AYES.	NOES.
Mr. Daglish	Mr. Butcher
Mr. Diamond	Mr. Hassell
Mr. Ewing	Mr. Holman
Mr. Foulkes	Mr. Moran
Mr. Gardiner	Mr. Nanson
Mr. Gordon	Mr. Reside
Mr. Gregory	Mr. Stone
Mr. Hastie	Mr. Taylor
Mr. Hayward	Mr. Thomas
Mr. Higham	Mr. Yelverton
Mr. Holmes	Mr. Jacoby (*Teller*).
Mr. Illingworth	
Mr. James	
Mr. Kingsmill	
Mr. McDonald	
Mr. Monger	
Mr. Purkiss	
Mr. Quinlan	
Mr. Rason	
Mr. Reid	
Mr. Smith	
Mr. Wallace (*Teller*).	

Motion thus passed that the question be now put.

Question (Mr. Quinlan's amendment, three Judges) put, and a division taken with the following result:—

Ayes	...	...	...	14
Noes	...	...	...	20
Majority against			...	6

AYES.	NOES.
Mr. Butcher	Mr. Daglish
Mr. Foulkes	Mr. Ewing
Mr. Hassell	Mr. Gardiner
Mr. Holman	Mr. Gordon
Mr. Moran	Mr. Gregory
Mr. Morgans	Mr. Hastie
Mr. Nanson	Mr. Hayward
Mr. Quinlan	Mr. Higham
Mr. Reside	Mr. Holmes
Mr. Stone	Mr. Illingworth
Mr. Taylor	Mr. James
Mr. Thomas	Mr. Kingsmill
Mr. Yelverton	Mr. McDonald
Mr. Jacoby (*Teller.*)	Mr. Monger
	Mr. Purkiss
	Mr. Rason
	Mr. Reid
	Mr. Smith
	Mr. Wallace
	Mr. Diamond (*Teller*).

Amendment thus negatived.

THE PREMIER: The question was now disposed of.

THE SPEAKER: Yes.

MR. THOMAS: On a point of order, was not the word "that" still left?

THE SPEAKER: The question was put "That in the opinion of this House."

MR. THOMAS: Was not the question to insert after the word "that" certain words following?

THE SPEAKER: That was so.

MR. MORAN: Then there was a question before the House now?

THE SPEAKER: What was that question?

MR. MORAN: The word "that."

ADJOURNMENT

THE PREMIER moved that the House at its rising do adjourn until 7·30 the same evening (Thursday).

MR. MORAN: It was only right that the House should meet at 4·30. Because there had been a long sitting, that was no reason why the House should not meet at the usual hour. Parliament sat on only three days of the week, although he (Mr. Moran) thought it should meet on five days of the week and at 2·30 each day. By-and-by the Government would come in clamouring to rush the business through at the end of the session. He hoped the House would insist on meeting at the usual hour.

THE PREMIER withdrew the motion, and moved that the House do now adjourn.

Question put and passed.

The House adjourned at 3·25 a.m., until Thursday afternoon.

Legislative Assembly,

Thursday, 14th August, 1902.

Sir Arthur Lawley: Letter of Farewell—Papers presented—Question: Timber Concession—Question: Arbitration Court, Agent Pleading—Question: *Hansard* Reports, Interjections—Legal Practitioners Act Amendment Bill, second reading moved—Administration (probate) Bill, in committee, reported—Public Notaries Bill, in committee, reported—Explosives Act Amendment Bill, second reading resumed, in committee, reported—Elementary Education (district boards) Bill, second reading—Justices Bill, second reading—Adjournment.

THE SPEAKER took the Chair at 4·30 o'clock p.m.

PRAYERS.

MR. SPEAKER announced that he would leave the Chair for 20 minutes [to enable

members to attend the swearing-in of the Chief Justice as Administrator].

SIR ARTHUR LAWLEY—LETTER OF FAREWELL.

THE PREMIER (Hon. Walter James): Before business is proceeded with, I crave the indulgence of the House to read a letter I have just received from Sir Arthur Lawley:—

S.s. "Sophocles," August 14, 1902.

Dear Mr. James,—I feel that I have had lately such frequent occasion to give expression to my feelings on leaving Western Australia that these last words of mine may seem to be almost redundant.

But before the ship which is to carry me away actually sails, I must write you a few lines, by which I will ask you to convey to the people of Western Australia an assurance of the real and profound regret which Lady Lawley and I experience in bidding "good-bye" to our many friends.

Please tell them how intensely grateful we both are that so great a number of them should have assembled to wish us "God-speed," and how very deeply touched we are by the enthusiastic and warm-hearted demonstration which they have accorded us.

Such a general manifestation of goodwill towards my wife and me is most flattering to us both, and, believe me, we are more grateful than we can say for the kindness which has been shown to us to-day. It is only the final expression of that generosity of nature and kindness of heart which have been so consistently shown to us ever since we were welcomed to your shores.

The knowledge that we have in any degree won the esteem, and I think I may say the affection, of those among whom we have sojourned for the last 15 months, will help us and cheer us along the difficult path which we have to tread.

Once again, let me assure you of the happy memories which have here been woven into our hearts, and of the genuine pleasure with which we shall learn of the welfare of those good friends to whom we have now to say "Farewell."

May God Almighty bless and keep you all, and may He abundantly pour out His blessings on the land of Western Australia.—Yours sincerely,

ARTHUR LAWLEY.

[General applause.]

PAPERS PRESENTED.

By the PREMIER: Return under the Industrial Conciliation and Arbitration Act, 1902.

By the MINISTER FOR WORKS AND RAILWAYS: Alterations in Classification and Rate Book.

Order: To lie on the table.

QUESTION—TIMBER CONCESSION.

MR. G. TAYLOR asked the Premier: 1, Whether it is true that a concession of a large timber area has been granted to Mr. H. Teesdale Smith (a member of this House). 2, If not, whether such a concession is under consideration. 3, Whether the Government will consult this House before granting this or any other timber concession.

THE PREMIER replied: 1 and 2, No; but Mr. Smith holds several timber leases. 3, Timber concessions are not granted now; only leases or licenses under the Land Act, 1898.

QUESTION—ARBITRATION COURT, AGENT PLEADING.

MR. G. TAYLOR asked the Attorney General: 1, Whether it is true that a solicitor practising in this State was allowed to represent, as an agent, the employers in the Arbitration Court on Tuesday, 12th August, after objections were made by the employees' representatives. 2, Whether this is in accordance with Section 73 of the Arbitration Act.

THE ATTORNEY GENERAL replied: 1, A solicitor acting as attorney in this State for a foreign company was, on presentation of his power of attorney, allowed to represent that company as its agent in proceedings before the Court on the 12th instant. 2, The learned Judge held that Section 73 did not apply under the circumstances.

QUESTION—*HANSARD* REPORTS, INTERJECTIONS.

MR. H. DAGLISH asked the Premier: 1, Whether any instructions have been issued to the *Hansard* Staff initiating some change of system in the method of reporting or recording the debates of this House in *Hansard*. 2, If so, what is the nature of the instructions. 3, By whom and why they were issued.

THE PREMIER replied: 1, I expressed to the honourable the Speaker my opinion that interjections were too frequently reported, and thereby encouraged. The Speaker thoroughly indorsed this opinion, and gave instructions to the *Hansard* reporter. 2, The practice now adopted by the *Hansard* reporters is to omit from the reports of the debates—(1.) Interjections that tend to

embarrass or annoy the member speaking. (2.) Interjections that are so numerous as to cause disorder. On the other hand, to preserve clear and connected sense in debates as reported, it is proposed to record, as usual—(*a.*) Interjections which bring out a point. (*b.*) Interjections which change the current of a speech. (*c.*) Interjections which add a fact or qualify a statement. 3, This is answered by No. 1.

LEGAL PRACTITIONERS ACT AMENDMENT BILL.

SECOND READING (MOVED).

MR. W. M. PURKISS (Perth), in moving the second reading, said: This is a Bill intituled "An Act to amend the Law relating to the admission of legal practitioners in the Supreme Court of Western Australia." The Bill is a short one, and is practically confined to one clause. It provides, in addition to the various qualifications of gentlemen who may be enrolled under the Legal Practitioners Act, that a person may be enrolled who "has been for ten years (five of which shall have been served in Western Australia) *bona fide* engaged under the direction and supervision of some practising solicitor or solicitors in the transaction and management of such matters of business as are usually transacted by solicitors: Provided always, that any person seeking admission under this subsection shall pass the final examination required by the rules to be passed by articled clerks in Western Australia, and shall satisfy the Barristers' Board that he is of good fame and character, and is a fit and proper person to be admitted to practise as a barrister and solicitor in Western Australia." This is an amendment of, or rather addition to, Section 14 of the Legal Practitioners Act, 1893. As the law at present stands, under this statute any person may be enrolled who "(*a*) Is a barrister admitted and entitled to practise in the High Court of Justice in England or Ireland, or (*b*) is a Writer to the Signet in Scotland, (*c*) is a solicitor admitted and entitled to practise in the High Court of Justice in England or Ireland, or in the Supreme Court of Scotland, or (*d*) is a solicitor or attorney admitted and entitled to practise in the Superior Courts of Law in those of Her Majesty's colonies or dependencies where, in the opinion of the board, (1) the system of jurisprudence is founded on or assimilated to the common law and principles of equity as administered in England," etc. In this case, as far as the colonies are concerned, before an admittee of an Australasian colony, outside Western Australia and enrolled in those other colonies, can be admitted here, he has to show that in that colony "the like service as mentioned in the next subsection under articles of clerkship to a solicitor or attorney, and an examination to test the qualification of candidates, are or may be required previous to such admission," and that practitioners of the Supreme Court of Western Australia are entitled to be admitted there. As the law at present stands, practitioners enrolled either as solicitors or barristers in the United Kingdom are entitled to be enrolled on the rolls of this State. Practitioners in Australian colonies—admittees, that is, who have been admitted to practise—are entitled to be enrolled, if it can be shown that the qualifications and prescribed conditions are somewhat similar to our own. Under this amending Bill I propose to ask the House to entitle those gentlemen to be admitted who have acted and practised as managing clerks for a period of 10 years, five of which have been served in this State, who have in addition to that passed the final examination, the examination prescribed for articled clerks in this State, and whose good fame and reputation are sufficient for them to be admitted. I may mention that this is no novelty. The English law has recognised the status of managing clerks who have been such for a period of years; and in Victoria some years ago an Act was passed very similar to this amending Bill, with this difference, that all applications under that amending Victorian law were to be made within 12 months; that is to say the amending law applied only to those who had been managing clerks up to the period of the passing of the Act, because only those who made application within 12 months of the passing of the Act were entitled to be admitted. Under that statute of the Victorian Enabling Act allowing managing clerks who had acted and served for a number

of years to be enrolled, some of the leading lights, men who stand in the first rank of the profession to-day, have been admitted. I may mention that Sir George Turner got in under that Victorian statute; a gentleman who is known not only as an ornament to the political world, but was a worthy and good member of the Victorian bar. Under that statute Mr. George Moir, partner of Sir Samuel Gillott, was admitted; also Mr. James Westley, Mr. Braham, of Braham and Pirani; Mr. Francis Gillman, of Gillman and Effe; Mr. Gair, of Brahe and Gair; and Mr. Crocker, of Connelly, Tatchell, Doulop, and Crocker. So this is really no novel principle. I may mention for the information of members that in every State which claims to be a civilised one, the conditions and requirements to be complied with before a gentleman can be admitted to practise at the bar are founded upon common sense and on principles of protection to the public. The object of requiring a youth to serve five years under articles and pass certain examinations before he can be admitted is to afford a guarantee and assurance to the public that when he puts his name up as a practising solicitor or barrister he must know something about the profession he wishes to carry on.

