

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 5 SEPTEMBER 1911

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LEGISLATIVE COUNCIL.

TUESDAY, 5 SEPTEMBER, 1911.

The PRESIDENT (Hon. Sir Arthur Morgan) took the chair at half-past 3 o'clock.

APPROPRIATION BILL No. 2.

ASSENT.

The PRESIDENT announced the receipt of a message from the Governor conveying His Excellency's assent to this Bill.

PAPERS.

The following papers, laid on the table, were ordered to be printed:—

Communications from the Principal Medical Officer and the Commissioner of Public Health on the subject of the revocation of the proclamation of the Contagious Diseases Act.

Report of the Public Service Board.

Statute made by the University of Queensland.

Regulations made by the Department of Public Instruction for the regulation of the Central Technical College of Brisbane.

Annual report of the University of Queensland.

Thirty-fifth annual report of the Secretary for Public Instruction.

Annual report of the Curator of Intestate Estates.

Report of the Official Trustee in Insolvency, Brisbane, for the year 1910.

QUESTIONS.

SUSPENSION OF CONTAGIOUS DISEASES ACT IN METROPOLITAN AREA.

HON. W. F. TAYLOR asked Hon. A. H. Barlow—

“What reasons have induced the Government to suspend the operation of the Contagious Diseases Act of 1868 in the metropolitan area?”

HON. A. H. BARLOW replied—

“Official recommendations made by the Commissioner of Public Health and by the Government Medical Officer. *Vide* reports laid on the table of the Council to-day.”

NAVIGATION ACTS AMENDMENT BILL.

SECOND READING—RESUMPTION OF DEBATE.

HON. G. W. GRAY said: This Bill deals with a subject to which I have devoted a great deal of attention—navigation in the waters of the State of Queensland, and particularly in connection with the port of Brisbane. The Bill was hurriedly initiated in this Chamber, and consequently I had not an opportunity of carefully perusing it before the second-reading speech of the Hon. Mr. Barlow, who is in charge of the Bill. I have since done so, and I have looked up the *Hansard* containing the report of the hon. gentleman's speech with the object of gathering what was the reason for bringing in a measure, which he terms “a very simple one.” In his speech he says—

“I express no opinion as to the present position of the Government in respect of losses and damages occasioned by the negligence of the pilot while in charge of a vessel; but it will be apparent to hon. members that a very serious loss of this kind, running to perhaps half a million of money, would practically bankrupt the State for the year.”

That is a very bold statement coming from a Minister of the Crown, and I would like him to review the last twenty years, and table later on the amount of the claims made during that period. I think the smallness of the amount would astonish even the Minister.

HON. A. G. C. HAWTHORN: Simply because they thought they had no case—that there was no liability on the part of the Crown—that is the whole reason.

HON. G. W. GRAY: The hon. gentleman says—

“The Bill itself is very simple.”

Then the hon. gentleman quoted clause 2 of the Bill—

“No civil remedy shall lie against any pilot in the employment of the Crown as represented by the Government of the State of Queensland for or in respect of any damage or loss occasioned by his negligence or want of skill.”

That is to say that, though the pilot is an employee of the Government, the Government are not responsible for any damage occasioned by his negligence or want of skill. Well, I think that under those circumstances the Government should see that they have a skilful pilot—a man who is up to the work. If the Minister only tables the claims for the last twenty years, he will see whether or not he is the right man. Then the hon. gentleman quoted clause 3—

“The Crown as represented by the Government of the State of Queensland shall not be liable for or in respect of any damage or loss

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occasioned by the negligence or want of skill of any pilot, or otherwise for any act, default, or omission of any pilot while in charge of any ship or vessel.”

“This,” says the Minister, “is the backbone of the measure”; and this is the Minister's explanation of a Bill which he describes as a very simple one. I hope to show hon. members that it is one of the most drastic and unjust measures yet tabled in this Chamber; and, further, I intend to oppose the second reading, and vote against it. What is the position? The Government of Queensland make it compulsory on the owners of oversea ships coming to our ports that they hand over the navigation of same to pilots in the employ of the Government, the captain and owners being relieved of all responsibility till the vessel is berthed at the wharf. We want to encourage the owners of these oversea ships to come here to take away the enormous clips of wool and the ever-increasing exports of this port. Since we federated a great change has come over the scene, and there is more difficulty in getting these ships filled in British ports than there was formerly. Our present prosperity is such that there is not much to complain of in regard to loading for Australia. The material for the railways we are building has to come out here, and a large proportion of our imports are due to the Government having a large share in increasing the tonnage in the case of ships coming from British ports. It is our aim not to throw cold water on this port, or give it a bad name; on the contrary, we want to establish it as a port. The meaning of “port” is a haven or place of refuge for oversea ships.

HON. B. FAHEY: For all ships.

HON. G. W. GRAY: For all ships, especially for the larger valuable ships coming from oversea ports. I look upon it as a condemnation of the port of Brisbane to bring in a measure of this sort. The Government make it compulsory on owners of oversea ships coming to our ports to hand over the navigation of the same to pilots in the employ of the Government, the captain and owners being relieved of all responsibility in that respect from the arrival of the vessel outside Cape Moreton till the berthing of the ship at the wharf.

HON. A. G. C. HAWTHORN: While there is a pilot.

The ATTORNEY-GENERAL: They cannot both have charge.

HON. G. W. GRAY: Divided authority never succeeds; consequently, it was found necessary, I suppose, under the compulsory pilotage system, to put the entire responsibility on their official, the pilot; and I take it that they have exercised great care through the Marine Board in the employment of capable men. The Government make a charge for pilotage; and the amount paid by shipowners last year amounted to £16,111 18s. 1d. for the port of Brisbane only.

HON. B. FAHEY: How much for the whole State?

HON. G. W. GRAY: Between £20,000 and £21,000.

The ATTORNEY-GENERAL: What was that charge for?

HON. G. W. GRAY: For pilotage only; against which the salaries of the pilots would run into about £2,400.

The ATTORNEY-GENERAL: That is not the whole expenditure.

HON. G. W. GRAY: The Government charge for pilotage of oversea ships has been a very profitable one for many years to the consolidated revenue, and there have been very few claims against the Government, which speaks well for the pilots of this port. Unfortunately, there have been two or three claims of late, to which I will briefly refer, and the outcome of which I presume is the tabling of this unjust Bill, which practically condemns the port of Brisbane. Those claims refer to the steamers "Waipara," "Port Chalmers," and "Eastern." The "Waipara," whilst in charge of the pilot, struck rocks in the vicinity of Smith's Rock, off Cape Moreton, on 25th August, 1909. The finding of the Marine Board of Queensland, who conducted an inquiry into the matter, was as follows:—

"The board find that the accident was caused by the default of the pilot, and recommend that his license as a pilot for the port of Brisbane be suspended for three months."

