

would think more seriously about it. I do not think there is a more loathsome disease than smallpox, and there is a high mortality, with deformities left. I should like members to look at a few picture illustrations, not of very pronounced cases, but they show what a case of smallpox is, contained in a volume I have here for members to see "International Clinics," lectures and special articles, vol. 2, 11th series). As I have said, I have not heard very many solid reasons adduced against vaccination; and in my opinion statistics bear out the contention that vaccination confers an immunity. I do not say the immunity is nearly as great as it was at first hoped it would be, but there is a certain degree of immunity against smallpox. I think members who are always supporting progress will do well not to support this Bill.

On motion by MR. HUDSON, debate adjourned.

ADJOURNMENT.

The House adjourned at eleven minutes past 10 o'clock, until the next day.

Legislative Council,

Thursday, 20th September, 1906.

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THE PRESIDENT took the Chair at 4.30 o'clock p.m.

PRAYERS.

PRIVILEGE—SELECT COMMITTEE'S POWERS.

HON. M. L. MOSS (West): I formally move the adoption of the report of the Standing Orders Committee on the power of a select committee to call for telegrams required as evidence. I do not know that I can usefully detain the House with any observations in addition to those made at the last sitting.

Question put and passed.

BILLS (2)—THIRD READING.

Stock Diseases Act Amendment, *passed*.

Municipal Institutions Act Amendment (width of a street), transmitted to the Legislative Assembly.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

ASSEMBLY'S MESSAGE.

The Council having made certain amendments in the Bill and the Assembly having disagreed to two, the reasons for the disagreement were now considered in Committee.

No. 2—New Clause (Qualification for Practitioners):

THE COLONIAL SECRETARY moved that the Council's amendment be not insisted on. This, as the Assembly pointed out, was somewhat outside the scope of the Bill. The measure did not pretend to amend the Legal Practitioners Act, but was brought in for a special purpose, to admit certain managing clerks as practitioners.

HON. M. L. MOSS: It was to be hoped the amendment would be insisted on. The Assembly had stated that the amendment was outside the scope of the Bill. He could not understand a reason like that being given. One might expect something tangible that justified the non-acceptance of an amendment, such as that the amendment was against the public interest or in any way interfered with the qualifications of a person who sought to become a practitioner. If such reasons were given there might be something to consider. If we were amending any particular statute, it must be competent for either branch of the Legislature to move any amendment relevant to

the title of the Bill. This amendment was not outside the scope of the measure, but it was well within. We had asked that in lieu of the legal examinations provided by the Barristers' Board persons who had obtained a degree of bachelor of laws in some university of the British dominions should be excused from passing the Barristers' Board examinations. The candidate must obtain the board's certificate of fitness. Any man with an LL.B. degree from one of the prescribed universities had passed an examination much superior to the tests provided by the Barristers' Board.

HON. C. SOMMERS: These amendments were not foreign to the title of the Bill, and ought to be insisted on. The Assembly's objections were not reasons at all.

HON. J. M. DREW: While not entirely agreeing with the amendments, he considered them quite within the scope of the Bill, and would vote for their being insisted on, unless some better reasons were supplied by the Assembly.

HON. S. J. HAYNES trusted the House would not insist on the amendments. Bachelors of law were doubtless well-educated men, but might lack practical experience. Was it likely that an LL.B. would waste his time for ten years as a clerk in a solicitor's office? Why provide for a solitary instance? Make the entrance to the profession too wide, and our practitioners would not be admitted in other States. Already they were rejected in Victoria, though we admitted Victorian practitioners. The present qualifications were only reasonable, and by these amendments we were legislating against ourselves. Though admitting that the amendment was within the scope of the Bill, he opposed it because it would lower the standard of the profession, provide for a solitary instance, and prevent reciprocity with the Eastern States.

HON. W. MALEY: Mr. Haynes had given good reasons for maintaining the dignity of the legal profession; but was the good sense of this Committee to be flouted by another place, which had in the past made amendments irrelevant to other measures? The amendments were evidently within the scope of the Bill,

and no reasons were given for not agreeing to them.