MR. NANSON: What is the law in New Zealand?

MR. PURKISS: In New Zealand no service under articles is required. It is purely a test of good fame and reputation, and the passing of certain examinations. Sir George Grey was father of the amending Act of 1882 there, which did away altogether with service under articles. The examinations in New Zealand are entirely in the hands of the New Zealand University, and no doubt they have been made so stiff in order to cope with what seemed to many a very facile way of getting into the profession. At the present day no one can be admitted in New Zealand unless he passes the matriculation in that colony; and it has been stated that the matriculation examination of the New Zealand University is stiffer than that of Oxford or Cambridge.

MR. NANSON: Is there any reciprocity?

MR. PURKISS: No reciprocity at all. No New Zealander admitted since 1882 can be admitted to practise in this State. I was going to point out that examinations and tests are no doubt recognised. No man should practise and hold himself up to the world as a doctor unless he has walked the hospitals for a certain time and passed certain examinations, these being guarantees exacted by the State to afford to the public an assurance that he has conformed to certain tests. In regard to managing clerks, under this Bill a man must have been a managing clerk for ten years, which presupposes that he must have been an ordinary clerk for some years before that; and I appeal to all lawyers in the House to confirm me in my expression of the view that to be a managing clerk in a firm is to be in a position equivalent to, if not more than equal to, that of the principal himself. Where is the great bulk of the business done? Is it not in the hands of the managing clerk? If a man has been a managing clerk for ten years, five of which have been served in this State, and he is asked to conform to the final examination—the examination prescribed for articled clerks in this State—and show that he is a person of good fame and reputation, why should he not be admitted? Is not that sufficient? [MR. MORAN: More than sufficient.] If this Bill errs at all it errs on the side of being too exclusive. It means that hardly anyone can get in under this amending Bill unless he has been at the law for fifteen years. The measure is a liberal one, and I ask the House to confirm it, and if I can show that the thing is right, reasonable, just, and practicable, I know of no reason whatever why effect should not be given to it.

MR. ILLINGWORTH: How can a managing clerk become a lawyer?

MR. PURKISS: He cannot. He may go through a lifetime in this State, and it will be impossible for him to be enrolled as a solicitor here under the present law. I again commend the Bill to hon. members, and I know of no reason why a status of this kind should not be conferred upon men who have been connected with the law for probably fifteen years, and have been managing, controlling, and conducting—really over the heads of their principals—leading business in every direction which comes into the offices.

MR. R. HASTIE (Kanowna): It is needless to say I rise to support the Bill, and I think the member who introduced it spent unnecessary time in assuring us that it did not go too far. I feel quite certain that if the proposal had been to make it, not ten years but five years, the measure would have received a considerable amount of support in the House, that is until some of the lawyers present take a cut into the debate. I support the second reading, and I hope the House will pass it. In Committee I intend to move an amendment which I think will meet with the view of hon. members, namely to strike out the provision for ten years and insert these words: "or has been for five years, two of which shall have been served in Western Australia." I believe that will be considered a pretty fair provision to put in the Bill. The member for Perth told us that the position of a managing clerk in a lawyer's office at the present time is such that he has no chance whatever of practising at the Bar, no matter what abilities he may possess. There ought to be an opportunity for giving him a chance. According to what the mover told us, a man who goes into a lawyer's office under ordinary circumstances, has to serve there altogether 15 years, because it is apparent that a man must be 15 years in a lawyer's office before he can become a managing clerk. I do not think we shall run any danger from passing the second reading of the Bill and then liberalising the terms. I hope the House will pass the second reading as soon as possible.

THE ATTORNEY GENERAL (Hon. Walter James): There is one objection—perhaps it is a question of detail—in connection with this Bill, that there is no definition, either by law or practice, of what a managing clerk is. A solicitor may open an office to-morrow and employ an office-boy at 10s. a week, and that boy is, for the time being, his managing clerk. There are several persons in this State who have managing clerks, but I do not suppose this House intends that a clerk who has been employed even for 10 years, fixing stamps to letters and closing envelopes, should be entitled to be admitted under the Bill. That can be attended to in Committee, and need not be considered now. Personally, I disapprove of legislation being introduced to meet the cases of one or two men. I object to legislation being tampered with for certain individuals. I am strongly in favour of legislation on the lines of New Zealand. A man need not go into a lawyer's office at all where there is an educational test and a test of legal knowledge by subsequent examination. Under such a system there is ample protection provided for the public. The examination imposed is of such a character that if a man wants to enter the law, he has to go into the matter studiously and work hard. If a man has no private means, he must show, by the way in which he works, working during hours when he is not employed at his ordinary avocation, that when he attains this position he will not abuse it. And there is a guarantee by educational test in favour of the public. I am prepared to accept that proposal. In New Zealand where they have this legislation, there is no provision such as is intended by this Bill, and they have it nowhere else, but once or twice Acts have been passed in Victoria because those who have benefited by those Acts were people who could use some personal influence on members of Parliament and thus get an Act passed favouring them. They work in Victoria something on these lines. When a certain number of men have fulfilled certain qualifications and have proved to be personally qualified to those whom they work amongst, they say "Cannot you get a Bill passed to admit us?" Parliament could not do anything so openly or peculiar as to say that A, B, C, and D should be admitted as practitioners but Parliament has passed a Bill to meet the qualifications of A, B, C, and D, and so that E and F will not have an opportunity of coming in in the future, has limited the application to a certain time. So that the Bill, nominally general on the face of it, has been brought forward and passed for the express purpose of admitting A, B, C, and D and no one else. That has been done on three occasions, and it is a vicious system of legislation.

MR. DAGLISH: That is not proposed here.

THE ATTORNEY GENERAL: I submit it is proposed here, for that is what it comes to. The Bill is to assist A, B, C, and D because there are only a limited number of individuals in the

State to-day who can come under the terms of the Bill.

MR. DAGLISH: They will have successors.

THE ATTORNEY GENERAL: They may or may not; we do not want to anticipate evils in the future. I ask the House not to pass special legislation; not to deal with a special class of individuals, but to pass such an Act as they have in New Zealand.

MR. DAGLISH: Will you introduce a Bill?

THE ATTORNEY GENERAL: I will with pleasure. I believe entirely in that system. I have already pointed out the serious difficulty of the definition of managing clerk. I do not use that as a sort of legal quibble, but no one can define a managing clerk. It is impossible to give a definition. You may take the biggest lawyer's office, not in this State but in any other State, where they have various managing clerks. There is the managing clerk in the conveyancing branch. He knows absolutely nothing about common law, and has never issued a writ in his life.

MR. DAGLISH: He would have to pass an examination.

THE ATTORNEY GENERAL: Quite so. If an examination is to be made the test, why should special privileges be given to lawyers' clerks. I want to point out that in small offices—take my own for instance—I have a managing clerk in conveyancing and another in common law. The member for Perth (Mr. Purkiss) has the same in his office. The clerk in conveyancing knows nothing about common law.

MR. DAGLISH: There will have to be an examination.

THE ATTORNEY GENERAL: Then you are entirely relying on the examination. I submit to the House that if you wish to rely on a test by means of examination, let us adopt the Act of New Zealand, and if you are going to adopt the Act of New Zealand, do as they do. They realise that these special Acts are undesirable. There is no reason why the managing clerk in a lawyer's office should not submit to a test, and if a managing clerk in a commercial office wishes to enter the law, then he should submit to a test, and there is abundant reasons why the clerk in a commercial office should not have to undergo so severe an examination, because a clerk in an ordinary office has to acquire his knowledge after hours, whereas the managing clerk in a lawyer's office is acquiring his knowledge in his ordinary occupation. There is a farther objection, and I hope I shall not be considered unreasonable in urging it. If I have a clerk in my office as managing clerk, it is necessarily his duty to come closely in contact with clients. What is the burning desire of the managing clerks to be admitted? They have acquired a position and a connection because they have been employed by a firm, and they want to be admitted so that when they are admitted they can take with them the benefit of that connection which belongs to their employer. That is a serious objection.

MR. NANSON: That is the risk in any business.

THE ATTORNEY GENERAL: Perhaps so, but it does not apply so much as in a lawyer's office. A land agent's business depends to a great extent on the individuality of the person and his capacity. It is not so with a managing clerk who is brought in connection with men whom he obliges on questions of detail. Let me deal with the objection raised by the member for the Murchison, that the risk applies in all businesses. A land agent may employ a capable manager, and the chances are that the employer will protect himself by an agreement that the man shall not carry on in competition with him. That is a reasonable precaution to take, and no doubt if this Bill were in force to-morrow, and the day after I wished to employ a managing clerk, I should take this precaution, rendered necessary by the passing of the law. But what would be the position with those who have no reason to take the precaution, but suddenly find that those whom they have been employing are, by virtue of the Act, given the right to practise. A man who engaged an employee a year ago when there was no probability and no suggestion of the right to practice, and therefore no suggestion to the employer why he should make the necessary agreement for objecting to the man practising, finds that by virtue of the Act the employee is given the right to practise. So far as my office is concerned, that point would not

apply at all, but there are some offices in Perth where it would apply, and I submit to the House that it is a serious objection. Supposing we adopt the suggestion, not to qualify A, B, C, and D, but simply to qualify persons generally, then I say why should A, B, C, and D be entitled under the Act to have special opportunities given to them by the then law which would not apply to E, F, G, and H? Because A, B, C, and D have been carrying on business as managing clerks at a time when no suggestion was made that the law would be altered, and there was nothing to draw attention to the need of having anything in the agreement of service by which practice would be prohibited. But E, F, G, and H would not obtain that benefit because when the Bill is passed giving managing clerks the right to practise, depend upon it if a lawyer employs a man and puts him in a responsible position and pays him a large salary, the lawyer will take care to have some protection by which he will not suffer through the individual being admitted. Indirectly this is a Bill which is to qualify A, B, C, and D, because those are the persons who have become qualified before the Act came into force, and therefore would be entitled to apply. The greatest objection I have to the Bill is dealing with a question like this piecemeal. If we believe in the principle, let us adopt the Act of New Zealand instead of creating special exceptions or special privileges. I submit it would be far wiser to reject the Bill, and let us have introduced a Bill on the lines of the New Zealand Act.

