Mr. Brown: The board will raise funds and take over the Government's responsibility.

Mr. BATH: Even if the board raised the funds and took over the control would the hon. member advocate that their powers should be limited, and that expense and delay should be involved by giving to a section of the ratepayers in one area the right to petition for an alteration to their district boundaries? The alteration of the districts would be best determined by those in control of the works. The argument advanced in regard to roads boards could not be used in this connection.

Mr. OSBORN: The clause should remain as printed. The Governor-in-Council should control Royal Commissions, and that was what this matter would resolve itself into in a short time, because there would be no end of inquiries by commissioners. There was no need for these commissioners to take evidence and determine these questions. It was very easy for a member of Parliament representing a district affected to head a deputation to the Minister. That would carry no fees, a point for the consideration of those who regarded the question of expense in these matters. The Government would naturally adjust the boundaries in a proper manner and, if properly approached, would take into consideration the representations of any local governing body. The clause was far more workable than the one the member for Claremont suggested as an addition. If the suggestion were adopted there would be two clauses on the same subject, and we would not know where we were.

Mr. DRAPER: The member for Claremont merely suggested that an inquiry should be held as to the advisability of exercising the power conferred on the Governor to alter boundaries. It would give the Governor-in-Council ready facilities for obtaining the desired information. All that was desired was that there should be some machinery for inquiry as to the advisability of altering boundaries, and when the time for moving new clauses arrived it was to be hoped the Minister would accept the suggestion of the member for Claremont.

Clause put and passed.

Progress reported.

House adjourned at 10.27 p.m.

PAIR.

Hon. H. Gregory	Mr. A. A. Wilson

Legislative Council,

Wednesday, 6th October, 1909.

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

BILL — AGRICULTURAL MACHINERY, SALE AND PURCHASE.

Introduced by the Hon. J. M. Drew, and read a first time.

BILL—REDEMPTION OF ANNUITIES.

Report of Committee adopted.

BILL—ABATTOIRS.

In Committee.

Resumed from the 30th September.

Schedule, Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by the Colonial Secretary, Bill recommitted for amendment.

Clause 7—Avoidance of existing licenses:

The COLONIAL SECRETARY moved an amendment—

That the following be added to the clause;—"Except in the case of any abattoirs established before the passing of this Act, and certified in writing by the Minister on the recommendation of the controller within three months after the passing of this Act, to be an abattoir fit to continue registered and licensed under the provisions of the Health Act, 1898."

The object of the amendment was to give some guarantee that abattoirs now in existence, which were good and sufficient in character, would receive consideration when the area in which they existed was proclaimed. Provision was made that where an area was proclaimed all licenses within that area would cease. Take the case of the metropolitan area. The intention was that public abattoirs should be built at North Fremantle, but the area at Robb's jetty, would be excluded. There was no guarantee that future Governments would follow that course, and hardship might, therefore, be inflicted on people who had good abattoirs, for the buildings could not be utilised for anything else. There was a provision that three months after the passing of the Act all owners of abattoirs might apply for registration. It might be years before an area was proclaimed. If abattoir owners applied for licenses they would be entitled to registration within an abattoir area afterwards. People desirous of building abattoirs in the future would know that they did so at their own risk, and that in such case, if an area was proclaimed, there would be no compensation.

Amendment passed: the clause as amended agreed to.

Bill again reported with a further amendment.

BILL — PUBLIC EDUCATION ENDOWMENT.

Second Reading.

Debate resumed from the previous day.

Hon W. KINGSMILL (Metropolitan-Suburban): In adjourning the debate yesterday on this Bill my only wish was to compare the provisions of the measure with the Act in New Zealand which the Leader of the House claimed to be the originator of it. I find the same principle pervades both measures, although the details differ considerably. It is only natural that they should differ, for in New Zealand the conditions and the educational systems are very different. New Zealand is a country cut by seas and mountains into natural districts and a system of district boards of education obtains. The Act in New Zealand which, after a considerable amount of search I managed to find, it going so far back as 1877, provides not only for endowment for the purpose of primary education, but also for secondary education, which, in fact, is defined in the interpretation section. It is a much more complicated measure than our Bill. I have no desire to cavil at the Bill, for the system permeating it is a good one if it has to be adopted. I had hoped these endowments might have been kept for secondary and university education, and had thought the State might be able to provide sufficient funds for primary education, and allow the endowments in the shape of land to be used for secondary education and the university.

Hon. J. W. Langsford: Does this restrict the endowment to primary education?

Hon. M. L. Moss: There is already a provision for endowments for a university.