HON. J. W. LANGSFORD: Had there been any valid reason for objecting to the amendment the Assembly would have stated such reason; and the absence of it showed that another place sympathised with the amendments, and was silent on the question of principle. The amendments should therefore be insisted on.

Question negatived; the Council's amendment insisted on.

No. 3—New Clause, Judges' Associates and ex-Official Receivers eligible without articles:

THE COLONIAL SECRETARY moved that the Council's amendment be not insisted on. The new clause would undoubtedly lower the status of the profession. Why should a Judge's associate, who was more of a recording clerk than a lawyer, have this privilege? What opportunity had an official receiver of acquiring a knowledge of any law except the law of bankruptcy?

Question passed, the Council's amendment not insisted on.

Resolution reported; the report adopted.

Reasons for insisting on the Council's amendment No. 2 were drawn up and adopted, and a message accordingly returned to the Assembly.

BILL—FREMANTLE HARBOUR TRUST ACT AMENDMENT.

DISCHARGE OF ORDER.

On motion by the COLONIAL SECRETARY, the order for resuming the debate on the second reading was now discharged.

MOTION—SCHOOL FEES REGULATIONS.

TO DISAPPROVE OF CHARGES.

Debate resumed from the last sitting on the motion by MR. LANGSFORD, affirming that to charge fees for scholars over 14 years of age is opposed to the public welfare.

HON. W. MALEY (South-East): I had anticipated that in view of certain events since this motion was brought

forward, the probability was that the motion might be withdrawn. In view of the great interest that this matter had created and the public discussion invoked by a certain action taken in another place, it was thought it might be advisable, in order to allow as many members of this House as possible to speak on the motion, to adjourn it until next Tuesday. However, that is a matter for the House to decide. I thought that in all probability the motion would not be proceeded with; but its discussion at this juncture can do no harm, and may do a great deal of good. This is a question which we in Western Australia thought had been settled for all time; it was a question of very great interest 18 or 14 years ago throughout the State, and provoked endless discussion, sometimes bitter feeling. Dividing the motion into two parts, the first part says that the proposal to charge scholars over 14 years of age attending the public schools is uncalled for. I take it that if ever there was a time in the history of Western Australia when it was apparently necessary for everybody in the State to contribute all they can afford to help the Government, it surely is the present time, when the Government is in straitened financial circumstances. That might be advanced as a good reason for charging for the education of children. So many interests are being served by the Government, so much devolves upon the Government of the State, and so many demands are made on the exchequer, that it becomes necessary at times to economise, and I hope that economy will be practised. At the same time I cannot agree, much as economy is called for, that it is desirable even at this juncture that any charge should be placed on the education of children. With regard to the second part of the motion, that such a charge if imposed would be opposed to the public welfare, I agree; for I contend that in order to make our educational system perfect we must have free, compulsory, and secular education. As to the age of 14 or 16 years, in country districts there are many children who get no chance in their earlier years of attending school, for the simple reason that schools are not provided for them, nor are there any facilities for education. It is not until, with the advance of settlement, there is

an increase in the number of children of school age that those children who have had to wait for years can get the advantage of education. There are those who live beyond the three-mile radius or perhaps are not within ten miles of a school until they are 14 years of age, and those children should certainly, even at that late age, be given every chance to receive education. Then in sparsely-populated districts it is often very difficult to get the required number of children of school age to establish a school; and where that number can be made up by children of 14 or 16 years of age, I think it is very desirable that a school shall be so made up. Otherwise the younger children will have to wait, as the elder ones have had to do, for their chance of getting those opportunities for education which children in other parts of the State enjoy. I trust that no action will be taken by the Government to exclude children in the back parts of the State from receiving the advantages of education. On the other hand I would like to caution the Government against rushing into any expenditure with regard to any new system. The present system seems to be working admirably, and no new system should be introduced which would overweight the present system and perhaps interfere with its proper working, or at any rate make it such a burden to the State in the end that the whole of the education system of the State would have to be revised. I hold very nearly to the system now in force, and I trust that the Government will not permit any extravagant system to be put upon the country at the present time at any rate, anything that will involve the expenditure of thousands of pounds per annum; because primary education is the first consideration, and afterwards of course when the State gets into smoother water and the finances of the country are properly adjusted we may have a higher education which we hope all the children will enjoy, not only those in large centres but those throughout the State. That will be the time for the Government to introduce a higher system, after it has had the careful consideration of the country and been revised by both Houses of Parliament. I trust that the motion will be dealt with in this Chamber by