MR. H. DAGLISH (Subiaco): I must congratulate the member for Perth on his liberality as a legal practitioner, in bringing in a proposal to admit new solicitors to compete with the existing members of the profession in this country; and it seems to me the Bill is a step in the right direction. After hearing the Premier's speech, the only objection I can see is that the Bill is not a big enough step; but in my opinion, it is better to take even a little step than to stand absolutely still. And until this evening I have not heard from the Premier or from any other member of this House that it was proposed to introduce a liberalising measure on the lines of the New Zealand Act; in fact, we learn from the member for Perth that solicitors admitted in New Zealand under the law of that country are not recognised in this State; therefore, if their qualifications be not high enough to secure their admission here, it is rather absurd that we should contemplate the likelihood of our law being soon assimilated to that of New Zealand. The first step would surely be to grant admission to the New Zealand lawyers who come here.

THE PREMIER: It would be hardly fair to ask our articled clerks to serve five years, whilst admitting New Zealand practitioners who have served for three only.

MR. TAYLOR: The educational test would cover that.

THE PREMIER: No.

MR. DAGLISH: The Premier's proposal, even if he introduced this session a measure on the lines of the New Zealand Act, would simply delay for two or three years longer the admission of certain persons now in this State and already qualified, by knowledge and capacity, to practise. It would mean they would have to pass either two or three examinations. The proposal of the Bill is that those persons who have already acquired legal knowledge and practical experience should be allowed to qualify on passing one examination. It seems to me this is not a question of fairness as between different persons who wish to enter the profession; it should be settled solely in the public interest; and I contend it is in the public interest that we should admit as many as are fit to enter the legal profession. The public will benefit most by our giving the widest opportunities of practising to those who are capable of practising with advantage to the public. I contend no better legal education can be obtained than as a managing clerk. Surely a managing clerk, in 10 years' service, can acquire the same knowledge as an articled clerk can obtain in five years; because the managing clerk is very often intrusted with highly responsible duties; he has even opportunities of practising before a Judge in Chambers; in a large firm he fulfils various functions which, in a small firm, would devolve upon the partners; and I say we shall make a great mistake if we delay liberalising the profession to some extent until we can do it thoroughly. Let us take this one step, because it is a step in the

right direction; and if the Premier will, next week, bring down a Bill to deal thoroughly and systematically with the matter on the lines he has indicated, I am prepared to support that also; but until we have the larger measure, which was never promised, never hinted at before this evening, I say it is our duty to take the step recommended by the member for Perth.

MR. J. J. HIGHAM (Fremantle): I am prepared to support the Bill, unless we can get a positive assurance that a Bill on the lines of the New Zealand Act will be immediately introduced. In two successive sessions I introduced a Bill on lines very similar to this. That Bill was met with a cry that it was a one-man Bill. Now this, we are told, is an A, B, C, and D Bill. I contend now, as I contended then, that there are many men fit to enter the profession, men of long legal training, good character, fully capable of passing all the examinations now prescribed, well worthy to enter the profession, who are debarred on one score and another from entering that profession in this country. We know how the legal profession here, as elsewhere, zealously guards its portals; but to the lay mind there is certainly no reason why men who fulfil all the requirements laid down in the Bill, who are prepared to pass such examinations as the Barristers' Board prescribe, who by long service and good fame are in every way fit to practise, should be prevented; and I think the member for Perth is to be commended, as a lawyer, for taking steps to facilitate their entry. To my mind, the great stumbling-block to reciprocity with New Zealand is the question of formal articles; and we must remember that in many cases these formal articles are merely formal. The articles provide for five years' service without remuneration; but that is frequently an absolute formality, and is evaded. Honorariums are given the articled clerk which in many instances equal the salary of a paid clerk; and I do not see why, because many of those managing clerks have not served their articles in countries with which we have reciprocity, they should be debarred from entrance here. I hope the Premier will give a positive assurance that a Bill on the lines of the New Zealand Act will be immediately brought in, when I take it this Bill will be withdrawn.

MR. F. ILLINGWORTH (Cue): I am glad the member for Perth has introduced a Bill of this nature. There are some persons in the State who for a considerable number of years have been enduring hardship; and to me it is not a matter of very great importance whether one or 20 or 100 men be subjected to injustice; the House should take the necessary steps to remove that injustice, even though it affect only a few persons. From New Zealand there come to us a good many people of all classes, and amongst these there are necessarily members of the legal profession. I understand that in New Zealand there is no provision for serving articles in order to become a lawyer. I know some New Zealand lawyers who have come here; I have one in my own constituency who is a gentleman of unblemished character, and is at present doing the very highest kind of legal work; but he cannot be admitted to the sacred shrine of registered practitioners in this State. Now these men come here in good faith; they have fulfilled all the conditions necessary to enter the profession in their own country; and surely we cannot say that a lawyer in this State must have qualifications superior to one who is accepted as a thoroughly qualified practitioner in New Zealand. We are not so much superior as that to the New Zealanders. And if a man who has come to this State in good faith, who has spent 15 or 20 years in that country, and perhaps five or ten in this, finds himself blocked from practising the profession he has been studying for the best part of his life, it is a great and serious hardship; and unless it can be shown that there is some reason why this hardship shall continue, I say we ought to take the necessary steps to remove it. Suppose there be only a few men affected—why, the fact that only a few will be admitted by this Bill is the very reason why it should pass. If it were intended to inundate the legal profession with a number of persons whose qualifications were, in the opinion of certain members, not sufficiently high, then I could understand the objection. But the very reason advanced by the Premier—that only a few persons are fitted to take advantage of the Bill—is

the very reason why it should become law. And I hope there will be no objection to this Bill passing immediately. Year after year a Bill has been brought before the House by one member or another endeavouring to meet the difficulty; and I think it time we passed some Bill which will have that effect. It is the same in other professions and trades. A boy serves an apprenticeship under indentures for five or seven years. Another boy working beside him in the same shop does not happen to have signed indentures; and when the seven years are up, the boy who has not signed indentures is just as capable as the boy who has. It seems to me it is exactly the same in law. As a fact, if a man can be trusted to do the actual business in an office of a solicitor of repute who takes necessary fees, and has the work done by his clerk, then though the clerk be not articled, if it be sufficient that he do the work expected of him and paid for by the clients, why should he not have the same privileges as an articled clerk would have in that office, supposing he had served articles as prescribed in this State? As far as the public are concerned, it is simply a question of qualification. The public are not concerned whether a qualified man has obtained his qualification after signing a certain document, or in the same office, or in the same way, without signing that document; and all the Bill proposes is to provide a guarantee that the practitioner has had the necessary experience; and as a farther test, he is asked to pass an examination. What possible objection can there be to a man's practising as a solicitor, a doctor, or in any other learned profession, who has actually served the necessary time in a place where he could get the necessary knowledge, but who unfortunately has not signed a certain paper, signed in the same place by a man of similar experience who is no better qualified? If a man can show that he is qualified, and if we get the farther proof that he has had practice in this State and the still farther proof that he can pass an examination, we ought to be satisfied. I think the examination is in itself a very severe test; and I question whether many practising solicitors and barristers could pass the examinations at a certain stage in their history. They might in the early stages; but I question whether some of the men now practising could pass the examinations required on entering. For we do know that the examinations which have to be passed by us at school could not very well be passed by us to-day. We do not argue that we are less informed, or less capable, to-day because we are unable to pass a specific examination. The addition of this clause gives considerable weight to the qualification which is demanded. I am ready to admit, and do freely admit, that in the legal profession, as in the medical profession, it is most desirable that we should have some means of knowing whether a man who puts up a brass plate on which he calls himself a certain thing is qualified: there should be something to guard the public against deception and incapacity. Consequently it is necessary that there should be some guarantee. Now, what better guarantee can we have of a man's qualifications to do legal business than the fact that he has been employed for seven years by a solicitor as head clerk, and has been trusted by that solicitor for so long a term, and the farther fact that he has practised for two, three, or perhaps five years in this State so as to familiarise himself with local legal matters? Why should we impose what is but a purely technical limitation, conveying no significance of educational value whatever, the restriction of whether a man has or has not signed articles? I know the argument may be used that a man may be called a managing clerk, and yet not be in actual fact a managing clerk; but the same thing applies in the case of an articled clerk.

THE PREMIER: A man cannot be called an articled clerk unless he has signed articles; but a man may be called a managing clerk, although he is not a managing clerk.

MR. ILLINGWORTH: A clerk may have signed articles, and yet not have acquired the necessary legal knowledge; and he may not have signed articles, and yet have acquired the necessary legal knowledge. We want the man with the qualification; we do not particularly want the indenture. The indenture is of value only in so far as it indicates that certain information has been conveyed to its