"The board exonerate the master from all blame, and desire to place on record their appreciation of the prompt and seamanlike conduct displayed by him in extricating his ship from such a serious position, as the slightest delay might have culminated in the foundering of the ship, and probably a serious loss of life. This is apparent from the fact that before beaching the vessel had become unmanageable."

"Credit is also due to Pilot Smith for his co-operation with Captain Rickford in conducting the ship on a dark and squally night to the most favourable spot in that locality where she could lie aground."

And the board's recommendation was subsequently approved by the Hon. the Treasurer. The "Port Chalmers," whilst in charge of a pilot, grounded off Kinellan Point, and subsequently struck the Kennedy Wharf, in Petrie's Bight, on 13th January, 1911.

The ATTORNEY-GENERAL: That is *sub judice* at present.

HON. G. W. GRAY: I think not.

HON. A. J. THYNNE: The Bill does not provide for its being *sub judice*.

The ATTORNEY-GENERAL: The Bill is not retrospective.

HON. A. J. THYNNE: Is it not?

The ATTORNEY-GENERAL: It is not intended to be retrospective.

HON. G. W. GRAY: The finding of the Marine Board was as follows:—

"The board find that the "Port Chalmers" collided with the Kennedy Wharf owing to a heavy fresh in the river rendering the vessel unmanageable on rounding the bend at Kangaroo Point, when she caught the force of the current."

"Having regard to all the circumstances, the board consider the pilot would have shown greater prudence in anchoring in Shafston Reach until further tug assistance was obtained."

The other case was that of the "Eastern," which was stranded on Salamander Bank, Moreton Bay, on 25th January, 1911, and the finding of the Marine Board was—

"The board, having carefully considered the evidence, find that the stranding was due to over-confidence on the part of the pilot in navigating the vessel in the North Channel at full speed when the leads were obscured by a passing rain squall, instead of anchoring until the weather cleared. He appears not to have calculated the distances run, and also to have mixed up the identity of the buoys."

The ATTORNEY-GENERAL: These cases are not settled yet.

HON. G. W. GRAY: This Bill should not have come on if you wanted to withhold this matter, because it is absolutely necessary, in dealing with a drastic measure of this sort, to bring forward stubborn facts which show how difficult it is to justify the Bill. The board further found this—

"The pilot frankly and unreservedly takes the blame for the casualty entirely to himself, and the board are unable to discover in the evidence anything to warrant them taking an opposite view or as implicating anyone else, and the board, therefore, find the stranding was caused by the default of the pilot, and recommend that his license for the port of Brisbane be suspended for three months."

That recommendation was approved by the Hon. the Treasurer. With a practical knowledge of thirty-five years of everything appertaining to our shipping, I can only suppose that these three matters have stirred up the Government and caused them to take this measure. For the information of hon. gentlemen, I may point out that the section 633 of the Imperial Merchant Shipping Act provides that—

"An owner or master of a ship shall not be answerable to any person whatever for any loss or damage occasioned by the fault or incapacity of any qualified pilot acting in charge of that ship within any district where the employment of a qualified pilot is compulsory by law."

HON. A. H. BARLOW: That is what we want to do—we want to take off the liability.

HON. G. W. GRAY: What becomes of all the measures brought in from time to time shifting the responsibility on to the employer? We have had tabled in this Parliament by my hon. friend any number of these Bills putting responsibility on the employer, and the result is that he has to take out a policy of insurance covering every risk.

HON. A. H. BARLOW: That is really what we want to do.

HON. G. W. GRAY: Well, you take out a policy to cover yourself against the risk; but I am quite sure it is not such a serious matter. This alarming £500,000 that the hon. gentleman talks about will narrow itself down to a very small sum if he [4 p.m.] will ascertain the claims made during the last twenty years in connection with pilotage in the port of Brisbane or in the whole State of Queensland. Under the Imperial Act a pilot enters into a bond of £100.

HON. A. G. C. HAWTHORN: That is a pilot under Trinity House.

HON. G. W. GRAY: Yes.

HON. A. G. C. HAWTHORN: There are a lot of free pilots as well.

HON. B. FAHEY: There are no pilots in the employ of the Crown in the United Kingdom.

HON. G. W. GRAY: No. The Government charge these enormous sums for pilotage and employ their own pilots, and they want now to relieve themselves entirely from all responsibility for the acts of their employees. It is a most unfair thing to do.

HON. B. FAHEY: You don't blame them if they can do it?

HON. G. W. GRAY: A very strict examination has to be passed. The pilotage dues are very limited, being a fee to cover the pilots' salaries and cost of running the department, and are paid to the pilots' salary fund, less a poundage of 6d. in

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the pound on the pilotage earnings of all pilots licensed by Trinity House. That is the position in the greatest port in the world.

HON. A. H. BARLOW: And the British Government are not liable?

HON. G. W. GRAY: The British Government are not liable.

The ATTORNEY-GENERAL: And they take the fees.

HON. G. W. GRAY: The captain and the owner are not liable in Great Britain.

HON. A. H. BARLOW: That is so.

HON. G. W. GRAY: And the hon. gentleman wants to make them liable.

HON. A. H. BARLOW: No. We want to get out of the liability.

The ATTORNEY-GENERAL: We want to make the law the same here as it is in Great Britain.

HON. G. W. GRAY: Notwithstanding that the Government are getting over £16,000 a year out of these shipowners for pilotage, the Government want to make them responsible for the acts of the employees of the Government—the pilots.

HON. A. H. BARLOW: We want to get into the same position as the owner under the Imperial Act from which you are quoting.

HON. G. W. GRAY: This is not a Bill to do that. First of all you have to dispense with all these thousands of pounds that are paid into the consolidated revenue. They get nothing paid into the consolidated revenue in the old country.

An HONOURABLE MEMBER: The Government here make a profit from the pilotage.

The ATTORNEY-GENERAL: We do not make a profit.

HON. A. G. C. HAWTHORN: On the actual pilotage you do.

The ATTORNEY-GENERAL: We make a large loss.