speakers, and that the public will be informed as to the views of the House at the present moment. An opportunity should be given to members to continue the debate next week. Some are at Geraldton, and I am sure they would be very much hurt if they were not able to express an opinion.

HON. G. RANDELL (Metropolitan): I did not intend to speak at the present moment, but I would not like the motion to be put without my having had an opportunity of expressing an opinion on the question. I say at the outset I am entirely in accord with the member who has introduced this motion, although perhaps if I had introduced it, as I had intended to do, I would have introduced it in another form. There is, however, no necessity to quarrel about the words, all that is desired being to express our regret and concern, even if we do not go so far as to say our disapproval, of the action taken in regard to charging children over 14 years of age.

THE HONORARY MINISTER: They have not been charged yet.

HON. G. RANDELL: We hope they will not be charged.

HON. J. W. HACKETT: Hear, hear.

HON. G. RANDELL: I think the feeling of the country has been manifested most unmistakably on this point, therefore I need not labour it at all, except to say that I am entirely opposed to what is proposed to be done. I believe the original intention of the Minister for Education was to prevent children under six years of age from attending school. That would have been *ultra vires* in my opinion, because the Education Act provides that they shall be admitted to attend from four to 16 years of age, the compulsory term being from six to 14. I have been connected with the subject of education since 1870, when in conjunction with the late Bishop Hale I took a very active part in opposing some of the clauses in the Bill proposed by Governor Weld, and we were successful. Although we did not achieve all we wished we prevented a great injury from being inflicted upon the public education of the country. Since then I have been more or less connected with the question of education, either on the central board or the district board, or as

Minister for Education. I have taken the deepest interest in it, because I felt its importance to all concerned. I realise the desirability of raising up the young people in the lower walks of life, equipping them for the struggle of life. I quite agree with Mr. Langsford when he says that other things being equal the educated person is the best in the interests of the State. There can be no question about that. I think it is an axiom almost, and will not be disputed by anyone. It has clearly been shown by the speeches which have been made how desirable it is in a great number of cases that children should attend school longer than up to the age of 14. Whilst I was Minister for Education, at the beginning of my period children were allowed to leave when they had passed the sixth standard; but I quite agreed with the then Inspector General that it was more desirable and important to retain those who had passed the sixth standard between 12 or 13 until they reached 14, than it was to retain others, because they were giving evidence of ability and future usefulness to the State. So the Act was altered to make it compulsory to remain at school until 14. I will not attempt to mention all the influence brought by the then Inspector General and myself in this direction, but I am sure we have had the sympathy and approval of the country at large, as well as of members of both Houses of Parliament, in the action taken. It is, as I have said, very desirable to retain these boys. If their parents wish them to attend, and will forego the amount of money they would be able to earn after they are 14 years of age, to increase their knowledge and raise their education, I think the country should back them up in their efforts. I heard of a case the other day in which a woman said she had three children all between 14 and 16. That is not a common occurrence. They are not persons in a very good position of life (interjection). There were twins, and there was another boy besides. That has not often occurred. I am told by Mr. Patrick there are boys in his district who hardly know their a-b-c at 18 years of age, and I believe at the present time there are children 16, 17 and 18 years of age—[**HON. J. A. THOMSON:**

