Legislative Assembly.

Wednesday, 26th October, 1932.

	PAGE
Petition: Lotteries (Control) Bill	1374
Questions: North-West medical services	1374
Treasury bills	1374
Traffic Act, license fees	1374
Unemployment, land allotments	1374
Motions: Government business, precedence ...	1375
Legal practitioners, to inquire by Select Committee	1377
Bill: Financial Emergency Tax Assessment, report	1377
Return: Railways, locomotives and customs duty ...	1404

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

PETITION—LOTTERIES (CONTROL) BILL.

HON. P. COLLIER (Boulder) [4.33]: I have a petition from certain people in regard to the Lotteries (Control) Bill. I move—

That the petition be received and read.

Question put and passed; petition received and read.

Hon. P. COLLIER: I move—

That the petition be printed, and that its consideration be made an Order of the Day for the next sitting of the House.

Question put and passed.

QUESTION—NORTH-WEST MEDICAL SERVICES.

Mr. CHURCH asked the Minister for Health: 1, Is he aware that the medical and hospital services are inadequate in the northern portions of the State? 2, Will he give consideration to methods of improvement with a view to greater efficiency and to lessening the cost to the people living in those areas?

The MINISTER FOR HEALTH replied: 1, No. 2, The system of organisation of medical and hospital services in the North-West is now under consideration.

QUESTION—TREASURY BILLS.

"A National Dividend."

Mr. NORTH asked the Minister for Railways: 1, What is the official explanation as to why Treasury Bills taken up by the Commonwealth Bank (a) are issued at a discount; (b) must earn interest; (c) must be repaid? 2, In view of the assertion by a British journalist named Cherry, in the London "Pictorial Weekly," that alternative plans for a practical distribution of a national dividend have been worked out in concrete detail and have been receiving official consideration at the Treasury for some months, and further that Britain's Prime Minister has advocated this course as a means of national salvation, will he inform the House whether any similar plans have been made for Australia, and will he grant further opportunity for debate on the Douglas proposals?

The MINISTER FOR RAILWAYS replied: 1 (a) This is the usual custom, and in accordance with the arrangement made by the Loan Council with the Commonwealth Bank; (b) see answer to No. 1 (a); (c) see answer to No. 1 (a). 2, I am not aware of any similar plans made in regard to Australia, which would be a matter for the Commonwealth Government to decide.

QUESTION—TRAFFIC ACT, LICENSE FEES.

Mr. BROWN asked the Minister for Works: 1, How many road boards in the State paid their full quota of license fees to the Main Roads Board during the years 1929-30 and 1930-31? 2, How many road boards during the years 1929-30 and 1930-31 failed to meet their obligations to the Main Roads Board? 3, Is it a fact that the remitting of the quota of license fees by road boards was held in abeyance during the years 1929-30 and 1930-31?

The MINISTER FOR WORKS replied: 1, 52 and 83 respectively. 2, 50 and 19 respectively. Of the 50 and 19 road boards indicated, 28 and 14, respectively, are liquidating their arrears by monthly, quarterly, and half-yearly payments. 3, No.

QUESTION—HILLS DISTRICTS LAND ALLOTMENTS.

Mr. SAMPSON asked the Minister for Works: In view of the fact that the policy of withholding land suitable for the production of fruit and other primary products is preventing development in the Hills districts, will the Minister give consideration to

the release of those blocks or sections which, because of their contour or situation, do not provide a course for water flowing into any reservoir, and the occupation of which could not, in any circumstances, endanger public health?

The MINISTER FOR LANDS (for the Minister for Works) replied: It is necessary in the interests of the Metropolitan Water Supply that no Crown land or land acquired by the department that is required for future use for water supply catchment should be given up to private ownership.

MOTION—GOVERNMENT BUSINESS, PRECEDENCE.

THE MINISTER FOR LANDS (Hon. C. G. Latham—York) [4.40]: I move—

That on and after Wednesday, the 2nd November, Government business take precedence of all motions and Orders of the Day on Wednesdays as well as on all other days.

This is the usual motion brought down in October. As there is a considerable amount of private members' business still on the Notice Paper, the Government propose to do as is always done here—give hon. members an opportunity of discussing at length their motions and their Bills now before the House. The present motion is probably a little later than usual. The records show that in 1928 the corresponding motion was moved on the 3rd October, and in 1930 on the 22nd October. It will be remembered that during the whole of last session Government business took precedence over that of private members: and during that session private members had, I think, the fullest opportunity of bringing before the House any matter desired. I give an undertaking that the motions and Bills now standing on the Notice Paper in the names of hon. members shall receive the same consideration as usual, and that if there are any other matters of importance which hon. members may desire to discuss, opportunities to do so will be afforded them.

MR. MARSHALL (Murchison) [4.42]: I am pleased to have the Deputy Premier's assurance. The argument as regards previous sessions carries no weight, because the records show that not nearly so much private members' business was done in those years. This is one of the very heaviest of Notice Papers as regards motions and Bills of private members. In the years to which the Deputy Premier referred, the Government had much important legislation on which private members could raise questions. This session the business of the Government, although important, should be disposed of much more quickly; and the same remark applies to any further Bills the Government may desire to introduce, provided the House is advised of them beforehand. Government supporters will have to be careful how they speak on this motion. I notice they have Bills as well as motions on the Notice Paper, and therefore the Deputy Premier's motion affects the Ministerial as well as the Opposition side. In view of the assurance given by the Deputy Premier, I offer no objection to the carrying of the motion.

MR. SAMPSON (Swan) [4.43]: I suggest to the Deputy Premier that his motion be amended to read as from the 16th November instead of the 2nd November. There was no precedence for private members' business last session, as mentioned by the hon. gentleman; and although I do not dispute that consideration was given to their business, nevertheless it is a fact that in at least some instances consideration was withheld to such an extent as to render the position hopeless. I have in mind a Bill relating to taxation of which I moved the second reading very early in the session. That measure was on the Notice Paper for a long time. Unfortunately the last nine days of the session I spent in bed, being ill; but even had I been here it would have been doubtfully possible for this House and another place to pass the Bill into an Act. While members show the greatest loyalty in carrying out their work, and evince all the sincerity that is within their power, it is nevertheless a fact that they represent constituencies, and that while the Government carry the full burden of responsibility, private members also have responsibilities. Therefore it is but right that they should have opportunities of bringing their business before the House. It is indeed one of the privileges possessed by members of every Parliament that has sprung from the Mother of Parliaments,

and should be retained. I do not know if the Minister is prepared to extend the date to the 16th November, but if he should agree, the time stipulated in the Standing Orders for the termination of consideration of private members' business could be insisted upon. On different occasions Bills have been introduced and have been amended by the Government, and thereby considerable additional time has been necessitated. I hesitate to move an amendment to the Minister's motion.

Hon. P. Collier: Move it.

Mr. SAMPSON: If that motion be agreed to, to-day will be the last upon which members will have the right to bring forward any business, and Wednesdays from next week onwards will be regarded as sacrosanct for Government business. There is some important business in the names of private members on the Notice Paper, and the opportunity to consider that business should be available as a right and not as a privilege. While I am disinclined to encroach upon the Governmental prerogative to control the Notice Paper, the Minister has not indicated whether he will agree to an extension of the date in accordance with my suggestion, and in the circumstances I move an amendment—

That before "November," the date "2nd" be struck out, and "16th" inserted in lieu.

THE MINISTER FOR LANDS (Hon. C. G. Latham—York—on amendment) [4.47]: I cannot accept the amendment. I have already given an undertaking, to which the Premier will agree when he returns from the Eastern States, that hon. members will have the fullest opportunity to discuss matters they desire to deal with. As the Notice Paper stands, much time is wasted in discussing matters that could be dealt with later on when our Bills are before the Legislative Council. The member for Swan (Mr. Sampson) has no reason to complain of the treatment he has received this year. It was his own fault that the Bill he referred to was not discussed last session.

