

Legislative Assembly,

Tuesday, 19th January, 1892.

Precautions against spread of Small-pox: motion for adjournment—Police Bill: adjourned debate on second reading—Harbor Improvements at Fremantle: adjourned debate: referred to select committee—Protection of Women and Girls Bill: second reading—Adjournment.

THE SPEAKER took the chair at 2:30 p.m.

PRAYERS.

PRECAUTIONS AGAINST SPREAD OF SMALL-POX: MOTION FOR ADJOURNMENT.

MR. SIMPSON: I beg to move the adjournment of the House. I do it with the idea of calling attention to the small-pox case that has occurred at Fremantle on board the *E. & A. H. Avery*, in connection with the recent arrival of that vessel from Mauritius. I am advised by men who ought to know, professional men, that the arrangements with regard to the man who was suffering on the arrival of the vessel in harbor were not so exact and as careful as they should be, considering the immense magnitude of the danger to the colony from the spread of this disease. I am told that a doctor visited that ship, which had small-pox on board, and returned to Fremantle, where he mixed with people there as if nothing had happened. If that is the case, I say it was distinctly a menace to the health of the people of the colony. I wish to draw particular attention to this matter, as I have seen the ill-effects, not of administrative neglect but of unintentional carelessness, in connection with similar circumstances in one of the other colonies,—which subsequently cost the Government of the colony thousands of pounds before the epidemic was stamped out. I do think that every possible care should be taken in this matter, so that there may be no semblance of a possibility of any danger of infection among people ashore arising out of the arrival of this vessel. I was also told that the man who was suffering from small-pox, and who died from it, died like a dog in a ditch. I am perfectly sure that such was not the intention of the Government; but I do think, seeing the gravity of the situation, it would not cost

the colony very much if the Government were to arrange to have a doctor specially to look after such cases, either at Carnac or on board a hulk, and that the sufferers should be properly treated and attended to by a trained nurse until the doctor certifies that there is no possibility of infection.

MR. R. F. SHOLL: I second the motion for adjournment. I dare say that in bringing this matter forward the hon. member has done so more with the view of enlisting the attention of the Government than anything else—[Mr. SIMPSON: Hear, hear]—and also with the view of the Government taking such steps as may be necessary to prevent such a calamity taking place as the introduction of small-pox into the colony. I trust the Government will take notice of what has been stated by the hon. member, and that they will take every precaution to prevent such a disease from being disseminated. It does appear to me strange that a medical man, after boarding this vessel, and finding a case of small-pox—

THE PREMIER (Hon. Sir J. Forrest): But did he go on board?

MR. SIMPSON: The newspapers said so.

THE PREMIER (Hon. Sir J. Forrest): Oh!

MR. R. F. SHOLL: If such was the case it does seem to me that there was an element of danger in a medical man going on board and mixing with small-pox patients, and then coming ashore and mixing with the people of the town. I am not prepared to say that such was the case; but if it was, there was certainly an element of danger in his doing so; and I hope the Government will consider the matter, and take all precautions to prevent even any suspicion of danger from the dissemination of this disease.

THE PREMIER (Hon. Sir J. Forrest): I do not know what the object of this motion for adjournment is, for no facts have been stated—nothing except some information an hon. member has seen in some newspaper, which I must confess I have not seen. I know this, that the Fremantle Board of Health and the Perth Board of Health, and the Colonial Secretary, and the Colonial Surgeon, and the Health Officer of the Port, have all had consultations on the matter, and decided on the action to be taken. I believe the case was thoroughly isolated on board a

hulk specially chartered for the occasion, without loss of time, and a man left in charge of the patient, who I believe died almost immediately after the arrival of the vessel in port. Since then I have not heard any particulars, except a rumour that the man who was in charge was ill; I have not heard whether or not he is suffering from small-pox. I feel sure—I have no reason to think to the contrary, and I think the House will be satisfied—that the officer entrusted with such a responsible duty as the Health Officer of the Port would not do anything that would be likely to disseminate the disease amongst the people of Fremantle. Self-preservation, we all know, is the first law of nature, and I think it would not be likely that this officer, for his own sake and the sake of his family, would run any unnecessary risk. I have not heard that he was on board the ship—of course I cannot say whether he was or not; at all events the Government have no information to show that every precaution was not taken in this case.

MR. RICHARDSON: Ought not the Government to be quite certain on the point, and ascertain whether the doctor had been on board or not, and come in contact with this terrible disease?

THE PREMIER (Hon. Sir J. Forrest): It is very easy to find that out.

Motion—put and negatived.

POLICE BILL.

ADJOURNED DEBATE (SECOND READING).

MR. SIMPSON, who had moved the adjournment of the debate, said there was one provision he should like to see inserted in the bill, both in the interests of the Roads Boards and of the colony, and that was with reference to compelling teamsters to drive their horses abreast, instead of in single file. The bill gave power to the police to deal with cases of negligent or furious driving, and with overloading; and he thought it was most desirable that some provision should be made to put an end to the present arrangement one saw in country districts of horses being driven in a string of five, six, or even seven, to the destruction of the roads. He should like to see a provision inserted compelling horses to be driven double-breasted. It might be a small matter, but it was very desirable

that some steps should be taken to put an end to the present practice. The Government had been good enough to spend some thousands of pounds recently in opening up a road to the Yilgarn goldfields, but that road was being destroyed simply because there was no means of compelling the drivers of teams to drive their horses double, instead of in single file. He had spoken with the Attorney General on the subject, and was informed that the Government would be only too glad to see the practice referred to stopped.

MR. RICHARDSON said he thoroughly endorsed what had just fallen from the hon. member for Geraldton, but he thought there was another matter that wanted looking into. Not only did we want to put a stop to the practice referred to, we also wanted something in the shape of a Width of Tires Act. Perhaps that had nothing to do with the Police Act, but it was very pertinent to the question raised by the hon. member as to the practice of driving horses abreast. It was absolutely necessary, to save the roads, that there should be some legislation dealing with the width of tires, and not have three, four, or five tons put on a waggon the tires of which were not more than 2½ inches in width.

MR. RANDELL was under the impression that we already had a Width of Tires Act.—[AN HON. MEMBER: It was repealed.]—He thought there was some provision in the Roads Board Act empowering the Boards to compel teamsters to drive their horses abreast. He knew the matter had been discussed in that House, and he was almost certain the Boards had this power already.

MR. SIMPSON: But they won't exercise it.

MR. RANDELL: There must be some reason for it.

MR. SIMPSON: The expense.