holder. If we can get the guarantee that a man has acquired the necessary legal knowledge, notwithstanding the fact that he has not signed articles, what more do we want? Articles are not a guarantee of efficiency. Many a man who has signed articles, and has served the period of his articles, is by no means qualified to do legal business; while many a man who conducts the business of a solicitor in good practice may lie under the misfortune of not having been articled, and yet be thoroughly qualified to practise. The point I want to make is that what we, as members of this House, have to consult is the interests of the public, and not the interests of the individual. We must pay regard to neither the lawyers on the one hand, nor to the articled or unarticled clerks on the other. We have to see that the man whom we allow to practise is a man qualified to practise, and if we can satisfy ourselves on that point by the provisions here laid down, why should we reject a man? It is the qualification we want, and not the document. If we are sure that a man possesses the necessary qualification—and I contend that in this case the qualification is indubitable, since a man must have served a period of ten years; perhaps five years in another place, but, in addition, an equal number of years in this State—why should we reject him? There is present to my mind now the case of a gentleman who held a high position in New Zealand, but who is debarred from practising here. [MEMBER: That is only one case.] If it be only one case, that is all the more reason why the Bill should pass. If by means of this measure we were going to flood the legal profession and do its members material injury by crowding into it a number of persons, exception might reasonably be taken to the Bill. Whether that be so or not, however, is not the question for this House. We have to consider the qualifications of the individual whom we permit to practise. Granting that we are satisfied that his qualifications are such that the permission to practise will not result in the public being misled, or deceived, or wronged, or injured, then our duty ceases. Surely, we are not called on to enter into the question of competition in this House. What we have to guarantee, so far as we can, to the public is that the thing labelled is what its label proclaims it to be; and before we allow a man to call himself solicitor or barrister we must see that he possesses the necessary qualification. The point at issue, therefore, is whether under this Bill we shall have an assurance of the qualifications. I say we shall; I say that we can be assured and satisfied of the qualifications. Moreover, there is a board of qualified examiners who must be satisfied. The board has to settle the question whether or not a man is fit to practise. If the board be satisfied that an applicant for admission has served five years *bona fide* in a lawyer's office, and has acquired certain information, and that, farther, he has served a term in this State and has obtained the necessary local information, for what reason that can be alleged should the applicant be excluded from practice? The only objection that exists, so far as I can gather, is that the man may not have signed a document; but what has the document to do with the question of qualification? The articles are intended to insure the qualification; but I maintain they do not always insure it. The document itself certainly is no factor whatever in acquiring the necessary knowledge. The articles are a document which simply assume that a man goes into a certain office, and spends a certain length of time there, and obtains certain information. Now, I put beside that man another who has not signed a document, but who has gone through the same training, and has had the same opportunities of acquiring information; and I ask, what matters it, so far as the public are concerned, whether the second man has signed articles or not? In New Zealand, articles are not required; but we do require them here. I am arguing only that men who have practised in States where articles are not required shall be admitted to practise in this State if they possess the necessary qualifications. And who is to say that they should not? On what ground are they to be rejected? No ground exists in our law, so far as I understand it, beyond the circumstance that a man may or may not have signed articles. We ought to make provision for individual cases, be they merely individual, or even single; be they only A, B, C, and D; or only A and

B, for that matter. We ought to make provision for the admission to practise of any man who possesses the necessary qualification and has practised as a lawyer in another State. I say, therefore, that the House will do well to support the Bill. Of course, if we can get more than this, as promised by the Premier, that will be better still; but perhaps it is as well to make sure of what is before us, and wait for the additions suggested by the Premier.

MR. C. J. MORAN (West Perth): I desire to ask, sir, whether it will be possible, if we pass this measure, to introduce during the course of this session another Bill dealing with the principal Act?

THE SPEAKER: No. I was about to point that out. If this Bill were rejected now, another Bill dealing with the same subject could not, of course, be brought in during this session.

MR. ILLINGWORTH: I was about to ask the same question.

MR. MORAN: I think the difficulty can be got over, and I suggest that the Committee stage of the Bill should be put off for a fortnight, or even a month, so that the Premier may have time to bring down the Bill containing the farther liberalisation and alteration of our statute on the lines of the New Zealand Act. I feel inclined to accept the Premier's suggestion, and to let the matter wait. If this Bill pass its second reading, we can adjourn the Committee stage in order to allow the Premier time to fulfil his promise, which promise I have heard with the greatest pleasure. I certainly think we ought to liberalise the conditions governing the introduction of new blood into the legal profession. What is good enough for New Zealand should be good enough for Western Australia. In the old country, of course, barristers and solicitors constitute two entirely different and distinct professions. A barrister at home does not require a very extensive knowledge of law, because, somewhat like a politician in this House, he has prepared for him the special knowledge required for a particular case in the form of a brief. The barrister, having a command of language and a disposition and training for legal combat, is employed as a kind of athlete. I have to point out that a matter of this kind should not be tampered with unless we are prepared to go into it fully. I suggest, therefore, that the House for the present rely on the word of the Premier to introduce an amending Bill which will bring our law into line with New Zealand legislation. The tendency of the age is, or ought to be, to liberalise close corporations. Everyone ought to have absolute freedom to achieve any position he can in any profession. There should be no technical bar to the entry of any man into any profession. My leader's profession, that of journalist, is open to everybody, as is also the profession of the member for Cue (Mr. Illingworth), which requires stability of character and a high degree of trustworthiness. The profession of the member for South Perth (Mr. Gordon) is equally open to all comers; and the profession of the member for Greenough (Mr. Stone), that of storekeeper or merchant, is open to all the world. The profession of the member for the South-West Mining District (Mr. Ewing), who is an expert in coal and coal-mining, is open to everybody. [MEMBER: Also that of railway expert.] Quite so. All professions, with the exception of one or two requiring particular educational training and special knowledge, are open to all and sundry. There ought not, however, to be any narrow gate through which alone admittance can be gained. If a man shows the ability and knowledge necessary for the practice of one of the learned professions, as they are called, he ought to be freely admitted. It has always seemed to me most extraordinary that in the case of lawyers there is not the degree of reciprocity which might be expected in view of the circumstance that the legal profession counts within its ranks many of the gentlemen who led this country into federation. It is remarkable that the legal profession does not show a more federal spirit.

THE PREMIER: Any practitioner from the Eastern States to whose courts the lawyers of this State are entitled to be admitted is entitled to admission here. The only Eastern State which is disqualified is Victoria, to the courts of which no lawyer from this State can be admitted. Victoria is also disqualified by all the other States. Western Australia, therefore, is in this respect as federal as any other Australian State.

In stating this, I merely desire to meet a veiled attack made against me as a federal leader in Western Australia.

MR. MORAN: I am indeed sorry the attack was made, and I am also sorry that the Premier should be so ready to put on the cap. I assure the Premier I had no intention of attacking him; because my experience of the leader of the Government is that he has been the foremost democrat in this House in introducing progressive legislation in all matters except those affecting his own profession. I am pleased to learn that the Premier intends even to do something to liberalise the conditions governing the introduction of fresh blood into the profession of which he is, and ever will be, one of the brightest ornaments.

THE PREMIER: The opinion I now express was expressed by me years ago.

MR. MORAN: Certainly. I am not in favour of loose regulations in this matter. Solicitors are concerned with deeds and records on which people rely for all they possess; and therefore lawyers require to be thoroughly qualified and absolutely trustworthy. Nothing but confusion can follow if men who have not the necessary knowledge, education, and character are allowed to practise as lawyers. What I object to, however, is the argument that because the Victorians will not admit our solicitors, we ought therefore of necessity not to admit theirs.

THE PREMIER: It is only fair.

MR. MORAN: Let us show the right direction in which to go, by being truly federal. Let us kill Victoria with kindness, if we cannot do it in any other way. I appeal to the House to pass the second reading of this Bill, and then to allow the Premier an opportunity to fulfil the promise he has given of introducing additional clauses having for their object the enlargement of the scope of the principal Act, so as to bring the admission of practitioners in Western Australia on the same footing as obtains in New Zealand. I suggest, therefore, that the Committee stage be fixed for about a fortnight hence.

THE PREMIER: What is the hurry of this for a fortnight?

MR. MORAN: There is no hurry, but I do not wish the Bill to become so complicated that we shall be rushing it through at the heel of the hunt, with the result that it will be squelched in the upper storey. I have no desire to be so liberal and generous in this House as to run the risk of making the measure objectionable to members in another place. There are more lawyers in another place than in this House at the present time, and therefore we must be cautious. I do not wish the Bill to perish through a desire on our part to achieve more than its sponsor aims at. I wish to help the member for Perth (Mr. Purkiss); and therefore I should be glad if the member for Kanowna (Mr. Hastie) would not persist in his attempt to reduce the number of years. In these measures, I allow myself to be guided rather by what is asked for at the time. I support the second reading.

THE SPEAKER: I must point out that amendments of this Bill can only be taken in Committee.

MR. MORAN: Certainly.

THE SPEAKER: I understood the hon. member to suggest that the Premier should bring in another Bill, engrafting on this measure certain provisions of the New Zealand Act.

MR. MORAN: I suggest that the Premier should place his proposed amendments on the Notice Paper.

THE PREMIER: Would it not be better to adjourn the second reading? If we pass the second reading now, we can have no second reading debate on the amendments, which will be of importance.

MR. G. TAYLOR (Mt. Margaret): I rise to support the Bill, and I congratulate the member for Perth, as a leading practitioner, on bringing it down. I had a notice of motion on this subject last session, indicating a Bill of the same character. I have heard the arguments of the Premier. I do not think the legal profession watches the interests of the public so jealously as he would lead us to believe. The desire of the legal profession is, in my opinion, to conserve their own interests and keep the profession as limited as possible. I believe with the member for Cue (Mr. Illingworth) that there are numbers of men who are qualified to practise as lawyers in this State, and they are debarred. Unfortunately for those men they have principally come from Victoria, and there is no reciprocity with Victoria, consequently they cannot practise. I feel sure

that if this Bill be passed it will enable those men to become lawyers, and it will be a good thing for the people to have the legal profession open to all who are qualified to practise. I am in favour of a more extensive Bill, as indicated by the Premier; but I know how my motion was treated last year. It was kept back on the Notice Paper day after day and week after week, until Parliament prorogued, and the opportunity of testing the feeling of the House was lost. I hope that will not be the case with this Bill, and that the member for Perth will not lose the opportunity of testing the feeling of members.

On motion by MR. NANSON, debate adjourned for a fortnight.

ADMINISTRATION (PROBATE) BILL.

IN COMMITTEE.

SIR JAMES G. LEE STEERE took the Chair.

Clauses 1 to 9—agreed to.

Clause 10—No right of retainer:

THE ATTORNEY GENERAL: Under the law as it stood at present, if an executor or administrator was a creditor of the deceased, he was entitled to exercise a preference and obtain his own debt before other creditors were paid. The Government wished to abolish that.

Clause agreed to.

Clauses 11 to 62, inclusive—agreed to.

Clause 63—Fees of curator:

THE ATTORNEY GENERAL: This clause neeeded amendment. If people took away all moneys collected, they were practically taking away the whole of the estate, and the intention was that there should be a general fee of one per cent. on the estate generally and a collecting fee of five per cent. on all moneys collected by the curator or his agents. From the first paragraph all the words after "of," in line 1, should be struck out, and "six pounds per centum on the total value of the estate" inserted in lieu, the object being to make it read, "The curator shall take and retain a commission of six pounds per centum on the total value of the estate."

MR. ILLINGWORTH: Supposing there were £5,000 in the Western Australian Bank, why should the curator get the commission on that? He had a perfect right to get a commission on debts he collected, but not on available money standing in a bank. There was no trouble in collecting money from a bank.

THE ATTORNEY GENERAL: The good estates had to be taken with the bad, and in the small estates a distinct loss was generally made. Take the case of a man dying intestate who had no friends. The Curator stepped in for the purpose of protecting the estate, and the friends were only too glad to pay for services rendered. The Curator might discover moneys which otherwise would not have been known of. The commission was paid into the public exchequer.

MR. MORAN: There were agents to be paid.

THE ATTORNEY GENERAL: Agents were only employed where there were debts to collect. He did not know of a case such as that pointed out by the member for Cue. Taking the good estates with the bad, it came out about right in the end.