Mr. Sampson: The Bill was on the Notice Paper for many weeks and was in perfect order.

The MINISTER FOR LANDS: I do not know that it was in perfect order, but I do remember that at his own instigation the consideration of the Bill was postponed on one or two occasions. I cannot worry about what happened last year, but I am concerned with the position this session. We shall give the fullest opportunity to private members to discuss their business. The Government are anxious to get their Bills before the Legislative Council, and it will be remembered that, as this is the last session of the present Parliament, we are compelled by the provisions of the Constitution Act to terminate the Parliament, at any rate, before the end of January. I presume how members do not desire to resume the session after Christmas. There is some important legislation that the Premier will probably have to deal with on his return from the conference in Melbourne. In the circumstances I cannot agree to the amendment.

MR. SLEEMAN (Fremantle) [4.50]: While I am prepared to accept the Minister's assurance that an opportunity will be given to private members to deal with their business, in view of the fact that there is a considerable volume of private members' business on the Notice Paper and that the Government are bringing down legislation fairly fast——

The Minister for Lands: We have not introduced any for some time.

Mr. SLEEMAN: Quite a number of Bills have been introduced recently and still more are to be introduced. The Governor's Speech indicated certain legislation that has not been before us yet.

The Minister for Lands: I do not know of it.

Mr. SLEEMAN: Private members will have other business to place before the House, and already there is twice as much under that heading as appeared on the Notice Paper of any other Parliament of which I have been a member.

Mr. Kenneally: It must be an instance of cause and effect.

Mr. SLEEMAN: Private members' business is just as important to them as Government business is to Ministers and, I believe, to the country. At any rate, it will do no harm if we agree to the amendment because we will then have the right to deal with our business over the extended period and not be allowed to do so as a privilege.

Mr. SAMPSON: With the permission of the House, I will withdraw my amendment.

Hon. P. Collier: It always ends up that way with you.

Mr. SAMPSON: I am accepting the Minister's assurance that he will give the neces-

sary opportunity to deal with private members' business. I remember that in 1930——

Mr. SPEAKER: Order! The hon. member cannot make a speech.

Amendment, by leave, withdrawn.

Question put and passed.

BILL—FINANCIAL EMERGENCY TAX ASSESSMENT.

Report of Committee adopted.

MOTION—LEGAL PRACTITIONERS.

To Inquire by Select Committee.

Debate resumed from 28th September on the following motion by Mr. Sleeman:—

That a select committee be appointed—(1) to inquire into the Legal Practitioners Act, 1893-1926; (2) to inquire into the Supreme Court rates covering the scale of legal practitioners' fees and the method of submitting and taxing costs, and all matters incidental thereto.

MR. MARSHALL (Murchison) [4.55]: I support the motion. It was pleasing to listen to the Attorney General in defence of the legal fraternity and of the Legal Practitioners' Act. I confess that his desire for an inquiry was probably accompanied by the proviso that it would take the form he would most desire. He differed from the member for Fremantle in that respect, but the fact that the Attorney General said he was prepared to have an inquiry represented at least an admission on his part that there is room for investigation.

The Attorney General: I said exactly what my view was. I indicated that the cost of litigation might be a little high.

Mr. MARSHALL: If the hon. member looks up his speech in "Hansard," he will find that he admitted he would not object to an inquiry, but indicated that the form that the member for Fremantle desired was objectionable to him. In the course of his remarks, he accused the member for Fremantle of already being prejudiced against the legal fraternity, and he said, "Imagine the member for Fremantle being on the select committee." I am sure that if the Minister looks up his speech in "Hansard," he will see that he admitted it was merely the form the inquiry was to take that he regarded as objectionable.

The Attorney General: I went further and asserted that I desired an inquiry respecting certain phases.

Mr. MARSHALL: That is all the motion amounts to.

The Minister for Lands: But the inquiry may not be in respect of the same matters.

Mr. MARSHALL: The motion mentions three points that should be the subject of inquiry, but I admit that those points may cover a lot of ground. I also agree with the Attorney General when he argued that no institution or organisation in the world had ever secured 100 per cent. efficiency. Even in small organisations or fraternities, even the most exclusive, there may be found one or two individuals who have gained admission and who may bring the institution into disrepute. Unfortunately the legal fraternity is not immune in that respect, but it would be unfair to say that all lawyers have no sense of honour or decency. It would be wrong to say that, and I do not propose to argue along those lines. In the legal profession can be found some of our most honourable men, and therefore one can discuss the motion impartially. That is what I propose to do. The Legal Practitioners Act is an old one, nearly as old as the Attorney General.

The Attorney General: I have been called all sorts of things, but never before have I been designated as "very old."

Mr. MARSHALL: The Act was passed in 1893 and it has been subject to small amendments only during the 40 years, approximately, it has been in force. In those circumstances, a review of the measure cannot be harmful, more particularly when we can advance strong arguments in favour of that course being adopted. I suppose the Attorney General is aware that many years ago, when Sir Walter James was Attorney General, the then member for Perth, Mr. Purkiss, moved to amend the Legal Practitioners Act in respect of articled clerks. Sir Walter James admitted that the system of articled clerks should be abolished. That was in about 1902 or 1903. He admitted that under the Act the system was particularly harsh on

a number of those aspiring to become lawyers. He went so far as to say that if the member for Perth would withdraw his Bill he himself would introduce legislation before the expiration of that Parliament. However, although the Bill was withdrawn that promise was not fulfilled, and from that day onwards, with the exception of two very small amendments, the Act has not been interfered with, is indeed in the same shape now as it was when placed on the statute-book 40 years ago. In regard to articled clerks very drastic powers are granted to the Barristers' Board. It is most difficult for certain individuals ever to become lawyers, particularly if their people are in lowly circumstances. Sir Walter James admitted that once a person had passed all his degrees he should be qualified to practise as a lawyer. It is now 30 years since that statement was made, yet the position has not been improved.

Mr. Parker: It has been said that examinations mean nothing.

Mr. MARSHALL: I would rather be asked to do an articled clerk's work than to take on the necessary examinations. It is necessary to study and pass examinations in law to become a lawyer, and on top of that the authorities then say "You have to get some practical experience." It is necessary that the youth should be able to interpret law and argue law, and must learn the ordinary routine business as a lawyer; which, as the Attorney General informed the Chamber the other day, consists of much more than court work. I agree with that. The actual interpreting of the law is a small matter in a lawyer's routine. The medical profession is equally exclusive with that of the law. But after passing all his examinations and getting his diploma any person can practise as a doctor and be called into a home to give medical attention.

The Attorney General: A doctor cannot get his degrees without a great deal of study.

Mr. MARSHALL: I agree, but where can he get experience before securing his diploma?

The Attorney General: In the hospitals.

Mr. MARSHALL: Nothing of the kind. He goes into the hospitals after he has got his degree.

The Attorney General: No, the later portion of a doctor's course is always spent in a hospital.

Mr. MARSHALL: There is nothing to prevent any person, male or female, from winning a diploma as a doctor by virtue of passing an examination; even though he or she has never handled a case, the diploma carries the right to practise as a doctor. It is after the diploma has been secured that the doctor goes to a hospital in search of practical experience, and will render service even in an honorary capacity in order to get that experience. The Barristers' Board differs from the Medical Board in that regard. We have on the one hand a man or woman handling health and life, while on the other we have merely a consideration of law.

The Minister for Lands: And it may cost you much if you get a bad lawyer.

Mr. MARSHALL: It is unfortunate also if you get a bad doctor. We know that almost daily inexperienced doctors have the lives of sick persons in their hands, because a doctor has the right to practise as soon as he gets his diploma.

The Attorney General: Suppose that is correct: is it right?

Mr. MARSHALL: I suggest that practical experience is more necessary in a doctor than in a lawyer.

The Attorney General: You do not think it is right in either?