MR. R. F. SHOLL quite agreed with what had fallen from the hon. member for the DeGrey (Mr. Richardson) with regard to the width of tires. He was sure the cost to the colony of the upkeep of its roads would be reduced very considerably if there were some law regulating this matter. He believed such an Act was passed some years ago, but it never became law; he fancied it was vetoed by the Governor. With regard to driving horses

abreast, he believed the Roads Boards had the power to enforce that; but, as a matter of fact, they did not take advantage of it. Very often the members of these Boards were also the owners of teams on the roads, and to enforce the regulation would mean the expenditure of a few pounds in extra shafts and altering the horses' harness; and they did not like this extra expense, forgetting that pounds and pounds would be saved not only in the wear and tear of horses and teams but also in the loads carried. It was well known to everyone that the nearer a horse was to his load the better he could draw it. If the Roads Boards neglected to enforce this regulation, which they had the power to enforce, he thought it was nearly time the Government should step in and see that it was enforced.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) said that acting upon a special request made to him nearly twelve months ago, in consequence of representations made with reference to the way teams were being driven on the road to the Yilgarn goldfields, he placed himself in communication with the Roads Boards within whose jurisdiction the principal amount of traffic came and went to those fields, namely Northam, York, and Newcastle; and he urged upon them the necessity of passing a by-law to compel horses being driven abreast. That by-law, he was informed, was passed, but he was sorry to say he believed the boards never acted upon it. They never brought a single case before the courts, and the thing went on as before. A short time ago he made a further representation to them, urgently requesting them to carry the by-law into effect. He did not know whether anything had been done, but he had received an answer from the Northam or the Newcastle board, stating that as soon as the connection was made between the Northam and the goldfields road they would then see that the by-law was carried out. With reference to the York board, he might say that he received no direct reply from the board itself, but he received a largely signed petition from the owners of teams, requesting the Government to repeal the by-law. That petition was in his office now; he had taken no action upon it. It seemed to him ab-

surd to make a by-law this year and repeal it the next. He mentioned this to show the House that the Government had done their share in the matter; they had requested those who had the power in their hands to exercise that power. If the boards did not exercise their power, of course the Government could not be blamed in the matter, unless the House considered it advisable to pass a law, making it obligatory upon the boards to enforce this by-law. He fully realised the necessity of such a by-law, and more especially on such a road as that between the goldfields and York and Northam, and, in fact, on all the main roads. There might be difficulties, possibly, in enforcing it upon some of the minor roads in the bush; and they could not very well make the by-law applicable to main roads and not applicable to bush roads, as the same teams passed over both classes of road. Probably there might be some way of meeting the difficulty. There was no doubt that the present practice was very destructive to the roads, which had been made at very great expense to the colony.

MR. CLARKSON said if all the roads in the colony were of a reasonable width, so as to admit of teamsters driving their horses double, this regulation would be all very well; but to men who were acquainted with these matters there were many difficulties in the way of carrying out such a regulation. They must not imagine that these teamsters, who knew a great deal more about driving teams than the members of that House did, were in the habit of wasting the strength of their horses unnecessarily; they drove their horses in single file simply because that was the only way they could get them along on many of the bush roads. It was all very well for members to sit there and make laws for these men; he thought they ought to be guided in a great measure by the opinions of practical men on such a subject. These men would tell them that it was simply impossible to drive their horses abreast on these bush tracks, and that they would be only too glad to drive them in that way if the roads admitted of their doing so. He felt confident if such a law were passed—which he hoped it would not be—it would be very much against carting on country roads; in fact, it could never be carried out. Until the

roads were widened there was nothing for it but to continue the present practice.

MR. RICHARDSON was afraid the hon. member for Newcastle was not a progressive man, if he wanted to continue in the same old ruts for ever.

MR. COOKWORTHY said with regard to roads in the bush, there were many places where it was impossible to drive two horses abreast. Horses could not travel in that fashion along bush tracks. There was not the slightest doubt that where you had a good broad road, it was far better and easier for the horses to have them double-banked, for the nearer a horse was to its load the better it would be able to pull. Teamsters were well aware of that. But, as he had said, there were parts of the colony where it was simply impossible for horses to be driven that fashion. The Roads Boards would be only too glad to enforce such a by-law, if they saw it was practicable.

MR. TRAYLEN pointed out that there would be a difficulty also in boggy places to drive horses abreast, the only way to avoid the horses sinking being to drive them in single file, so as to enable the drivers to successfully negotiate these awkward places.

MR. A. FORREST said there was another aspect of the case: who was going to compensate the owners of all these teams if we compelled them to drive their horses abreast, and necessitated them having their shafts and their harness altered? Anyone who had any practical knowledge of the subject, like the hon. member for Newcastle, must know that teamsters knew more about this matter than members did, and knew how to get as much out of their horses as possible. There were many of the main roads about Perth and the towns good macadamised roads, where no doubt horses might be driven double, but in the country there were many bush roads where it would be impossible to do it. The teams could not turn off, and they would simply break their axles. He thought they should consider what they were about before passing such a law.

MR. SPEAKER: I cannot but come to the conclusion that this debate is entirely foreign to the subject before the House, the second reading of the Police Bill. Certainly there are some regulations in the bill dealing with teamsters

and with driving, but they have reference to the safety of the public, and the protection of life and property. The question of driving horses abreast or in single file has nothing to do with the Police Bill, and is entirely foreign to it, and consequently out of order.

THE ATTORNEY GENERAL (Hon. S. Burt) said before the debate closed, he might be allowed to say a word or two, in answer to an observation made by the hon. member for Geraldton. It was true that the hon. member spoke to him on this subject of driving horses in single file, and that he perfectly agreed with the hon. member that the practice was an objectionable one. But he at the same time pointed out to the hon. member that, this being a Police Bill, he did not think we could introduce any provision dealing with that subject here, and that, moreover, we had already provided for it in the Roads Board Act, which was a fact. This was not the time to discuss the merits of the question, and he simply wished to point out that the power already existed in the hands of the Roads Boards (and of the Municipalities, he thought) to make by-laws dealing with the subject. It was not a matter that could be dealt with in a Police Bill.

Motion—put and passed.

Bill read a second time.

HARBOR IMPROVEMENTS AT FREMANTLE.

ADJOURNED DEBATE.

MR. QUINLAN, who had moved the adjournment of the debate upon Mr. Pearse's amendment to refer the question to a joint committee of both Houses (p. 224, *ante*), said: This question of improving the harbor at Fremantle, I consider, is the most important question that has been brought before us this session. It is not a question that concerns Fremantle alone, or, as has been argued, Fremantle *versus* Albany, but a national question, and I am at once prepared to say that I am entirely in favor of the scheme laid before the House by the Engineer-in-Chief for opening the mouth of the river. I am opposed to the Owen Anchorage scheme, as put forward by the Government. This question has been dealt with at some length by the hon. member for Albany (Mr. De

Hamel), and I think he very plainly showed the House the advantages to be derived by opening the mouth of the river, in preference to experimenting money on Owen Anchorage. The hon. member for the Moore (Mr. Randell) also dwelt at considerable length with the subject. That hon. member, as we all know, is a practical man, and one who has made personal observation of the river and of the harbor for many years, and who knows the river from one end to the other almost as well as I do the city of Perth. He showed us plainly the absurdity—for I claim it is nothing else—of experimenting with Owen Anchorage; and I shall endeavor to show the House, later on, the contradictory nature of the remarks on this subject made from time to time by Sir John Coode, to whom the colony, in years past, paid considerable sums of money for his opinion on this question. This Owen Anchorage scheme, we are now led to believe, will cost £375,000 to carry it out,—not £150,000, as pointed out by the Government. For this we have the authority of their own Engineer-in-Chief; and it will cost £10,000 a year to keep the channel clear, according to Sir John Coode. On the other hand we have Mr. O'Connor's scheme for forming a harbor at the mouth of the river, which is estimated to cost £560,000, while the cost of keeping the entrance clear is only £4,000 a year. Both engineers consider the Owen Anchorage scheme practicable, but Sir John Coode condemns the river scheme, and says it is not practicable. That is simply a matter of opinion between the two engineers. I shall presently refer to some of the reports made by Sir John Coode on this question of harbor works, to show the House that this eminent gentleman has modified his opinion on various occasions, and it becomes a question how much reliance we ought to place on his reports. I shall also call attention to some correspondence that took place on the subject between this eminent engineer and our Acting Agent General (Mr. Burt) when that gentleman was in England last year. I think it will show the inconsistency not only of Sir John Coode, but also the inconsistency of the Government; and I must say I consider—and I am sure the colony at large will consider—that the Government have been very weak in

bringing forward this Owen Anchorage scheme.

