was sent by the Fremantle Harbour Trust on Friday last, 7th inst., to the Port Authorities at Adelaide, Melbourne and Sydney, viz.:—

New Act to relieve Port Authorities cost repairs damage by ships compulsory pilotage being criticised our Parliament (stop) Kindly wire urgently what your experience is (stop) Criticism is our pilots are incapable because accidents happen here but not other ports (stop). Say how many cases damage done yours in say last five years (stop) Who appoints pilots your port and briefly qualifications demanded.

To this the following replies have been received by the secretary, Fremantle Harbour Trust:—

(1) Melbourne, 8th December: Damage by ships under compulsory pilotage proving unrecoverable Trust's Act was amended in twenty-six (stop) Copy of amending Act posted (stop) Important cases of damage during past five years number seventeen many others of trifling damage costing under £10 (stop) Pilots appointed by Marine Board qualifications foreign-going master's certificate served as master for twelve months during previous three years and hold for twelve months exemption certificate for sail and steam. (Sgd.) McCutchan, Secretary Melbourne Harbour Trust.

The qualifications required for Fremantle are more stringent than stated for Melbourne, for in addition to all that Victoria asks for, the Fremantle applicant must hold a foreign-going master's square rig certificate and must serve a probationary period of six months before final acceptance. All other qualifications are identical.

(2) Adelaide, 10th December: Compulsory pilotage in certain waters essential (stop) Consider accidents with pilots less than would occur without (stop) No record kept accidents with pilots (stop) Pilots appointed by Public Service Commissioner (stop) Qualifications see Marine handbook page 29 (stop) These identical with requirements set out in your letter 1st September last exceptions age 50 years and not required to pass sight test Board of Trade (stop) Propose to make sight test compulsory in future. (Sgd.) Peake, Secretary Harbours Board.

The Fremantle Trust's letter of 1st September referred to set out the qualifications demanded here. It will be seen that the qualifications for South Australia fall far behind those stipulated for Fremantle, although it is apparently proposed to improve them by insisting on the vital vision

test being imposed here. May I draw attention to the fact that no record is kept of accidents occurring at Adelaide. Yet we know from reports received from time to time that accidents do occur there. Attempts have been made to frighten hon. members that freights to and from Fremantle are likely to be adversely affected by the incompetency of the Fremantle Pilots, but that of course is pure nonsense. There has not been the slightest evidence of such a happening. Hon. members know that what decides freight rates is something quite different. If we have the goods and the shipowner wants the work they will be carried all right and without any rise in freights due to such a question as this. Now, because it has been asked for by a member, I desire to place on record the full qualifications required of our pilots. They are as follows:—

1. No person shall be deemed eligible to be licensed as a pilot for the Port of Fremantle unless he—

- (a) Is British born.
- (b) Holds a British foreign-going master's certificate of competency enabling him to take charge of any British square-rigged sailing vessel.
- (c) Has, during the three years immediately preceding the granting of such license, served as master of a British steam ship with the certificate above-mentioned, for a period of not less than twelve continuous months.
- (d) Holds, and has held for a period of at least twelve months, a certificate of exemption for the Port of Fremantle as a whole, or for the portion from Sea to Gage Roads and Inner Harbour.
- (e) Attends before a Board of Examiners and affords evidence and satisfactorily answers such questions as may be put to him, as to his competency to perform the duties of a pilot.
- (f) Is, in the opinion of the examiners, qualified to hold a license as pilot for the Port of Fremantle.
- (g) Is or under the age of 45 years.
- (h) Shall satisfactorily pass the sight test as laid down by the Board of Trade.
- (i) Shall serve satisfactorily a term of six months as probationary pilot before regular license is issued.

2. All persons applying for admission to the Pilot Service shall produce certificates previous to above examination as to the following, viz.:—

- (1) Their qualifications and previous service as stated in conditions (a), (b), (d), and (g) above.
- (2) Their previous good conduct and habits of sobriety.

- (3) That they are in good health, and not affected with any bodily complaint or infirmity rendering them unfit to perform the duties of a pilot, which certificate shall be under the hands of a registered medical practitioner, and shall bear date within six weeks prior to the date of application.

3. All applications as aforesaid shall be made in the applicant's own handwriting.

Those are the conditions. While I have spoken for a long time, and there are still one or two points I have not touched upon, I have nevertheless endeavoured to show that every possible step has been and is taken to ensure that the pilot staff at Fremantle shall be the most competent it is possible to secure for any port. I think I have shown, by means of comparisons, that while the Harbour Trust was so fair as to place on the Table of the House the whole of the so-called mishaps at the Fremantle harbour, very few of these are major mishaps, and that, compared with the total number of ships handled, the number of accidents has been infinitesimal. I have endeavoured also to show that our experience is equally as good as the experience in any other port of the Commonwealth. Although I have not been able to secure actual statistics from other ports in the Commonwealth, I make this statement in the full belief that it is correct. I regret that so many reflections have been cast upon the competency of our pilots, and that so much has been said by members who have not had the full knowledge of all the circumstances. I also regret that many people outside, who have not been able to secure the information I have presented to the House must, from the remarks that have fallen from the lips of hon. members, have received the impression that the position at Fremantle is worse than it used to be, and that it is practically unsafe for large ships to enter that port. In common with other members I am keenly desirous of seeing that the reputation of the port is upheld. I am quite prepared to leave its reputation in the hands of the present pilot staff at Fremantle. I hope the second reading of the Bill will be carried, and that if hon. members desire to move amendments they will place them on the Notice Paper.

Question put and passed.

Bill read a second time.

House adjourned at 10.33 p.m.

Legislative Assembly,

Tuesday, 11th December, 1928.

	PAGE
Question: Chief Electoral Officer, resignation	2348
Motion: Standing Orders suspension	2349
Leave of absence	2349
Bills: Workers' Homes Act Amendment, returned	2349
Road Districts Act Amendment, 3a.	2349
Roads Closure (No. 2), 3a.	2349
Texas Co. (Australasia), Ltd. (Private), 2a. etc.	2349
Water Boards Act Amendment, Council's message, request for conference	2349
Health Act Amendment, Com.	2349
State Trading Concerns Act Amendment, 2a.	2351
Land Act Amendment, 2a.	2357

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

QUESTION—CHIEF ELECTORAL OFFICER, RETIREMENT.

Mr. LATHAM asked the Minister for Justice: 1, Is it true that the Chief Electoral Officer of the State has resigned? 2, If so, from what date is the resignation to take effect?

The MINISTER FOR JUSTICE replied: 1, The Chief Electoral Officer drew attention to the fact that he was 61 years of age and applied for retirement under the provisions of the Public Service Act, and asked that the matter be finalised as early as possible. 2, The retirement has been dated to take effect as from the 31st December, 1928.

MOTION—STANDING ORDERS SUSPENSION.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton) [4.36]: I move—

That during the remainder of the session the Standing Orders be suspended so far as to enable Bills to be introduced without notice and to be passed through their remaining stages on the same day, and all messages from the Legislative Council to be taken into consideration on the day they are received.

This is the usual motion introduced towards the close of the session. It is expected that the business will be concluded next week. No new legislation of a controversial nature will be introduced, and it will not be sought to take advantage of the suspension of the Standing Orders to push through business hurriedly. Every member will be given opportunities to discuss motions and deal with