Legislative Council,

Tuesday, 30th August, 1898.

Papers presented—Jury Bill, in Committee; new clauses—Public Education Bill, in Committee, clauses 1 to 50—Adjournment.

The PRESIDENT took the chair at 4.30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Loans raised by the Treasury, Return. Tonnage and crews of steamers plying between Perth and South Perth, Return. Local Courts of Dongarra, Greenough, Mullewa, and Northampton, Return of the Business. Agricultural Department, Report for 1897-8. Estimates of Revenue and Expenditure, 1898-9.

Ordered to lie on the table.

JURY BILL.

On the motion of the COLONIAL SECRETARY, the Council again resolved into Committee to consider the Bill, the order of the day having lapsed through a count-out.

IN COMMITTEE.

New Clause:

THE CHAIRMAN: The new clause before the Committee was: "The verdict of a jury shall not be set aside or interfered with on the grounds that the verdict is against the evidence, or weight of evidence, or when the damages awarded are excessive or insufficient, unless the court hearing the application shall unanimously so decide."

THE COLONIAL SECRETARY said he was giving some reasons, when the Committee was counted out the other night, why this new clause should not be accepted. It was not necessary for him to go over the ground again. Mr. R. S. Haynes admitted that there was some defect in the clause as drafted. As to the second portion of the clause, that the general issue should be put to the jury, as the court of appeal in this colony was composed of three judges, and there were only three judges, the judge who presided at the trial must necessarily be one of the judges sitting in appeal. The hon. member proposed that the general issue should be put to the jury, unless the solicitors on either side agreed to the questions being put to the jury. It might happen that the solicitors could not agree.

HON. R. S. HAYNES: The jury then could find on the general issue for the plaintiff or defendant.

THE COLONIAL SECRETARY: Now-a-days judges assisted juries in coming to a decision. In a case which he had mentioned to the hon. member of murder on the high seas—a boy was murdered and afterwards eaten by the survivors from a shipwreck—the case came before Mr. Justice Stephen, and the jury in that case asked the assistance of the court in coming to a verdict. In several cases, which were reported in the *Times* newspaper—one in reference to the law of libel, another in reference to the law of conspiracy, and another a case of common law—the judge had assisted the juries.

HON. R. S. HAYNES: The hon. member was now dealing with another new clause which he (Mr. Haynes) intended to propose later on.

THE COLONIAL SECRETARY said he understood it was only one clause divided into two paragraphs. The first clause would be unjust in its operation. He hoped hon. members would not agree to the new clause as proposed. Mr. Stone had already expressed his inability to concur with the amendment.

HON. R. S. HAYNES: As it stood; but it was proposed to add the words "or the majority consisting of the judge who tried the case."

THE COLONIAL SECRETARY said he could only speak of the Bill as it was before him now, and, so far as his judgment went, he was of opinion the clause ought not to be passed.

HON. R. S. HAYNES: People were entitled to have questions of fact settled by a jury. In this colony, however, when a jury decided a question of fact, it had become the constant practice to appeal immediately; and he regretted that trial by jury had not received the same respect from the public here which it had received in other parts of the world. Trial by jury was one of the fundamental principles of the British Constitution,

and he knew of no greater privilege than that of trial of questions of fact by a jury. It was to be hoped that it would never be left to one man to sit on the bench, and, because he was a barrister, to be in a position to say that twelve men who had been summoned as a jury were wrong in their finding. Juries were drawn from all classes, and were fully qualified to deal with every phase of questions of fact; and there ought to be some very strong reason before any court of appeal should interfere. Was it a proper state of things that a court consisting of two judges who had never seen the witnesses or heard the evidence, but had simply read the judge's notes of the trial, could set aside the verdict of twelve men? The view he was at present taking was strongly forced on his mind after considerable experience, and he had always been alive to the danger of setting aside the verdict of a jury. In England the dissatisfied party could first go to the Divisional Court and then to the Court of Appeal; then, if dissatisfied, one could go to the House of Lords at a cost of perhaps £50, £60 or £100. But here, if a court set the verdict aside, an appeal had to be made to the Privy Council at a cost of £1,000, and probably a year's delay. That delay did not occur in England, because in that country there were so many courts to appeal to. In this colony we had a limited number of judges, and to give these the same power as three separate judges in England would be to give too much power altogether. He was quite agreeable to allow his proposed new clause to abide by the decision of the other House. He would ask some other hon. member to move the suggested amendment to the clause.

HON. S. J. HAYNES: With the amendment, the proposed new clause was much more reasonable and workable, and would have the effect of finality. There was no necessity to go into the matter fully, and therefore he begged simply to propose that the words "or a majority consisting of the judge who tried the case" be inserted.

HON. F. WHITCOMBE suggested that it would be better to make the amendment read "or the majority of the court shall include the judge who tried the case."

HON. S. J. HAYNES said he would like his amendment to read, "or a majority of such court shall include the judge who tried the case."

THE COLONIAL SECRETARY: The words did not seem to express what the hon. member intended to convey. At any rate the Bill would be recommitted, if it was found that the clause did not read as intended.

HON. R. S. HAYNES: Mr. Burt was in favour of the principle contained in the clause.

THE COLONIAL SECRETARY: There seemed to be a misunderstanding, because he had some conversation with Mr. Burt on this matter. It was not wise when special circumstances arose to legislate generally for the whole of the country. The hon. member had been moved to take up this question in consequence of some special circumstance arising. The new clause as it had been proposed would bring appeals to an end.

HON. R. S. HAYNES: A very useful thing too.

THE COLONIAL SECRETARY: Not a good thing for the lawyers.

HON. R. S. HAYNES: Yes; lawyers could not advise their clients at the present time.

THE COLONIAL SECRETARY: A person who could not obtain justice in one court should be allowed to go into a higher court.

HON. R. S. HAYNES: The right of appeal was abused too often.

THE COLONIAL SECRETARY: All good principles were abused. There would be no spurious sovereigns if there were no good ones, and there would be no forged bank notes if there were no good ones. He could not accept the amendment.

HON. F. WHITCOMBE: No Government could accept an amendment which brought a charge of weakness against the Supreme Court bench. Some such clause as the one under consideration was necessary in order to have a fair hearing of a case. This provision would not apply to one special case, but to all cases. The grounds of appeal would be on certain lines, only it was suggested that the judge

hearing the case should be a party to the decision overriding the verdict of the jury. He supported the new clause as amended.

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

New Clause:

HON. F. T. CROWDER moved that the following new clause be added to the Bill:—

If at the trial of any action or suit the jury, or the judge if he be sitting to try any issue of fact, shall certify that no reasonable ground existed for the institution of such action or suit, the solicitor or attorney whose name appears on the record at the time of the hearing shall, if the plaintiff has not, within one month of the pronouncement of the judgment, paid to the defendant all taxed costs of such action or suit to which he may have become entitled, become personally liable to such defendant for the full amount of the costs which the Master shall have allowed on taxation to such defendant.