Hon. W. KINGSMILL: If we are to take the experience of the University Endowment Board as an example we shall need a good many endowments before sufficient funds are provided materially to affect the education vote. Although the board was started in 1904—I had the honour to introduce the Bill—and has been in operation ever since and was quickly endowed with a great deal of land, which appeared to be fairly valuable and in good localities, yet I am sorry to say that the revenue for last year was only £157 10s. 6d., which in five

years is not a very remarkable increase. If that rate is kept up it will be long before material assistance will be given to the formation of a university from this source.

Hon. W. Patrick: The land has been lying idle.

Hon. W. KINGSMILL: Sufficient facilities are given in the University Endowment Act to allow the land to be made use of. I daresay the reason why this land is not availed of is that the progress of the State has not been as rapid in the settlement around the urban and suburban districts as in the rural districts, and there has not been so much call for the land as possibly there may be later on. I regret again that this endowment should not be kept for higher education, leaving the State to provide, as it well may, funds for the more elementary education. I have much pleasure in supporting the second reading.

Hon. R. W. PENNEFATHER (North): Mr. Kingsmill has pointed out that he would like to see the operation of the Bill practically confined to the advancement of secondary education. The clause dealing with that question is of so wide a nature as to apply to any form of education, whether primary or secondary. Although very anxious to see a university established here, at the same time I cannot help reflecting that our first duty is to do everything we can for the spread of primary education. No one can take reasonable exception to the provisions of the Bill. I have pleasure in welcoming the measure.

Question put and passed.

Bill read a second time.

In Committee.

Clauses 1 to 6—agreed to.

Clause 7—Power to lease and, with the approval of the Governor, to mortgage lands:

Hon. J. W. LANGSFORD: Would this clause prevent the trustees from selling any of the endowment lands? If it were so it would prove a serious obstacle to the providing of funds for the carrying on of education.

The Colonial Secretary: Clause 8 covers that.

Hon. J. W. LANGSFORD: If, as the Minister said, Clause 8 would cover the point, he had no objection to offer.

Hon. M. L. Moss: Clause 8 referred only to land acquired by gift, and did not relate to Crown land invested in the trustees. To give the trustees power to sell endowment land was a proposition unheard of.

Hon. J. W. Langsford: The land will not be worth much without it.

Hon. M. L. MOSS: All the education boards in New Zealand had large endowments which had proved of great aid to the boards in carrying on primary and secondary education; yet he had never heard of endowment lands being sold. He thought there should be some safeguard in respect to them similar to that covering Class A reserves.

Hon. J. W. Langsford: For what purpose are the New Zealand lands leased?

Hon. M. L. MOSS: The lands were leased for various purposes. They were not only town lands but country lands also.

The COLONIAL SECRETARY: It would scarcely be wise to give to a board the power suggested by Mr. Langsford. It was to be remembered that these endowment lands were not intended to benefit people of to-day; they would only be of real value to the people of the future, when the land would have become more valuable. It had been said that because the university trustees had not the power to sell their endowment lands they had not been able to derive much money from those lands. The endowments in that case consisted mostly of suburban land, and it would probably be some time before such lands could be leased for building purposes. However, the land set apart in the Bill consisted of lands in country townships and a great deal of agricultural land, and it would not be very long before that could be leased at a fair rental.

Clause put and passed.

Clause 8—Power to dispose of lands acquired by gift, etcetera:

Hon. W. PATRICK: It would be much better if the same rule were made to apply to land acquired from private individuals. It would be unwise to give

power to the trustees to dispose of any real property. He moved—

That in line 1 the words "real or" be struck out.

The effect of this would be that the trustees would be able to dispose of personal property alone.

The COLONIAL SECRETARY: It would be a mistake to alter the Bill in the direction suggested. This was a very necessary power to give the trustees, and it was pretty well safeguarded. The trustees could not use the proceeds of any such sale as they liked. The next succeeding clause still further protected the property.

Hon. W. PATRICK: The next succeeding clause stated that "the proceeds may be invested"; nothing was said about "shall be invested."

Hon. R. W. PENNEFATHER: To make the alteration suggested would be to hamper the trustees to too great an extent. They would be able to deal with nothing but personal property, and it was to be remembered that the bulk of the devised property would be real estate.

Hon. E. McLARTY: Power to dispose of the real property should be left in the hands of the trustees. In many instances it was an advantage to be able to sell lands which, in their existing condition, were not capable of bringing in any substantial rental.

Amendment put and negatived.

Clause put and passed.

Clauses 9 to 12—agreed to.

Clause 13—Remuneration of trustees:

Hon. M. L. MOSS: Surely the trustees would be ready to carry out their duties without remuneration. The Committee had been told that the university endowment lands were returning only £150 per annum, and this after four years. How then were trustees contemplated in the Bill to be paid? He moved—

That the clause be struck out.