Children?] — they are children or “infants” until 21 in the eye of the law — it will not be possible, I presume in sparsely populated districts, to give the facilities so easily obtained in a town; but it has been the effort of the Education Department ever since it has been established to meet the constantly growing and increasing demands for schools in different parts of the State. When people came to the goldfields it was a source of regret to us that the finances of the country would not allow us for the time being to cope with the influx of population. That influx would have been much greater if there had been opportunities for instruction in the schools in the different parts of the country. That I believe is now exhibiting itself in the agricultural districts. Mr. Piesse no doubt is aware that there are demands for schools here, there, and everywhere, and I am sure it will be the desire of Parliament and the country to provide those schools as soon as it is possible to do so, as long as they can comply with the Act; and the more liberally the Government of the day and the Legislature treat the question the better satisfied will the people be, and the more desirable will it be to give these facilities to those who come to our shores. I hope that, if I may use the word, wiser counsels may prevail, and that it will be seen that it is against the whole sentiment of the country that for the sake of a small saving of £2,000 or £3,000 we should put back the clock, as the hon. member said, or enter upon a reactionary course. There is a little fear that there may be something else behind it. I do not say there is anything. There had been a fear engendered in my mind that something was behind it with regard to our education, and I honestly and sincerely advise whoever may be in power not to meddle with the magnificent—I may use that very high-sounding word, I think, in this respect—system of education which we have in this country. I am inclined to believe that it is not intended to carry out the regulation which has been formulated; and by the way, I do not think it has been laid upon the table of the House, not formally by the Minister.

THE COLONIAL SECRETARY: It has not been laid on the table of either House.

HON. G. RANDELL: I should like to know how that is to be accounted for. The Education Act requires that the rules and regulations shall be laid upon the table within 14 days, and I take it, although I cannot give any instance in which it has occurred at the present time, that the object is that they may be considered by members, and that if they are not in the interests of the country they shall be disallowed. Perhaps there may be a doubt about that; but I think it should be set at rest. I can see no object in laying the rules and regulations before Parliament, unless members have the power of considering them and disallowing them. However, I hope there is no necessity for doing that in this case; and I see from the newspapers that a sketch has been given by the Minister for Education of very large advances which he is about to make in secondary education, I think it is, and in some other way. With that I do not think we have anything to do at the present moment. I only hope that if anything is done in that direction it will be done on safe and good lines, and I am certain then the public of this country will never hesitate to support any Government travelling in the direction of giving greater facilities and useful education for the youth of the State. I have not said exactly what I wanted to say, because I felt that there was no necessity for me to go into the matter and give farther cogent reasons, which I could do, as to the desirability of not carrying into effect the regulations which have been published in the *Government Gazette*. I certainly support the motion of the hon. member, and think he has done quite right in bringing it before the notice of the House for its consideration. I trust, seeing the feeling which prevails in this House on the question, and I may say in Parliament and throughout the country, that it will be carefully looked into by the Government.

HON. W. KINGSMILL (Metropolitan-Suburban): It is scarcely necessary for me to say it is my intention to support the motion moved by the Hon. Mr. Langsford. It is scarcely necessary for me to say this because, as hon. members know, I have been connected with the Education Department as Minister for

nearly four years; and during that time I hope it has fallen to my lot, taking the interest I do in this most vital of all questions, the education of the youth of the State, to have got a fairly good grasp of the question as it affects this State. At all events, I think I did. It affords me a great deal of pleasure to know that in this Chamber which is not swayed by party feeling and in which those issues cannot be raised which might occur elsewhere, this question may receive at the hands of members more careful, and if I may say so more unbiased, consideration than is possible in another part of the Legislature. Mr. Langsford, rightly I think, alluded to the step which has just been taken or which is about to be taken—for as the matter is at present it would appear to be *in transitu*—as a decidedly retrograde one; and it is a policy which I think is calculated not only to lower the standard of education in the State, but to lower us in the eyes of other peoples in the world. That will be the position attained after the large amount of money which has been spent and the great trouble gone to in trying to achieve for this State a very high position among the educational systems of English-speaking peoples. And for what? To effect a saving which is calculated, and which I say is miscalculated, at £2,000 a year. It is a bad advertisement for the State; and it would cost us dear if we were to save five or ten times that amount by the proceeding which was proposed to be taken. And when I say that the saving has been miscalculated, I do so for this reason. The Minister for Education, so far as we learn from the columns of the daily Press, in making his calculation says that if he gets a certain number of children struck off, and a certain number paying instead of being struck off, the staff of the Education Department will be decreased. Now that is absolutely wrong. I would like to call attention to what really will occur. It has come to my knowledge that in certain country schools—I know this to be an absolute fact, and I also have it on the best authority—there are many children between the ages of 14 and 16 years, and as soon as this charge is levied those children will be taken from school.