Mr. MARSHALL: I am not saying that. I know one doctor, a man of great initiative, who had had very little experience when first he came to the goldfields, yet he did some fine work there while still a very young man, and is now successfully practising in Perth as a specialist. A very fine man he is. However, it seems that no fixed term of practical experience or apprenticeship is required in a doctor once he has his diploma, and I do not think the Barristers' Board should have power to force young men who have passed their examinations to become articled for a further lengthy period.

Mr. Parker: What do you think of a man who has got his degree but has proved that he cannot conduct a case? Ought he to serve articles?

Mr. Panton: He will not get much work, anyhow.

Mr. MARSHALL: The trouble is that a litigant does not know who is a good lawyer and who a bad one until after the case is over. If the client is victorious, of course he eulogises his counsel, whereas if he fails in his suit he does not recommend his counsel to any of his friends. That does not alter the fact that the Legal Practitioners Act gives far too much power to the Barristers' Board, who can regulate almost everything appertaining to admission to the legal fraternity and can say exactly who shall and who shall not enter it. And from such a decision of the Barristers' Board there is no appeal. Even if a youth has served his articles, the Barristers' Board can turn him out, and there is no appeal. One cannot go to the court with an appeal against the decision of the Barristers' Board, because there is no provision whatever for such an appeal. No articled clerk can appeal against the refusal of the Barristers' Board to grant him his certificate after he has concluded his course. Such drastic power should not be conferred on a board composed exclusively of lawyers. What a glorious thing it would be for the industrial organisations if they could get the same power!

The Minister for Works: And what about members of Parliament?

Mr. MARSHALL: Yes, how exclusive we would be. There would be no more elections, and we would see you, Mr. Speaker, representing Wagin for a very long time to come. But there is the point confronting us, that the Barristers' Board is composed solely of lawyers and is remarkable in its constitution. Under the Legal Practitioners Act we could have four sections of the board all legally constituted, and all forming the Barristers' Board and arriving at decisions. The Barristers' Board is composed of all the K.C's in the State, plus five lawyers and the Attorney General and the Solicitor General. In all there are about 16 members of the board, and four of them form a quorum at meetings. So if there were any dispute amongst them they could form themselves into four different parties and each of those parties could give decisions that would be sound under the Act as it stands. That is one of the anomalies in the Act which the Attorney General himself believes require amending. I know there have been no disputes in the Barristers' Board and there is not likely to be any; for once you get a stout wall built around you representing security of tenure, you are likely to be amiable, one to the other. I do not know whether those practising as lawyers in the city are aware of it, but the Barristers' Board have refused to grant the necessary certificates to certain applicants who have finished their articles, demanding from them another examination as to character, a very stiff examination, besides a fairly large premium, which they have to pay when they apply to the Barristers' Board for a certificate, something like 12 or 13 guineas.

Mr. Parker: How much of it is stamp duty?

Mr. MARSHALL: I do not know.

Mr. Parker: About £10.

Mr. MARSHALL: I know what they are under an obligation to pay, but I do not know how it is distributed.

Mr. Parker: It is a tax of £10.

Mr. MARSHALL: I am not disputing that, but I know the total cost is something like 12 or 13 guineas before the applicant can get his certificate as a practitioner.

Mr. Parker: It means more than that, for there are other fees to be paid.

Mr. MARSHALL: I know a lot of incidental payments have to be made, including the annual premium which has to be paid by every lawyer. It is therefore particularly difficult for any person other than the son or daughter in a financially-comfortable family to aspire to become a lawyer. The legal profession is very much like the medical profession—it is exclusive. There is not an industrial organisation that would not grasp with both hands protection similar to that given to legal practitioners.

Hon. N. Keenan: And pay the same fees?

Mr. MARSHALL: Yes.

Hon. N. Keenan: Pay the same fees to the Government?

Mr. MARSHALL: While the Attorney General was correct in stating that legal fees were regulated by the Supreme Court and the Baristers' Board, I point out that there is no one in the Supreme Court of whom I can think who was not a lawyer himself before securing a position in the Supreme Court. There again, we have the anomaly of an ex-lawyer telling those who follow in his wake exactly what they shall earn. Any organisation would be glad to have such legislative protection.

The legal fraternity really have the right to say what they will charge. Although the Attorney General's statement that the fees are regulated was true, it is also true that many lawyers pay no regard to the maximum fee, but, so far as I can see, charge what they like. A most remarkable provision of the Act is that if a client disputes a lawyer's bill of costs and gives notice of his intention to have it taxed—very few people know that a lawyer's account may be challenged in that way—the lawyer my demand a return of the account and issue a new one. The Attorney General did not explain that. Consequently, one of two things happens; either the lawyer feels guilty of having over-charged and reduces his account, or else he concludes that he has under-charged and increases the amount exorbitantly so that he can stand a reduction when the costs are taxed. The Attorney General more or less informed us of that fact when he quoted the small items that appear in a lawyers' bill of costs. He said that if the lawyer were not able to make up his bill in that way, he would have to be able to make it up in some other way. If a lawyer wished to increase his account by five, 10 or 15 guineas, he would have no difficulty in doing so under the Legal Practitioners' Act. The multiplicity of minute services for which a charge may be made is astounding. If all business people were in a similar position to base their charges, the public would be having a bad time. I have a bill of costs before me and it was taxed. The defendant lost the case. He had to pay his own lawyer £13, and as costs were given against him, he had to pay the plaintiff's lawyer, whose account amounted to £20 6s. 10d. He said the plaintiff's bill of costs was exorbitant and that he was going to get it taxed.

Mr. Parker: The costs of the other side are always taxed.

Mr. MARSHALL: In this instance they were not taxed. The total of the account was £20 6s. 10d. and, on being taxed, the amount was reduced by 13s. 4d., and the cost of taxing was 7s. It is not very encouraging to the public to get costs taxed if they have to pay 7s. to get a reduction of 13s. 4d.

The Attorney General: I could quote you an instance.

Mr. MARSHALL: But I am giving the facts of a case.

The Attorney General: What do they prove?

Mr. MARSHALL: The value of the Minister's argument when he said the fees were regulated by the Supreme Court. The figures I have quoted show how the fees are regulated. The defendant secured a remission of 13s. 4d. and was charged 7s. for the taxing.

The Attorney General: That was equivalent to saying that the costs were not exorbitant.

Mr. MARSHALL: But they must have been exorbitant because they were reduced by 13s. 4d. It is possible that the Barristers' Board do not keep statistics, but it would be interesting if we could ascertain the number of accounts that are taxed. I suggest that a very small percentage are taxed, for the obvious reason that the general public do not know that such an account may be taxed. I confess that I did not know of it until a couple of years ago.

The Attorney General: Do you know that a man in the Supreme Court does practically nothing else but taxing costs?

Mr. MARSHALL: I know he is there for the purpose, but what proportion of the general public know?

Mr. Parker: Everybody who goes to the court knows it.

Mr. MARSHALL: If we could check the accounts rendered by lawyers, it would be found that the greater percentage were in excess of the fees allowed.

Mr. Parker: No.

Mr. MARSHALL: Then they are made up of items so numerous that, in the aggregate, the lawyers get more than they are justly entitled to. Will the hon. member admit that?

Mr. Parker: No

Mr. MARSHALL: Well, that is my belief. Those matters are worthy of close investigation. I do not accuse all lawyers, or even the majority of lawyers, of being dishonest, but with the protection granted them under the Act, much can be done which appears to be honest but which is not quite fair. It is time the legal Practitioners Act was thoroughly overhauled and put on a different basis. The New Zealand Act is rather good.

Mr. Parker: An alteration of the Act would not mean an alteration in the scale of costs.

Mr. MARSHALL: An inquiry is needed into the system of costs.

Mr. Parker: No, you want to deal with the Supreme Court Act.

Mr. MARSHALL: The Attorney General told us we would find that the fees were regulated by the rules of the Supreme Court and that we could get a copy of the rules for 18s. 6d. Imagine any hon. member of the community paying 18s. 6d. for a copy!

Mr Parker: He would not understand it if he got it.

Mr. MARSHALL: I am sure he would not; it would be as mysterious to him as are some of the advocates who appear in court.