HON. G. W. GRAY: I have been connected with shipping and contributed to the Customs revenue for twenty-three years before we federated. It is something to boast about that in one year I paid one-tenth of the Customs receipts in Brisbane, and I ought to know what I am talking about on a question connected with shipping and pilotage.

HON. F. McDONNELL: It is the general public who pay.

HON. G. W. GRAY: I suppose indirectly the importer has to pay this large annual sum paid for pilotage.

HON. A. G. C. HAWTHORN: The shipowner will pass it on to someone else.

HON. G. W. GRAY: The State of Victoria has adopted somewhat the same system as that which prevails in the old country, as will be seen by the following extract from regulations relating to Port Phillip pilots and pilotage:—

“73. *Pilots' earnings, distribution of.*—Upon the receipt by the board from the Collector of Customs, Melbourne, at the expiration of each month of the gross amount of pilots' earnings, in any month, such amount shall be forthwith paid to the credit of the pilots' salary fund, and after 6 per centum thereof

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shall have been deducted therefrom, as provided by section 90 of the Marine Act of 1890, the balance standing to the credit of such fund shall be apportioned to the sea and harbour pilots respectively, due regard being had to the services performed by each class of pilots.”

HON. B. FAHEY: Those pilots are not in the service of the Victorian Government.

HON. G. W. GRAY: They are not in the service of the Victorian Government.

HON. A. H. BARLOW: They are a corporation.

HON. G. W. GRAY: I view this measure very seriously. The policy of the Government of Queensland—and of all our enactments—has been to make employers liable for all accidents of their employees, and employers have had to take out policies of insurance to cover these risks. The present Bill, however, seeks to exempt the Government from all and every liability, notwithstanding the large revenue, as I have shown, the Government derive from pilotage. In the last clause of the Bill it is proposed that the Governor in Council may make alterations from time to time, and every such Order in Council is to have the same effect as if it were enacted in the statute law.

HON. A. H. BARLOW: We are going to alter that with regard to sailing ships.

HON. G. W. GRAY: Such Orders in Council are to have the same effect as if they were enacted by Parliament. That is rather a tall order.

HON. A. H. BARLOW: That power occurs in many statutes.

HON. G. W. GRAY: It occurs in too many statutes. These Orders in Council are simply the voice of the Cabinet of the day, formally signed by the Governor. The power is too much exercised—more exercised than it ought to be, in my opinion. I shall say no more, as there are many other hon. members who wish to speak. For my part, I intend to oppose the second reading of the Bill.

HON. M. JENSEN: The hon. member stigmatises the Bill as one of the most drastic and unjust measures that has ever been introduced in this Council, but to me it appears to be one of the most just and reasonable measures ever tabled in this Chamber. Just imagine the position taken up by the hon. member. In order to relieve shipowners from the payment of some insurance—for that is what it amounts to—the community is to be liable to pay, it may be, up to £500,000 or £1,000,000.

HON. G. W. GRAY: I would like to correct the hon. member. The owners of the large and costly vessels that now visit this port cannot get cover for the whole value of the ships, and they have to be their own insurers very largely. They are not covered by a policy.

HON. M. JENSEN: Is not this the position—that the community says to these shipping people, “You are in this business for profit. One of your risks must be the risk of pilotage. Those are the terms on which you do business here.” And, so far as they can insure, they do so. The hon. member said that there have been no claims for twenty years.

HON. G. W. GRAY: I did not say that. I said there had been very few claims.

HON. M. JENSEN: The public opinion has always been that the Crown is not liable for the negligence of the pilots. The hon. member said that it would give this port a bad name if the Bill were passed. Can he mention any State or any part of the world in which the community is liable for the negligence of the pilots? I know I may be asked if I can mention any part of the world where the contrary is the case. Unfortunately, I have not had the time to look the matter up; but I presume that, if there is any part of the world where the Crown is liable, the hon. member with his research would have found it out. We are told that the Government should see that they have skilful pilots. No doubt they do that. But is it not the case that occasionally, after many years, the skilful pilot is guilty of an isolated instance of negligence? Is it not the case on the railways that sometimes the careful and skilful engine-driver, who has been driving his engine for twenty years without an accident, neglects a signal and passes it?

HON. C. S. MCGHIE: An accident may not be due to negligence.

HON. M. JENSEN: But the object of this Bill is to relieve them from liability for negligence. The Hon. Mr. Barlow interjected, when the Hon. Mr. Gray was quoting from the Merchant Shipping Act of 1894, that the object was to place the Government in the same position as the shipowner under that Act. Now, if the shipowner, whose object is profit, is not liable—and he is not liable at common law, as well as under the Merchant Shipping Act—why should the community be liable? I know, of course, that it may be said that the Crown selects its employees, whilst the shipowner has no say in the matter. I sincerely hope that the Bill will pass in its present form. It seems to me to be monstrous that the community should pay for the negligence of the pilot.

HON. A. G. C. HAWTHORN: There is no doubt that at common law the pilot at present is liable for negligence. This Bill will entirely upset that, and in future the pilot will not be liable for any negligence or want of skill.

HON. M. JENSEN: What about the Crown?

HON. A. G. C. HAWTHORN: The Crown, to my mind, never has been liable. My own opinion is that the better plan would be to not have compulsory pilotage at all.

HON. P. MACPHERSON: Hear, hear!

HON. A. G. C. HAWTHORN: That would be fairer and more in consonance with the general principles of commercial and maritime law than the present position. The question of compulsory pilotage is one that has been considered very largely of late years and very adversely criticised. In the United Kingdom there is a great deal of diversity of opinion on the subject. In some sixty ports there is compulsory pilotage, and in some thirty odd there is free pilotage, showing that in a country with so much traffic as the United Kingdom they are not at all unanimous with regard to what is the best thing to do. Personally, I think that shipowners should have the right to say whether they will employ a pilot or not. If they like to take one, the Government should