He was not in any way casting a slur on the profession, or upon any solicitor who deserved consideration. His (Mr. Crowder's) desire was to stop speculative actions and blackmailing the public. There was no end to speculative actions being taken up without any reasonable grounds of obtaining a verdict. Only the other day a gentleman residing in Perth gave a cheque to a certain party, and left town the same afternoon. When the gentleman wrote out the cheque, through inadvertence he did not fill in the amount in writing—only in figures. About a fortnight afterwards when the gentleman returned to Perth he was met by a boy, who said to him "My firm have a dishonoured cheque of yours." On going to the office the cheque was produced to this gentleman, who did not notice then what was wrong with the cheque. He saw that it had been dishonoured, and immediately said, "Well, here is the money; I will pay you." But the solicitor said to him: "You have a magnificent action against the bank. If you let us carry it on you can get damages to the extent of £1,000 from the bank." The gentleman saw the point, and said that if he wanted to bring an action he had his own solicitor. That was only one instance, but a person could not make use of expressions in the street without having an action brought against him. The cases of blackmail knew no end. The only desire he (Mr. Crowder) had was that when a judge, sitting as a jury, or a jury found that no reasonable grounds existed for bringing an action, if the plaintiff did not pay the costs the plaintiff's solicitor should be liable for them.

HON. R. S. HAYNES, in sympathising with the hon. member, said exactly the same complaint had been made in every part of Her Majesty's dominions as had been made by the hon. member. The same cry had been raised in New South Wales, in Victoria, in South Australia, in Queensland, in Tasmania, and in England, and in none of these places had an attempt been made to pass such a law as this. Something ought to be done, but persons might be debarred from the right of bringing actions if this clause were passed. The plaintiff as a rule related to his solicitor a very serious wrong which had been inflicted on him. The plaintiff went into the witness box, made out his case, his witnesses were called and they supported him, and it was all right until the evidence on the other side was heard. Then the plaintiff would admit that what the defendant's side had said was right. The solicitor had to go on the evidence which was produced to him by his client, and the danger, if this clause were passed, would be that the solicitor might be compelled to pay the costs, or a poor man would never be able to go into court. Why did not the hon. member propose a clause that a defendant who had improperly defended an action, and who put the plaintiff to the cost of proving a case, be made to pay the costs? There were many cases in which a plaintiff was forced to go into court and prove his case, and when a verdict was given in his favour he was unable to obtain the fruits of that verdict because the defendant had nothing. Many persons with a little means would be deprived from bringing an action if such a clause as that proposed was passed.

HON. F. T. CROWDER said he wanted to get at the unscrupulous lawyer.

HON. R. S. HAYNES: The law of the land was that if person brought a vexatious action, and if the solicitor joined the plaintiff in bringing that action, the person against whom the action was brought had a right to sue both the plaintiff and the lawyer. The question at issue before the jury would be whether

a plaintiff was entitled to his action. The jury would be asked, if Mr. Crowder's clause were passed, to decide whether the solicitor should pay the costs when he had no chance of proving that the case placed before him was a good one or not. A plaintiff might give a totally different statement in the witness box from that which he had given to his solicitor. Solicitors often went into the court and found that their witnesses gave their evidence in a very different way from that in which they had given it to them privately. He (Mr. Haynes) had gone into court and could not recognise the evidence by the way in which it was given by his witnesses. If suitors only told the truth to their solicitors, there would not be so many actions, but in very few cases did suitors tell their solicitors the truth. In criminal cases a prisoner never would admit anything, but when the evidence was given against him he would admit that it was true. If the new clause were passed, the solicitor would be condemned unheard. All that could be done was for the reputable members of the profession to band together to stop litigation such as had been mentioned. Judges were very severe on solicitors who brought such cases forward. If a solicitor did what was mentioned in the proposal before the Committee, and it was discovered during the trial, the judge made very strong remarks, and the solicitor might just as well shut up his office.

Clause put and negatived.

Schedules, first, second, and third—agreed to.

Preamble and title—agreed to.

Bill reported with amendments, and report adopted.

PUBLIC EDUCATION BILL.

On the motion of the COLONIAL SECRETARY, the House resolved into Committee to consider the Bill.

IN COMMITTEE.

Clauses 1 to 10, inclusive—agreed to

Clause 11—Appointment of Officers:

HON. J. W. HACKETT moved, as an amendment, that in the last line the words "on the recommendation of the Minister" be struck out as unnecessary. He said he did not remember these words being used in any other case.

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

Clauses 12 to 16, inclusive—agreed to.

Clause 17—Qualification of Electors:

HON. A. P. MATHESON said he would adopt a suggestion made by the Colonial Secretary, and he moved, as an amendment, that all the words after "any," in line 1, be struck out and the following inserted: "householder occupying a dwelling-house of the clear annual value of ten pounds sterling, and who has resided within the district for six months, shall be qualified to have his or her name placed on the electoral roll of the district." The words "habitually residing within the district" as a qualification were too loose. Residence for six months in any district should be the minimum to qualify a voter, and he would further be prepared to see the annual value made less than £10.

THE COLONIAL SECRETARY: Virtually the new clause proposed was the same as the clause now in the Bill. The word "habitually" was the word used in the old Act, but there was no objection to the change proposed. One objection that might be raised was that the father, mother, or guardian had been struck off the list of voters; but he would not now propose to move an amendment for altering the clause in that direction.

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

Clauses 18 and 19—agreed to.

Clause 20—Appointment to District Boards by Governor:

HON. F. WHITCOMBE moved, as an amendment, that in the fourth line, after "thereof," there be added "or in the place of any member who shall have resigned or become incapable of acting in the office, or has ceased to be a member of such board." The Act, he said, provided for certain conditions under which a man should be incapable of continuing his seat, and these conditions were not included in the clause as it now stood.

THE COLONIAL SECRETARY: Provision was made later on which attained the object of the hon. member.

HON. F. WHITCOMBE said, in that case, he would ask leave to withdraw his amendment.

Amendment, by leave, withdrawn.

THE COLONIAL SECRETARY moved, as an amendment, that sub-clause (2) be struck out, and the following words inserted in lieu thereof: "Every person so appointed may continue to be a member of such board until the first day of January following the next general election of such board."

Put and passed, and clause as amended agreed to.

Clauses 21 to 28, inclusive—agreed to.

Clause 29—Appointment of persons where no School Board exists:

HON. F. WHITCOMBE moved, as an amendment, that the following words be added to the clause:—"Provided that upon the constitution of a District Board, which shall include any such school or district, the said correspondents or Board of Advice shall be superseded by the District Board and be merged therein." He said that boards of advice or correspondents had similar powers to the district boards, and it would be advisable that the two boards should merge when appointed.

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

Clause 30—agreed to.

Clause 31—Minister may establish certain schools:

THE COLONIAL SECRETARY moved, as an amendment, that sub-clause (7) be struck out. He said he had been unable to fathom the meaning of this clause, and the Bill would be better without it.

HON. F. WHITCOMBE objected to the sub-clause being struck out as proposed. The object of the sub-clause was, in his opinion, to enable the Minister to make use of schools which had been abandoned. This was a power which could not be exercised by the Minister without the sub-clause as it stood.

THE COLONIAL SECRETARY: Full power was given by other provisions in the Bill to the Minister to establish and maintain schools.

Sub-clause struck out, and the clause as amended agreed to.

Clauses 32 and 33—agreed to.

Clause 34—Fees, to whom payable and how recoverable:

HON. F. WHITCOMBE moved, as an amendment, that in lines 7 and 8 between the words "fees" and "shall," there be inserted: "or a *Government Gazette* containing published therein a notice to the like effect." He said that in order to give an authority to recover fees payable under the Bill, no man should be required to produce to the court more than the *Gazette* notice of his authority.

THE COLONIAL SECRETARY said he accepted the amendment as one likely to improve the clause. He would, however, draw attention to the words "containing published therein." Were those words right?

HON. F. WHITCOMBE: The words were quite right.

THE COLONIAL SECRETARY: The words struck him as being somewhat peculiar, and he thought he would call the hon. member's attention to them.