Mr. Sleeman: The price is 25s.

Mr. MARSHALL: Then it must have gone up. In the instance I gave of the taxing of a bill of costs, taking the defendant's time into consideration, the reduction he secured would not have paid him for the trouble. I do not know whether the Attorney General spoke for the Barristers' Board, or whether he merely put up a case as a lawyer, or whether he spoke on behalf of the Government, but he certainly gave us a lot of information. Amongst other things he said that the member for Fremantle (Mr. Sleeman) was over-imbued with youthful impetuosity, and could have been more accurate had he secured facts from the Barristers' Board. The Attorney General did not indicate that he himself was imbued with youthful impetuosity. His was a very clever defence of the profession. While admitting that some reform was necessary, he conveyed that lawyers' fees were regulated and closely observed, and that it was not possible for the public to be deceived or taken down. The statement was more or less true, but in actual practice things do not work out that way. The public do pay exorbitantly for the services of a lawyer. I agree with the Attorney General that litigation is costly, and to overcome that disadvantage, some of our laws might be altered. A magistrate in a local court has authority to deprive a man or woman of liberty for a period up to six months on certain charges. If two persons have agreed to sever the matrimonial bond and to seek a divorce, they are obliged to go to the Supreme Court. If a man wants to get married, however, he can go to an ordinary registrar at Meekatharra and have the job done for 2s. 6d. or 5s.

The Minister for Lands: It costs a lot more than that to get married.

The Attorney General: You have to buy a ring and pay the parson.

Mr. MARSHALL: I am talking about the cost of the ceremony.

The Attorney General: Do you think it should be just as cheap to get a divorce as to get married?

Mr. MARSHALL: I think it should be cheaper. One is much wiser a few years after matrimony than one was before. Enormous power is given to magistrates in one direction, but none at all in another. People who are quite ready to separate are obliged to go to the Supreme Court before they can attain their wishes.

The Attorney General: You do not propose to inquire into that, do you?

Mr. MARSHALL: A select committee would inquire into the cost of litigation generally. If litigation were not so expensive, we could inquire into the divorce side of things as we went along.

The Attorney General: Do you think that people who want a divorce should be allowed to go to a cheaper court?

Mr. MARSHALL: A lower court should be permitted to handle such cases.

Mr. Parker: What about the local policeman?

Mr. MARSHALL: When people have for a number of years agreed to separate and both want a divorce, they should not be forced into considerable expense to secure it. It is not necessary to go into a court to be married.

Mr. Parker: It is not always possible to get a divorce even by going to the Supreme Court.

Mr. MARSHALL: When there is ground for a divorce, the parties concerned should not be put to a lot of expense to prove their case.

The Attorney General: If you were to have divorce by consent of both parties, it could be made infinitesimally cheap, but that is not the view of the law.

Mr. MARSHALL: Many of our laws are like the Legal Practitioners Act. It was very conservative when it was put on the

statute-book, and there it has remained all these years as unworkable as ever.

The Attorney General: Would you be prepared to bring down a Bill providing for divorce before a magistrate by consent of both parties?

Mr. MARSHALL: I would be prepared to do what I could to reduce the cost of litigation. Another remarkable feature about the Legal Practitioners Act is that when a person has complied with all its provisions and become a lawyer, he is not allowed to start business within three miles of the firm to whom he was articled.

The Attorney General: To what section of the Act do you refer?

Mr. MARSHALL: I refer to Section 14 (a), paragraph (c) which provides that it shall not be lawful for any person admitted under the provisions of that section of the Act to——

The Attorney General: To what does that refer?

Mr. MARSHALL: To an articled clerk.

Mr. Parker: No, to a managing clerk.

The Attorney General: That is where a managing clerk is admitted without articles.

Mr. MARSHALL: Probably the Attorney General is correct. The section goes on to say that such a person is not permitted, within 12 months of his admission to the Bar, to practise as a legal practitioner.

The Attorney General: That applies to the case of a man who has been acting as managing clerk for a certain number of years, and who upon passing his examination may be admitted without the service of articles.

Mr. MARSHALL: That would not apply to many men in this State.

The Attorney General: There are three or four such men practising in Perth now.

Mr. Parker: They do not all take advantage of it.

Mr. MARSHALL: Under the Act it is possible for a lawyer, who takes a case for a client with the object of protecting the property of that person, upon securing a verdict to get a lien over the property or sell it in order to recover his costs.

The Attorney General: A legal practitioner can only get such a lien over the property he has recovered, and he can then only hold it up until the costs are paid.

Mr. MARSHALL: He can take possession of it.

The Attorney General: He can get a lien over it. An hotelkeeper may take a lien over the baggage of a customer until his charges are paid, or a motor repairer may take a lien over the motor car he is putting right until his costs are paid.

Mr. MARSHALL: In one case the action has to be taken in the ordinary way.

Mr. Parker: No, he just holds on to the property.

Mr. MARSHALL: Under the Legal Practitioners' Act the lawyer has authority to take a lien over the property. He is not compelled to go into court.

The Attorney General: If you stayed at an hotel for a fortnight, and when the time came for you to go the hotelkeeper did not like the look of you and you had not paid him, he could hold up your luggage.

Mr. MARSHALL: What I read into the Act was that any property secured to a client with the help of his lawyer could immediately be placed under lien to that lawyer. It is therefore possible for a dishonest practitioner to do a certain amount of injury to his client, who might not be able to afford to pay the costs at that time. Probably in ninety-nine cases out of a hundred everything would be all right, but in the hundredth case an unscrupulous lawyer might cause a good deal of suffering to his client.

The Attorney General: Unless a solicitor had a lien or some assurance that his costs would be paid he would not act for the client.

Mr. MARSHALL: If everything is arranged in black and white it is a different matter, but the Act immediately gives power to the solicitor to hold the property until his costs are paid.

The Attorney General: It is the same in the case of the hotelkeeper.

Mr. MARSHALL: Yes, but it is none the less unfair.

The Attorney General: You may take your watch to a jeweller to be repaired and he can hold it until you have paid him for his work.

Mr. MARSHALL: I do not know that he can.

The Attorney General: He can do so.

Mr. MARSHALL: It is not right that this should be so in the case of property.

A man does not go to law over property unless it is of some value.

Mr. Parker: You do not get a watch repaired unless it is of value.

Mr. MARSHALL: That is very different from property. I should like to quote one or two cases of costs to see whether the Attorney General thinks they have been properly made up. The first one is the case of a young man who, through youthful impetuosity, got himself into trouble. In due course he secured the assistance of a lawyer.

The Attorney General: Are you going to lay the papers on the Table of the House?

Mr. MARSHALL: The Attorney General may have them if they are of any use to him. This young man was so youthful that his mother accompanied him on one occasion after the case had been started. She only went out of sympathy for her son. After the case was finished the boy was assessed at costs running into about £13. Another account came along for "attending you and your son." For accompanying her son the mother had to pay one guinea. That is the way accounts are made up to-day. It is most remarkable. There are some for 3s. 4d. and some for 1s. 3d., small and very amusing items. I want to quote a case, and it is one of the most unfair that has ever come under notice in this city. It is said that when you pay for experience you do not forget it. I have had this experience and have not forgotten. This was a case in which my wife was directly concerned. It was over a business that was sold in North Perth. The case was heard before a Judge in Chambers, and my wife was the defendant, so that it will be realised she was not the aggressor. The plaintiff in the case paid £75 without prejudice into my wife's lawyer's hands before the case was heard. The case occupied about 10 minutes. As soon as my wife's lawyer outlined what had happened, the judge asked the plaintiff whether what had been stated was a fact, and on being assured that the facts were as stated, he dismissed the case and gave costs to the defendant, my wife. In due course the defendant went to her lawyer to settle up, and out of that £75 that was paid to him, found that he had deducted not only his own fee but also the plaintiff's lawyer's fee, and had paid him. That lawyer is practising in Perth to-day. My wife actually won the case and costs were given against the plaintiff, and the lawyer took not only what he was entitled to receive, but deducted the plaintiff's lawyer's costs, and paid him.