have one there ready to be employed, and proper charts should be kept up to date. If a captain of a ship likes to take the risk of entering a port without a pilot, then the risk is his. The shipowner and the captain would then be liable in the event of any accident occurring, and the Crown would have no liability in the matter, as, in my opinion, it has no liability now. On the continent of Europe there is very little in the way of compulsory pilotage, and even in the Suez Canal, I understand, the pilot is simply adviser to the master of the vessel. In regard to the "Waipara," I speak with a considerable amount of diffidence. I think nothing should have been paid in that case. I can find no case where a pilotage authority has been held liable for a pilot's negligence, and "Marsden on Collisions at Sea" (1910) bears this out. The Hon. Mr. Gray said that for the last twenty years there had been very few claims; and I agree with the Hon. Mr. Jensen that it is because it has been accepted as a principle that the Government are not liable for accidents met with while a pilot is on board. The "Waipara" came in and took a pilot. When the vessel was going out again—the pilot having left her after directing her course and giving full instructions to the captain—she went ashore; and I consider that is a case where the Government were not liable. Even in a case—the "Mobile"—where the pilot went down below temporarily, having set the course and leaving the captain in charge, during which time the ship collided with another vessel, the master of the ship and the ship itself were held to be liable; and I think the case of the "Waipara" was very much stronger, because the pilot had actually left the vessel, and she was in charge of the captain. Then there was the further factor that the captain of the ship, who was the only person besides the pilot who knew the exact position of the ship and the instructions given by the pilot, has since died, and this strengthened the case of the Government. I think the payment of that £8,000 to the other side was recognising a liability never recognised before.

The ATTORNEY-GENERAL: £5,000.

HON. A. G. C. HAWTHORN: I suppose the costs would run up to another £2,000.

The ATTORNEY-GENERAL: No.

HON. A. G. C. HAWTHORN: Whatever they were, I do not think the liability should have been recognised. The accident occurred while I was Treasurer; and I went into the case fully with the Marine Department and legal officials, and that was the impression I formed. The admission of liability in that case may have the effect of causing the owners of the other two vessels to continue their claims against the Government. I understand the Bill is not to be made retrospective, and will not interfere with their rights, if they have any; and I think that is a fair position to take up. On the whole, I think we should not go in for compulsory pilotage; but if we have compulsory pilotage I consider this Bill is necessary. The Commonwealth Government last year brought in a Bill—which I understand is to become law this year—and in the 347th clause of that Bill it is provided that no pilot shall be liable for any damages beyond £100 on account of any loss caused

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by his defect or want of skill; and, further, that the Commonwealth shall not be liable for any loss caused by defect or want of skill on the part of a pilot. As that will probably become law throughout Australia, I do not know that it might not be as well to put in that provision with regard to £100—(hear, hear!)—so that it will be in conformity with the Federal law.

HON. A. H. BARLOW: We could not do it in this House.

HON. A. G. C. HAWTHORN: It could be done by the Government, though we may not be able to do it here.

HON. A. J. THYNNE: The announcement has been made that the Bill is to be amended by reserving all existing rights, and that simplifies the matter as far as I am concerned. Assuming that the amendment will be proposed by the Government, the only question now to consider is whether it is right that the State should have a system of compulsory pilotage and insist on making people pay pilotage and take no responsibility for the quality of the service rendered. That is a principle which I think hon. members will need to look at very closely. If the Government are entitled to be exempt from the consequences of the neglect or wilful default of their servants in the bay, should not the Government also be exempt from responsibility for the neglect or wilful default of their servants on the railway? Probably the desire of the Hon. Mr. Jensen and others is that all these Government undertakings of private enterprise should be carried on by the State exempt from liability.

HON. M. JENSEN: No.

HON. A. J. THYNNE: That is the tendency of the argument. I say that if the State takes up the conduct of a transport or any other business for which payment is received, the State should take the same responsibility with respect to the discharge of the duties as other people who take up similar duties. Let the broad principle be established and recognised. The Government in this respect is nothing more than a large company representing all the people of the State. A shareholder in the Tramways Company meeting with an accident recovers from his fellow shareholders in the company the damages he sustains; and why should not a member of the public who has sustained damages through neglect or default in the administration of the great State company be entitled to receive compensation from his fellow shareholders for injuries sustained? There is absolutely no difference in principle. When these efforts are made from time to time to surround a State enterprise with some halo of defence—some atmosphere that would make it impenetrable as to claims for compensation on account of neglect or default—people forget the basic principle on which these things are founded. It is absolutely necessary in the ordinary conditions of life that people who are obliged to take advantage of the facilities afforded for transport—or anything else of public utility—should be entitled to adequate compensation for injury caused by gross negligence. Why is this appeal made on behalf of the taxpayers of this State that they should be exempt from contributing towards compensation for injuries sustained through carelessness of servants of the

State? It is altogether unjust; and it is not a thing that will inspire confidence in Government undertakings. I consider that in principle this Bill is misconceived. If, as Mr. Hawthorn says, the Federal Government are going to introduce a similar law, let them do it, and let them take the responsibility; but I hope this House will not take it upon itself to pass a Bill involving so much injustice to the individual and unnecessary protection to the Government. It is a measure which compels people to accept what the State provides and does not allow anyone else to provide; and under the circumstances I am very much opposed to the principle of the Bill.

The ATTORNEY-GENERAL: I think, judging by the debate, this is one of the most interesting Bills that has come before the Council this session. Referring first of all to the remarks of the Hon. Mr. Gray, I understood one of his objections to be that the claims during the past twenty years had been very few. He also attempted to make a point when he stated that the Government carry on the business of pilotage for the purpose of profit; but I think I shall be able to show that he is entirely wrong in that. They do not carry on the business of pilotage at all; and instead of a profit being made, a loss is made by the Government.

HON. A. G. C. HAWTHORN: If you debit the cost of the harbours there is a loss.

The ATTORNEY-GENERAL: I will give the figures which I have got from the best authority, and hon. members will see whether they are reliable or not. The hon. member also referred to the [4.30 p.m.] effect a measure like this would have on the reputation of the port, but I was quite unable to follow his argument. It has been already pointed out by several speakers that in no country in the world is the pilotage authority liable for the negligence of a licensed pilot. And if the law here is declared to be what it is believed to be in other places, and what it has really been believed to be here, how that can do any damage to the port I fail to understand. The Hon. Mr. Thynne says that the principle that the Government are liable to pay for the default of their railway servants is precisely the same principle as their liability to pay for the default of their pilots. Now, there is the widest difference in the world between the two things. As a matter of fact, the railway business is carried on by the State as a business, for the purpose of making a profit, while pilotage is not carried on by the State as a business at all. It is simply the performance of a statutory duty which is cast upon the State by the Navigation Act for the benefit of the public. If the contention of the hon. member was correct, that every time a servant of the State is guilty of any default the State should be liable, what is the reason for the High Court deciding that the State is not liable? A case was tried before the High Court in which a constable made a mistake and arrested the wrong man. The State Government was sued, and it was held that, under the circumstances, the Government were not liable at all. That case alone disposes of the argument of the hon. member that the State is like a big company, and that, if any State employee is guilty of negligence or anything like that to one of the shareholders, then all the other shareholders are liable to pay for it. There

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is a distinction between the State and a company. A company carries on its operations for profit, but the State necessarily has a large number of duties cast upon it for the public benefit into which the element of profit does not enter in the slightest degree. It would be practically impossible to carry on the government of a country if every time a person like a doctor, a constable, or a pilot made a mistake, heavy damages could be claimed against the State. The distinction between the two classes of liability seems perfectly clear to my mind, and I was very much astonished that a gentleman with the legal experience of my hon. friend should have confused the two.