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

Clause 35—agreed to.

Clause 36—Secular instruction, see 57 Vict., 16, s. 20:

HON. W. T. LOTON moved, as an amendment, that the following words be added to the clause:—"Provided, however, that during the first half-hour of the school day instruction may be given either from the books known as the Irish National Series or some other similar course derived from the narratives of the Old and New Testament, to be approved by Parliament." His attention had been called by Mr. Hackett to the fact that there was rather a small House in which to submit a question of this kind. He was entirely in the hands of hon. members as to going on with the amendment.

THE COLONIAL SECRETARY: If the hon. member wished, he might ask for leave to postpone the consideration of this clause until later in the sitting.

HON. A. P. MATHESON: What were hon. hon members to wait for?

HON. W. T. LOTON said he did not know what hon. members had to wait for, and perhaps it would be better to go on with the business. He moved the amendment already read to the Committee. In moving this amendment he was not introducing any new principle into the Education Act. He was only endeavouring, from his own point of view, to ensure the continuance, to a certain extent, of the system of education which had prevailed in this colony for a great number of years.

The Education Act of 1871 permitted similar religious instruction to that given under the Amendment Act of 1893. The Irish National School series was introduced, and the Amendment Act of 1893 provided that in Government schools the teaching should be strictly non-sectarian, but that the words "secular instruction" should be held to include general religious teaching as distinguished from dogmatic or polemical theology. That section was taken from the Education Act of New South Wales, which had been in force for something over 25 years without any expression of dissatisfaction by the various denominations in that colony. This provision, when the Bill was introduced in another place, was not set forth in the clause, but appeared in the interpretation clause, and was struck out of the Bill. As the Bill now stood, the only instruction that could be given was entirely secular, with the exception of the special religious instruction which might be given by ministers, or other recognised teachers. The Irish National Series of books had been in use in the Government schools for years in this colony, and, so far as could be ascertained, no objection had been raised to them by the representative of any religious body in the colony. The simple question was whether it was desirable from this time forth that the education given in the Government schools should be entirely secular, with the exception of instruction by clergymen or other recognised teachers. In other words, had ordinary Christian instruction to be or not to be given by the teachers? He trusted the answer would be in the affirmative. In 1897 there were 166 schools in the colony, and in 105 of these schools there was no special religious instruction given. In 61 schools there was special religious instruction given, and in 47 of these schools religious instruction was given by only one religious body. In only 14 schools out of 66 was religious instruction given by teachers of denominations, other than those of the teachers in the 47 schools.

Hon. A. P. Matheson: What church gave the religious instruction in the 47 schools?

Hon. W. T. Loton: The Church of England. Religious instruction was given by Congregationalists and Roman Catholics, and these were the only two denominations besides the Church of England.

The Colonial Secretary: Instruction was also given by the Presbyterians, Wesleyans, and others.

Hon. W. T. Loton: It would be seen that in 105 schools no religious instruction whatever was given, and all the children, not of the denominations especially represented in the other 66 schools, received no religious instruction. Now, was that a desirable state of things?

Hon. C. E. Dempster: No.

Hon. W. T. Loton: It might possibly be asked why the religious bodies did not give religious instruction in all the schools.

Hon. F. Whitcombe: Quite so, or why parents did not give religious instruction.

Hon. W. T. Loton: If people would consider the question from a practical point of view, it would be seen that it was impossible for the various religious bodies to give religious instruction in all the schools. A number of schools in the colony did not have more than 30 scholars, and these were made up of children of various denominations. It could easily be seen that it was practicably impossible for the different churches to arrange for religious instruction two or three times a week to the two or three or half-dozen children who might attend the particular school the year round. Every provision was made in the Bill for the religious scruples of the parents. There was a clause providing that during the time religious instruction was given a parent could withdraw a child. The amendment which he (Mr. Loton) had given notice of provided that during the first half hour of each school day religious instruction might be given from a certain series of books, or from books approved by Parliament. These books he had named because they had been in regular use in the Government schools in the colony since the last amendment of the Education Act in 1893, and they were in force before that time. It might appear to hon. members that by providing that instruction might be given by the teacher for half an hour each day of the week, it was intended that the instruction should be given for the half

our during five days of the week. On age 38 of the Regulations hon. members ould find that a series of lessons was rovided, and the practice that prevailed as that the teacher gave the religious esson on an average about twice or three imes a week. In this professedly Chris-an community did we propose to elimin-te from the Education Act all reference religion in the schools by the teacher? Were we not to recognise a higher power han the human power? The teaching in he school was to be non-sectarian, be-ause any parent could withdraw a child uring the half hour devoted to religious nstruction. It might possibly be said Why should people who do not desire heir children to receive religious instruc-.on be taxed for it?" His answer to that as plain and simple. No extra direct ixation was made on people who did not llow their children to receive religious ducation, for the simple reason that a umber of school hours was laid down in he Bill, and a certain number of those ours was devoted to secular educa-ion—that was four hours daily. he remaining hour was devoted religious education, given by the pecial religious teacher; but if the pecial religious instruction was not given, he ordinary secular instruction of the chool was proceeded with during that our, so that in any case the cost to the ountry was just the same.

HON. C. E. DEMPSTER: It would be a isgrace to the community if we excluded ll religious instruction from the public chools. What possible harm could be one by adopting this provision? It had orked very well in the past. To with-raw all religious instruction from schools t the present time was most undesirable. he amendment proposed by Mr. Loton ould meet all the requirements. He ould support it.

HON. D. K. CONGDON, in supporting he amendment, said he had to work with hese school books for some years under he Board of Education, and he knew the ooks to be really good, and desirable to e used in the schools. There was nothing ogmatic in the Irish National school ooks, and there was nothing in them that ould do children harm. It was desirable hat religion should be taught in the State schools—in fact he would sooner send his children to a Roman Catholic school than to a school where no religion at all was taught.

HON. S. J. HAYNES said he wished to add certain words to take the place of the amendment proposed by Mr. Loton. He agreed with a great deal that had fallen from Mr. Loton, but he was sorry that he could not support the amendment. He had only had a rough glance at the Irish National books, but he did infer from some words contained in them that it would be very difficult to some teachers to teach these words satisfactorily. In the State schools teachers belonged to all denominations.

THE COLONIAL SECRETARY: No teacher was excluded by reason of his or her religious belief.

HON. F. WHITCOMBE: Or from want of it.

HON. C. E. DEMPSTER: Then they ought to be.

HON. S. J. HAYNES: The Bill should provide a mode by which children could receive proper religious instruction. The religious teachers of the different denominations, the Sunday schools, and the parents carried out the chief part of the religious education of the children: but we were living in a Christian land, and we scarcely liked to see religion tabooed altogether from our schools. Clause 20 in the Bill as introduced in another place should be re-inserted in the measure, and, if allowed, he would move as an amendment to insert the following words in place of Mr. Loton's amendment:—"In all Government schools the teaching shall be strictly non-sectarian, but the words 'secular instruction' shall be held to include general religous teaching as distinguished from dogmatic or polemical theology." That seemed to be a better way of overcoming the difficulty than by stating that certain national school books should be used.

HON. W. T. LOTON said that personally he would prefer the insertion of the clause as suggested by Mr. S. J. Haynes to the amendment he (Mr. Loton) had himself moved. The provision, which had been negatived in another place, was not a clause in the Bill itself, but was embodied in the interpretation clause, so that a direct vote had not been taken on the

issue. The clause suggested by Mr. S. J. Haynes had been in operation in New South Wales for about 30 years without objection, and he believed the majority of the people in this colony would be satisfied if the clause were reinstated in the Bill. He asked leave to withdraw his amendment.