Mr. Parker: You should have reported the matter to the Barristers' Board.

Mr. MARSHALL: Unfortunately I was not in Perth at the time, and my wife was in such a condition that she could not be bothered any further. Those are the facts and they are on record. The solicitor in question is still practising here.

The Attorney General: How much was involved?

Mr. MARSHALL: About £10.

The Attorney General: If the facts are right, you could get that £10.

Mr MARSHALL: There is no doubt about the facts.

The Attorney General: I have serious doubt about the facts.

Mr. MARSHALL: There is not the slightest doubt. I know; I paid.

The Attorney General: I think we can get you that £10

Mr. MARSHALL: Very well, on behalf of my wife I will make application for it.

The Minister for Railways: Why not brief the Attorney General to get it for you?

Mr. MARSHALL: There is another matter the Attorney General touched upon, and incidentally handled the shadow and not the substance I allude to his reference to King's Counsel practising in the lower courts. It is a strange thing that in this State—I do not say it offensively—the honour of being a King's Counsel is accepted more for the purpose of trade or business than for the prestige that it carries. I do not wish the Attorney General to imagine that I am casting a slur on him or on any other King's Counsel in the State, but it does appear to me that the desire to secure that honour in this State is more for the purpose of advertisement that for the distinction or honour it carries. In New Zealand the position is better than it is here with regard to King's Counsel. The New Zealand Act sets out—

No practising barrister with the rank of King's Counsel shall also practice as a solicitor either alone or in partnership with any

other solicitor and no certificate under Section 39 hereof shall be issued to any such barrister. This proviso shall not apply to any barrister in New Zealand holding the patent of King's Counsel on the 12th day of October, 1915 (being the date of the passing of the Legal Practitioners Amendment Act, 1915).

Mr. Parker: That section does not prevent a K.C. going into a police court; it only prevents him practising as a solicitor.

The Attorney General: A King's Counsel is not prevented from appearing in a police court anywhere in the world. He must practise as a barrister, not as a solicitor. That is what it means.

Mr. MARSHALL: Anyhow, that is by the way. The Attorney General argued that all was well with the legal fraternity and that there was very little ground for complaint. I have tried to disabuse his mind on that point and have shown him that things that are unfair have happened. I am going to read a little matter to show that right throughout the State the concensus of opinion is that an inquiry should be held into the administration of the Legal Practitioners Act and the costs it is possible for lawyers to assess. The Attorney General admitted that some form of inquiry might be conducted so that there might be introduced a more simple form of imposing charges, and also to give the children of those who are not fortunately circumstanced an opportunity to study law. We have heard the general public sometimes refer to lawyers as sharks.

The Minister for Lands: I have often heard members of Parliament called bad names.

Mr. MARSHALL: There would be no justification for that, but in respect of an inquiry into the Legal Practitioners Act, whatever the result it would be for the betterment of the profession generally.

Hon. J. C. Willcock: What proportion of lawyers' costs are reduced by the taxing master?

Mr. MARSHALL: We do not know even that until an inquiry is conducted. I intend to support the motion and I do not want it to be understood that I believe all lawyers to be sharks, dishonest or disreputable. I am supporting the proposal to hold an inquiry because I believe some good can come out of it. A number of people imagine that because one supports a motion of this description he considers that all those concerned are dishonest. I have no desire that that should be thought of me. I want to know the truth about the charges that are made. Here is a case which I have quoted where the costs came to £20 6s. 10d. and there was a refresher of £1 6s. 10d. These refreshers bob up. I do not know what they are for. Probably the lawyers do; the general public do not. An inquiry into the operations of the legal fraternity would doubtless disclose the reason for them. I did hear of a case in which a lawyer charged a client what was probably a reasonable fee for his services in court. In coming away from the court lawyer and client had a real refresher as known to the public, and in the lawyer's bill of costs that refresher figured as an item. I support the motion. The suggested inquiry would be welcomed by the general public, and could not do real harm to anyone. On the other hand, it might help towards obtaining a more up-to-date Act than that under which our lawyers work at present.

HON. W. D. JOHNSON (Guildford-Midland) [6.2]: In my opinion the House should have some further information on such a question as this before proceeding to a vote. The mover's proposal is that a select committee be appointed to review certain activities of the legal profession and also the scope and operations of the Barristers' Board. It will generally be admitted that the mover made a case for investigation. In my opinion he quoted sufficient matter to convince the House that there is a case for inquiry.

The Minister for Lands: The Attorney General said he would inquire into those matters.

Hon. W. D. JOHNSON: I shall deal with that aspect too. It would not be right to assume that the instances quoted by the member for Fremantle covered all matters calling for explanation and justifying inquiry. The member for Fremantle has presented what he, among others, regards as sufficient matter to entitle the motion to be carried, and a select committee to investigate; and, besides, there is the possibility of injustices additional to those quoted by the mover, and also the advisableness of reviewing the administration of law in Western Australia. That aspect was followed up by the Attorney General, who admitted cases of looseness in which the profession had not lived up to the high ideal of what

is expected from its members, a high ideal generally attained by the profession throughout the British Empire. My personal view is that the Attorney General, in assisting the member for Fremantle, made a strong case. I dare say most members have received a communication from some person labouring under a sense of grievance arising out of an action at law and the treatment received by that person from members of the Bar briefed in the case. I have no wish to quote any such instances, but I have been told of numerous cases which on the face of them indicated that the treatment received by the client was not all that one would expect, and certainly not such as this House would endorse. That being so, we need something in the way of inquiry apart from investigations by the profession itself. It is hardly reasonable to suggest that reform and control of our legal profession will come as the result of inquiry from within the profession. I am not saying that the profession should not be called upon to assist in the investigation. The investigation could not be complete unless there was obtained from those administering legal affairs evidence to assist the select committee in arriving at conclusions But if the Attorney General wishes to assist the member for Fremantle and the public in investigating the practices of lawyers, as to whether these practices are in the interest of the profession itself and in those of the general public, he should institute an inquiry outside the profession. If he could indicate that the Government are prepared to investigate from without, the House would doubtless be satisfied; but if the Government suggest the appointment of someone more or less closely associated with the profession, I take it that members must vote for the select committee. On the other hand, if the Government agree to the holding of an inquiry and intimate that they will appoint an investigator who is free from professional influence and is capable of advancing the public interest, the voting will be quite simple.

The Attorney General: What is your objection to a judge, who should be more impartial than any other man that could be chosen?

Hon. W. D. JOHNSON: Naturally I do not wish to reflect in any way, but it is human nature that a judge, who has developed through and who has been associated with the legal profession, should lean towards that profession, in which, moreover, he practised before attaining his high status.

Mr. Parker: Do not you think a judge would be very severe on any legal practitioner not upholding the honourable traditions of the profession?

Hon. W. D. JOHNSON: I quite agree. If a judge of the Supreme Court investigated a question of this kind, he would certainly take drastic action, or suggest drastic penalties, in the case of any lawyer guilty of undermining the prestige of the profession.

The Attorney General: All important law reforms in the last century came from lawyers.