THE PREMIER (Hon. Sir J. Forrest): That's an impertinence.

MR. QUINLAN: Let us listen to what this eminent man, Sir John Coode, has said about this part of the harbor. I will first read what he said in August last, when this question was submitted to him by the Acting Agent General. He then said: "If a channel is to be formed through the Success Bank, it would certainly appear that the proper mode of procedure and that which would produce the most satisfactory results, would be to dredge a corresponding channel through Parmelia Bank, and to erect a pier in Jervoise Bay, in the north-east bight of Cockburn Sound, about six miles south of Fremantle, where, judging from the chart, a depth of six fathoms at low water, is available close in shore, and perfect shelter would be provided from the North and North-West by Woodman Point, and the spit to the westward thereof, whilst Garden Island and the rocks to the northward would thoroughly protect such a pier from other quarters." That was Sir John Coode's opinion in August, 1891. Now listen to his opinion in March, 1887. He then said: "Notwithstanding the fine sheet of water which exists in Cockburn Sound, the difficulties attendant upon the formation and maintenance of suitable and safe approaches are so great and would be accompanied with such a large expenditure, both in first cost and maintenance, that there will be no alternative but to consider the utilization of the shelter and deep water there as entirely unattainable." Yet he now says we may get a good and safe harbor here by cutting a channel through Success Bank and the Parmelia Bank. I think this is one proof that the opinion of this eminent man is not to be adhered to, as the Government of this colony have adhered to him in the past. We have also proofs of that in other parts of the world.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): Where?

MR. QUINLAN: At Colombo, for one. —["Oh, Oh!"] and laughter from the Treasury bench.]—I am not prepared to point out the particular places where this

eminent man has shown that his opinion is not always reliable; the Government are aware of it as well as I am.

THE PREMIER (Hon. Sir J. Forrest): You mentioned Colombo, one of the finest examples of marine engineering in the world.

MR. QUINLAN: I have shown that this eminent man's opinion is not to be adhered to, for he contradicts himself, and what I have read shows the ridiculousness of bringing forward this Owen Anchorage scheme. The Government know it is merely an experiment. Did not the Premier himself say in his opening speech that they would spend £10,000 or £20,000 in experimenting with this channel, and that if it did not answer they would then throw it up. That is not what we want. We want what we have been waiting for, for years—for the last 30 or 40 years—and what nature has provided us with in the river. We want this money spent in the proper direction, which will give us a suitable harbor, and encourage vessels to come here, and reduce freights, instead of costing as much to get our goods from Owen Anchorage to Perth as it does to get goods from London to Melbourne. Perhaps the Government will contradict that statement.—[THE PREMIER: Oh, no.]—Then Sir John Coode goes on to say—I am referring now to his report of last year, in reference to cutting a channel through Success Bank into Owen Anchorage, which he had previously said was “unattainable.” He says now that “by increasing the bottom width to (say) 500ft., thereby entailing an additional expenditure to a corresponding extent, there is every reason to believe “that the channel could be navigated “with safety in all weathers, and under “all conditions.” Listen to what the same eminent man said in 1887. He says: “The borings through the Success “and Parmelia Banks have shown, as “before stated, that they consist almost “entirely of sand. Any channel which “might be formed through these shoals “would inevitably necessitate frequent “dredging for maintenance, and, as I “pointed out in my report of 1877, such “an approach would be impracticable and “dangerous in a gale from the West, when “the wind would be directly across the line “of channel, and it would be impossible to

“confine vessels to the deep-water track.” Last year he said he believed this channel “could be navigated in safety in all weathers and under all conditions.” In 1887 he said it would be “impracticable and dangerous in a gale from the west,” and that “it would be impossible to confine vessels to the deep-water track.” This eminent gentleman, after having repeated in 1887 what he had stated in 1877, suddenly wakes up in 1891, after sleeping and dreaming upon it for 14 years, and recommends what he had previously condemned as “impracticable.” So much for Sir John Coode. Then there is the question of vested interests. If this Owen Anchorage scheme is adopted, it will mean another town springing up there in opposition to the town of Fremantle, and what will become of the vested interests of the people of Perth and Fremantle, who have sunk their money to the tune of many thousands of pounds in those places? Are they to be overlooked because this Owen Anchorage scheme has met the views of a few gentlemen in the colony? Are their interests to be thrown aside and ignored, and a new town called up? As to the river scheme, I am informed that as far back as 30 years ago vessels of 600 tons were loaded within a quarter of a mile of the river's mouth. I noticed the other day that one of the members of the Government does not approve of the scheme of their own Engineer-in-Chief. Well, I think this gentleman has sufficiently proved, at any rate, his competency in other engineering matters since he has come to the colony; and, for my part, so far as I can judge from people competent to give an opinion his authority is very much more reliable than that of your eminent engineer, Sir John Coode. There is another big item that has been overlooked, and that is the reclamation of the land, if this river scheme were carried out. The Government must know that, to say the very least, quite £200,000 worth of land could be reclaimed.

THE PREMIER (Hon. Sir J. Forrest): How much?

MR. QUINLAN: £200,000. Then comes the question of finance. The Ministry ask where is the money to come from if we go into this river scheme? It will be in the recollection of this House that when the sum of £250,000,

a portion of our loan, was raised last year, the Attorney General was then in London, and he was in communication with Sir John Coode and with the Government here on this harbor works question; and what does he say in one of his letters to Sir John Coode? He says: "The Premier desires me to assure you "that he is persuaded your scheme of "harbor works at Fremantle is the very "best that can be desired for a harbor "with 26ft. of water, and that he would "not hesitate to ask Parliament to sanction the initiation of the works, except "for the fact that the maximum depth is "not sufficient to enable the P. & O. and "Orient mail steamers to find that accommodation at Fremantle which they "require before venturing to make it a "port of call." It will be seen that six months ago this question of expense did not trouble the Ministry; and we know that last session they came forward with this scheme of Sir John Coode, which they said they were prepared to enter into, and which would have cost half-a-million of money. It appears from the correspondence with Sir John Coode that I have just read that the Premier even would not have hesitated six months ago to ask Parliament to sanction a scheme that would have cost nearly a million of money.

THE PREMIER (Hon. Sir J. Forrest): No, no.

MR. QUINLAN: The facts and figures are here. There was £448,000 to start with, and £545,000 afterwards to make a complete harbor, making a total of £993,000. And the Government were prepared to enter upon that scheme, but now they object to spending £150,000 on this river scheme. They were prepared to swallow a very big camel six months ago, but they strain at a gnat of £150,000 now. I think it is unnecessary for me, not being a practical man in matters of this kind, to say anything further, but merely say that what I have stated I have stated on the authority of some of the oldest settlers in the colony, men who have spent their lives in Perth and Fremantle, and I may say on the river and about the harbor, and it is proved beyond doubt and acknowledged now that even Gage Road is safer than the Success Bank. The gentlemen from whom I have this information are well known to hon.

members, and they are men whose word is reliable; and if members support this Owen Anchorage scheme they will make a mistake, and one that never will be forgotten. But I feel that sufficient common sense exists in this House to support the River scheme. If they do so they will be able in the future to look back and say that they were wise in their generation. I do not think it is a question so much of inducing the P. & O., and Orient steamers to come to Fremantle as it is a question—as the hon. member for the Moore pointed out the other evening—of providing safe accommodation for merchant vessels drawing from 16ft. to 18ft. of water. These are the class of vessels we want to induce to come here, and provide safe accommodation for, so as to reduce the present freights, and benefit the whole community.