HON. S. J. HAYNES: No narrow or sectarian objection could be taken to the clause he had suggested, and he was sure that the principles of religion could be taught without denominationalism.

HON. F. WHITCOMBE: It was desirable that the Bill should be returned to the other place only with such material amendments as were likely to be passed there, and this contentious clause should be avoided. The clause had already been dealt with in another place, and if the provision suggested were insisted on, the Bill would go overboard.

THE COLONIAL SECRETARY said he thought this provision was struck out of the interpretation clause in another place, because some hon. members had an idea an endeavour was being made to smuggle in religious instruction without any provision appearing in the body of the Bill.

Amendment (Mr. Loton's), by leave, withdrawn.

HON. S. J. HAYNES moved, as an amendment, that all the words after "State" he struck out, and that the following words be inserted in lieu thereof: —"Schools the teaching shall be strictly non-sectarian, but the words 'secular instruction' shall be held to include general religious teaching as distinguished from dogmatic or polemical theology." This clause he said, was at present in force in the colony, and during the debate on this measure no reasonable objection had been offered to its operation. There was no doubt the clause gave an opportunity for that religious instruction which the majority of the people in the colony desired.

HON. F. WHITCOMBE, in view of the remarks of the Colonial Secretary, moved that progress be reported.

Motion put and negatived.

At 6.30 p.m. the CHAIRMAN left the chair.

At 7.30 the CHAIRMAN resumed th chair.

HON. F. WHITCOMBE, in opposing th amendment, said it had already bee settled by the vote of the electors of th colony that education should be fre That was the vital point of the Bill as ser to us. If by any means the Bill wer dropped, education would go on as befor but it would not be free, and the principl for which the colony had been fightin would be left over for at least anothe twelve months; therefore the propose addition to the clause should not be mad It was all very well for Mr. Loton to sa that the educational system of the colon had existed since 1871, and that we shoul retain it because there had been no ou cry against religious instruction as ac ministered up to the present time. Thos who took an interest in the question coul see that the religious teaching in the pas had not had that effect on the risin generation that it was expected to hav and that if religious teaching were left t those qualified to teach, it would be muc better. Hon. members should conside the basis of the teaching of the reforme churches. They were so identical tha the whole of the children belonging t these denominations could be taught b one religious teacher without interferin with the particular sect to which childre belonged. The teachers of secular schoo were not qualified to impart instructio of a religious nature, and these teacher would be far more likely to go outside th limits allowed them if the system sug gested were adopted. He did not go so fa as Mr. Congdon had gone, but he woul allow his children to be educated by an recognised authority of a Nonconformis church rather than that they should no be taught religion at all, and he though that hon. members would no doubt be i favour of having the school childre taught by a religious teacher, rather tha not have religion taught them at all. I religious instruction were given in th State schools, the parents would not kno whether the teachers were qualified t give that instruction or not. It was th duty of the church and not the State t give religious instruction. The State ha no means of seeing that religious instru

tion was properly carried out to be of advantage to the children. We should not seek to enforce on the State the duty of administering religious instruction, and by refusing the amendment we would express an opinion in this direction. Mr. Loton, in quoting figures, showed that out of 166 schools there were 105 schools not receiving instruction by properly qualified ministers of religion, and he assumed that Mr. Loton had included the Roman Catholic Church in his estimate.

THE COLONIAL SECRETARY said that Mr. Loton had not included the Roman Catholic Church, he thought.

HON. F. WHITCOMBE said he was taking the Government schools only, and he could not say whether members of the Romish Church attended the Government schools or not to give instruction.

HON. W. T. LOTON: In several instances they did.

HON. F. WHITCOMBE: In Geraldton, where he had been living for the last seven years, only the clergyman of one religious denomination had taken the trouble to attend the schools and give instruction—the clergyman of theAnglican Church. There appeared to be a neglect of duty on the part of ministers of other churches, who lived in every instance not more than a quarter of a mile from the school building, and these ministers did not avail themselves of the chance to impart religious instruction to children of their own denominations attending the schools. He was afraid such neglect extended to other places, but that neglect was no reason why the State should fill up the hiatus. He was opposed to the State taking any hand in a matter of this kind. The Government gave away quite enough when they allowed the school buildings to be used as meeting places for the children receiving religious instruction. The Bill provided for three days on which children could receive instruction from ministers of their own denominations, and other two days on which instruction could be given by the lay-teachers, which meant giving the children religious instruction on five days. That was too much.

HON. W. T. LOTON: It was not possible to have too much of a good thing.

HON. F. WHITCOMBE: It was possible. He had attended a denominational school in which religious instruction was given every day in the week, and then he attended church on the Sunday, which was six days a week on which he received religious instruction. The result was that for seven years after he left school he never went to church at all. He had come to the conclusion that no good would be done, except to a very small extent, by compelling pupils to take up subjects in which they had no interest. If parents desired that their children should receive thorough religious instruction, there were plenty of means by which this could be given. Let the State stand on one side in this matter of religion, and only give the necessary instruction to enable the children to make themselves useful in after life, to make themselves good citizens and able members of the community. Leave the children entirely free to form their own opinions on religious subjects, when they were of an age to understand them, and then under the advice of their parents. He objected to the provision that the parent who objected to nonsectarian teaching should be able to withdraw his child from the school during the time that this instruction was being given. If nonsectarian teaching was to be part of the school curriculum, a child had no right to be withdrawn at the instance of the parents. Every child should be compelled to attend while all subjects were being taught. Parents might as well be allowed to withdraw their children when arithmetic or English was being taught.

HON. W. T. LOTON: Supposing the child of an atheist was attending the school?

HON. F. WHITCOMBE: If the law was administered on any principle, the child of an atheist should not be allowed to be withdrawn while the nonsectarian teaching was being given, and if the teaching was nonsectarian it would make no difference to any child, no matter what religion it belonged to or whether it belonged to any religion at all. It had not been shown that where nonsectarian instruction had been given, it had been harmful in after-life to anyone. The Committee should be guided by the fact that the popular vote of the colony six years ago showed that the whole of the people were in favour of free, compulsory, and secular education by the

State. That was acted upon to a certain extent, by compensation being given to assisted schools, and afterwards by a considerable vote being given to the churches to assist them in giving religious instruction. Following upon that, free, compulsory, and secular education was affirmed at the last election. Nearly every candidate for election to the popular Assembly had the question put to him, and was elected on a promise of support to free, secular, and compulsory education. Now this Bill had been sent up to us we should not disregard the voice of the electors which had been carried out by the popular Chamber and sent to us for confirmation.

HON. J. W. HACKETT: A very narrow issue was submitted to us. It was not whether we should introduce religious instruction into the State school system or exclude it. The day for that fight was ahead, and he trusted very far ahead. The one point to which he wished to address himself was, whether it was desirable that the religious instruction to be given in the schools should partake of the character of the amendment proposed by Mr. S. J. Haynes, or the character of the amendment indicated by Mr. Loton, or further, whether it was to partake of the character indicated by Mr. Whitcombe. The matter to be decided by us was not whether religious instruction should be given in the schools or not. That matter had been settled, in spite of what Mr. Whitcombe had said, by the views of the body returned by the popular constituencies and now contained in the Bill before us. The Bill made no provision in any direction for the exclusion of religious instruction in State schools. In fact, one of the main principles of the Bill was the imparting of religious instruction.