Hon. W. D. JOHNSON: That is quite possible. The member for Fremantle made several points. He dealt with the unscrupulous section of the legal profession. I know perfectly well that that profession has no higher percentage of unsatisfactory members than has any other profession or calling. It is true, however, that lawyers have special opportunities, because of their legal knowledge, of deceiving the public. If one is told by a lawyer that this is right and the other is wrong, one says to oneself, "By his legal knowledge and legal training he is in a better position to judge than I am," and one is inclined to accept the advice given. But at this juncture we want the subject investigated from the aspect of protection of the public against unscrupulous lawyers and of getting the law so tightened up that unscrupulous lawyers in future will not be able to practise those questionable methods of which the existence is established by the information the member for Fremantle has furnished. Similar information has been given within the last few minutes by the member for Murchison (Mr. Marshall); in fact, the latter hon. member recounted a personal experience. Surely in view of experiences of that nature, actually suffered by members of this Chamber, as well as by others whom it is our duty to protect, we should vote for an inquiry. I repeat, I do not believe that the legal profession has any larger percentage of unscrupulous members than may be found in other walks of life. But,

I also repeat, lawyers have special opportunities. The very existence of the Barristers' Board shows that a need for control is recognised. The investigation should ascertain whether the kind of control we have to-day is modern control. The Barristers' Board was created many years ago. Many reforms in the general administration of affairs have taken place since then. The Act giving the board control and directing the board's activities in maintaining the prestige and standing of the profession was passed so long ago that Parliament would be entirely wise to appoint a select committee to look into that aspect.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. W. D. JOHNSON: I was about to explain that the member for Fremantle (Mr. Sleeman) desires the appointment of a select committee to investigate the question of whether we should retain the practice that has prevailed in this State of compelling students, who wish to qualify for the legal profession, to first serve their apprenticeship as articled clerks. I am inclined to think that, with the altered conditions regarding educational facilities here, there is no need for that practice to be any longer observed. When that system of requiring articles to be served was introduced, we had not the requisite educational facilities by which local students could gain the necessary knowledge to fit them for presenting themselves for examination. It was necessary for them to go elsewhere to secure that knowledge, or to enter the profession as articled clerks and thus secure education plus practical experience. That has changed.

Mr. Parker: Articles still have to be served in England.

Hon. W. D. JOHNSON: That may be so, and it may be argued that we adopted the system direct from the Old Land.

Mr. Parker: It is the system in Victoria, too.

Hon. W. D. JOHNSON: Perhaps so.

The Attorney General: You require a carpenter to serve his apprenticeship and to pass an examination.

Hon. W. D. JOHNSON: A knowledge of the practical use of tools is necessary for a carpenter. He cannot gain that knowledge by ordinary educational means and, even though he should pass through his apprenticeship, the subsequent examination does not qualify him to be a tradesman. He may be taught to prepare and read plans, but to do the actual work of a carpenter entails practical education in the utilisation of tools.

Mr. Parker: Do you not desire the budding lawyer to practice at drawing up agreements?

Hon. W. D. JOHNSON: Not necessarily.

The Attorney General: Do you think a man could draw up agreements without ever having learnt to draw up one?

Hon. W. D. JOHNSON: Certainly not, but there are so many agreements that he can copy.

Mr. Parker: That is the difficulty.

Hon. W. D. JOHNSON: I am aware that a lawyer will change the phraseology as much as he can to justify his employment, but the fact remains that there are many agreements paid for that could be prepared by the parties without the payment of fees. That is not what I am after.

Mr. Parker: But that is what the lawyer likes to have.

Hon. W. D. JOHNSON: I do not wish to interfere with efficiency, but the point I am making is that the educational qualification is recognised as sufficient in different parts of Australasia.

Mr. Parker: Only for barristers, not for solicitors.

Hon. W. D. JOHNSON: Yes, and for solicitors too. I have before me a New Zealand Act of 1931 which sets out the position plainly, indicating that there is no need for the serving of articles.

Mr. Parker: And there is no reciprocity with New Zealand as a result of that.

Hon. W. D. JOHNSON: That may be so. The fact remains that if one of our students passed his law examinations at the University, he could go to New Zealand and practise.

Mr. Parker: That is not so. He would first have to be called to the bar here.

Hon. W. D. JOHNSON: He could not be called to the bar here.

Mr. Parker: And, therefore, he could not gain admission in New Zealand.

Hon. W. D. JOHNSON: If a law student passes his examination in New Zealand, according to the provisions of the Act I have

referred to, he can be admitted as a barrister and solicitor.

Mr. Parker: Is there any special arrangement as to the nature of the examination? It may be quite a different type of examination.

Hon. W. D. JOHNSON: Be that as it may, the fact is that there is no need for a man to be articled as a clerk to enter the legal profession in New Zealand.

The Attorney General: May I see that New Zealand Act?

Hon. W. D. JOHNSON: Yes. I will have the Act sent across as it is evident Ministers on the Treasury bench require to be educated. As a successful law student in Western Australia, having passed his examinations here, can go to New Zealand and be admitted without serving articles, a distinct handicap is imposed upon the sons of those who are not in a financial position to provide for their upkeep and maintenance during the period intervening before the young men can be admitted to the legal profession.

Mr. Parker: Do you suggest that such law students should gain their experience at the expense of their clients or of their parents?

Hon. W. D. JOHNSON: No: what I want is the appointment of a select committee to investigate the position to ascertain whether we cannot arrive at a modification of the existing practice. If New Zealand has means by which the passing of an examination is deemed sufficient to admit of a successful candidate gaining admission to the bar, there must be some justification for that practice, which has been in operation in New Zealand for some time. I want to assist the member for Fremantle in his desire to have the present law reviewed, to find out whether any hardship or injustice is being inflicted upon our local law students. I do not profess to know a great deal about this question: I was impressed by the arguments submitted by the member for Fremantle, but more so by those of the Attorney General himself. He admitted that things had happened that were not creditable to the profession, and that those incidents had been possible under the existing law. The question arises as to whether the Barristers' Board are functioning for the protection of the public to the maximum extent possible within their powers. Then the committee will be able to ascertain whether better means can be employed for securing to the public better and less expensive service, with a reduction of the exploitation that has been exposed during the debate. I have already emphasised the position of our law students as being worthy of investigation. An investigation of such a nature into the administration of the provisions of an old Act of Parliament is an education in itself to members participating in the inquiry. We are apt to get into a rut and believe that because a law has been in existence for a long time, there is no need to review it. As a matter of fact, if we are to keep pace with the times, we should see to it that all professions and activities are kept up to date, and that in all services to humanity we shall not only review our own methods of administration, but gain knowledge of what is being done elsewhere. Even so, a member who may read up his subject conscientiously and become proficient in his knowledge of what is done elsewhere as compared with conditions that exist in the State, can do very little except to distribute his knowledge in an attempt to urge that something shall be done. Seldom, if ever, does he succeed to any great extent. The member for Claremont (Mr. North) delivered a wonderful speech regarding currency and credit, and outlined very efficiently the advantages of the Douglas credit system. But he is not going to get very far in regard to that. He recognised himself that his knowledge would not secure reform, but he used his knowledge in a desire to influence this Chamber to have a committee to investigate what he thought would be an improvement on existing conditions. The member for Fremantle is urging the same thing. He has reason to believe the public are not being served as they should be served by members of the legal profession. He believes the control is a little loose, that things are happening to-day which should not be tolerated, and he simply says that the law, being old, has become obsolete and that the practices of to-day should not be tolerated under our modern ideas. Therefore, I hope the House will agree to the motion and that a select committee will be appointed to advise Parliament as to what is best in the public interests in relation to the terms of the motion.

MR. PIESSE (Katanning) [7.46]: The hon. member no doubt was actuated by very laudable desires in moving his mo-

tion, but I doubt whether it would serve to obtain the results he expects if the select committee were appointed as he suggests. Members will agree there is room for investigation into those rules of the Supreme Court which govern the charges made by solicitors, but as I say, I am doubtful whether the best results will be obtained by appointing a select committee, and I hope the hon. member will accept the offer of the Attorney General to appoint a judge of the Supreme Court to make the necessary investigations. But I am doubtful whether the mere appointment of a judge alone would satisfy members that such an inquiry would fulfil all that is desired. I suggest that in addition to appointing a judge, the Attorney General might avail himself of the assistance of two reputable accountants or auditors who, although laymen, would have a practical knowledge of legal matters and of the charges made by way of ordinary costs. I hope the member for Fremantle will accept the Attorney General's promise that a judge of the Supreme Court shall be appointed as Commissioner and I hope the Attorney General will appoint to assist that judge two competent accountants or auditors to inquire into the Supreme Court charges and more particularly into solicitors' costs. From time to time all members have had experience of seemingly unduly high costs which upon investigation have proved to be capable of justification. But also we have had knowledge of some utterly unreasonable charges made which if investigated would never have been allowed to stand. I myself have experienced such charges, costs for the attendance of some clerk, or costs for perusing certain papers. Certainly there is ample room for investigation into the charges of the Supreme Court, and since those charges are fixed by the judges of the court, it would perhaps be fairer if when the Attorney General is considering the appointment of a judge to investigate this question, he should also secure the assistance of two other persons as I have suggested.