Hon. G. W. GRAY: The difference is that the pilot takes charge of property on behalf of the Government which may be valued at £300,000 or £400,000, and if through carelessness on the part of the pilot any damage is done, then the Government are responsible. In the case of a policeman it is quite different.

The ATTORNEY-GENERAL: The hon. member misconceives the position altogether. The pilot does not take charge of property on behalf of the Government. He is not the agent of the Government in taking charge of that property at all.

Hon. G. W. GRAY: He is an employee of the Government.

The ATTORNEY-GENERAL: So is a constable an employee of the Government.

Hon. G. W. GRAY: But a constable is not put in possession of valuable property.

The ATTORNEY-GENERAL: It does not make the Government liable. I will give the hon. member another illustration. An association agreed to provide a supply of duly qualified nurses in a certain neighbourhood. They appointed nurses and paid salaries to those nurses and made certain charges for their services. A nurse who was appointed and paid by this association was guilty of negligence. The patient brought an action against the association, and it was held that so long as reasonable care was taken to insure the competency of the nurse the association had carried out the duty it was bound to discharge, and it was not liable for any negligence on the part of the nurse. Again, take the case of a local authority which provided a hospital for the reception of persons suffering from infectious diseases. A physician was appointed to the hospital. The son of the plaintiff was treated in the hospital for scarlet fever, and was discharged by the doctor while he was still in an infectious condition. The local authority was sued, and it was held that they were not liable, in the same way as it is contended that the Government are not liable for the negligence of a pilot.

Hon. G. W. GRAY: What is the occasion for the Bill if the Government are not liable?

The ATTORNEY-GENERAL: I do not say they are not liable. I say that considerable doubt has arisen about the matter. The hon. member says that there have been hardly any claims during the last twenty years; but three or four claims have been made during the past year, and one of those claims amounted to over £100,000, and another claim will probably amount to £25,000. There are other claims pending, and the hon. member wants the Council to believe that there is really no serious neces-

sity to get the law declared on a matter like this. The position of the Government is this—that if they are liable for the negligence of a pilot, they are potentially liable for the whole value of all the ships and cargoes that come into this port except in respect of those vessels whose captains possess certificates exempting them from pilotage.

Hon. G. W. GRAY: On a tonnage of 2,300,000 tons it is a very small percentage.

The ATTORNEY-GENERAL: Is it not a ridiculous thing to have the law in an uncertain condition in regard to a matter like this? I can assure hon. members that we have opinions from some of the leading members of the bar, who think that the Government would be liable in a case like this, and we have got opinions from other leading members of the bar who think that the Government would not be liable. The "Waipara" case, in which over £100,000 was claimed by the owners, and £5,000 was accepted in settlement, shows in a most eloquent and convincing way what the uncertainty of the law is on the subject. The hon. Mr. Hawthorn expressed the opinion that the "Waipara" case should not have been settled, but I think that later and fuller information than the hon. gentleman had on the subject would convince him that it was a very wise settlement. It was a case that might have gone on for years. It might have gone to the Privy Council, and the amount of £5,000 paid in settlement might have been swallowed up in costs in the course of two or three years. The hon. Mr. Gray and other hon. members have pointed out what is the law in England. In England the pilotage authority is not liable, and the pilot himself is only liable to the extent of £100. That provision has been copied in the Commonwealth Bill which was quoted by the Hon. Mr. Hawthorn, showing that the Commonwealth law is to be the same as the English. Personally, I do not see any object in limiting the liability of the pilot to £100. Probably the reason it was fixed at that amount was that it was assumed the pilot would be a poor man, and might not be able to pay more than £100. I think that the right method to guard against accident or damage from negligence on the part of a pilot is to do it by means of insurance. When an insurance is effected, the premium really covers the risk of negligence on the part of a pilot; and, if the Government were liable, or if there were any doubt about the liability of the Government, the insurance companies would endeavour to cast the onus on to the Government, although the premium they charge actually covers the risk, and you would not blame an insurance company for doing that if the law is in such an unfortunate position as to allow them to do it. Now as to the remarks of the Hon. Mr. Hawthorn about compulsory pilotage. I have not given that question very much consideration, but at first sight I am not disposed to take the same view as the hon. member. His arguments do not appeal to me particularly on hearing them for the first time. If it was only a question of negligence on the part of a pilot affecting the owners of the ship, there would be a great deal in what the hon. member said. It would be for them to take the risk of refusing to take a pilot. But an accident to a ship involves a great deal of risk to human life, and if an accident happened in a narrow channel it might block the port for months. A great deal can be said on

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both sides in regard to compulsory pilotage. However, the hon. member is quite logical in taking up the position that while compulsory pilotage does exist the Government should not be liable for the negligence of the pilots. I have had correspondence with the authorities in the other States of Australia, and I find that in no State are the Government liable. Claims have been made several times in New South Wales, but they have never been recognised, and apparently no claimant has had the courage to issue a writ and test the matter. In New Zealand it has been expressly decided that the harbour board is not liable for the negligence of a pilot, but I cannot find any express decisions in the other States. The question has cropped up all over the British Dominions. In Scotland the question of the liability of the pilotage authority for the negligence of a pilot came up, and the judges, I think, were equally divided. Some thought that the pilotage authority was liable, and an equal number held that it was not liable. I think what I have said should be enough to satisfy hon. members that the law is in a very uncertain state on the subject, and it is well that it should be settled. I think I have touched on nearly all the points that have arisen during the debate. I would certainly urge on the Council, in the most earnest way I can, that there is a very strong reason for the law to be settled. The liability of the Government is certainly very doubtful under present conditions, although there is no analogy between the case of negligence on the part of a railway employee and negligence on the part of a pilot. The Bill should be passed with the amendment which has been foreshadowed by my colleague, reserving the right to test the question in claims that have been already made. I shall support the second reading of the Bill.