HON. F. WHITCOMBE: Question?

HON. J. W. HACKETT: Clauses 37, 38, and 39 all showed that this was one of the main principles of the Bill.

HON. F. WHITCOMBE: Clause 36 said nothing about religious instruction.

HON. J. W. HACKETT: The very negation the clause contained implied a reference to the whole question, which was solely as to what character the religious instruction should assume. The Bill laid down that religious instruction should be imparted by representatives of the churches; and the question was whether, in this sparsely settled country, where the ministrations of religion were carried on with difficulty in many districts, and with a population not wealthy, we were to avail ourselves of the means put into our hands, and trust State school teachers, to some extent, with the duty of supplementing inevitable deficiencies, and enable them in a slight degree to impart the cardinal pinciples of morality and natural religion as distinguished from revealed religion. Mr. Loton had told the Committee that 105 schools out of 166 could not be visited by the clergy, and he (Mr. Hackett) speaking for the parish of Bunbury, which was in his province, could say that it was impossible for the one Anglican clergyman to attend in one week to the 17 schools extending over a distance of 40 miles north, south, east and west.

THE COLONIAL SECRETARY: Or even in a month.

HON. J. W. HACKETT: Hardly in a year. If provisions were not made for religious instruction to be given by teachers in State schools, practically nine-tenths of the school children of the colony would be cut off from religious knowledge, and the Committee would have to decide that religious instruction was in itself bad, or at any rate of no service whatever.

HON. R. S. HAYNES said he did not approve of the amendment at all. When he was before the electors the cry was for free, secular, and compulsory education, and he did not know there had been any revulsion of feeling on the subject. He did not know any more ardent advocate of free, secular, and compulsory education than the Colonial Secretary.

THE COLONIAL SECRETARY said he never was in favour of free education, while he had always been in favour of religious education. He had always been opposed to definite religious teaching by State school teachers. The compromise arrived at years ago had his entire approval.

HON. R. S. HAYNES said he was going to stand by his election pledges. He himself was educated at a national school where there was a system of religious instruction on the lines of the Irish National school book. In 1867 the Public Schools

Act was introduced by Sir Henry Parkes, though he (Mr. Haynes) believed the Irish National School book was still used. From the national school he went to a thoroughly secular school—the Sydney Grammar School—and he confessed that what religious teaching he did have in the national schools did not enlighten his mind in any way. No child could draw any good moral teaching from that reading. He would never be a party to joining church and State, which had been divorced long ago; and this Bill was, practically, an attempt to join church and State. How many teachers could tell the difference between dogmatic and polemical theology, and general religious teaching? He questioned whether hon. members could draw any distinction, and if they could not do so, how could they expect an ordinary school teacher, and particularly a teacher in the smaller schools in the country districts, to distinguish between the two? To pass the clause as it stood could only lead to confusion and absurdity, because religious teaching must vary with the point of view of the teacher. It was not possible to draw the line.

THE COLONIAL SECRETARY: It was possible, and had been done for years.

HON. R. S. HAYNES: Then it could only be said that the teachers had not been thinking for themselves. Was there any rule promulgated by the Minister to carry out such law?

THE COLONIAL SECRETARY: The regulations provided for that.

HON. R. S. HAYNES: If it was desired to get round an Act, people were always referred to the regulations; and he hoped to see the day when regulations would be passed as part of Acts of Parliament. It would be much better to drop the Bill than introduce this clause, which had been absolutely rejected on two occasions after mature consideration in another place. To send this proposal back to another place would be asking the members of the Assembly to stultify themselves. If the Bill did go back with the proposal in it, the result would be that the Government would lay it aside for twelve months, and in the meantime draw the profits from the schools. If that was the intention, why did not the Government tell hon. members, and thus save discussion? No doubt the Government would be very glad to get rid of a measure which was causing them so much trouble, and on which, if passed, they would lose some money. If there was any time in the history of the colony when a little boom would be of service, it was the present time. This Bill would prove of great benefit to the people, and for that reason he asked the Committee not to pass the amendment. Otherwise, he prophesied that the Government would lay the Bill aside, and if he was wrong, he would never venture another prophecy.

HON. H. G. PARSONS said he would have preferred the original amendment proposed by Mr. Loton as more likely to recommend itself to the other House; but, as a matter of principle, he was in favour of the amendment now before the House. If no instruction in the Bible was given by secular teachers, then in a large number of schools now no instruction in the Bible would be given at all. It would be a most rash, injudicious, and cruel thing to so exclude the greatest book in English literature—to put it even on that low ground—from the school curriculum of children for whose education Parliament provided. It was well known there was not enough home teaching of any account, and particularly was there not enough of religious teaching. Regarding religious instruction from a non-religious point of view—regarding it, that was, from an informative point of view—the majority of children should not be left without a knowledge of the Bible, a book which had had the greatest influence on English, Irish, and Scotch national character and history. It was impossible to have a well educated man without his having been soaked in the Bible. A boy leaving school could not understand history or the rudiments of morals unless he had had some teaching in the Old Testament and New Testament, quite apart perhaps from any religious dogma. He himself was colonially educated in Victoria, and had had some experience of so-called educated men who had not had sufficient training in the Bible. From the ordinary professional, business, or public point of view these men left school unfitted and handicapped for life, hopelessly crude and vul-

garised in their notions because of their not having acquaintance with the Bible. Such men were less able to compete with others who had been brought up under the wider and better system which had had so much to do with our present civilisation. We were told that in this particular colony it was difficult, if not impossible, for the clergymen of the denominations to undertake the teaching of the children in small communities. If that were so, it would be better to insist on the teacher running over the course, as it were, and giving the children some drilling in the Bible under regulations framed at the discretion of the Minister. That would be a lesser evil than upsetting the present basis on which the Education Act had worked so well. He would strongly support the amendment, which he believed would be supported by members of moderate views in the other House.

HON. A. P MATHESON said he regretted a debate should have sprung up on an amendment which was in any way likely to impede the passage of the Bill. The Bill, providing as it did for free education, had been looked forward to for a very long time by most of the working classes of the colony; and he was pledged. during his election campaign to support the principle of free education. If the amendment were inserted in the Bill permitting religious instruction at the hands of what might be called secular teachers, the result would most likely be the loss of the Bill for this session at any rate; and such a loss would be a great misfortune to the country. Like Mr. Haynes, he had no doubt the Government would not feel sorry if the Bill did not pass, because a considerable sum of money would be saved to the administration. He entirely absolved the Government of intentionally bringing forward this clause for the purpose of saving money. There was a strong feeling on the part of hon. members that there had been a neglect on the part of those who should have taken in hand the religious training of the people. It was a shocking thing that any member of the House should be compelled to point out that out of 166 Government schools, religious instruction was only being attended to, by those qualified to impart it, in 61 schools, leaving 105 schools in which no proper religious instruction was being given. He would be prepared to agree with Mr. Whitcombe that the children's attendance during the religious instruction, which the amendment sought to provide, should be made compulsory, if dogma could be cut out—that was to say if the expression of the teacher's private opinion on any religious topic introduced in a lesson could be omitted, but it was simply impossible for a teacher to give instruction on any topic, on which he entertained views of any strength, without imparting those views to the children. We had in this colony no State church, and we had an infinitude of sects, each holding individual views on different subjects, and those views often were entirely divergent. It was impossible that the parents of any one child should be satisfied with the religion these instructors gave; therefore, it would be absolutely necessary that such a clause as existed in the present Bill should be kept in, to enable children to be withdrawn while the proposed religious instruction was being given to any particular denomination.