THE PREMIER (Hon. Sir J. Forrest): I wish to say that the hon. member was quite right when he said Sir John Coode's larger scheme for Gage Road was estimated to cost £993,000. I was thinking of another scheme.

MR. SYMON: I should like to say one or two words with regard to this question. I am not quite certain whether I understood the hon. member for West Perth (Mr. Quinlan) to say that the Colombo breakwater was a failure. If he said that, I am very sorry I must contradict him, because I think Colombo breakwater is one of the greatest successes, so far as the structure is concerned, that I know of.

MR. QUINLAN: What I meant was in reference to the estimate of the cost of the work, as given by Sir John Coode; not that the breakwater itself is a failure, but that this eminent engineer made a mistake in his estimate, and my point was that he may do the same here.

THE PREMIER (Hon. Sir J. Forrest): It was carried out within the estimate.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): Below it.

MR. SYMON: I am aware of my own knowledge that it was carried out under the estimate; therefore I think the hon. member was rather unfortunate in his reference to Colombo. With regard to Fremantle, I am opposed to the scheme of the Government as regards Owen Anchorage, and the reason of that is

this: if the Government had come forward with a scheme for the purpose of giving us in Fremantle a winter anchorage for the shipping that now comes to that port, it would have received my support; but I understand that the Government put forward this scheme for cutting a channel through Success Bank, for the purpose of bringing to Fremantle the larger ocean-going or mail steamers, and I am thoroughly convinced in my own mind, from what I know of these mail steamers, that they would never venture to go through this Success Bank. Therefore, I think I am perfectly justified in refusing to give my support to the Government so far as their Owen Anchorage scheme is concerned. I am convinced in my own mind, from the little experience I have had with regard to the shipping at Fremantle, that if a breakwater can be constructed from Rous Head it will give us all the necessary shipping protection at Fremantle for many years to come. I am guided in this respect by the report of our own Engineer-in-Chief, who comes amongst us with a really good reputation. He propounds a scheme at the mouth of the river showing two moles, —one from the North bank and the other from the South, at a total cost of about £150,000. If our Engineer-in-Chief is to be relied on (and I believe he is), I am satisfied in my own mind that he will be able to propound a scheme whereby we can get sufficient anchorage at Fremantle to accommodate the shipping in that port for many years to come, by running out one breakwater, from Rous Head alone, to a depth, I reckon, of 30ft. to 40ft. Of course I should have liked to have been guided in this matter by even a more eminent engineer, like Sir John Coode; but Sir John Coode, like others, is liable to make a mistake.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): Local men, I suppose, are all infallible.

MR. SYMON: I cannot agree with my hon. friend there. I think he is fallible occasionally; but I think we are all entitled to our own opinions, and I am quite certain that the opinion of men who have been in Fremantle all their lives are worthy of attention on this particular point, as to whether the necessary accommodation for the shipping for years to come cannot be provided by running out

a breakwater from Rous Head. As to opening up the river, that I consider a secondary consideration, but I am quite willing to support it if, by so doing, we can reclaim some 60 or 80 acres of land, and obtain the facilities which have been submitted to us by the Engineer-in-Chief. I do not think it is worth while discussing this matter much further at present if we are going to submit it to a select committee; and I ask members to agree to have it referred to a select committee, so that we may inquire as to whether Owen Anchorage is likely to prove a success or not. If the select committee, after hearing the evidence, do not come to that decision, I think they would be justified in recommending that the Government should put forward some more suitable scheme, in the interests of shipping at Fremantle.

MR. CLARKSON: I consider this question of harbor accommodation at Fremantle one of the most important that has engaged the attention of this House during the session. I can only say that I regret I am not, as I was reminded by my hon. friend the Commissioner of Crown Lands, an "eminent engineer." The hon. gentleman, when speaking on this subject the other evening, said that an agriculturist (to which unfortunate class I belong) could not be expected to know anything about harbor works. I do not profess to know much about harbor works beyond this, that some improvement in the present harbor accommodation at Fremantle is a necessity. The only thing that outsiders like myself can do is to be guided by the opinion of others who do know something about such questions, and I must say that I have come to the conclusion that the scheme put forward by the Government to open up Owen Anchorage is not one that commends itself to me, and I feel confident it will not commend itself to the members of this House. I can see plainly it does not commend itself to the people of Fremantle, who, perhaps, are more immediately interested in the question than the inhabitants of other parts of the colony. I confess that I have (to use a common expression) a hankering for the river. I cannot help thinking it would be far preferable to spend the £150,000 which is available, in doing something in the direction that the hon.

member for South Fremantle (Mr. Symon) spoke of just now, by running a breakwater from Rous Head, with the ultimate view, when we can afford it, of opening up the river. I have often heard newcomers express surprise that that scheme has not been carried out before this; they say that in any other part of the world it would have been done long ago. As I said before, I know nothing about the subject myself, and do not wish to trespass on the time of the House, by dilating upon what I know nothing about, as some members, I regret to say, occasionally do. I shall be happy to see this matter referred to a select committee.

MR. PEARSE: In moving the amendment I did the other night, that this question be referred to a select committee of both Houses, I did so in order to have the matter further inquired into. But I find that my resolution does not carry out my wishes to the extent I desire, and as I find that by the rules of the House I am not permitted to amend my own resolution, and as another member has a resolution to bring forward in which I entirely concur, I beg leave to withdraw my amendment.

Leave given, and amendment withdrawn.

MR. HARPER: I rise to move a resolution which I trust will meet the views of a majority of members. It is, "That a joint committee of both Houses be appointed to inquire into the question of providing harbor works at or near Fremantle, and, having regard to the amount at present available, or likely to be available, to report what plan would be the best to secure accommodation to the largest class of ocean-going steamers." That, I think, covers the whole ground that we desire to consider. I shall not occupy the time of the House very long, but I wish to point out a few points which I think make it quite necessary on our part at this stage to go over the ground again and reconsider the whole subject. The hon. member for West Perth (Mr. Quinlan), in the course of his remarks, attacked, I may say, the character of Sir John Coode's recommendations. That I have no desire to do. I think when a man who has served a long course of years to a profession is asked to give his advice, we ought to

receive his opinions with respect. That is the least we can do. At the same time I think that every person of ordinary intelligence and of inquiring mind has a right to know what the grounds were upon which that advice was based; and it is upon that point that I wish to say a few words. It will be noticed that in his earlier reports Sir John Coode deals with the question of sand travel. In his report of the 13th November, 1877, he says (referring to a report that had already been made on the subject by Mr. Wardell, another engineer): "Mr. Wardell says, 'There is abundant proof of the "travelling of sand with these currents" — the littoral currents along the coast — and of its forming the usual deposit on "the beach, in shoals, and at the river's "mouth," and from all the information he (Mr. Wardell) could gain, "the beach "appeared to be making rapidly seawards." It has also been alleged that "the construction of the existing jetties "has had the effect of causing an accumulation of sand in South Bay." Then he goes on to say: "On the other hand, "Colonel Henderson, R.E., who has an "intimate acquaintance with the locality, "has stated that South Bay has not "sanded up during the 25 years after "the foundation of the colony. Colonel "Henderson's view is, I think, borne out by "Lieut. Archdeacon's admirable survey "of 1874." Notwithstanding this admission of the value of Col. Henderson's opinion, confirmed by Lieut. Archdeacon's survey, we find Sir John Coode in the same report saying: "Whilst it may be taken for granted that sand travels freely under existing conditions," etc., — although in the previous paragraph he quotes Col. Henderson's opinion that there is no sand travel, which opinion he says is confirmed by Capt. Archdeacon's admirable survey. He quotes these authorities as denying the existence of any sand travel, yet he takes it for granted that sand travels freely. That seems to me to require some explanation, for he says: "This question of sand travel is of paramount importance as affecting the permanent utility of any harbor works which may be constructed at Fremantle." Then he goes on to refer to the small quantity of tidal water that passes over the river bar, too small, in his opinion, to counteract the effect of