MR. GRIFFITHS (Avon) [7.53]: I will support the motion for the reasons put forward by the member for Katanning. The Attorney General the other evening made certain statements in regard to solicitors' charges and contended that there might be good reasons for those charges which did not appear clear to the layman.

MR. PARKER (North-East Fremantle) [7.54]: I propose to vote against the motion for the reason that it would be absurd for persons with no knowledge of the law and its practice generally to attempt to draw up a scale of fees or decide what should be the qualifications of candidates. We have an excellent example, for the mover of the motion produced a mass of accounts, but it is quite impossible to decide whether those accounts are good, bad or indifferent, for one must first know the nature of the work the solicitor was engaged upon. It is a common thing for a man to walk into a solicitor's office and say he is going to do this or that. The solicitor says it is not worth while, that it will cost a lot of money, whereupon the client says he does not care, he is going ahead with it. He goes ahead and perhaps loses, and when he gets his account he says, "My claim was for only £10, yet the costs are £20." That is quite likely, for we know of many instances where a penalty of perhaps £1 is inflicted and eventually the case goes to the High Court. The amount of the claim has nothing whatever to do with the amount of work involved. The amount of work involved and the quality of that work might be far higher in a case over a small amount than perhaps in a case involving a large amount. If one wants to sue a man for the return of £1,000 loaned on mortgage, the work involved is just the same as it would be if the amount were £50,000, and the costs too are the same. The question revolving round the motion is as to whether a person should serve articles. We have had New Zealand quoted as the only place where articles are not served.

Mr. Sleeman: No, Queensland also.

Mr. PARKER: For a solicitor?

Mr. Sleeman: No, for a barrister.

Mr PARKER: I thought so. There is a lack of knowledge as to the duties of barristers and solicitors. They are entirely different. I remember when I was going for my examinations the examiner here was Dr. Smith, the Commissioner of Titles. In discussing the matter one day he said to me. "Here you have to be examined for both

branches of the law and have to go up for your examination to qualify as a barrister and as a solicitor as well. Hence you require to have so many papers." New Zealand sets this out very distinctly. It is well recognised that for a barrister, articles are not necessary because the barrister's job is purely and simply pleading in court. The barrister does not come into contact with the client, for the solicitor instructs the barrister. The barrister does not have to work up the case and advise in the first instance; he advises only on technical matters and pleads in court on special things. He requires to know more particularly the law of evidence, which the solicitor does not know at all. The New Zealand Act specially sets out what is required as the qualifications of a barrister and what is required as the qualifications of a solicitor. I say that in New Zealand articles are necessary for a solicitor, but under a different name. Let me read a section of their Act as follows:—

> The examination of candidates for admission as solicitors of the court shall be conducted by the University of New Zealand. The Senate of the University shall prescribe the nature and conditions of such examinations and the educational and practical qualifications of candidates and may also prescribe such courses of study and practical training and experience for such candidates as it thinks fit.
>
> Except as provided in the next succeeding subsection no person shall be admitted as a solicitor of the court unless the court or a judge thereof is satisfied by the production of a certificate signed by or on behalf of the registrar of the University that the candidate has completed the prescribed courses of study and of practical training and experience, that he has passed the prescribed examinations and has otherwise complied with the requirements prescribed by the senate of the University in accordance with this section.

Therefore they have articles in New Zealand, but under a different name.

Mr. Sleeman: What name?

Mr. PARKER: As set out in that section I have read, namely, the University shall prescribe the course of study and practical training and experience of candidates.

Mr. Sleeman: For how long are they articled there?

Mr. PARKER: According to the regulations of the University probably three or five years. It is suggested by the member for Guildford-Midland (Hon. W. D. Johnson) that we want to see that the public are properly served. I entirely agree with that. The whole object of the Legal Practitioners Act is to ensure that the public are properly served as far as that is possible and are not left at the mercy of unqualified persons. The barrister is instructed by the solicitor. The client does not come into touch with the barrister, but it is essential that the solicitor should be a man qualified by practical experience. I saw a very striking case in our court the other day where a man attempted to conduct his own case. He lacked most lamentably any knowledge of the law of evidence and had not the foggiest notion how to present his case. I considered that he had a perfectly good case had he only known how to present it, but the net result was that he lost the the case and had to pay the costs. If he had been let loose on the public and some unfortunate client, seeing his brass plate, had thought him qualified and permitted by law to draw fees from the public, had engaged him, the client would have suffered. It was not the individual's fault: it was the fact that he had not had an opportunity of gaining practical experience, and it is the practical experience that tells. When a man obtains his degree, that merely gives him a first-class opportunity to improve his knowledge. He is enabled by the practice he gets to improve himself. Undoubtedly it would be most dangerous to do away with articles or with some practical training—call it what we like; I do not care what it be called—but it must be practical training. If we do away with articles as articles, the University, if that is to be the institution to conduct the examinations, will set examinations that can be passed only by persons who have had practical training. That would be satisfactory, but the argument put forward in favour of the motion is that an individual, because he happened to be brilliant at purely book work or book learning, though not possessing any practical knowledge, should be able to gain his knowledge at the expense of his and other people's clients. If he wrongly advised his clients to go to law, he would cause expense not only to his own clients but to other parties also.

Hon. M. F. Troy: Does not that happen now?

Mr. PARKER: Of course it does, but the mischief is minimised.

Hon. M. F. Troy: Abraham Lincoln would never have been a lawyer had he been required to pass examinations.

The Attorney General: He served articles.

Hon. M. F. Troy: No, he did not.

The Attorney General: I should be surpried if he did not.

Mr. PARKER: Whether Abraham Lincoln served articles or passed an examination does not matter. If I could be sure that the graduates of the University were all budding Abraham Lincolns, there would not be any argument, but unfortunately they are not likely to be.

Hon. M. F. Troy: A judge told me that if the trade union leaders who appear in the Arbitration Court had had the opportunity, they would be better than two-thirds of the lawyers.

Mr. PARKER: Undoubtedly; the natural ability is far greater than the ability forced in by book learning. One is far more likely to find out whether a person has natural ability when that person is doing practical work than by his merely passing an examination to get a degree. A number of clerks become articled and never finish their articles. After a year or two they find that they have chosen the wrong walk of life and out they go. That is a protection for the public, but if those young men at 17 to 21 years of age passed their examinations and were foisted on the public, we would have all sorts practising who had no heart in their work and no natural aptitude for the calling. I am not suggesting that there are not people in that walk of life who would not be better in some other sphere.

Mr. Withers: You would not suggest that a select committee would let all and sundry practise?

Mr. PARKER: I am not prepared to say what the select committee would put forth, especially as it is obvious who some of the members of the select committee would be. I suggest that the mover of the motion had no idea what he was talking about.

Mr. Sleeman: Don't talk nonsense! I know that you are the only one in the House possessed of any wisdom!

Mr. PARKER: I am glad the hon. member recognises it.

Mr. Sleeman: No one else has the brain or wisdom that you have!

Mr. PARKER: In presenting the motion, the member for Fremantle betrayed a lack of knowledge of the subject. I am not blaming him; he has been badly instructed right through.

Mr. Sleeman: I shall instruct you presently.

Mr. PARKER: Very well.

Mr Sleeman: You have misled the House.

Hon. M. F Troy: You should have said, "My learned friend has been badly advised."