The COLONIAL SECRETARY: It was not intended at the present time to pay the trustees, and probably they never would be paid. Still, it might be that the value of the property would grow to such an extent that it would be only fair and reasonable to make the trustees some slight acknowledgment of their services. It would always be subject to the approval of the Governor.

Hon. M. L. MOSS: The tendency was to pay trustees in every conceivable way for the performance of their duties. A trustee should carry out his duty without profit, and should take a lesson from municipal councillors and members of health boards. He did not wish to press his amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 14 and 15—agreed to.

Title—agreed to.

Bill reported without amendment: the report adopted.

BILL — LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

Hon. M. L. MOSS (West) in moving the second reading said: I think this is the third occasion on which this Bill has been before this Chamber. Three times this Bill has passed another place, and on one occasion it passed this House, but through the insertion of a small amendment that was not agreed to by another place, the Bill was abandoned by the late Attorney General. I freely admit that the tinkering with that portion of the Legal Practitioners Act of 1893, that deals with the qualification of persons who seek to become practitioners of the Supreme Court is a very important matter, and we ought not, without the very best grounds possible, interfere with the various qualifications, or add to those which have been thought in the past, on due consideration, to be sufficient for the purpose. But there has been a great clamour in the State, and I am afraid that clamour has been on behalf of a few managing clerks in Perth, that there should be an amendment of the Legal Practitioners Act for their benefit, similar to that contained in the Bill before the House. These provisions, extending to managing clerks, contained in the Bill, are not entirely new. In a modified form they have existed in the old country for a great number of years, and in the State of New South Wales the qualification contained in

Clause 2 of the Bill has existed for a long while. When adding to the qualification of practitioners of the Supreme Court we should not lose sight of the fact that if we interefere to a great extent, and what is called liberalise the admission of practitioners, we may so interefere as to damage the profession so that the reciprocity that now exists between Western Australia and the other States of the Commonwealth may disappear, and in that way we should be doing an incalculable injury to the standard set in the past. Before I deal with the Bill I may say that in Section 14 of the Legal Practitioners Act of 1893 is laid down a list of the persons entitled to admission in Western Australia. They are—

> "Is a barrister admitted and entitled to practice in the High Court of Justice in England or Ireland, or is a writer to the Signet in Scotland, is a solicitor admitted and entitled to practise in the High Court of Justice in England or Ireland, or in the Supreme Court of Scotland, or is a solicitor or attorney admitted and entitled to practise in the Superior Courts of Law in those of Her Majesty's Colonies or Dependencies where, in the opinion of the board, the system of jurisprudence is founded on or assimilated to the common law and principles of equity as administered in England, and where the like service as mentioned in the next subsection under articles of clerkship to a solicitor or attorney and an examination to test the qualification of candidates are or may be required previous to such admission, and where practitioners of the Supreme Court of Western Australia are entitled to be admitted."

The standard in Western Australia is, besides serving five years' articles, that a person is bound to pass three examinations, the preliminary, the intermediate, and the final examinations. The Bill before the House enables a person who has been a managing clerk, or who has been a clerk for 10 years, five of which he has acted as a managing clerk, to be exempt from the general knowledge and intermediate examinations. When the country is spending so much money in primary and secondary education it may be thought to be wrong that we should abolish any examinations, but it has been contended with some degree of force that to a person who for 10 years has been a clerk in a solicitor's office, five of which he has acted as a managing clerk, it would be inflicting a hardship to make that person pass an examination in the subjects contained in the preliminary examinations. That has been considered in the old country and in New South Wales, and in the other Bills on three occasions, which have been passed in another place, and the Bill which passed this House on one occasion. I may mention now to the House that this Bill has been considered by the Barristers' Board, and very carefully by the Barristers' Board, and they are practically agreed that we may safely ask Parliament to add to the list of qualifications in the Legal Practitioners Act that qualification contained in Clause 2 of the Bill. There are only two other matters to which I wish to draw attention. It is left entirely to the Barristers' Board to say who is a managing clerk within the meaning of the Bill, and the decision of the Barristers' Board is not to be subject to review or appeal. The only other matter is in regard to Clause 6 of the Bill. It is thought that any person who has matriculated or graduated, or passed the matriculation examination at any university in Great Britain or Ireland, or Australasia, should not be required to pass the preliminary examination required by the rules under the original Act. That clause is placed in the Bill to give the force of law to opinions which have been expressed in that connection. I have no doubt now that this Bill will pass the House and we shall get it on to the statute book, and thereby it will prevent the idea that has been getting abroad that the Barristers' Board are anxious to do an injustice to the managing clerks. I doubt very much whether many gentlemen will be able to avail themselves of this provision, because I do not think there are many managing clerks employed in this State; at any rate we will put the Bill on the statute book for there has been a

great clamour amongst those who think that an injustice is done to these people. I move—

That the Bill be now read a second time.