MR. ILLINGWORTH: Supposing the Curator did not collect any money, but there was bank stock or a deposit receipt, would the Curator get five per cent. for going to the bank and getting the money?

THE ATTORNEY GENERAL: Yes; if he collected it.

MR. ILLINGWORTH: If the clause said that five per cent. was to be paid on all moneys collected, that would meet the case.

MR. MORAN: The Curator would get nothing on real estate.

MR. ILLINGWORTH: If the expression "collect" included all moneys that passed into the hands of the Curator, and he was entitled to five per cent. upon it, what was left for the one per cent.? Take a deposit of £5,000 in the West Australian Bank, if it was to be considered that the Curator collected the amount by indorsing the deposit receipt, then there was no necessity for the latter portion of the clause.

THE ATTORNEY GENERAL: The Curator might not sell real estate, but simply hold it for perhaps months, when the heirs-at-law turned up. Unless one per cent. was granted for that, the Curator would get nothing.

MR. ILLINGWORTH: Five per cent. was not sufficient for a debt-collecting

commission, because the Curator was in Perth, and if there was an estate in Kalgoorlie, the Curator would have to pay a commission to an agent to do the work for him and he would have to pay that agent five per cent. Where did the Curator come in in that case, for the one per cent. would not pay the expenses? If five per cent. was to be allowed on all moneys passing into the Curator's hands, commission would be paid if the money was collected from the bank.

THE ATTORNEY GENERAL: If the Curator indorsed a bank deposit receipt, then he would collect that money.

MR. ILLINGWORTH: Then there was nothing to get the one per cent. on. Did the clause express what the Attorney General intended? If the clause said that the Curator should receive five per cent. on the whole estate, there was every inducement for him to make the cost of the estate inexpensive; but on the other hand, if he only received one per cent., there was every inducement to make the administration of the estate expensive.

THE ATTORNEY GENERAL moved that in lines two and three the words "five per cent. on all moneys collected by him or by his agent and a commission of one" be struck out, and "six" inserted in lieu; also that the words "after deducting all moneys collected" at the end of the clause be struck out.

Amendments put and passed.

THE ATTORNEY GENERAL moved that in sub-clause 2, line 1, the words "all fees and" be struck out, and "such" inserted in lieu.

Amendment put and passed, and the clause as amended agreed to.

At 6·30, the CHAIRMAN left the Chair.
At 7·30, Chair resumed.

Clauses 64 to 74, inclusive—agreed to.

Clause 75—Curator to keep certain accounts:

THE ATTORNEY GENERAL moved that after the word "persons," in Subclause (*d*), "interested" be inserted.

Amendment put and passed, and the clause as amended agreed to.

Clauses 76 to 80, inclusive—agreed to.

Clause 81—Moneys to be paid to Treasurer if unclaimed for six years:

MR. HASTIE: By subclause 2, land was not to be transferred to the Treasurer unless unclaimed for 12 years. Why this distinction?

THE ATTORNEY GENERAL: It was a reflex of the existing law, which it would be inadvisable to alter in favour of the Crown. Persons having money due to them collected it promptly, but were less anxious about land. Any desired alteration should be made, not in this Consolidating Bill, but in the Statute of Limitations.

MR. STONE: It would be dangerous to alter the statutory period, which in England was 21 years.

MR. HASTIE: By limiting the period to six years for land as well as for money, much unoccupied land would be made available.

MR. STONE: Municipalities and roads boards had the power to sell land for non-payment of rates. To reduce the period, as suggested, from twelve years to six might result in hardship and unfairness, particularly in the case of the death of owners.

Clause put and passed.

Clauses 82 to 89, inclusive—agreed to.

First Schedule—agreed to.

Second Schedule:

THE ATTORNEY GENERAL moved that the following be added to Rule 58:—"No fees shall be payable by the Curator where the value of an estate does not exceed two pounds."

Put and passed.

THE ATTORNEY GENERAL moved that the following be added, to stand as Rule 68:

The Curator may charge every estate collected or administered by him a fee for postages according to the following scale:—

Value of Estate	£	s.	d.
Under £10	0	2	6
£10 and not exceeding £50 ...	0	5	0
£50 and not exceeding £100 ...	0	10	0
£100 and not exceeding £200 ...	0	15	0
£200 and not exceeding £500 ...	0	17	6
£500 and upwards	1	0	0

The Federal Post Office regulations necessitated the charging of every State Department with stamps, and the Curator had suggested this very reasonable scale, since the keeping of a separate postage account for each estate would involve increased expenditure.

Put and passed, and the schedule as amended agreed to.

Appendix—agreed to.

Bill reported with amendments.

PUBLIC NOTARIES BILL.

IN COMMITTEE.

SIR JAMES G. LEE STEERE took the chair.

Clauses 1 and 2—agreed to.

Clause 3—Confirmation of appointments and acts of established Notaries:

MR. WALLACE: This clause seemed designed to make provision for appointments which were supposed already to exist.

THE ATTORNEY GENERAL: The clause confirmed existing appointments.

MR. WALLACE: Then it appeared that existing appointments were held without authority.

THE ATTORNEY GENERAL: The matter was open to doubt; that was all.

MR. WALLACE: How did the Attorney General propose to validate existing appointments?

THE ATTORNEY GENERAL: The preamble showed that validation of existing appointments was an object of the Bill, and Clause 3 made this object clear. The passage of the Bill would be a sufficient authority for notaries now practising to continue to practise.

Clause put and passed.

Clause 4—agreed to.

Clause 5—Qualification of Notaries to be appointed under this Act in future:

MR. WALLACE: The provisions of this clause were too stringent, and would bear hardly not only on newly admitted solicitors, who usually began practice on goldfields or in other outlying districts, but also on the residents of those more remote portions of the State. Such residents were not infrequently compelled to travel long distances in order to obtain notarial attestation of deeds. The term of practice required prior to appointment as a public notary might be reduced from five years to two.

THE ATTORNEY GENERAL: A three-years term would be accepted.

MR. MORAN: A leading Perth practitioner had written to him suggesting that the qualifying term of practice should be two or three years. The suggestion made was fair, because in these new goldfields the solicitors were, as a rule, men who had just come from the Eastern States. He would be quite willing if the Premier would make the period three years.

MR. WALLACE moved that in Subclause (*b.*) the word "five" be struck out, and "three" inserted in lieu.

Put and passed, and the clause as amended agreed to.

Clause 6—Application to Chief Justice:

MR. WALLACE: It appeared to be unnecessary for a gentleman who had been a legal practitioner for a term extending over three or five years to be called upon, before being appointed a public notary, to produce a certificate from the Chief Justice that he was a person of good fame and reputation.

THE ATTORNEY GENERAL: All that was required was that the applicant should satisfy the Chief Justice that he was a person of good character and reputation, and one believed that was more important in connection with a notary public that were his legal qualifications.

MR. MORAN said he had known of solicitors in other parts of the world who could not keep sober long enough to apply. It was very desirable there should be a personal appearance.

Clause put and passed.

Clauses 7 and 8—agreed to.

Clause 9—Oath to be taken by persons appointed:

DR. O'CONNOR: The affidavit contained the words "violence or."

THE ATTORNEY GENERAL: The words were taken from the English statute. "Fraud" would cover everything.

MR. JACOBY: Why was this made a clause and not a schedule?

THE ATTORNEY GENERAL: It was simpler; it was only a question of drafting.

Clause put and passed.

Clause 10—agreed to.

Clause 11—Court may suspend and strike off notaries:

DR. O'CONNOR: A person who had been knocked off the rolls should not be reinstated.

THE ATTORNEY GENERAL: The fact that a person had been knocked off the rolls would, he thought, be borne in mind if that person made a second application. For all practical purposes, there was no need to insert a provision that such applicant ought not to be allowed to be reinstated.

DR. O'CONNOR suggested that the words "and never be entitled to be reinstated as a public notary" should be added.

THE ATTORNEY GENERAL: That would be going too far, in his opinion, and he did not think it necessary.

Clause put and passed.

Clauses 12 and 13—agreed to.

Clause 14—Penalty on unauthorised persons practising as public notaries:

DR. O'CONNOR: Would it not be well to add after the word "reward," in line 6, "or place with or after his name 'notary public'"?

THE ATTORNEY GENERAL moved that after the word "reward," line 6, "or advertise or hold himself out as a public notary" be inserted.

Amendment put and passed

DR. O'CONNOR: Was the sum of £10 sufficient? One would have thought the amount should be considerably more.

THE ATTORNEY GENERAL said he thought it was enough.

Clause, as amended, put and passed.

Schedules (two), Preamble, Title—agreed to.

Bill reported with amendments.

EXPLOSIVES ACT AMENDMENT BILL.

SECOND READING.

Debate resumed from the previous Tuesday.

MR. F. ILLINGWORTH (Cue): I have no desire to oppose this Bill in any way. On the contrary, I wish to facilitate its passing with the utmost speed, and I only rise to endeavour to press on the Government the absolute necessity for prompt action in connection with this matter. It is nearly a year now since it was decided that action should be taken, and in fact, on the Supplementary Estimates of last year, a large sum of money was provided for the purpose of making this magazine at Case Point. I want to assure the House, as they have been assured year by year, that there is very great risk attached to the present location of the magazine. The question has been kept open year after year, in consequence of the difficulty of fixing upon a site, but now a site has been selected, and land purchased, and it is of the highest importance to the State to have this magazine removed from its present position and put under conditions more satisfactory, at the earliest possible moment.

MR. C. J. MORAN (West Perth): I never could see the necessity of that 12 miles of railway line taking this down the coast. I suppose the matter is pretty well settled now, and I agree with the member for Cue that whatever has been decided upon ought to be taken in hand at once and carried out. In my opinion some other routes of railway would have saved that 12 miles, and there would have been much greater benefit.

MR. ILLINGWORTH: That has all been fully discussed.

MR. MORAN: I know; but that is my opinion about it.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

SIR JAMES G. LEE STEERE took the Chair.

Clauses 1 and 2—agreed to.

Clause 3—Powers of sub-inspectors:

MR. TAYLOR: What were the provisions for inspecting fuses? There was nothing in the Bill except a provision empowering the Governor to appoint sub-inspectors.

THE COLONIAL SECRETARY (Hon. W. Kingsmill): In the principal Act, of which there was an amendment, provision was made that all fuses which came into the State should be subject to inspection. The method adopted was for a length of fuse to be taken out of each cask, and the fuse tried.

Clause put and passed.

Clauses 4 to 6, inclusive—agreed to.

Schedule, Title—agreed to.

Bill reported without amendment, and the report adopted.

ELEMENTARY EDUCATION (DISTRICT BOARDS) BILL.

SECOND READING.