HON. R. S. HAYNES: What was dogmatical theology as opposed to general religious instruction?

HON. A. P. MATHESON: Dogmatic religious instruction meant instruction that met with the approval of the instructor, and general religious instruction was other instruction which it was impossible to arrive at. The word "general" was a misnomer. As Mr. Hackett pointed out, the Bill could not be called a religious Bill. There were a great number of clauses providing for religious instruction in it, and he (Mr. Matheson) maintained, most properly so. Personally, he considered no instruction could be more valuable to a child, or help that child to become a valuable citizen, more than religious instruction. The only point at which he was at issue with hon. members was the method by which the religious instruction was to be imparted.

HON. D. MCKAY: It was the best under the circumstances.

HON. A. P. MATHESON said he did not agree with the hon. member that the amendment was the best thing in the circumstances. The only form of re-

ligious instruction which in the future he would consider satisfactory would be instruction by proper religious professors. Every sect had its properly qualified religious professors. As a member of one of those sects, he (Mr. Matheson) deprecated religious instruction being given except by the parents or some religious professor. What would be the position? There would have to be one of three classes of teachers. There would be the teacher who was religious, that was to say, teachers who would have a dogma, and it was impossible to avoid propounding that dogma. There would be the man who was a scholar, but found it impossible to instil instruction into a child without instilling some doubt into the mind of the child—teachers who, in dealing with certain portions of the Bible, would be inclined to sneer.

HON. D. MCKAY: We should take care to avoid such teachers.

HON. A. P. MATHESON: Then a stage would be reached at which we should have teachers in State schools who were chosen for their qualifications to give religious instruction. That was exactly the danger we had to face, and in a country like this, if we endeavoured to bring in religious teaching as part of the State curriculum, there would be the necessity of obtaining teachers who represented religious views of the majority. Mr. McKay had said the State should avoid teachers who could not teach in the way we liked.

HON. D. MCKAY said he would certainly avoid atheists.

HON. A. P. MATHESON said he did not consider the man who scoffed was always an atheist. There were many particular parts of Bible history upon which men could not agree, but those who disagreed could not be called atheists for that reason. But there was the section of atheists, and he regretted to say that some of the most highly educated men, especially amongst teachers, were very often found to have had their religious belief shattered during their life at college. Was this the class of teachers to whom we should entrust the inculcation of religious belief to our children?

HON. C. E. DEMPSTER: They ought not to be employed.

HON. A. P. MATHESON: It was impossible to avoid employing them. The Government had to gauge the educational standpoint of the teacher when they employed him. At the present moment it was rather difficult to obtain teachers of a proper educational standard at the salary the Government offered, and how much more difficult it would be to obtain teachers if limited to those teachers who were prepared to give religious instruction on certain lines. If hon. members were prepared to adopt the amendment proposed by Mr. S. J. Haynes, then the Bill would be amended in such a way that it would be impossible to get it carried, and the country would be placed in what he maintained was a most illogical position for a colony in which there was no State religion. He did not see why religion should be put in a less important category, as far as children were concerned, than their clothing and their feeding. It was quite as important. Yet he did not know anyone who would suggest that the onus should be thrown upon the State of providing for the clothing and feeding of the children, and religion was the food which was supplied to the soul. Any parent who accepted the position he (Mr. Matheson) took up, would certainly take the same pains—and he believed parents did take the same pains—to provide for the religious instruction of their children as for their clothing and their feeding. It was the duty of ministers of religion to provide the religious education. Religious denominations received grants of land to attend to the spiritual welfare of their flocks. If these grants were not made so that religious teaching could be imparted, why were these grants of land given? He wished to emphasize the fact that his views did not arise in the least from any desire to deprecate the necessity for religious instruction. He considered the necessity for religious instruction was paramount, but that religious instruction should not be imparted by any secular teacher, paid by the State, but by a minister of religion. He (Mr. Matheson) could not conceive parents caring for the interests of their children, allowing any teacher, except a qualified one, to give their children religious instruction.

HON. E. MCLARTY said he wished to emphasize what had fallen from Mr.

Hackett and others with reference to the difficulty of clergymen visiting schools in country districts. In his district there were schools scattered over thirty miles, north and south, and there was one clergyman in the district. It was utterly impossible for that clergyman to pay a visit to each of those schools once a month, and if he did pay this visit, it would be a very great tax upon him to do so. If this amendment was not carried, many of the country schools would not have any religion taught in them at all.

HON. R. S. HAYNES: Were there no Sunday schools in the country?

HON. E. McLARTY: In many bush places, there were no Sunday schools, and if children had to depend on their parents to be properly educated in religion, in some cases the children would have no education in religion at all. As to the argument that if the proposed amendment were passed, the measure might be thrown out in another place, thus causing the Bill to be wrecked, at that risk he would support the amendment, and he would not be very much troubled if the Bill were wrecked. If the measure were not carried, the present Education Act would remain in force. The subject of "free, secular, and compulsory" education was made a cry at election times, but he was not altogether in accord with free education, and many of the people of the colony could not see the necessity for it. There was hardly any necessity for doing away with the small fees. Very few people felt this small tax. Where there was an exceptional case of parents in straitened circumstances, who were unable to pay the school fees, if it could be shown that the parents were not in a position to pay, they were allowed to send their children to school free.

HON. F. WHITCOMBE: They had to declare themselves paupers first.

HON. E. McLARTY: The Government were doing a great deal to meet the requirements of the colony. Schools were springing up in all directions, and he thought the small school fee should be retained.

HON. F. T. CROWDER: And added to the teachers' salaries.

HON. E. McLARTY said he would prefer to see the amount retained, and added to the salaries of the school teachers, because he was quite certain the teachers were under-paid now. It was difficult to get a good class of men to take the position of teacher in the State schools of the colony. If the amendment were passed and the Bill wrecked, there would be very little to fear. He had children going to school, and he said without hesitation that he would prefer to send his children to any school where religion was taught—he did not care of what denomination, whether Church of England, or Roman Catholic, or any other church—rather than send his children to a school where religion was not mentioned. He was of opinion that it was the right thing to include the amendment proposed by Mr. S. J. Haynes, and he would support it for the reasons he had given

HON. S. J. HAYNES said he trusted the majority would support the amendment he had brought forward. One member had said that the amendment had been brought forward at the instance of the Government with a view of wrecking the Bill. He (Mr. Haynes) brought the amendment forward without considering the Government at all. If the amendment was carried, and the Bill went back to another place and was rejected, we should fall back on the present law. There had been no great agitation for rescinding what was called the religious clause in the present law, and no argument had been used against it. Some members were not altogether in favour of free education. The fees were so small at the present time that parents could not well object to them. The amendment he proposed provided that teaching should be of a non-dogmatic character.

HON. R. S. HAYNES: Would the hon. gentleman tell us what that was?

HON. S. J. HAYNES: The explanation of teaching without dogma was to teach a religion upon which all were agreed—teaching children that there was a Creator and a Giver of all good, and doctrine of that sort.

HON. R. S. HAYNES: Where was the limit?

HON. S. J. HAYNES: For some time this class of teaching had been given in the public schools, and there had been no grumbling. There was teaching that people belonging to the Roman Catholic Church and other denominations were agreed upon.

HON. R. S. HAYNES: What was the limit of the dogma?

HON. S. J. HAYNES: It was a difficult matter to explain.