the silting, and he says: "Having regard to these facts, and to the necessity of a strong scouring agent to overcome the southerly drift of sand along the coast, I am reluctantly compelled to advise that no steps be taken to improve the river with a view to the formation of a deep-water channel from the sea, feeling assured that any works of this character would only lead to failure. Instances of the successful treatment of river entrances might be adduced where sand and shingle travel along the shore, but none that I know of where the rise of tide is so small, and the distance to be traversed so great, as in the case of the Swan." There are two very important points here for consideration. He reluctantly abandons any idea of opening the river because of the sand travel. We may take that to mean that if there was no sand travel he would not have abandoned the river at all.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): What about the rise and fall of the tide?

MR. HARPER: He says the flow of tidal water is not sufficient to counteract the silting caused by the sand travel. But if there is no sand travel, the absence of a strong tidal flow, I take it from his report, would be of no consequence. And the question is: Is there any sand travel? Sir John Coode himself quotes two authorities to show that there is no appreciable amount of sand travel, yet he takes it for granted that the sand does travel, and travels freely; and on this score alone he puts aside the question of opening up the river. Further on, he refers to what he calls the "radical defect" of having any solid structure projecting from the shore in this locality, and he refers to an instance that occurs at Delagoa Bay, in South Africa, where he recommended the removal of such a structure. But I think that in this case he has not taken into consideration the differing local conditions. He says: "Owing to the necessity for the preservation of the deep-water coast line"—which, I may say, they have in South Africa, but which we have not—"in the case to which I refer (Cape Colony), it was essential that the wave action should be restored," so that the large accumulation of sand might

be dispersed. And he adds: "In the absence of a proper scouring agency, similar results might be confidently expected to follow from the projection of any solid barrier from the coast line, on either side of the Swan River. In cases of this kind permanent success can only be obtained by working in harmony, not in conflict, with nature." He assumes that nature will not tolerate any solid structure, where there is any sand travel, without resulting in shoaling the sheltered area under its lee. But I think we have abundant evidence that nature does not always do this. He has put one, two, or three obstructions to the travelling of sand from North to South, and it might be argued that his latest recommendation for cutting a channel through Success Bank would be acting in conflict, rather than in harmony, with nature. If we take it, as Sir John Coode did, "for granted" that there is sand travel from North to South, and take it in the light of his own subsequent admission that there is little or no change in the configuration of the Success and Parmelia Banks—for he virtually admits that in his latest report—we must come to the conclusion that the sand travels right over or around these obstructions, and away to the South Pole or somewhere else. As a matter of fact, if we go through the whole of the reports and the arguments, there is not the slightest evidence anywhere of this sand travel. Surely, when we bear this in mind, and also bear in mind that Sir John Coode reluctantly abandoned the river project in consequence of the supposed sand travel, we are entitled to ask, in the event of there being no sand travel, what then? As to working in harmony with nature, if nature has put the Success Bank and the Parmelia Bank right across the course which the sand travels, and also put banks of lesser dimensions between Rottneest and the main, and we find, as is now admitted, that there is no apparent silting or actual change in the configuration of these banks, we shall only be working in harmony with nature if we build a solid structure from the main. Here is some further evidence which Sir John Coode gives. In his report of the 18th of March, 1887, he says: "Upon examining the new information to hand from Mr.

"Wright, it became evident that the results of the borings which were made immediately seaward and southward of the mouth of the Swan were of such a character as to cast a doubt on the origin and composition of the Success and Parmelia Banks. I had previously thereto considered that these shoals, which are of a remarkable shape, were merely accumulations of sand, and that their existence afforded strong, if not conclusive, evidence of sand travel to the southward and of the shoaling which would consequently result from the construction of any solid works extending directly from the shore,"—showing clearly that if he could have got this idea of sand travel out of his mind before, he would have recommended something very different from what he did when laboring under that impression. In his latest report, dated 14th August, 1891, writing to Mr. Burt, then in London, he says: "By the courtesy of the Hydrographer I have been enabled since the receipt of your letter of the 24th ultimo, to compare the outlines of the Success and the Parmelia Banks, as shown on the plot of the survey made by Capt. Stokes, R.N., in 1840, with those indicated on the plan of 1873 by Capt. Archdeacon, R.N. It would certainly appear from these records that but little change in the actual configuration of the banks in question has occurred in the interval of 33 years between the two surveys." There, as I have said, we have virtually an admission from Sir John Coode himself that there is no evidence of sand travel. Having now come to that conclusion himself, not directly stated but indirectly evidenced, I think it is most important that we should consider now, having got rid of that idea which has blocked him from the very start, what is the most desirable line on which to take up this question of harbor works. If it be found out to be true, in after time, what we now believe, that there is really no sand travel, we may, unless we give due consideration to this discovery, expend large sums of money upon works that need not be expended; on the other hand, if we reconsider the whole position in the light of this admission, that there is actually no sand travel of any consequence, we may, probably for a much lesser sum, obtain all that is necessary to meet our

requirements. Hon. members, of course, have read with interest the admirable propositions put forward by Mr. O'Connor, and there are very many matters in connection with this question which it is evidently very desirable we should have more information upon; and I think we cannot get that information in a better form than by appointing a select committee, who can examine Mr. O'Connor. I am sure he will be only too glad to afford every information in his power, and I am sure he would enlighten us a great deal on the subject. In the resolution I have submitted, I have suggested that the select committee should consist of members of both Houses. I think this would tend to the production of a report which would be more likely to be acceptable to the two Houses.

MR. RICHARDSON: I have much pleasure in seconding this amended resolution. There is only one thing that occurs to my mind,—whether it is competent for this House to appoint a select committee of both Houses; whether we can appoint a select committee of the other House?

THE SPEAKER: No. The Upper House will nominate their own committee if they approve of this proposal to appoint a joint committee.

MR. RICHARDSON: It appears to me that the hon. member who has placed this resolution before us has collated some very valuable evidence from Sir John Coode's own reports to show that there is no proof of the existence of any sand travel, and that Sir John Coode himself simply took it for granted that it did exist. The very fact that these two banks, the Success and the Parmelia, have shown no indication of any appreciable change in their contour in 33 years, seems to me to afford reasonable ground for believing that there is no sand travel from north to south, as Sir John Coode at one time thought there was. In addition to that we have evidence of the continued unevenness of the bottom. At one spot we have 7 fathoms close alongside 9 fathoms, and 25 fathoms close to 30 fathoms, which appears to me to afford further ground for believing that there is no great amount of sand travel. This shows the necessity there is for reconsidering the whole question, in the light of the very best evidence obtainable,

and come to some intelligent conclusion. I think that is the only thing that will satisfy the country now. We must remember that in this large expenditure other districts besides these central districts are concerned, and I think they all have a right to object to any large expenditure upon harbor works that is not based on some good and intelligent basis. I think if they find us experimenting to the tune of £150,000 now, and £150,000 again, they will have a good right to object, and no doubt they will object. For these reasons, I think if we are going to commence to spend any money upon these harbor works we must be prepared to show the country that we are not doing it without having good ground for believing that it will give us good results, or without having reliable and practical data to start these works upon. I have therefore very much pleasure in supporting the proposition to refer the matter to a select committee.