THE COLONIAL SECRETARY AND MINISTER FOR EDUCATION (Hon. W. Kingsmill): In moving the second reading of this Bill, I have to inform members that the measure is practically on similar lines to one which was prepared during the last session of Parliament; but owing to the unfortunate political turmoil and the changes that were constantly taking place during that period, the Bill was not brought forward, and this has

led to a somewhat curious result. It was so much taken for granted that the Bill would be passed that the elections for district boards of education which were to have been held last December were not held, so that the boards now exist more through courtesy than anything else. They have practically no *locus standi*, but are nominated committees of management without any statutory power or existence. It is to remedy this state of affairs that the present Bill is introduced, and I think members will agree with me when I affirm that it is a great advantage to the educational system of the State that these boards should be in existence, and that they may have in many instances a considerable influence for good over the education of the young in this State. Hon. members who have read the regulations of the Education Department will perhaps have noticed the duties which are thereby cast on district boards. Regulation 195 perhaps puts the case as clearly as it can be put, and is as follows:

> The duty of members of district boards is to foster the schools under their care by every means in their power; to see that the rules laid down for the guidance of teachers are adhered to; to smooth down the difficulties of teachers by constant encouragement and sympathy; to have at heart the mental, moral, and physical welfare of the scholars, and to see that they are brought up in habits of punctuality, of good manners and language, of cleanliness and neatness; and also that the teachers impress upon the children the importance of cheerful obedience to duty, of consideration and respect for others, and of honour and truthfulness in word and act. They will generally supervise the schools, but it is no part of their duties to interfere with the curriculum of instruction, or with the teacher's authority in the school, as long as he carries out the regulations. It is desirable that a member of the district board should meet the inspector on the occasion of his fixed annual visit to the school, and discuss with him and the teacher any matters that may have arisen during the year in connection with the school.

That is only one of several regulations which deal with the duties of district boards of education, and I think it will be readily admitted that if these district boards carry out the provisions and instructions conveyed to them in the regulations, they will be doing incalculable good, not only for the children but for the teachers who have the education of the children in their charge. Under the Elementary Education Act of 1871 and the amendments thereto—principally in the amending Act of 1893—we find a most complicated and cumbersome system for the election of district boards was created. We find the Government of the day went to the trouble of creating absolutely a separate franchise for the election of district boards of education. We find too that the rolls which had to be prepared for this franchise were extremely difficult, expensive, and tedious to prepare, and on top of all this we find there never has been an election held, but there has always been a great amount of difficulty to get enough candidates to stand to fill the vacant places on the boards. That is not encouraging, and it is with the view of doing away with the expenditure in the preparation of the rolls and the preparation for the elections that this little Bill has been introduced. All vacancies have in the past had to be filled by nomination, and I regret to say it was often at the most urgent request of the Education Department that sufficient people were found to fill the vacancies on the boards. It was advisable to make the boards, to a great extent, nominee boards. The power of nomination will be exercised by the Governor-in-Council, and if members will now go through the Bill shortly they will be able to see the provisions, and I think I may congratulate myself on having to introduce a Bill which, in my opinion, is a model of parliamentary draughtmanship. It is very curt and extremely clear. There is none of that legal verbiage ——

MR. JACOBY: Did Kingston draw it up.

THE COLONIAL SECRETARY: I was going to say it was almost in Kingstonian style. There is none of the legal verbiage that is to be found generally in Bills of this kind. The first clause of any importance which I will touch upon is Clause 3, which gives to the Governor the power of establishing district boards of education for such schools or groups of schools as the Governor may approve. Clause 4 fixes the number of members of the board. Clause 6 introduces a principle which I hope will be appreciated by the House. It provides that when a school or group of schools is within a municipality, the municipality shall have the right of nom-

inating one-third of the members of such board. Therefore, we find that by a second reaction, the people themselves do not elect these members, but the representatives of the people elected by the people exercise the power of election, and find one-third of the members of these boards. Clause 7 provides for the term of office, and Clause 8 provides the duties of the board. Clause 9 defines the duties of boards still farther. Clause 11 gives the Governor-in-Council power to alter the area of operations of each board. Clause 13 provides for the removal of offending members. Clause 14 is one I am glad to find here, and it provides that when a member shows such a lack of interest in the educational proceedings in a district that he absents himself from two-thirds of the meetings of the board, he ceases *ipso facto* to be a member of the board.

MR. STONE: What provision is there for election outside municipalities?

THE COLONIAL SECRETARY: Outside municipalities the nominations are made by the Governor-in-Council, but I will touch upon that in a few minutes.

MR. STONE: Is there no local option? Have the people in roads boards districts no say?

THE COLONIAL SECRETARY: They always have the power of suggestion. Clause 16 provides that in case no meeting of the board is held for six months, every member of the board vacates his office.

MR. JACOBY: There will not be many boards long.

THE COLONIAL SECRETARY: Clause 18 provides for the repeal of certain sections in the parent Act.

HON. F. H. PIESSE: What about Clause 17, dealing with the regulations?

THE COLONIAL SECRETARY: Clause 17 deals with regulations. I do not think it is altogether a necessary clause, because I think there is power under the principal Act to make all the regulations required for the Act and the amending Acts. However, it has been thought necessary to put this clause in the Bill, and I do not think exception will be taken to it. The hon. member for Greenough wishes to know what power bodies outside municipalities and districts outside municipalities have with regard to the creation of boards, and I notice the member for Hannans is keeping his legal eye on the progress of the Bill in this respect. I should like to point out to those members that it is almost impossible to create a satisfactory franchise for such districts, and in the second place it is still more impossible when that franchise is created to find sufficient people to take interest enough to make an election. That has been the case in the past, and it is due principally to the apathy of the people in this respect that we find it necessary to bring in this Bill. At the same time I may assure members that the Government, and I think I can speak for succeeding Governments, will give every attention to the matter of suggestion on the part of roads boards, progress associations, or bodies of that kind, always bearing in mind the characteristics I hold that are required for the occupation of a position on one of these boards of education. I take it the characteristics which are required for members of boards are three. In the first place, they must be men of unblemished character. In the second place they must be men of sufficient educational attainments to see if the system being carried out in the schools is good or bad; and in the third place men who will have time to occasionally visit the schools under the jurisdiction of himself and fellow members at least once a month or so while the school is in session and during the working hours. I can assure hon. members that so long as they will comply with those requests, which I think very reasonable, the present Government, at all events, will be always ready to lend a willing ear to their suggestions. I do not think it necessary to say more in connection with a Bill which practically explains itself. I move the second reading.

MR. A. E. THOMAS (Dundas): The Minister says this Bill is an example of parliamentary draftsmanship. I find Clause 7 provides that any person may be appointed a member of a school board, and, subject as thereinafter provided, shall hold office for three years, and shall be eligible for reappointment. By Clause 12, any member may resign his office by letter addressed to the Minister; by Clause 13 the Governor may remove any member guilty of conduct which, in the opinion of the Governor, unfits him to continue a member; and so on through-

out the Bill. Having been a member of a school board, I am fully aware that membership of school boards should be open to women.

THE COLONIAL SECRETARY: In the Act, the male includes the female.

MR. THOMAS: If so, that is all right. I know the most important and most useful members of a school board are the ladies, who can see the children for themselves.

THE COLONIAL SECRETARY: We look forward with pleasure to seeing numerous ladies on the boards.

MR. J. RESIDE (Hannans): I understand the Bill is practically to do away with the elective system for school boards. In that system I believe; though, as set out in the old Act, it was practically unworkable. But I do not see why, because the old scheme is unworkable, it should not be possible to frame some scheme for efficient elective boards. I do not believe in a municipal council selecting a third of the school board.

THE COLONIAL SECRETARY: Had you ever an election in your district?

MR. RESIDE: We have never had even a roll prepared. We have boards in Kalgoorlie and in Boulder; and the Hannans district wants a board. I think there should be one board for the whole of the East Coolgardie district. [THE COLONIAL SECRETARY: Far better.] But I think there could be some system of selection by which the parents and guardians of the children in each school should select two delegates to decide who should oversee the children's instruction. Parents and guardians should elect in public meeting, or by some system of ballot, two representatives for each school; and these representatives in combination should make a district board.

THE COLONIAL SECRETARY: That need not be in the Bill.

MR. RESIDE: Seeing that we believe in woman's franchise in this country, the ladies should be eligible for election. I do not think it advisable to give any power in the matter to roads boards.

MR. F. ILLINGWORTH (Cue): I am very desirous that our schools should have some control in the nature of a board; and I therefore feel we are taking a step backward in the proposal put before us in the Bill. The nominee system is very ancient, and has not proved a great success in any department where it has been tried; and in these latter days we have always adopted the principle of giving the people a voice in the choice of any controlling force in the State or in any department. Than the education of our youth there can be scarcely anything more important; and it seems to me that if we allow the people to elect municipal councils to look after their towns, and roads boards to look after their roads, above all other things we should have some elective principle by which our schools may be overlooked by the persons most interested in them. Now the people most interested in a school are the parents and guardians of the children, and the lines on which the last speaker has gone are those on which I intend to go. I admit the principle hitherto existing has not been a success; not, I think, because of any difficulty in the Act itself, nor perhaps in the mode of administering it; but the people have not taken that interest they ought to take in school-board affairs. That is not the fault of the Act, but of the people. If, however, we could make a constituency of those directly interested in the school, I think we should arrive at a much better solution of this difficulty. If the names of parents and guardians of the children attending each school were entered on the school rolls, it would not be difficult for a roll of electors to be compiled therefrom, and facilities given for those parents to cast their votes to elect a school-board. That might be done by letter, by the children taking voting-papers home under seal, or by some other simple process. In ordinary elections, which occur year by year or every three years, there is enough interest and excitement stirred up to bring a considerable number of people to the poll; but hardly for a school-board election. There is not sufficient interest awakened; and unless we give facilities for easy voting, we shall not get the voice of the people in the choice of persons to direct or oversee the school. I contend the school board should be on the elective principle. I object to the idea of nomination. I object to a municipal council nominating a portion of the board. What connection is there between a council and any particular school? Councillors are not better fitted

than other citizens to select persons to oversee a school. The chances are they would simply elect a body from their own number. A municipal council may possess special qualifications for looking after streets, roads, and the like; but it is not necessarily fitted by those qualifications for the position of a school board. The old system has brought in a lot of people not specifically interested in the school; and if we could get back to the system of gathering in all parents and guardians of children attending the school, and making a roll from the books of the school, with a simple principle of voting, such as by post or by messenger, we could get the persons interested in the schools interested in the election of the board; and then we should have a board representing the people most nearly affected. It seems to me that to talk of nominating school boards, in this stage of the world's history, or boards for almost any other purpose, is going a long way back in the order of affairs. I hope the Government will not proceed with the Bill, but will withdraw it and bring in one containing some elective principle. The elective system should not be rejected because the present system has failed.