HON. R. S. HAYNES: Yet the hon. member would allow teachers to teach it!

HON. S J. HAYNES: The teachers had the confidence of the people of the colony for twenty years. The present education law was a very fair one, and if we had to fall back upon it, there would be no great evil resulting.

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

Clause 37—Hours of instruction:

HON. J. W. HACKETT: Four hours were too much under certain conditions of the atmosphere. He had not prepared an amendment, and perhaps the Minister had power to make regulations on this point.

THE COLONIAL SECRETARY said he would make a note of the point.

HON. F. WHITCOMBE moved, as an amendment, that in line 4, after the word "children," the words "of any one religious persuasion" be struck out. This, he said, was part of the system of amendments he proposed to make in this clause. As far as possible, the special religious teaching should be imparted with the consent of the parents. The clause, as amended, would apply to outside schools which, possibly, were only visited by one special instructor, and the parents of children who might not belong to the religion of that special instructor would be at liberty to allow their children to receive instruction at the hands of that instructor. Unless the amendment were made, it would be impossible for parents to avail themselves of the services of a religious instructor if he happened to be of a different denomination from theirs. The amendment would be practically useful in the case of isolated schools.

THE COLONIAL SECRETARY: No notice had been given of this amendment, and it was difficult to see what was its object. The intention of the clause was to prevent children of one religious denomination being instructed against their will by the teacher of another denomination. This clause had been in force since 1893 in this colony, and had also worked well in New South Wales.

HON. F. WHITCOMBE: In the larger towns there was no reason why children of one denomination should be taught by the minister of another denomination, but in the country there were places where the school might be visited by the clergyman of only one denomination. The amendment was to give parents—although they might belong to another denomination—the opportunity of sending their children to receive instruction at the hands of the available special religious instructor.

THE COLONIAL SECRETARY: Parents had only to signify their wish to have the children so instructed, and their desire would be attended to, although they might not belong to the particular denomination of the special religious instructor.

HON. F. WHITCOMBE said he would accept the assurance of the Minister, and asked leave to withdraw his amendment.

Amendment, by leave, withdrawn.

HON. F. WHITCOMBE moved, as an amendment, that the following words be added to the clause, to stand as subclause (3): "Such religious instruction shall be authorised in writing under his hand, addressed to the head teacher of such school by the parent or guardian of each child receiving the same." Under the Bill as it stood the children of each denomination must attend the special religious instruction class, unless withdrawn by the parents or guardians. The object of the amendment was that a child should not receive special religious instruction unless the parent or guardian so directed. It was desired that education should be free, secular, and compulsory, but he did not think "compulsory" was intended to apply to special religious instruction, and, therefore, he submitted the amendment.

THE COLONIAL SECRETARY said he could not accept the proposed addition to the clause. The amendment would inflict unnecessary trouble and difficulty on a great majority of parents and teachers for the sake, perhaps, of a few people.

It might be taken for granted that parents who objected to religious teaching would take good care to notify the teacher. The special religious teaching had to be arranged between the clergyman, the teacher, and the district boards, so that the conscience of all concerned was protected. The amendment could not be acceptable in the face of the fact that 99 per cent of parents desired their children should have some religious instruction, although, perhaps, the parents themselves might not care much about religion.

HON. F. WHITCOMBE: If the majority of parents desired religious instruction, they would take the trouble of writing and asking that it should be imparted.

THE COLONIAL SECRETARY: It was feared they would not.

HON. F. WHITCOMBE: If there was no desire on the part of the parents for this religious instruction, why should they be called upon to say they did not want it? Without the amendment, it could not be said that education was free, secular, and compulsory.

THE COLONIAL SECRETARY: Every protection was given under the regulations.

HON. F. WHITCOMBE: But members were told there would be no regulations for six months.

THE COLONIAL SECRETARY: There were the regulations at present in force.

HON. J. W. HACKETT: The amendment would prove unworkable. Most parents were willing that their children should receive religious instruction, but many parents would put off from day to day signifying that desire, and it would never be known whether the children were eligible for the special religious instruction or not. If a man took the trouble to write in the matter, he would probably be a man with ideas of his own—possibly a "crank"—and would specify the exact teaching the child had to receive, and the exact way in which it had to be imparted. It was to be hoped that the Committee would pause before accepting this principle.

Amendment put and negatived, and the clause passed.

Clause 38—In case of non-attendance of clergyman, secular instruction to be given:

HON. F. WHITCOMBE suggested that the clause be struck out. There would, he said, be great difficulty in working under the clause. The idea evidently was that the special instruction should, as far as possible, be given on one day; but it was possible, where special religious teachers could not attend all on the one day, that scholars would, by reason of their attending the religious classes, get behind the other scholars in the ordinary school education, and thereby suffer in the examinations.

THE COLONIAL SECRETARY expressed the hope that the Committee would not strike the clause out, because the effect would be to debar children from receiving any religious instruction at all, and wasting the time that should be devoted to that instruction. This clause had been thought out by the Education Department, the Inspector General, and himself, and the special religious instruction had been limited to three times a week in order not to interfere unnecessarily with the ordinary curriculum of the school.

Clause put and passed.

Clauses 39 and 40—agreed to.

Clause 41—All schools, other than a State or other school established under this Act, may be found efficient:

HON. A. P. MATHESON moved, as an amendment, that in line 16 the word "may" be struck out, and the word "shall" inserted in lieu thereof. The clause ought to be compulsory and not permissive; and it was desirable, if a private school were put on the list of schools guaranteed as satisfactory by the Government, the same system of inspection should be adopted as in the case of Government schools. He failed to see why a private school should be put on more favourable terms than a public school.

THE COLONIAL SECRETARY: The whole intention of the clause, which was taken from the New South Wales Act, was permissive, and he was afraid the colony was not sufficiently advanced to have all schools examined.

HON. A. P. MATHESON: But if schools were put on the list, they must be examined.

THE COLONIAL SECRETARY: The Minister might declare a school efficient without inspection.

HON. A. P. MATHESON: If a school were gazetted as efficient, it ought to be examined every year so long as it remained on the list.

THE COLONIAL SECRETARY: No notice had been given of this amendment, but he might say the intention of the clause was that an examination should take place every year, and if an examination did not take place, the school would not appear on the list of certified schools. It could be implied from the clause that a school had to be examined every 12 months. With a view of looking further into the matter he moved that the consideration of the clause be postponed.

Motion—that the clause be postponed—put and passed.

Clause 42—Compulsory attendance:

HON. J. E. RICHARDSON asked whether the Colonial Secretary did not regard six years as too young. A mere child of that age might be asked to walk two miles to school and two miles back. What would be done in the case of a delicate child?

THE COLONIAL SECRETARY: A delicate child would be excused.

HON. J. E. RICHARDSON: Sometimes in the summer the thermometer registered 130 or 140 in the sun, and that, of course, made it very trying for children attending school.

HON. J. W. HACKETT: That would be a reasonable excuse, as was provided for.

THE COLONIAL SECRETARY: The clause was from the old Act, which had been in force since 1871, under which exemptions could easily be obtained for proper reasons.

HON. F. WHITCOMBE: Would the department pay for that education?

THE COLONIAL SECRETARY: That opened up a matter of some difficulty. Free education would be in force, but teachers might not be inclined to receive children without payment. The peculiar circumstances would not arise in connection with more than two or three schools in the colony, but he was prepared to accept the amendment.

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

Clause 43—agreed to.