Hon. W. PATRICK (Central): I second the motion.

Hon. R. W. PENNEFATHER (North): I notice that by Clause 2 of the Bill the phraseology clearly indicates that it is strictly limited to those clerks who have completed the term of 10 years so that any clerk who subsequently completes the term of 10 years is excluded from the provisions of the Bill when it becomes an Act. In order to remedy that injustice I intend to propose in Committee that the words "who may complete" the term of 10 years shall be added. Then it will apply to persons who are now engaged in completing that term. There is also another amendment I shall move in Committee, it is just as well to mention it now, and that is, to add to the Bill a clause giving persons who are admitted, or who are entited to be admitted as barristers and solicitors of the High Court of Australia, power to practise before the Court in Western Australia. It is strange to say that a person may be a practitioner of the High Court of Australia, and yet is not able to practise in this State. It is sought to remedy that state of things by adding a clause to the Bill to enable persons who are entitled to be admitted, or who are admitted to practise in the High Court, to practise in this State. These are the few observations I desire to make on the measure. I am rather disinclined to support the Bill strongly, because I do not think it is a wise thing for Parliament to go out of its way to dispense with any educational qualification.

Hon. S. J. HAYNES (South-East): On former occasions I have opposed Bills of this character, but on this occasion, after considering the position and reading the Bill, I can see my way to support it. On former occasions I opposed the Bill brought before the House to a large extent on the ground that the Bill then submitted to the House was in favour of individuals rather than a class. In this instance the Bill provides reasonable provision for bona fide managing clerks, and I am aware that for some time there has been a demand and clamour for this legislation I think the Bill provides reasonably for bona fide, deserving, and intelligent managing clerks. Similar provisions are, I know, in force in England and in New South Wales. I do not think in Victoria. I am adverse to reducing the standard of education, principally because we should keep up the standard of the profession, and it is wise in the interests of the general public. With regard to reciprocity, as far as one of the States is concerned, I refer to Victoria, there is no reciprocity at all. I have always thought that was exceedingly unfair and unjust. Practitioners come here from Victoria and are admitted, while the practitioners of Western Australia, where the standard is equal to that of Victoria, are refused admission in that State. I do not think this Bill will do any harm, at any rate it is reasonably safeguarded. It will be an inducement to intelligent men, those with the experience they have gained by the 10 years' service, and the public interests will also be protected. In the circumstances I shall support the Bill in this instance and I trust that it will be sufficient without further lowering the standard for the admission of practitioners to the Supreme Court of this State.

Hon. M. L. MOSS (in reply): If no other member desires to speak I would say in reply to Mr. Pennefather that I shall do my best to resist the amendment he proposese to move with regard to the practitioners of the High Court. I have always been a great supporter of the system of compelling persons to serve articles. The Bill is a very good substitute because there is a ten years' service as a managing clerk provided for, and when we come to apply the question of practice generally required in a solicitor's office to the conditions of a country like Western Australia, members will see how necessary it is that this period of service under articles should be insisted upon, because a practitioner of the Supreme Court has to do general work, counsel's work, and solicitors' work, and it is essen-

rial he should acquire the necessary experience gained by five years' service. With regard to the High Court of Australia every practitioner of the Supreme Court of a State can be enrolled as a practitioner of a High Court without any examination. The Judges of the High Court under the Federal Judiciary Act have made a set of rules providing for the admission of practitioners to the High Court of Australia. Although there is an excellent examination it is provided that there need not be service under articles, but there is a three years' period as a federal law student, and the only duty imposed under these rules is that the student shall attend the sittings of the High Court in the State in which he resides, sign the attendance book on the first day of the sittings, which in Western Australia would be for six or seven days once a year. The hon. member's proposal will be a short cut to do that which under our present Legal Practitioners Act there is a five years' course provided for. These rules of the High Court have been made for this purpose: It may turn out later on that there may be a class of persons who desire to practise in the High Court only in connection with cases involving constitutional questions and appeals, and I venture to say that probably outside the cities of Melbourne and Sydney there never will be an applicant for admission except a person who might endeavour to use this method, as I have stated, as a short cut to secure admission to practise in the Supreme Court of Western Australia. While the law here provides for a course of five years' service, everybody should go through that routine, and there should be no short cut. For these reasons I shall do my best to resist the amendment of the hon. member.