THE COLONIAL SECRETARY: The present system is not elective.

MR. ILLINGWORTH: What will nomination give you? The Minister will receive the names of certain persons, which may be sent down, by whom? In some districts, probably by a clergyman, who will nominate a board, from whom? From the people he knows best. The Minister knows nothing about the character of the persons nominated, nothing about their stability, and has no means of finding out anything. He does not know whether they will be acceptable to the parents of children attending the school; whether the nominees have any kind of fitness for the positions. Such a board would be one of the most formal things in the world. A man would say, "I should like to be on the board," and he would write to the Minister, or to the person appointed to nominate, asking for nomination. The result would be boards with no special qualifications, representing nobody but themselves or one or two people who might take the trouble to nominate members; and there would be no real representation whatever. It would be better to let the Inspector General of Schools go through each district and pick out half-a-dozen men to form the board. The inspectors might pick out half-a-dozen capable people acceptable to the parents in the district where the school existed. That system might work, might have some element of utility; but a nominee board, of which a municipal council would select so many members and the Government so many, would be useless. What possible means have the Government of getting the necessary information as to suitable nominees? [THE COLONIAL SECRETARY: Ample means.] I happen to know a little of this department, and I say the Bill will simply prove a screaming farce, and that we had better have no boards at all than such boards as will be produced by nomination under this system. If we are to have an elective board, let us have a board elected by the people interested in the schools; that is by the parents and guardians of the children attending the schools, since the parents and guardians are themselves interested in the schools and will take the necessary trouble to see that the schools are properly conducted. Unless the Government are prepared either to introduce such a system when the Bill is in Committee or else to withdraw the measure and redraft it—I presume that it would be, perhaps, too much to get an alteration in principle such as this made in Committee—I hope the House will support me in opposing the principle of nominated boards for schools.

MR. NANSON: You might draft a clause.

MR. ILLINGWORTH: If the alteration can be made in Committee, I shall be glad to see the suggestion carried out; but I shall not undertake to draft a clause, because that is not in my line. I trust the Government will seriously consider the view I present. We have had quite enough of farce in this connection. A great many of the elective boards have done excellent work. Although there has been much laxity and indifference shown in the election of boards, yet the boards themselves have done splendid work; and no better proof of that ——

MR. MORAN: Rather contradictory, you know, to say that.

MR. ILLINGWORTH: No. I say that under the present system, bad as it is, elective boards have done excellent work. There have been many difficulties; but the proof of the excellent work done by the elective boards is the fact that as soon as the Act authorising the election of boards lapsed, we found the schools deteriorating for want of the boards, and that we were compelled to substitute an irregular and possibly somewhat illegal description of boards to carry on the work until such time as this Bill, or some similar measure, should be passed. Now, if under a system which, by the promulgation of the principle of nomination, the Government condemn for its inutility, boards have been found of great utility, why depart from the principle of election and adopt the principle of nominated boards, which will be far less effective than the defective elective boards existing now? Better to stand as far as possible by the old system than to step backward to a system of nomination. I maintain that this is a Bill which ought not to pass in its present form. Unless the Government are prepared to abandon the principle of nominated boards, I must oppose the measure.

THE PREMIER (Hon. Walter James): The position appears to me very simple. We all admit that the present boards are entirely inadequate.

MR. ILLINGWORTH: No.

THE PREMIER: I say they are entirely inadequate.

MR. ILLINGWORTH: And I say, no; they have done very good service.

THE PREMIER: I happen to have been in the State a little longer than the hon. member. For some years I was a member of an elective board in connection with one of the largest schools in the State, and I still state that my opinion is that the present system has been found entirely ineffective. Anyhow, the system being entirely ineffective, the officers of the Education Department have, time after time, been compelled to use their influence for the purpose of getting members to nominate for election to these so-called elective boards. Time after time the greatest difficulty has been experienced in getting persons to nominate themselves.

MR. HASSELL: Owing to the action of the Inspector General of Schools.

THE PREMIER: Time after time this difficulty has been occasioned by, I submit, the inherent difficulty of obtaining elective boards to deal with these questions. That difficulty arose long before the present Inspector General came to this State. My experience of elective boards leads me to state that the difficulty always has existed. I think I am right in saying that there has ceased to be any interest in connection with the school board elections in this State since the passage of the last Education Amendment Act. Ever since then, all interest in the matter has dropped; and that, really, must necessarily be so. I cannot see any reason whatever why we should have, in connection with the school boards, the elective principle at all. I can see no reason whatever for it. In the old country, where you have elective boards, you have them because they control rates and because the boards themselves have a right to raise money by means of rates; and you accordingly give the direct ratepayer the right to express his opinion. No member of this House who has followed the recent discussion on the amending Education Bill now before the Imperial Parliament will maintain that the efficiency of the system, even in England, is unqualified. Complaints are constantly being made in the old country about the endless overlapping of elective boards; complaints have been made on both sides of the House of Commons that even where you give educational ratepayers the right to vote, there is disgraceful apathy on the part of the great majority of the ratepayers. Here, it is suggested that to adopt a system of nomination is to go back. I do not understand this shibboleth of elective bodies; on the contrary, I consider the step proposed to be distinctly in the general character of an advance.

MR. ILLINGWORTH: Nomination? I don't see it.

THE PREMIER: I maintain that nomination is a distinct step in advance. The principle we have adopted in connection with our educational system is that it shall be controlled by the State, and we are extending the ramifications of the State department into various localities where schools are established. We propose to increase, as it were, the power and the length of the State arm by

enabling it to appoint boards in various localities. So that this, instead of being a reactionary measure, is really a distinct advance on the existing position. I should not concern myself a bit, as a rule, with questions such as this. I prefer to face the practical difficulties we have to meet at present, and see whether we cannot find a practical solution of them.

MR. ILLINGWORTH: Nomination is not a practical solution.

THE PREMIER: If it be clearly admitted, as it is, that our present boards are not efficient, and if it be also admitted that our present boards are controlled by the elective principle, then *primâ facie* the elective principle has, in this particular instance, failed; and I believe that principle always will fail unless such a practical interest is given to the boards of management as cannot possibly be given by a system of election. It will be admitted, I think, by every member of the House that we cannot have a system by which the electors should be only the parents of the children attending the schools. The powers conferred on the board will be very limited, will really be only advisory; and no elective board will accept that position. The member for Cue (Mr. Illingworth) suggests that we might secure a body of electors by giving to the parents of scholars the right to vote; but that would not be by any means sufficient. The State schools are not the special property or right of the parents who send their children to the schools; the State itself has a direct interest in the schools; and those who do not, for the time being, send children to the schools have a right to express their opinion in connection with the management of the schools.

MR. ILLINGWORTH: Who are the best advisers?

THE PREMIER: The best advisers are the officers of the Education Department.

MR. ILLINGWORTH: Why appoint boards at all, then?

THE PREMIER: That is it. Boards should be appointed so that they may work in conjunction with the Education Department, by assisting that department with advice. That is the main reason.

MR. ILLINGWORTH: Who are the best advisers?

THE PREMIER: I submit that the boards of advice will be the best advisers.

MR. ILLINGWORTH: The parents of the children.

THE PREMIER: My friend says the parents of the children will be the best advisers; but those parents have not, so far, shown the least interest in the matter; and I submit that this is the only way of dealing with the difficulty. Instead of nomination being a retrograde step, it is a distinct step in advance. When it is borne in mind that under this Bill we extend the arm of the Education Department by bringing schools throughout the length and breadth of the State directly under the control of the department, the measure must be regarded as a step in advance, rather than as a step backward. I submit that as we have recognised difficulties to deal with, we had best see whether we cannot deal with them in a practical way.

MR. J. L. NANSON (Murchison): In my opinion it will be a pity if this Bill should happen to be thrown out on the second reading. No doubt there is a good deal in what the member for Cue (Mr. Illingworth) says, that in abolishing the elective system we are, in a manner, taking a step backward; but the difficulty with which we are confronted is this. When we had the elective system we could not find persons willing to take advantage of it, and therefore we were compelled to resort to the system of nomination. Now, it seems to me that when this measure reaches Committee, it will be a comparatively simple matter to extend the machinery of the Bill so as to provide that where an election is desired, arrangements shall be made to hold an election; but that in those places where no candidates come forward, the nomination system should apply on the lines laid down in this Bill. It is most desirable, certainly, that in any district where there is a strong feeling in favour of the election of a local board of advice, the people as a whole should have the opportunity of choosing the members. I am, however, totally unable to agree with the member for Cue in his suggestion that the franchise on which that local board is to be elected shall be the parents of the children attending the school. I object to that course,

for the reason that if there is anyone who has a right to elect these boards, it is the people who pay for the schools; that is to say, the general body of taxpayers in the district where the school is situated. Of course, as the Premier has pointed out, there is no analogy between the local board of advice as it exists in this State and the board as it exists in the mother country. I believe the larger portion, or at any rate a large portion, of the money spent on education in England is raised by local rates; and it is, therefore, a matter of the utmost importance in the mother country, where the question is one of raising money by local taxation, that the elective system should obtain. It cannot be said, however, that here where the duties of the boards, according to the statement read by the Minister for Education, are of a very shadowy or merely general description——

THE COLONIAL SECRETARY: What I read referred to only part of the duties of the boards. The boards will have to hold inquiries into the conduct of teachers and that sort of thing. They will have plenty of duties to perform.

MR. NANSON: I have no doubt they will have plenty of duties to perform, but they will have no duties of a definite description, no controlling powers whatever. As a general rule, where we have local boards elected by the people, the system of election has been originated so that the people who find the money may have a say in the expenditure of the money. I think there need be no difficulty whatever, when this Bill reaches the Committee stage, in introducing a clause which will satisfy the member for Cue and those other members of the House, myself included, who would like to see provision made for an elective board in districts where an elective board is desired. The member for Cue, when I suggested that he should draft a new clause, remarked that the drafting of clauses was not altogether in his line; but I presume that the Government will be willing, if any member wishes a clause of that description drafted, to lend that member the services of the Parliamentary Draftsman, who did such good work in this Chamber during the last session.

THE PREMIER: Oh, yes. In a case like that we could easily test the feeling of the House by some nominal question.

MR. NANSON: On that understanding I think the Bill may very well be allowed to go to the second reading.