MR. RANDELL: Speaking to the amendment now before the House, I should like to draw attention to a portion of a paragraph that appears in Sir John Coode's report in 1887. Dealing with the principles which should govern the determination of the position and character of these harbor works, he says: "First, then, I desire to reiterate 'the opinion that nothing short of 'insuperable physical difficulties would 'warrant the undertaking of harbor 'works elsewhere than in the vicinity of 'Fremantle.'"

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): I have quoted it twenty times, to your knowledge.

MR. RANDELL: I think that is sufficient to satisfy members that the scheme proposed by the Government to undertake these works at Owen Anchorage is not acceptable even to Sir John Coode, unless the difficulties in the way of having them in the vicinity of Fremantle itself are physically insuperable. I am disposed to agree with the amendment, with the exception that I want to strike out two words. The amendment reads "at or near Fremantle." I wish to strike out the words "or near."

THE PREMIER (Hon. Sir J. Forrest): Why?

MR. RANDELL: Because I think the country, and I think this honorable

House, are determined to have these harbor works at Fremantle, and will not allow anything like an idea to get possession of the public mind that they are to be removed to Cockburn Sound, or Jervoise Bay, or Owen Anchorage; and I think it would be safer to have these words eliminated.

THE PREMIER (Hon. Sir J. Forrest): We have no objection.

THE SPEAKER: The hon. member had better move his amendment after the House disposes of the resolution itself.

MR. DE HAMEL: It seems to me that this House by adopting this resolution is throwing aside its duty, and casting upon others a share of the responsibility which we ought to be prepared to accept ourselves. We are not sent here to throw upon the members of the Upper House the right and the responsibility of deciding on this question. There has been no conflict between the two Houses, and why should we in this House seek to appoint a joint committee of both Houses when as yet there is no question before the Upper House at all. I submit we are utterly wrong in doing this, and that we are throwing, or seeking to throw, upon the shoulders, not of an elected body, but of a purely nominated body, duties we ought to take upon our own. I shall be sorry myself to see this House voting for the resolution now before it.

MR. CANNING: I expressed my opinion the other evening on this point, and there is no necessity for me to reiterate it now. I quite agree with the hon. member who has just spoken, that by taking the course we now propose, we shall be in a measure evading our responsibilities. The members of this House are elected by the people, and are directly responsible to the people for their proceedings, their votes, and their actions on any question that comes before the House. The members of the Upper House are not directly responsible to the people in the sense that this House is; and if we appoint a joint committee of both Houses, it will be difficult for the people of the country generally to conclude upon whom the responsibility of deciding this important question has rested.

THE PREMIER (Hon. Sir J. Forrest): The question will have to come back to us again when this committee has reported.

MR. CANNING: But by referring it to a joint committee in the first instance we are accepting a divided responsibility. I think each House should be prepared to accept the responsibility that rests upon it, and exercise its own intelligence, and judge upon the merits of the scheme brought before it by its own select committee. This House would then be responsible for its own action in the matter, and the Legislative Council would be responsible for any action it might take. If they differed from this House, then would come the time to consider whether a conference should not be held between the two Houses, in order to arrive at a mutual understanding. I cannot find a stronger argument that we are evading our responsibilities than that we should at the initial stage of a question of this kind submit it to a joint committee of both Houses, and I therefore strongly oppose it.

THE SPEAKER: With regard to a point raised by one or two members as to whether it is in accordance with Parliamentary practice to have a joint committee of both Houses, I may say that it is the Parliamentary practice, not only in the House of Commons, in England, but also in other places. There is scarcely a session, I find on consulting the journals of the Houses of Parliament in Victoria, that there are not two or three such committees appointed there, and I believe it has been found to act very advantageously.

MR. HASSELL: Although totally opposed to the scheme of the Government with regard to Owen Anchorage, I shall support the motion for a select committee of both Houses.

MR. CANNING: I should like to ask the Speaker whether in the cases he has mentioned, in which committees of both Houses were appointed, they were not appointed to consider questions of a special class, and of an entirely different character from that we are now dealing with?

THE SPEAKER: In the House of Commons, questions that are exactly on a par with this—that is, questions dealing with public works—are submitted to these joint committees; and "*May*" states that they have been found to act most advantageously to the country. In those particular cases that I have found on re-

ference to the journals of the Parliament of Victoria, I do not think any of them were in reference to public works, but in the House of Commons they are distinctly appointed to inquire into public works questions. I believe that in Victoria there is a Joint Parliamentary Committee appointed by statute to deal with public works; and also in New South Wales.

THE PREMIER (Hon. Sir J. Forrest): I cannot see that anyone can reasonably object to this very important matter being referred to a joint committee of both Houses. As the Speaker has just told us, it has been customary in England, in dealing with public works, to refer them to these joint committees; and we know that in the other colonies there is a statute which provides that all important public works have to be referred to joint committees of the two Houses. It has been suggested that we should adopt the same course here, but the Government did not favor the suggestion in the early days of our constitutional life. I understood, when I was in New South Wales recently, that the system worked admirably there. No doubt it relieved the Government from a considerable amount of responsibility, and for that reason alone it is viewed with very much favor by politicians in the other colonies. As I have said, the Government here did not think there was any necessity at this early stage of our constitutional life to have a Joint Parliamentary Committee for dealing with public works; but, in this particular instance, I think the question to be dealt with is one which may fairly be submitted to a joint committee of both Houses, because, according to our own Act, agreed upon last session, it was specially provided that, as regards harbor works, no scheme of harbor works should be undertaken until the plans and sections of the proposed works had been laid on the table of both Houses and approved by both Houses. It seems to me very desirable that we should have the advantage of a committee of both Houses in dealing with this very important matter. I should like to again say what I think I have said before, that the only desire the Government had in bringing forward this scheme of harbor works in Owen Anchorage was to provide some harbor accommodation at Fre-

mantle suitable to the requirements of the country. We formed the opinion that this was the cheapest and best scheme we could have at present to meet our requirements. At the same time there is not one member of the Government who does not desire that the harbor should be at Fremantle itself, in preference to any other place. My friend the Commissioner of Crown Lands, I believe, has incurred a considerable amount of odium amongst his constituents and others for approving the scheme of harbor works brought forward by the Government. But I may inform the House that my hon. friend was never a strong supporter of the scheme; he only supported it because he was loyal to his colleagues and loyal to me, and because he believed it was the only means at present of providing harbor accommodation at Fremantle. I am prepared to take on myself the greater part of the responsibility of recommending this scheme; I believe I was the strongest supporter of it; and it is most unjust to place upon my colleague, the hon. member for Fremantle, the whole of the responsibility. In fact his responsibility as regards it was not a very large one. I saw that some newspaper the other day, an Albany paper, had the effrontery to say that the whole responsibility of the scheme was due to the Commissioner of Crown Lands. It seems to me that is most unfair, and is certainly altogether away from the facts. The only question we had to consider as a Government was how we could best carry out what we all wanted; that was, a good harbor at the port of Fremantle, and, looking at all the circumstances, I came to the conclusion, and I certainly did use my influence as much as I could to induce my colleagues to come to the same conclusion, and go for the Owen Anchorage scheme. We had the Engineer-in-Chief, as you know, with us, and we consulted Sir John Coode, and were fortunate enough to have his support, though I think what was said by some members that Sir John Coode was not much in favor of Owen Anchorage is to some extent true. But he was placed in possession of the fact that we had only £150,000 appropriated to this work, and that our chances of getting more were somewhat remote; and I may here say