Hon. R. F. SHOLL (North): Mr. President——

The PRESIDENT: The remarks of the hon. Mr. Moss have closed the debate on the second reading but by the indulgence of the House the hon. member may speak. Is it the wish of hon. members that the Hon. Mr. Sholl should speak?

Members: Yes.

The PRESIDENT: The hon. member may proceed.

Hon. R. F. SHOLL: I only wish to say a few words. I have already opposed this Bill and I am still of the same opinion.

The Colonial Secretary: It is a different Bill.

Hon. R. F. SHOLL: I object to it for the reason that it is allowing the admission of certain individuals to practise as legal practitioners in the court without going through long years as articled clerks. Articled clerks have to pay a premium and serve at least five years before they can become qualified to practise, and in that time they receive no payment. They have to study hard and they have to pass stiff examinations, and I think it is most unfair that a different mode should be adopted for certain individuals who have been earning money the whole time. I think following on this, to make it fair, it would be only right that the law should be relaxed so as to make the time for students shorter; students would then be able to pass their examinations and become practitioners without having to wait for the full period of five years, and they should also be able to obtain, which is not the case at the present time, some remuneration while giving their services. I have no feeling in this matter. The legal gentlemen of the House seem to have no objection to the Bill and I do not propose to take any active part with regard to it. If there were any objection to the present Bill I would certainly follow those who were opposed to it. There is another thing I object to in the Bill and it is that it casts too much upon the Barristers' Board. The Barristers' Board will not take the responsibility of stating whether an applicant has, or has not, qualified.

Hon. M. L. Moss: Oh yes they will.

Hon. R. F. SHOLL: I doubt whether they will. It is difficult enough now to get the Barristers' Board to do what little work they have: students have to wait for weeks to hear the results of their examinations. That is all I have to say in regard to the matter. As I stated be-

fore, there seems to be no objection by the professional gentlemen in the House and I do not propose to take any active part with regard to the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Clause 1—agreed to.

Clause 2—Qualification of managing clerks for admission as practitioners:

Hon. R. W. PENNEFATHER moved—

That in line 1 of Subclause (a) after the word "completed" the words "or may complete" be added.

Amendment passed; the clause as amended agreed to.

Clauses 3 and 4—agreed to.

Clause 5—Power of Barristers' Board to dispense with part of term:

Hon. J. W. LANGSFORD: This clause referred to practitioners in any of the "Eastern States." Was this explicit enough? Should not the words be "other States of Australia"?

On motion by Hon. M. L. Moss the clause was amended in line 4 by striking out "Eastern States" and inserting in lieu "other States of the Commonwealth"; and the clause as amended was agreed to.

Clause 6—Preliminary examination not required of articled clerks who have matriculated:

Hon. R. W. PENNEFATHER: There seemed to be doubt as to whether the word "Australasia" included New Zealand. He moved an amendment—

That the word "Australasia" be struck out and "the Commonwealth of Australia or the Dominion of New Zealand" inserted in lieu.

Amendment passed; the clause as amended agreed to.

New clause—Admission of female practitioners:

Hon. J. M. DREW moved that the following be added to stand as Clause 7:—

"A female who has complied with the Act and Rules in that behalf may be admitted as a legal practitioner."

At present there was no power to enable a woman to become a legal practitioner. She might serve her articles and pass the examinations but could not be admitted. He understood that some time ago there was a test case before the Full Court, and the Full Court decided that there was nothing in the Legal Practitioners Act preventing the admission of women as legal practitioners, but that it was advisable that before the step was taken in that direction there should be some specific power given in the Act. In Victoria and New Zealand women were admitted, and any woman admitted as a barrister in Victoria could appear before the Federal High Court. Women had distinguished themselves in other professions, in literature, in journalism, and in medicine, and should be given a chance of doing so in the legal profession. If a woman had the intelligence there should be no obstacle placed in the way of her being admitted to the Bar.

Hon. M. L. MOSS: If there were any other new clauses to be moved it would be as well to see them on the Notice Paper, and Mr. Pennefather might put his suggested amendment on the Notice Paper.

Progress reported.

ADJOURNMENT—STATE OF BUSINESS.

The COLONIAL SECRETARY: As several Bills have been referred to a select committee, and as it will take some time for the committees to report, and as a majority of the members live in the country, thus entailing considerable time in travelling to get to the House, and they have expressed the desire that we should only meet when we have a certain amount of business to do, I move—

That the House at its rising do adjourn to Tuesday, the 26th October.

Question passed.

House adjourned at 5.12 p.m.