HON. A. J. CARTER: I quite sympathise with the remarks of the Attorney-General with reference to compulsory pilotage. The hon. gentleman has quoted the reasons which I myself would have given in support of the view he took. If we were to permit vessels from foreign parts coming across the high seas, without any knowledge of the local conditions in the bay and river, to dispense with pilots, it would be certain to end in serious disaster. We know perfectly well what happened during the flood in 1893, when a mere clump of bamboos that was carried away from Domain Point sank off the wharves near Kangaroo Point and blocked the whole of the traffic for several months and necessitated the mass being blown up with dynamite. We must remember that when the captain of a vessel starts across the seas he starts without any personal financial liability. The whole responsibility of the ship and the cargo is in his hands; and it is only when he comes to a coast with difficult and intricate navigation that he is obliged to avail himself of the assistance of a local man who understands the local conditions. It is absolutely essential to have local pilots; and it cannot be left optional with oversea captains, however capable they may be, because an accident would entail such dire results. We have here what is called "exemption from pilotage." There are various captains on the coast who, after having shown their knowledge of the port by going in and out while in command, and with a pilot on board, are able to claim exemption.

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HON. C. S. MCGHIE: After an examination.

HON. A. J. CARTER: After an examination, of course; but it is the practical experience that counts more than the examination. Having got their tickets of exemption, they are pilots practically not under the control of the Government; yet they have control of vessels and the custody of cargo. Why, then, should there be a difference between the two classes of pilots—those for vessels coming across the sea and the local exempt pilots? The latter would not render the Government liable in event of damage. It seems to me, so far as compulsory pilotage is concerned, that if the Government intend to make themselves absolutely free from all liability there should be provision made for a fine, which will compel the Government to pay such salaries as will command the services of the best men. I understand that £500 a year is to be added to the amount paid to the pilots in the port of Brisbane; but even that will not bring their salaries up to what is adequate. I believe it is proposed to pay them about £350 or £360 down to £300. In Melbourne they are found to be worth probably twice that amount; and in Sydney their salaries exceed anything proposed to be given here. Seeing that the Government are going to relieve themselves of all responsibility in regard to any damage that may arise, the very grave responsibility rests on them of providing the very best men they can get as pilots; and in order that this may be done, I think the Government themselves should be fined, so to speak; that is to say, it should be provided that damages may be claimed against the Government for a moderate amount—anything over £1,000 and up to £5,000—in order that they may find it essential to get the best men for the work. The pilot also should be liable to a fine, which would give him a financial responsibility as well as the Government. We shall shortly have in this river the "Argyllshire," a vessel of 14,500 tons, and 100 feet longer than the "Oswestry Grange." With the present condition of the port—with Kangaroo Point and Domain Point—it would be a source of the greatest danger in such cases to employ underpaid men, some of whom are not competent to manœuvre a big ship like that; and I think they would then lay themselves open to the charge of being culpably negligent and liable for damages. I heartily agree with the proposal of the Government to free themselves from liability, because it is quite possible for the shipping companies to cover themselves by insurance; and the insurance has always covered the risk of pilotage. There has never been any question about it. In fact, if there was not a pilot on board when an accident occurred in dangerous waters the policy would probably be vitiated. It is a customary thing in a charter-policy to say that a pilot must be taken on board; and if that is carried out it saves the owner from being mulct in damages, and enables him to claim from the insurance companies. If the Government will pay such salaries as will induce the best men to become pilots and manœuvre the enormous ships coming here—

The ATTORNEY-GENERAL: And the shippers pay higher pilotage dues.

HON. A. J. CARTER: They would not be called upon to pay higher dues, because the amount is 6d. per registered ton in and

out. It would be proportionate to the size of the ship, and I consider that 1s. a ton is fair value. When a hole is knocked in the side of a big vessel in a place like this it cannot possibly be repaired here. The "Waipara" was patched up here, but she had to be sent to Sydney because we have no dock in which she could have been repaired. The question of an improved pilot service and the condition of the port must be undertaken by the Government if they want a complete support of this Bill.

HON. E. J. STEVENS: Let them do that first, and bring in the Bill afterwards.

HON. A. J. CARTER: I shall be pleased to support the Bill, because I think it is a matter that ought to be settled; but some financial responsibility to compel them to engage the most experienced men must rest on the Government. It is ridiculous that we should occupy the unique position among the nations of the world of having the Government suddenly made responsible in regard to damage resulting from compulsory pilotage.

HON. W. F. TAYLOR: I do not profess to know very much about pilotage; but there is a principle in this Bill which I think we should be careful not to accept—the principle that the employer should not be responsible for the acts of his servant. The responsibility of the employer for the acts of his servant is a principle that rules in all walks of life. If my groom causes my vehicle to collide with another trap, I am responsible; and that is the case with every other private employer. Some time ago the Government introduced a Bill limiting the responsibility of the Commissioner in the case of railway accidents to a maximum of £2,000; and I opposed that Bill. A man might be earning £4,000 or £5,000 a year, and through the negligence of a railway employee he might be incapacitated, and he could only get £2,000 as compensation. However, the Bill was passed and is law at the present time; but I consider that it is a very unfair law. This Bill goes a step farther. Here the Government appoint certain officers and insist on ships employing those officers, and also paying pilotage dues; and at the same time neither the pilot nor the Government is to be responsible for one shilling of damage caused by the negligence or incompetence of the men employed as pilots. That is the whole question in a nutshell. Is there any fairness or common sense in that?

HON. A. J. CARTER: The pilot is there to assist the captain.

HON. W. F. TAYLOR: I do not think it is fair at all. As the Hon. Mr. Thynne pointed out, the Government are merely the directors of a huge company consisting of the whole community. In this matter they carry on the business of supplying pilots, from which they derive considerable profit, while they pay the pilots very small salaries. The expenditure is inadequate to enable them to provide an efficient service. I suppose many of the men are as good as can be procured for the money paid; but the salaries paid are a disgrace. These pilots have very great responsibility—I mean moral responsibility, if not legal. A large number of lives are often at stake, and in many instances valuable property; yet a pilot is paid a miserably small sum—such a sum as a merchant would be ashamed

to pay his managing clerk. I think that it would be far better to let the Bill [5 p.m.] lapse in the meantime and let the Government consider it from an equitable point of view; and, if they think that they should be exonerated from all responsibility, then let them make the pilotage a free service, and let the captains and owners of ships employ pilots or not as they think fit, and accept the responsibility of their decision.