that I do not think we shall be able to come before this House for some time for another loan, even for harbor works at Fremantle. As the House knows, we only raised a quarter of a million of our last loan, and we have a million yet to raise, all of which has been appropriated to certain public works, as agreed to by the House; and I very much question whether in the immediate future, or in the near future, the Government will be able to come to this House to ask for another loan to prosecute harbor works at Fremantle. Therefore we were in this position: we had £150,000 set apart for these works last session, and the question arose what were we to do with it? All the other schemes were very expensive, costing from half-a-million to a million of money; and it occurred to us that we might open up this Owen Anchorage with the money that we had. We were advised that this could be done, so we brought the question before the House, and that is the whole matter. We would have preferred, as I said in introducing this subject, not to have gone away from Fremantle. Why should we go a mile and a half away if we could have got what we wanted where the Customs and all the Government buildings are, where all the jetties are, and where all the business places are? It was only the exigencies, the necessities of the case, that caused us to go away from Fremantle at all. The question still is, how are we best to provide what is wanted? The scheme that is within our means, as appeared to us, does not meet with the approval of the House. The Government understand that thoroughly. We are not blind. We can see, too, that it does not meet with the approval of the country. We do not wish to exert any influence in trying to force it upon the House or the country. We all know that schemes of harbor works are very troublesome. In dealing with the sea and with rivers there is always room for uncertainty as to the results. Most people will admit that. I think, whoever advises us, whether it be Sir John Coode or Mr. O'Connor, or whoever he may be, there must always be some doubt, especially at the mouth of a river, as to the complete success of the undertaking. We have it on the authority of the hon. member for West Perth that Sir John Coode himself has failed in

some instances, though I am not prepared to agree with the hon. member in what he said. Still, no doubt even Sir John Coode may have failed, because this science of harbor-making is not an exact science. The difficulties surrounding it are very considerable, and there is plenty of room for failure. But the hon. member was rather unfortunate in his reference to Colombo, because that is one of the most magnificent marine structures ever made in the world—at any rate in modern times. The Government entirely approve of this motion to refer this matter to a joint select committee. We believe nothing but good can result from the matter being thoroughly investigated. It will then come back to this House, and we shall be in a position to deal with it, having the advantage of all the evidence that this committee has been able to obtain. The position at present is this, with reference to the mouth of the river, which a great many people are very desirous of having opened up, we have a very strong report against it by Sir John Coode, and we have a favorable—I do not know that I can say a very favorable—report from our own Engineer-in-Chief that it is practicable and feasible. On the face of it, therefore,—I do not know that they both had the same information before them; that may not have been—but, on the face of it, there is a difference of opinion, and from two authorities whose opinions we are certainly bound to respect. When professional men in the position of these two gentlemen give an opinion on matters about which they are competent to give an opinion, matters to the study of which they have devoted their lives, I think they are entitled to our respect. I do not think that anyone is justified in saying that Sir John Coode's opinion is no good, or that Mr. O'Connor's opinion is no good. Both of them are certainly in a better position to express an opinion on such a subject as this, having devoted their lives to it, than any member here. I do not wish to compare the two authorities. We know that Sir John Coode has a world-wide reputation; we know he has carried out great works in England and in various parts of the world; we know that his opinion is sought after by all countries, and that there is not an Australian colony that has not consulted him on the question of harbor works.

But that is no reason why he may not be wrong. Our own Engineer is also an eminent man, not perhaps of the same world-wide reputation as the other, but he is an eminent man in his profession, and I think myself we were fortunate in obtaining his services; and there is no reason why he may not be right, and Sir John Coode wrong, in some particulars. But we have the fact that these two gentlemen of experience differ in their advice. One says we may open up the river, and get a 14-ft. channel for £535,000, and the other says we can open up a 30-ft. channel for £560,000, including an inner basin. In the one case, Sir John Coode says the channel, after it is cut, would be useless, as it would fill up again; in the other case Mr. O'Connor is of opinion that the depth could be maintained. We have to consider this: are we justified in embarking on a great undertaking like this, when we find eminent professional men differing in opinion as to its practicability? For myself, I hesitate to commit the country to any very large expenditure, unless I have more evidence and more information before me. I am quite prepared to spend a considerable amount of money in experimenting; I do not think, even if we spent the whole of this £150,000 in experimenting, it would ruin us. But that, I think, would be the outside limit we would go in the experimental line, and I am afraid I am more liberal in that than most members are. Most members do not wish to risk even a few thousands in experimenting, but, we may depend upon it, we must experiment. It has been said that the amount of money paid to Sir John Coode (£3,477 4s.) for his professional services in connection with this harbor works question is a large sum to spend. I do not consider it a large sum, when it is borne in mind that it includes his visit to the colony, and all the estimates and drawings, and other information he furnished.

AN HON. MEMBER: Is that all the money that has been expended?

THE PREMIER (Hon. Sir J. Forrest): We have had no account yet in connection with this last report about Owen Anchorage. What is £3,000 or £4,000 in connection with works of this magnitude? One false step, one little bit of bad advice, may cost us more than double this amount. I cannot illustrate

it better than in the case of an engineer for railway construction. Some people are indisposed to pay a good salary to an officer entrusted with the expenditure of hundreds of thousands, when we know that a mistake as to one single embankment or a bridge may cost the country a great deal more than this officer's salary. So with Sir John Coode. I consider we never had money better expended than in obtaining the professional advice and assistance of a man like Sir John Coode, because we have information before us which, if it will not guide us on the right track will certainly lead us in that direction. I myself have the greatest respect for the opinion of eminent men who have made this class of work their study. I hope nothing I have said will be construed as meaning that I in any way disparage the opinions that are before the House. All the Government wish to do is to do the best they can for the port of Fremantle, and make it a port worthy of the colony. Although we are aware that our proposal has not met with the approval of the people of Fremantle, I think that they must feel that the Government are most friendly disposed towards Fremantle, and that our only desire is to afford them suitable and convenient harbor accommodation at the earliest possible moment. I hope that the proposition that a joint committee of both Houses be appointed will meet with approval. I feel sure that nothing but good can result from the labors of such a committee.

Original motion in favor of the adoption of the Owen Anchorage scheme negatived on the voices.

Amendment put—"That a joint committee of both Houses be appointed to inquire into the question of providing harbor works at or near Fremantle, and having regard to the amount at present available or likely to be available, to report what plan would be the best to give secure accommodation to the largest class of ocean-going steamers."

MR. RANDELL moved to strike out the words "or near," so that the question should read "at Fremantle," instead of "at or near Fremantle." He did so in order to definitely fix the harbor site at Fremantle.

THE PREMIER (Hon. Sir J. Forrest): The hon. member seems very frightened

that they will go away from Fremantle.

MR. RANDELL: There is a strong feeling that the harbor should be at Fremantle.

Amendment agreed to.

Motion (Mr. Harper's), as amended, put and passed.

THE SPEAKER: The proper course now is to appoint this committee by ballot—four members and the mover. I would suggest, and I think the Premier will propose—it is the usual course—that the same number be appointed by the Upper House.