THE COLONIAL SECRETARY: Have you read the regulation, which specially provides for country schools?

HON. W. KINGSMILL: Certainly I have read the regulation; and I think those children will undoubtedly be affected by it. Let me ask the Minister to consider what will be the result of that. We have a *per capita* cost in this State of something over £5 per scholar. With exactly the same system, and with exactly the same expenditure, we will be teaching much fewer children; therefore the *per capita* cost will be very much increased. And that is what this step in the interest of the State is going to bring about. I do not think that is a desirable state of affairs; and apart from the ethics of the thing, I say the advertisement we will get will be of so distinctly bad a character that we cannot afford to do it. I was very much struck by the remark of one gentleman at a public meeting held the other night in connection with the question of the establishment of a university, when the Bishop of Perth said it was not so much a question of whether we could afford to have a university, as whether we could afford to be without it. So it is with this question. I hold unhesitatingly, after an experience of nearly four years as Minister for Education, that this country cannot afford to be without those educational facilities which it is now proposed to do away with, or to charge fees for under the regulations recently promulgated. Another thing which has to be considered is the reason why we have such a high *per capita* cost in this country. I venture to say it is not due to those schools where most of the children are between the ages of 14 and 16 years. It is due to the fact that the policy of the Government of this State for years past has been to give educational facilities wherever even a very moderate number of children was available. And the Government did that for two reasons; in the first place for the sake of the children themselves, and in the second place because the Government knew there is nothing that attracts new people to a country, nothing that takes people on to the land, like providing facilities for the education of their children. Those schools which were started in far-away places, in agricul-

tural districts more especially, have been incentives and helps to the fast development of many parts of the State, the like of which it is difficult to imagine taking place elsewhere. The Leader of the House, alluding the other day to the increase in the education vote as a reason for another step which is contemplated, dealt with that increase and showed that it has been since 1901 fairly large, amounting in all to about £60,000, in the years between 1901 and 1906. A great deal of that is due to the fact I have mentioned, that this country has seen such rapid, I will not say unexpected, but extremely rapid development; and numbers of these small schools, as alluded to by Mr. Langford, have been established, with the result that the *per capita* cost must necessarily be very high. But as the years go on and as population steadily increases, not in area but in density, until it approximates somewhat to the level attained in Eastern States, so the *per capita* cost here must necessarily come down. I do not think members need feel any great trepidation at the fact that the education vote is increasing—as I understand the Minister for Education has said—by leaps and by bounds. Then I would like hon. members to carry their minds back to two speeches I have read in the Press as having been delivered by the Minister for Education. In the first speech the Minister said, amongst other things, that 14 years was the compulsory age for the education of children, and that with primary education provided up to that age the State was doing its duty by those children. That was a very definite pronouncement that it was not contemplated to provide educational facilities beyond the age of 14. On a later date we find, after a most vigorous protest, a most undeniable expression of opinion has been voiced by people throughout the State as to the proposition of the Government; and then we find a most elaborate scheme for secondary education, and not only for secondary but for more advanced primary education, promulgated by the same Minister—and all within the space of a fortnight. It really looks as if this scheme—which I may inform members will involve, and I hope it will involve at not too distant a date, a capital outlay of between £40,000 and £50,000, and an