MR. M. H. JACOBY (Swan): For my part, I do not see that if the old system of elective boards has not been successful, if we have not succeeded in arousing sufficient interest in education to induce the people of the various districts to elect boards, the nominated board is likely to create an effective interest. It is quite possible that in a few districts in the State this will not apply. Sufficient interest may be taken in some districts—in some of the goldfields districts, I understand—and the Act may apply; but taking the State as a whole, I fail to see that the system of school boards is likely to be more than a dead letter. There is no doubt that, especially in the country districts situated some distance from the metropolitan centre, local supervision of some sort is desirable. Instances have come under my own notice where small abuses occur which would not be likely to if there were a member of a board residing near to the school to whom complaints could be made, or who could overlook to some extent the work of the teachers. If the House desire to establish these school boards, I fancy the only way to secure some effective interest being taken in the matter by people in the country districts is to make the system an elective one and put the power of election in the hands of the parents and guardians of the children who attend the school. The member for Murchison (Mr. Nanson) argues that the people who pay for the schools—the general taxpayers—should elect those boards; but we have already given them an opportunity of doing that, and we find they do not take sufficient interest in the matter to bother about an election. I would submit that, if an elective system be desired, the best method to arrive at it is to allow the parents of children attending each school to elect a representative or representatives according to the roll of the school. By that means we shall have residing near each school in the district a member of the board. I am not altogether satisfied that it is worth all this trouble, or that there is a demand by the people of the State for an elective school board system, and I really believe that all the work which may be done by these

boards may more effectively be accomplished by the Department of Education. Still, if it be decided to retain these boards, I certainly prefer the elective system to the nomination system.

THE COLONIAL STCRETARY (in reply): If no other member wishes to speak, I desire to point out that members have, I think, somewhat underrated the importance of these boards, whose duties are laid down under the regulations. It is possible to suspend teachers for certain offences, and it is also customary to make use of a board's services to hold inquiries in regard to teachers who have been complained of. Many gentlemen who have spoken on the question—including, I am astonished to find, the member for Cue (Mr. Illingworth), who should have known something about the matter—seem to think the parents and guardians of the children are disfranchised under the present system. [MR. ILLINGWORTH: No.] If the hon. member will look the matter up he will find they are not disfranchised. The principal qualification for being on the roll which will be in existence until this Bill is passed is that of being a parent or guardian.

MEMBER: You have no roll at present.

THE COLONIAL SECRETARY: Certainly there is a roll; but the people who have the franchise, as drawn under the Elementary Education Act of 1893, are too apathetic to take notice of it.

MR. HASTIE: You never have an election.

THE COLONIAL SECRETARY: We never have an election, because we cannot get people to take sufficient interest.

MR. HASTIE: That is all nonsense.

THE COLONIAL SECRETARY: The Education Department have to go down on their knees to get enough people to make a board. There has never been occasion for an election.

MR. HASTIE: Because the machinery would not work.

THE COLONIAL SECRETARY: I am sorry members display such a lack of interest in the Education Act, and make such mistakes as they have done. I venture to suggest the only practical solution of the difficulty is that provided by this Bill, though it may be possible for the Governor-in-Council to proclaim districts where elections may be held.

Question put and passed.

Bill read a second time.

JUSTICES BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. Walter James), in moving the second reading, said: This is entirely a consolidating Bill. To deal in a second reading speech with the various amendments would be to enter into too much detail. I therefore propose to make my remarks on the second reading very short, and to express a hope that members will, as far as they possibly can, go through the Bill, and if queries suggest themselves to their minds, and they will let me have an opportunity of dealing with them, it will perhaps save time as the Bill passes through Committee. Our first Act dealing with the questions now embodied in the Bill was passed in 1848, and the Acts which are consolidated in the present Bill are 11 in number, extending from the year 1848 to the present date. The Bill provides for the appointment of justices and the discharge of their duties. It does not make any new offences. That of course is a matter which would be dealt with by a Police Act. Under the scheme of codification, you have first your Criminal Code dealing with crimes, felonies, or misdemeanours. Then following on that the code also deals with the procedure in reference to cases before the Supreme Court. In fact, all procedure relating to crimes when once they have passed from the hands of justices will have to be dealt with by the superior courts. The next measure is the Bill now before the House, a Justices Bill. That does not deal with offences, but simply provides a procedure by which the offences are made cognisable by justices and shall be dealt with and disposed of. We propose to introduce next year an amending Police Bill that will deal with, thoroughly we hope, all the offences —I will not say all, but the great bulk of the offences—which are now dealt with by justices. So in these three Acts we hope to have a complete codification of the criminal law, dealing with crimes and summary offences. Under the existing Act we provide at present for appointments by the Governor-in-Council, the only important alterations in that part

being that we make provision for the appointment of justices who reside beyond the State of Western Australia. Applications have been made for the appointment of such justices. They have been recommended in one instance by the Premier of New South Wales, and in another instance by the Prime Minister of the Commonwealth. Provision of a similar nature is made in other States in the East. For instance, the Speaker of the Federal House of Representatives and the President of the Federal Senate are justices of the peace of other States than those in which they live, and the suggestion was made that our State should confer upon them the honour and privilege they enjoy from other States. It has also been pointed out that as they are constantly coming into contact with members of Parliament belonging to this State, and as very frequently persons who do Western Australian business will come and see those Western Australian members at Parliament House, the need arises for the services of a person authorised to act as a local justice, and the appointment therefore of these two officers will be not only a compliment to them but of utility to the State. The Bill deals not only with the power of appointment, but also with the order of procedure. So far as that is concerned, it remains very largely as it is at present; but we have simplified it, and we have a very strong provision here to avoid all technicalities and to give full powers of amendment; to insist that all these summary matters of jurisdiction shall be dealt with on the merits, and not set aside or frustrated by any legal technicalities. In Part VIII. we deal with the power of appeal. We provide there that the appeal shall be on questions of fact, that is on the merits entirely, or on points of law; and we follow very closely the provisions of the Imperial Summary Jurisdiction Act.

MR. MORAN: You are widening it.

THE PREMIER: No; not widening it; in some instances narrowing it. Some of the sections of our Police Act are too wide, for if a man is charged with the most trumpery offence, he has the right of appeal. We thought it advisable to adopt the English procedure. I shall be glad if members will, before the Committee stage, look into the various clauses and submit any queries that may arise. If I were to go through this Bill section by section and part by part, I should entirely weary members; and not only that, but dealing with all matters of detail in the course of half an hour or an hour would result in leaving upon the minds of members rather a confused impression than a clear idea of the clauses themselves. I move the second reading of the Bill.

MR. C. J. MORAN (West Perth): There is no doubt that on this (Opposition) side of the House we are suffering from the lack of a good lawyer, which throws all the greater responsibility on the Premier and on the member for Perth (Mr. Purkiss) to see that legal Bills are in proper order. This is a matter that a layman cannot deal with, for there are technicalities in the Bill which we do not understand. I trust, therefore, the House will not get into disgrace by sending ill-digested Bills to another Chamber, where there are plenty of lawyers. I hope this House will not slum matters of this kind; therefore I trust the Premier and the legal members in this Chamber will be careful to see that a creditable Bill is turned out, for our one desire is to have a codification and a simplification of the law.

MR. M. H. JACOBY (Swan): I would first like to congratulate the Attorney General, and naturally the Parliamentary Draftsman, for the manner in which the Bills have come down to us this session. They are a marked improvement on the manner in which Bills were brought to us during last session. Scissors and paste had a lot to do with the drafting of measures last session. During the debate last night we had some very strong remarks from the Premier regarding the jury list, and with a good deal of what he said on the matter I entirely agree, but I think something of the same sort can be said of the list of justices of the State. I do not know if it is possible to make some provision in the Bill for the purification of the justices roll: if possible, I hope it will be done. If it is not possible in this Bill, I hope the Government will take the matter in hand. During the last year or two, some of the appointments which have been made to the justices roll of the country have been

absolutely disgraceful, and the justices of this State, owing to this fact, are held in contempt.

MR. BUTCHER: Not the whole.

MR. JACOBY: A large percentage of the people holding commissions of the peace in this State are absolutely unfit for the position; and I throw out a suggestion—it is a rather thorny subject I know—that the Attorney-General should take some steps in this matter. I have nothing farther to say in regard to the Bill, except to indorse the complaints of the member for West Perth that we have not on the Opposition side of the House a little more legal experience.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 9·20 o'clock, until the next Tuesday.

Legislative Council,

Tuesday, 19th August, 1902.

Papers presented—Children's Convalescent Home Bill, Petition against Site—Question: Perth-Fremantle Road, Repairs—Question: Helena Reservoir—Question: Metropolitan Storage Reservoir, Leakage—Leave of absence (remarks)—Fremantle Prison Site Bill, third reading—Parks and Reserves Amendment Bill, second reading (negatived)—Pharmacy and Poisons Act Amendment Bill, in Committee, reported—Transfer of Land Amendment Bill, in Committee, progress—Explosives Act Amendment Bill, first reading—Friendly Societies Act Amendment Bill, in Committee, reported—Public Service Act Amendment Bill, in Committee, progress—Children's Convalescent Home Bill, second reading (moved)—Adjournment.

THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: 1, By-laws of the Perth High School. 2, Census Returns, 31st March, 1901. 3, Regulations for Gaols and Prisons.

Order: To lie on the table.

PETITION—CHILDREN'S CONVALESCENT HOME BILL.

Hon. C. SOMMERS (North-East) presented a petition from 10 residents of Cottesloe Beach against the Children's Convalescent Home Bill.

Petition received and read, and ordered to be considered during the Committee stage of the Bill.

QUESTION—PERTH-FREMANTLE ROAD, REPAIRS.

HON. G. BELLINGHAM asked the Minister for Lands: 1, When the Government intends starting the repairing of the Perth-Fremantle road. 2, If tenders have been accepted for the material and cartage of same. 3, If the work will be done by contract or day labour. 4, The amount to be expended on the work.

THE MINISTER FOR LANDS replied: 1 and 2, The repairs immediately necessary, and the minor repairs to keep the road in fair order, have been attended to, and the heavier repairs (that is, complete fresh coats of metal) will be commenced as soon as the material contracted for is delivered. 3, Most probably by contract. 4, Not yet decided.

QUESTION—HELENA RESERVOIR.

HON. G. BELLINGHAM asked the Minister for Lands: 1, What quantity of water is at present in the Helena Reservoir. 2, What was the quantity at the end of last summer.

THE MINISTER FOR LANDS replied: 1, The approximate quantity above the lowest outlet level was, on the 15th instant, 663 million gallons. 2, On the 16th May, approximately 558 million gallons (at lowest outlet level), the water in the reservoir having reached its lowest level last summer on that date.

QUESTION—METROPOLITAN STORAGE RESERVOIR, LEAKAGE.

HON. J. W. WRIGHT asked the Minister for Lands: Who is the person responsible for the leakage in the Mount Eliza reservoir.

THE MINISTER FOR LANDS replied: By the constituting Act, the Metropolitan Waterworks Board alone can carry out works in connection with the water supply of Perth. The Government approved of the work being done,