HON. B. FAHEY: Some very interesting discussions have originated in this Chamber during this session, and I do not think that the discussion this afternoon is the least interesting or educative. A great deal has been said on the Bill and a great deal has been said that has been quite beside the question. I listened with a great deal of interest to the Hon. Mr. Gray, because, as he said, he has had a great deal of commercial experience, including shipping, during the course of his career; but the burden of the hon. member's argument appeared to be that an accident to a ship was likely to injure the reputation of this port. Now, no matter how competent a pilot may be, I question whether there is a pilot at the present moment in the British Empire who, in a number of years' experience, has not met with more than one accident, and there is not a port, probably, in the British Empire that is exempt from accidents, no matter how good the navigation of that port may be. The accident to the "Waipara" has been referred to as having a tendency to injure the reputation of this port. In my estimation, the pilot in that case should not have left the vessel until it had passed the rock on which it struck, and I think the instructions of the head of the pilot service should be that pilots should meet vessels outside that rock and not leave them until they had passed it on the way out. If that had been done on that occasion, I do not suppose the accident would have occurred. I do not know that the pilot was to blame for the accident.

AN HONOURABLE MEMBER: He was out of his course.

HON. B. FAHEY: They tell me that he is one of the most sober men in Queensland. It was at night, and probably he and the captain of the ship did not know the direction and force of the current, and probably while the pilot was being transhipped the vessel may have drifted half a mile towards the rock. No such Bill as this has ever been presented to any Parliament in the Commonwealth of Australia for ratification. I question if any such measure is to be found on the statute-book of any portion of the British Dominions.

THE ATTORNEY-GENERAL: It is the law everywhere.

HON. B. FAHEY: There is no law in any part of the British Empire which expressly exempts the Government from liability of this kind. If such a law did exist in any part of the Empire, I say that any Government of Queensland that knew of the existence of that law was not fit to remain in office for one month without taking the necessary steps to protect itself from the consequences of the negligence of a pilot or from an unavoidable accident occurring to a vessel in charge of a pilot. I do not mean to say that the accidents that have occurred in this port have been due to the

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negligence of the pilots. I am not going to be their judge. I have had experience in these matters for many years. I have had pilots and their crews under me. But I say that it has never been decided yet in a British port that a Government is liable for the accidents that may happen to a ship while in charge of a pilot. The pilots in the United Kingdom are not in the employ of the Crown. They are licensed by the authorities, after a very careful and strict examination in seamanship and navigation, to take vessels in and out of port. They are paid by results, and the law is such that no pilot is liable for any damage done to, or mishap that may occur to, any vessel in his charge to a larger amount than £100. The only State in the Commonwealth of Australia where that law is in force is Victoria—very much to the credit of the early marine authorities in that State. At first blush this Bill would seem to be an effort to legalise a denial of justice and equity. The Government of Queensland desire to exempt themselves under this Bill from any possible damage that may accrue to a vessel in charge of a pilot who is their servant, and paid an annual salary to take vessels in and out of port, for which service the Government impose a certain charge on every vessel of so much per ton on her registered tonnage. It has been said this afternoon that because that charge is made the Government should be liable. The Hon. Mr. Gray said that £16,000 is received annually by the Government for the services of the pilots, their servants, in this port. When I asked the hon. member what amount was received at the other ports in Queensland, he said that the total was about £21,000 per annum. Let me tell hon. members that that sum is a mere pittance compared with the upkeep of the marine establishments of the Government of Queensland from Normanton to Brisbane. I question if even the £16,000 received annually in the port of Brisbane will sufficiently recoup the Government for the outlay occasioned by the upkeep of the pilotage service of this port. Hon. members must remember that the Government must purchase steamers and boats; they must engage crews for those steamers and boats; they must employ other officials ashore and afloat, with their retinue of pilots; they have to maintain lighthouses right along the coast, and they must have leading lights in every port in Queensland. Will any hon. member tell me that even the smaller ports could be maintained for £21,000? Not at all! The cost would be more like £100,000. There is the wear and tear of steamers and boats, and there is the constant employment of the various crews of those vessels. If the Government are going to bring in a law to exempt themselves from what has not been definitely decided up to the present whether they are or are not liable to, there is a way of doing it justly—that is, by not having these pilots as their hired and salaried servants.

Hon. C. S. MCGHEE: Hear, hear—abolish them!

Hon. B. FAHEY: I do not propose the abolition of the present pilots. They are very good men as far as I know. No pilot can be sufficiently accomplished, however, to be exempt from accident. At the same time, if the Government are going to exempt themselves by law from liability, or from

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seeming liability, let them do as they do in a more experienced country—the United Kingdom. Let them do as our more alert neighbour, Victoria, has done, and only employ men who have shown, by passing a strict examination in navigation and seamanship, that they are qualified to handle ships, and let those men be paid by results. In that case no person could say, and no law should say, that the Government are responsible for the actions of those who are not their servants. The Government in this Bill desire to perpetuate the present system, which in my opinion should receive very careful attention in the direction I have indicated. If the Government are not liable at the present time, or if there is any doubt about their liability, let the Government exempt themselves. Let them place themselves in a proper position. Let them place themselves in this position—supply pilots who are not their servants, but who are highly qualified to handle vessels, no matter what their size may be, which have to come to this port. When a captain comes to this port, he is not obliged by the Government to take a pilot so much as he is obliged by the terms of his insurance to do so. The Government place pilots who, so far as I know, are competent, at the disposal of the captains of ships for the special purpose of enabling those captains to comply with the terms of their insurance, and no liability should rest upon a Government that does that. If the Government keep pilots in their service, and send a pilot on board a vessel without affording the captain any choice as to what pilot he should have, there might be a seeming responsibility resting on the Government; but where the Government have no more to do with the matter than instructing the marine authority to issue to the pilots the necessary licenses provided they pass the necessary examination, the Government should not be responsible—they are only doing what is incumbent on them as a Government to enable vessels from other countries to navigate our waters. So far as Queensland pilots are concerned—and probably the same may be said of Sydney—the very important question is whether the men appointed are thoroughly qualified for the position. They may perhaps be competent to pass an examination in navigation and seamanship; but have they had experience in handling large ships in narrow waters? That is exactly what the Victorian authorities insist on. A pilot may be the best navigator or seaman in the world, but that is not sufficient if he has not had experience in handling large ships on the coast and in narrow waters. In all probability the want of that experience is the reason for so many accidents. I intend, if nobody else moves in that direction, to propose an amendment to this effect: That there shall be no further appointments of pilots in the direct service of the Crown; and that in future the men licensed to act as pilots must not only pass a strict examination in navigation and seamanship, but must also have experience in the handling of ships outside and inside narrow waters. I shall support the second reading of the Bill.