annual expenditure of anything up to £5,000—to my mind this scheme appears to have been put forward as a pretext for the other scheme which was to bring about an economy of £2,000. That scarcely seems to me a feasible proposition; and while I hope that the aspirations of the Minister for Education will be realised as speedily as possible, I must congratulate him on his being able to obtain the necessary funds to carry out his scheme of secondary education, for which I had been striving unsuccessfully since 1901. It points to one thing very strongly, that he is an extremely fortunate man who happens to be Treasurer and Minister for Education at the same time; because I always found—and I do not think I am divulging any Cabinet secret in saying it—during my term as Minister for Education that my most strenuous protests were shelved. I hope, with Mr. Randell, that the Government will consider the matter very carefully before deciding on this step which it is now proposing to take. I was sorry to hear Mr. Maley advising caution in the matter of incurring the expenditure that has been foreshadowed; but while I am sorry to hear him advising that caution, allow me to say that from what I have been able to glean, his fears in that direction are not too well founded. There is another point I would like to make before I sit down, that whether secondary education is established in this country or not, advanced primary education must still remain. The two things are absolutely different. Members who have read of the educational systems of other countries, or who have had experience of countries which have gone in for secondary education, will remember that secondary education branches off from primary education about the stage which is known in our Education Department as the fourth standard. From that point the ways are separate, and the boy or girl who makes up his or her mind to go in for secondary education, which should undoubtedly be available to the brightest of our youths up to the age of 16, will pass to that system of secondary education which more particularly fits youths for the learned or the literary professions. I have heard too that these regulations to which such strenuous objection has been

taken are not to be allowed to remain among the regulations of the Education Department in their entirety. I hope with Mr. Randell that undoubtedly wiser councils will prevail; that the matter will receive consideration, and that the step which I think would be robbing the youth of this country of part of the most essential weapons in the warfare of life will not be taken, so early at all events in the history of this State, and while it is in so vigorous a condition of development. I have much pleasure in supporting the motion.

On motion by the Hon. J. W. WRIGHT, debate adjourned.

ADJOURNMENT.

The House adjourned at 5-46 o'clock, until the next Tuesday.

Legislative Assembly,

Thursday, 20th September, 1906.

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

PRAYERS.

SCHOOL FEES REGULATIONS.

AS TO REOPENING THE QUESTION.

MR. H. DAGLISH had given notice of his intention to move—

That this House disagrees with the ruling of Mr. Speaker to the effect that the motion given notice of by me, and shown hereunder, was out of order under Standing Order 176, being "the same in substance" as the motion submitted by the hon. member for Brown Hill,

likewise shown hereunder, which had been negatived this session:—

Motion given notice of by Mr. Daglish: That this House disapproves of any alteration of the Regulations of the Education Department which will require parents to pay fees for the attendance of their children at the State schools.

Motion by Mr. Bath, negatived by the House: That an Address be presented to His Excellency the Governor praying that the amendments of Regulations 98 and 227, made under the Elementary Education Act 1871 Amendment Act 1893, appearing in the *Government Gazette* for 7th September 1906, be disallowed.

Order of the Day (notice as above) read by the Clerk.

MR. SPEAKER said: Before calling on the hon. member to proceed with his motion, I will state to the House the reason for which I have ruled that the two motions are the same in substance. There can be no question that the recent imposition of a fee in certain cases for children attending State schools forms the subject-matter of both motions, and that the object of both was the withdrawal of the regulations imposing that fee. Even if the hon. member for Subiaco had merely desired to express a general opinion on the merits of free education, the effect of the passing of his motion would have been to force the Government to withdraw those regulations. Regulations being framed by the Executive, the House has no power to order their repeal. To effect that object two courses are open; one to present an Address to the Governor praying that they be disallowed, the other to pass a resolution expressing disapproval. In either case the regulations must be withdrawn, or the declared opinion of the House set at defiance.

TO DISSENT FROM THE SPEAKER'S RULING.

MR. H. DAGLISH (Subiaco) said: In submitting this motion I desire to repeat what in effect I said last night, that in doing so I am casting no slur whatever upon the fairness of the hon. the Speaker, that I am actuated solely by a desire to preserve the rights and privileges of every member of Parlia-