MR. R. F. SHOLL: Considering that this House has 30 members and the other House only 15, it appears rather out of proportion that the smaller House should appoint the same number on this committee, especially as there is no antagonism between the two Houses.

THE SPEAKER: It is the universal practice in the other colonies, when these joint committees are appointed, that they shall consist of an equal number of both Houses.

A ballot having been taken, the following members were nominated to serve on the committee: Mr. Marmion, Mr. Richardson, Mr. Pearce, Mr. Venn, and the mover (Mr. Harper).

THE PREMIER (Hon. Sir J. Forrest) moved:—That the Committee have power to call for persons and papers, and report upon Monday, 25th January, and that the Resolution be transmitted by Message to the Legislative Council, with a request that they elect a similar number of their members to serve upon the Select Committee.

Agreed to.

PROTECTION OF WOMEN AND GIRLS BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. S. Burt): I now have to ask the House to read a second time this bill, to make better provision for the protection of women and girls, and for other purposes. I have reason to think that in the minds of some there is an idea that this bill is something altogether new, and I have been asked, in fact, by one already where on earth the bill came from. I should like to point out that very much of this

Act, the most important sections of it, with the exception of the age of consent mentioned, is the present law of the colony. The provisions in the present criminal law against the defilement of girls under a certain age were adopted in this colony in 1865, from the Criminal Law Consolidation Act of England, which was passed in 1860. That Act provided and made it an offence to "unlawfully and carnally know" (in the words of clause 4 of this bill) any girl under the age of 10 a felony, and to defile a girl between the age of 10 and 12 a misdemeanor. As I have said, we adopted that legislation here in 1865, and have continued it up to the present moment. This provision occurs in the criminal law now in force in the colony, and which has been administered here for over a quarter of a century; and I think we have found little or no occasion to vary very much of it, except as to the punishment or procedure. In 1875 the law was altered in England but not altered here. The age of consent on that occasion was advanced from 10 to 12, and it was made a criminal offence to defile a girl not merely under 10 but between 10 and 12. As I have said, we did not adopt that amendment of the law in this colony, but continued the law as passed in 1865, and here the defilement must be of a girl under 10 years of age. I think I am right in saying that this age, which is called the age of consent, has been raised from 10 all over the British possessions. It was only the other day that this subject was dealt with in Queensland, and the age there was raised. The age of consent now in Queensland is from 12 to 14; it is a felony to defile a girl under 12, and a misdemeanor to defile a girl between 12 and 14. In England the ages, as I have said, are—under 12 a felony, and between 12 and 13 a misdemeanor, so that in Queensland they have raised the age of consent a year more than they did in England. The other provisions of the bill do not call for much notice, with the exception, I think, of one point in connection with indecent assaults or the defilement of young girls by guardians, teachers, or schoolmasters. It will be seen by clause 7 that special provision is made with regard to that. It was considered that a guardian, teacher, or schoolmaster, is in a position as it were

of trust, that if he commits an offence of this sort he takes advantage of the position in which he is placed, and which gives him daily opportunities of committing these offences; and, if he takes advantage of that position I think he must be a man of a very depraved and bad character indeed. We are bound to have schoolmasters and teachers for young girls, and if these persons take advantage of their position to inveigle or allure these girls and ruin them we consider they ought to be punished more severely than others. That is a clause that is not found in the English Act, but I think it is the law in South Australia. However, it will be for the committee when dealing with the clauses of the bill to express any opinion they think fit upon that idea of punishing in this severe manner those who being guardians or teachers commit these offences on girls or young women under the age of 21 years, for in the case of these persons we propose to fix the age at twenty-one years. We provide that if a guardian or teacher defiles any girl under that age he shall be liable, at the discretion of the Court, to a term of imprisonment not exceeding two years, with or without hard labor, and with or without a whipping. It may be said perhaps by some that this is rather too severe, although these persons are in a position of trust or in a position to take advantage of those under their charge. It may be said that we are going too far in this direction, but I say this is not the time to discuss that question. We shall have an opportunity of discussing it in committee, and I merely draw attention to it now so that the minds of members may be brought to bear on it. It is an important clause in the bill, and I thought I would draw attention to it. Clause 20 provides the punishment of whipping for an attempt to commit the offence of rape. I think that is a very salutary clause indeed, if we resort to the whip at all. In Queensland they have adopted this system of whipping in such cases, though it has not found place in England. There they are very chary of whipping, although they do it in cases of burglary. I think it is a very salutary provision in offences such as attempts at rape. Nor do I think it can be said to be too severe a

punishment when we find that in this colony the punishment, if the offence is actually committed, is death. We propose that if a man falls short of the actual offence, but is convicted of an attempt, he may be sentenced to be whipped if the Court thinks fit. Of course I need not remind the House that this offence of rape cannot be committed with consent; it must be against the consent of the victim. It has been said that this Act was passed in England during a panic. I can only say that it has remained on the Statute Book ever since, and that it has been generally adopted in the colonies. As I have said, by this very mail I received a copy of the Queensland Act, which is the same as this, except that the age of consent is a little lower. There it is 14; here we propose to make it 16. With regard to that limit, we are not wedded particularly to 14 or 16; it is a matter we can discuss in committee. Perhaps it may be said by many that 16 is rather high. At any rate, no one can deny that the age at present on the Statute Book, 10, is too low, and everyone will admit that the age should be raised. The English Act, as I have said, has remained on the Statute Book since 1875, whether it was passed in a panic or not, and I know it is a very salutary law. When I was in England last year, a case arose under this Act, in which a man gained the affections of a young girl under 14, and induced her to leave her home without the consent of her parents—I think the case came under section 7 of the English Act, which is equivalent to clause 10 of this bill. This man inveigled the girl away (I forget her exact age), and treated her most brutally; she was absolutely under his power. He was prosecuted by the Government under this section, and was convicted. So it will be seen that the Act is being acted upon at home, and that it has brought offenders to justice, and that it is not by any means true that it is a dead-letter. We know that many people think it is very necessary indeed to deal with this subject, and I think so myself, from what I have read of occurrences that have taken place within the last two or three years, in the vicinity of Sydney particularly, and about Melbourne, and, in fact, all the large capitals. There is no doubt that the age of con-

sent in this colony is much too low, and I trust that when we go into committee we shall be able to raise it to something reasonable, and deal generally with the provisions of the bill. I need not say any more now than ask the House to allow the bill to be read a second time.

Motion—put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 5-10 p.m.

Legislative Assembly,

Wednesday, 20th January, 1892.

Road from Nullagine to the seaboard—Competency of Chief Traffic Manager—Northam-Southern Cross (Yilgarn) Railway Bill: third reading—Supply (£80,000): Message from the Administrator—Police Bill: in committee—Preservation of perishable foods—Married Women's Property Bill: first reading—Geraldton-Mullewa Railway Bill: first reading—W. A. Turf Club Bill: report of Select Committee—Adjournment.

THE SPEAKER took the chair at 7-30 p.m.

PRAYERS.

ROAD FROM NULLAGINE TO THE SEABOARD.

MR. RICHARDSON, in accordance with notice, asked the Premier, Whether the attention of the Government had been drawn to the urgent necessity of surveying, or marking out and declaring a direct road from the Nullagine goldfields to the seaboard, somewhere in the vicinity of Port Hedland or Boodarie Creek, where excellent anchorage for vessels could be found, and which was some hundred miles or more nearer than Cossack.

THE PREMIER (Hon. Sir J. Forrest): The attention of the Government has been called to this matter, and the Captain