Hon. E. J. STEVENS: I think the Government must have realised by this time that though a certain number of members are supporting the second reading, hardly one of them is in accord with the Bill itself. Even those who say they are going to vote

for the Bill suggest things for its improvement if the second reading is carried. The principle of the measure is one to which I have always been opposed. I think that where compulsory service is imposed, the authority appointing that service should be responsible for any damage caused by the inefficiency of their servants. One reason why I object is that I do not think the service the Government provide for this port is efficient, and it will be unfair to ask ship-owners to run risks under the Bill until there is a great reformation in the service. The "Waipara" case has been referred to; and I think some hon. members who spoke have not seen the latest part of the evidence. It showed clearly that the pilot went out of his course and had no right to take the ship where he took her, and had no right to leave her there, having got her into that position.

The ATTORNEY-GENERAL: Not correct.

HON. E. J. STEVENS: Otherwise I cannot see how the Marine Board brought him in guilty of default and punished him.

The ATTORNEY-GENERAL: I do not agree with the decision myself.

HON. E. J. STEVENS: I think it is very clear that he was in default, but I think the punishment was not sufficient. Then there was another case of equal importance, and in which the cost was very much greater to the owners. I refer to the stranding of the "Eastern." In support of my earlier remarks I would like, with the permission of the House, to read some of the evidence given before the Marine Board, the object being to show that the pilot was inefficient and that the Marine Board did not really recognise how inefficient he was, and therefore did not deal out sufficient punishment. The whole of the evidence went to prove that the pilot did not take sufficient care in handling the ship. He was in a narrow channel; dirty weather came up; he did not see the buoys or leading marks; and when the captain suggested that he should anchor for five minutes he declined to do so. He was asked by the chairman of the Marine Board if he had ever gone on his course previously under similar conditions, and he acknowledged that he had. Moreover, he said he had done so hundreds of times; that is to say, hundreds of times he risked wrecking a ship instead of taking ordinary precautions. The punishment he received was the suspension of his certificate for three months. I will read very briefly from the evidence given at the inquiry—

"The Chairman: Don't you think that had you dropped your anchor when the marks were obscured the accident would not have happened? I do, sir.

"Then you attribute the accident to not dropping the anchor when the marks were obscured? Yes, sir.

"Did you do anything to verify the ship's speed? No; I did not.

"You do not know at what speed she was going? No; 10 knots, I suppose.

"What tide was it? High water.

"Was there a sea on the bank? Yes; there was a break now and then.

"Mr. Fees: You have stated that you attribute the cause of the stranding of the "Eastern" to be entirely due to your own fault? I do; and if there is anything I can say to exonerate Captain Hood, I will do so."

He admitted his fault freely. Then, in

another place, he was questioned by the chairman—

"Did the captain not make a remark to you? Yes, sir. He said, "Slow down, or wait for five minutes."

"Did it not occur to you that it was a good suggestion? The suggestion was a very sensible one on the captain's part, and my not taking it showed my stupidity in not acting upon it."

He deserves some credit for the manful way in which he acknowledged his fault; but that did not make him a better pilot.

"From your experience as pilot here, did it not suggest itself to you that it would have been better to have anchored or waited? No, sir; I have been out that channel hundreds of times with the marks obscured."

He admitted that hundreds of times he had run the risk without taking proper precautions; and what did the chairman say?

"I don't think you should make that public."

Actually wanting to cloak over the way this man had been carrying out—or not carrying out—his duties. I have read this part of the evidence to show that inefficient men, incompetent men, have been appointed by the board; and that the board has not recognised the necessity for dealing out more severe punishment in such cases to men who have such enormous responsibility. That is how they dealt with a pilot who had—ship and cargo—over £300,000 worth of property in his charge. Afterwards we find them dealing with another case. There was a small man—a man in charge of a small steamer with machinery for Baffle Creek. In the evening he mistook another creek for Baffle Creek. The breeze was freshening, and the vessel ran on a bank. There was no very great harm done, and he went on his way. An inquiry was held, and the same punishment was meted out to this man as was meted out to one of the employees of the Marine Board—appointed by them, and apparently, as far as I can see, screened by them. In the face of these facts, I say the Government are not justified in asking us to pass a Bill of this sort. If they had a fairly competent set of men under them—and properly paid—it would be a different matter; but [5.30 p.m.] in view of the variety of opinions expressed—none of which are in accord with the Bill in its present state—I think it would be better to let it be withdrawn and wait for an improved condition of affairs before passing such a measure.

Question—That the Bill be now read a second time—put; and the Council divided:—

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Hon. A. H. Barlow	Hon. F. McDennell
" B. Fahey	" C. S. McGhie
" T. M. Hall	" T. O'Sullivan
" A. Hinchcliffe	" H. Turner
" M. Jensen	

Teller: Hon. T. M. Hall.

NOT-CONTENTS, 7.

Hon. G. W. Gray	Hon. E. J. Stevens
" T. A. Johnson	" W. F. Taylor
" P. MacPherson	" A. J. Thynne
" C. F. Marks	

Teller: Hon. E. J. Stevens.

Resolved in the affirmative.

Hon. E. J. Stevens.

HON. A. H. BARLOW: I beg to move that the committal of the Bill be made an Order of the Day for to-morrow. I want the Bill to have a chance of being considered by the Assembly. In Committee I will introduce the saving-right clause and the amendment dealing with sailing ships. We have had a most instructive debate, although there has been a difference of opinion. Still, I think we have done the right thing. I presume there will be no objection to going into Committee to-morrow.

HON. E. J. STEVENS: When shall we have the amendments?

HON. A. H. BARLOW: They are printed and circulated already.

HON. E. J. STEVENS: Well, I have not got them.

HON. A. H. BARLOW: The Clerk explains that amendments cannot be circulated until the second reading is passed.

Question put and passed.

ADJOURNMENT.

HON. A. H. BARLOW: I beg to move that the Council do now adjourn. To-morrow I trust to move the second reading of the Health Act Amendment Bill.

Question put and passed.

The Council adjourned at twenty-five minutes to 6 o'clock.