Clause 44—Minister may excuse certain children at certain times:

THE COLONIAL SECRETARY moved, as an amendment, that between the words "excused" and "children" the words "from attendance" be inserted. These words had, he said, by some means been omitted in another place.

Amendment put and passed.

HON. J. W. HACKETT: It was no doubt a proper provision that children might be excused at harvest time or other special periods of the year when their help was valuable, but why should "fields" be specially selected? The labour of children was just as valuable in vineyards and orchards. He suggested that the words "vineyards, orchards, or" be inserted before the words "the fields."

HON. F. WHITCOMBE suggested, as an amendment, that the words "provisional or other efficient," in sub-clauses (1) and (2), be struck out and the words "or provisional" inserted in lieu thereof. The principle of the Bill so far, he said, was that education should be compulsory and free, but the clause as it stood would compel children to attend efficient schools where fees had to be paid.

THE COLONIAL SECRETARY said that personally he did not care whether the amendment was carried or not. The idea of the clause was that, where there was no provisional school within a certain distance, it would be better for children to receive instruction than to grow up in ignorance.

HON. F. WHITCOMBE: It would be necessary to strike out the words "the fields."

HON. J. W. HACKETT: That would open too wide a field. The Bill aimed at out-door labour. To strike out the words "the fields" would give to indoor labour the same claim for exemption as out-door labour. He moved, as an amendment, that the words "vineyards, orchards, or" be inserted after the word "in" in line 2.

Amendment (Mr. Hackett's) put and passed.

THE COLONIAL SECRETARY moved, as a further amendment, that at the end of the clause the following words be added: "upon the recommendation of the head teacher and chairman of the district board."

Further amendment passed, and the clause as amended agreed to.

Clause 45—agreed to.

Clause 46—Penalty for neglect:

HON. F. WHITCOMBE moved, as an amendment, that in lines 4 and 5 the words, "or of any person authorised by the Minister," be struck out.

Amendment put and passed.

HON. F. WHITCOMBE moved, as a further amendment, that the following words be added to the clause: "and for the purpose of this section the Minister may be represented in any court of summary jurisdiction by a compulsory officer or inspector, without such representative being obliged to produce any special authority further than the *prima facie* evidence of his appointment to such office.

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

Clause 47—agreed to.

Clause 48—Employment of children of compulsory age:

THE COLONIAL SECRETARY moved, as an amendment, that in line 2, between "employment" and "any" the words "during school hours" be inserted.

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

Clause 49—Children beyond the control of parents:

HON. F. WHITCOMBE: The clause did not state the limitation of the age to which children should remain committed to the industrial school.

THE COLONIAL SECRETARY: The age was stated at 14 years.

HON. F. WHITCOMBE: In the last sub-clause there appeared to be a difficulty as to the maintenance of the children. At whose expense would the maintenance be kept up? It was not a school immediately under the control of the department; it would be a school that some other person would have to pay fees in respect of.

THE COLONIAL SECRETARY: The employer.

Clause put and passed.

Clauses 50 to 52, inclusive—agreed to.

Clause 53—The Governor may make regulations:

HON. J. W. HACKETT: The clause was very clumsily drawn. He was not prepared to move any amendment; but the clause required redrafting. He would refer particularly to sub-clause 7.

THE COLONIAL SECRETARY said he had been very carefully over the clause with Mr. Jackson. If Mr. Hackett would refer to clause 31, he would see that there were State schools, evening schools, provisional and house-to-house schools, training schools, high schools, technical, truant and all other schools. The hon. member would find that these regulations, although slightly different from the old ones, embraced every particular.

HON. J. W. HACKETT: It would be well to postpone the clause, or he would have to move a number of amendments.

Clause postponed.

Clause 54—Regulations to have the force of law:

HON. F. WHITCOMBE moved, as an amendment, that the following words be added to the clause: "Provided that no such regulations shall be published in the *Government Gazette* until they shall have been laid on the table of both Houses aforesaid, in session, for the terms aforesaid, without having been amended." Under clause 54 there was a provision that the regulations should pass the ordeal of both Houses of Parliament. According to the clause as it stood, it would be quite nine months before the regulations came before Parliament. It would take some time to get the rules ready, and judging by experience elsewhere, these rules would not come before us for four or five months after the Bill became law; and between now and then there would be no laws governing the Education Department of the colony. We had been told by the Minister that the old regulations would be in force until the new ones came in; but there was no provision in the Bill allowing that to take place, and there was no law whatever that the old regulations should remain in force.

THE COLONIAL SECRETARY: The Act, if passed, would come into operation on the 1st of October, and until the first of October the department would work under the present Act and regulations. There was nothing to prevent regulations being framed under this Bill, as the present regulations, with some slight modifications, would meet all the circumstances. If Mr. Whitcombe's amendment was carried, this could not be done. But he (the Colonial Secretary) had thought of inserting, if necessary, the words "until

such regulations are made, the present regulations, where applicable, to remain in force"; but he had not considered where the words should be inserted.

HON. A. P. MATHESON said he was not altogether prepared to accept the amendment proposed by Mr. Whitcombe. There was a certain amount of force in what that hon. member said, but the amendment went too far, inasmuch as it would result in no regulations being available until they had been placed before Parliament. The fault of the clause was that no power was given to Parliament to revise the regulations when they had been gazetted, the usual words in such clauses having been omitted.

HON. F. WHITCOMBE asked leave to withdraw the amendment.

Amendment, by leave, withdrawn.

HON. A. P. MATHESON moved, as an amendment, that the words, "and shall continue in force unless repealed or altered as aforesaid, or disallowed by both Houses of Parliament" be inserted between "law" and "and" in line 6.

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

Clauses 55 and 56—agreed to.

On the motion of the COLONIAL SECRETARY, progress was reported and leave given to sit again.

ADJOURNMENT.

At 9.45 p.m. the House adourned until the following day.

Legislative Assembly,

Tuesday, 30th August, 1898.

Papers presented—Question: Storekeeper's Department, Hours of Labour—Fremantle Harbour Works, Particulars of Dredging, etc.—Question: Railway Rolling Stock, Particulars—Transfer of Land Act Amendment Bill, first reading—Workmen's Wages Bill, first reading—Duties of Customs and Excise: Revised Schedule, in Committee, further considered; Division on item, Frozen Meat—Health Bill, in Committee, clauses 190 to 241—Adjournment.

THE SPEAKER took the chair at 4.30 o'clock p.m.

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Postal Department Embezzlements, Particulars as ordered. Agricultural Department, Report for 1897-8.

Ordered to lie on the table.

QUESTION: STOREKEEPER'S BRANCH. HOURS OF LABOUR.

MR. HIGHAM asked the Premier—1, What were the hours of labour in the Stores Branch for the manual and clerical staffs, both permanent and temporary. 2, Whether it was proposed that these men, when removed to the new stores at North Fremantle, should work from 7.20 a.m. to 5 p.m., with one hour allowed for lunch. 3, Also whether it was correct that those on the temporary staff were expected to work overtime without extra remuneration.

THE PREMIER (Right Hon. Sir J. Forrest) replied:—1 (*a*) For all labour in store, 7.20 to 5 p.m. daily, less one hour, 12 to 1, except Saturday, 7.20 to 12 only, equal to 48 hours per week. (*b*) For clerical, permanent, and temporary, in head office (which office is now of necessity a separate building from store), 9 to 4.15 daily, less one hour for luncheon. Saturday, 9 to 12 only. 2, It is proposed to maintain the existing hours at North Fremantle; but the better conditions and altered circumstances may necessitate a re-arrangement of the