Mr. PARKER: Yes. Costs are fixed by the judges. I suppose there is no one who looks more askance at a member of the legal profession who does anything shady than does a judge. The judges guard very jealously the dignity of the law, and I think we are perfectly safe in leaving anything pertaining to lawyers in the hands of the judges.

Mr. Marshall: But what does a judge know about your billing up costs against me as your client? I simply get your account, and the judge knows nothing about it.

Mr. PARKER: Of course he does not; no one suggests that he does.

Mr. Marshall: Then why talk about the judge? To regulate the fees for lawyers to charge is one thing, but to pay the fees is another thing.

Mr. SPEAKER: Order! The member for Murchison has had his say on the motion.

Mr. Marshall: And the member for North-East Fremantle had a good say while I was speaking.

Mr. PARKER: Obviously the person to make an inquiry is a judge, provided the House thinks fit to have an inquiry into the question and incidence of costs and also the question of altering the archaic method at present in force of rendering those costs. I candidly confess that very few laymen can or will read a lawyer's bill of costs, and that fewer still, having read it, can understand it. It would be far better if something were done to obviate the need for lawyers to present their bills in the forms now required. The Attorney General has promised inquiry into the matter, and

when inquiry is made, I trust it will be for the benefit of the public at large, and of the lawyers, too. The lawyers have no desire to render what I may fairly describe as the present absurd bills of costs with the peculiar and extraordinary details which they are bound to show under the existing law. It is not at all surprising that when a persons reads a lawyer's bill of costs, he should laugh at the travesty apparent in the items mentioned in it. Lawyers, however, are always cock-shies, and they do not worry about it. We do not hear much about the bill of costs of a land agent. When one asks a land agent the price of a certain house, or places a house in his hands for sale, one is not surprised, when business results, to be billed for £25 or £100, though the agent has done practically nothing. His charges are regulated by the Chamber of Commerce scale. I admit that some land agents have luck in doing business quickly; sometimes a fortnight or more elapses and no sale results. Much the same thing, however, applies to lawyers; they do quite a lot of work for which they cannot and do not charge. This House, however, would be quite wrongly informed if it were suggested that solicitors almost generally overcharged and bamboozled their clients. A solicitor who did that might last six or 12 months, but he would soon be found out by the public. Some might escape, but the majority would soon be found out. I think an inquiry, conducted by a judge, would be advisable to show members that lawyers, or at any rate some of them, are not as bad as they have been painted.

MR. HEGNEY (Middle Swan) [8.12]: I support the motion. On only two occasions have I had experience of lawyers, and on both occasions I consider I was wrongly charged. However, I concluded that the best course was to pay and to say no more about it. One of those experiences related to a slight accident to a motor car. I admitted that I was in the wrong, and agreed to make good certain damage I had done. I wrote to the party and informed him of it, but he did not come near me for some six weeks, and then he came with a car damaged in many ways. I was not keen about going on with my proposition, and eventually I received a letter from a lawyer saying that if I did not pay the amount of damage, "plus my costs," proceedings would be taken. Being a member of the Automobile Club I sought the advice of the officials of that institution, and was informed that as I had admitted I was in the wrong, I was bound to pay. What I resented was having to pay the costs for the letter sent me, which was no part of the debt. On the other occasion, I was responsible for taking a certain party to a solicitor to advise him on a technical question, and eventually the solicitor charged me for the advice the other party had given him. The matter in question concerned a house I had had erected, and the architect was required to advise the solicitor as to how the costs had been allocated. I questioned the solicitor's charge of 15s. against me, but was told it was a fair charge. The architect occupied only about five minutes in giving the advice to the solicitor. That lawyer is a decent fellow, but I thought his charge against me was altogether unwarranted. However, I had to pay; I concluded that he was in the king position and that there was no alternative to paying. Undoubtedly most members of the legal profession are honourable men, but unquestionably in that as in all other walks of life the failings of human nature appear. Evidence of that is found in the misappropriation of trust funds handled by solicitors. In all the States in Australia there are men practising at the Bar who make slips, bring disgrace upon themselves, and are often the means of grave reflection being cast upon the profession. I understand the Barristers' Board are doing something in that direction. I have one or two legal friends in New South Wales where solicitors and barristers are in separate branches of the profession. Many members of the Labour movement have qualified for admission to the Bar. Some of them became members of Parliament, passed their legal examinations, and eventually became practitioners. Mr. W. A. Holman, K.C., is a member of the Federal Parliament. There is also Mr McKell, a Minister in the Lang Administration. He was secretary to the Boiler Makers' Union. I remember when he first began to study law. He was a Minister of the Crown. At the end of five or six years he was able to pass his examinations and to practise law in New South Wales. Billy Hughes became a member of the profession in the same way. In this State the late Mr. Walker, who was a member of this Chamber, was articled to a solicitor

in town, and whilst drawing his Parliamentary salary was able to pass his examinations and qualify as a practitioner. The activities of members of the profession should be as open to investigation as the activities of other sections of the people. If certain wages are fixed by the Arbitration Court and the workers concerned demand something higher, and eventually go on strike because they do not get it, the first people to attack them are members of the legal profession; but when lawyers charge excesive fees nothing is said about it. Instances have been quoted by the member for Fremantle (Mr. Sleeman) and the member for Murchison (Mr. Marshall) of excessive charges that have been made by lawyers. One case alone warrants the appointment of a select committee, namely, that of the mother who was charged a guinea for accompanying her son to a lawyer's office. I am sure that members of the Country Party could quote numbers of instances of high charges being imposed upon farmers in connection with mortgages, etc. What is there to hide. Honourable members of the profession would welcome an investigation to clear the atmosphere and let in the light of day. I know of the case of a certain lawyer who was instructed to apply for the payment of 12s. made up of room rent 7s. and money lent 5s., and he added to his bill that the matter must be attended to immediately in order to save further trouble, and the sum of 6s. 8d. paid as legal costs. If that is not extortionate I do not know what is. This is the type of thing a select committee should be appointed to ventilate. As the the member for North-East Fremantle (Mr. Parker) points out there may be some unscrupulous members of the profession, but these people are allowed to continue their malpractices, and they continue to get business because so few know what they are doing. If these persons could be exposed by the evidence given before a select committee, they would no longer be permitted to continue their sharp practices. The general community are not aware that excessive charges are imposed by certain members of the profession. The lawyer who charged 6s. 8d. when he asked for the payment of 12s. is well known to me, and is a reputable person. This appears to be the minimum charge that is made but having regard for the total amount of the debt it was out of all reason. I am sure that many farmers have been exploited by unscrupulous lawyers, and that this could be testified to by members on the cross benches. I intend to vote for the motion.

HON. M. F. TROY (Mt. Magnet) [8.22]: I sympathise with the member for Fremantle (Mr. Sleeman) in his effort to secure reform in the legal profession, but what intrigues me is the question, "Who is to make up the select committee?" If it is formed of members of the House how is it to get the information required? I would never agree to serve on the committee because solicitors and barristers would get all over me. I should find myself helpless at their hands. We have all had experiences such as have been quoted by members, and if we have not had them personally we have come into contact with those who have had the experience. Imagine a committee of laymen of this House cross-questioning a solicitor in order to gain information of this character! In this, as well as in the medical profession, there is an esprit-de-corps which exists in no other professions. Have we ever heard of members of either profession giving evidence against each other? Would they allow a body of laymen to poke their noses into their affairs? If they have all the privileges which members say they have, how would they be persuaded to tell members in what manner these privileges could be abolished? What would happen here would apply in the same way to the motion for the appointment of a select committee to inquire into the University. Again we should be in a hopeless position. The only members of the House who would have the necessary knowledge and information concerning legal matters are those who are also members of the legal profession. I do not think any of them would want to serve on the committee. In the case of the medical profession it would be impossible to get people to give evidence against their confreres. I think the member for Fremantle would have no difficulty in getting a select committee appointed, but I fear that it would not get much information. Such information as it might get would not bring

about the reform he desires. If he asked for the appointment of a Royal Commission, comprising men who have the requisite knowledge to go into the whole question of legal reform, some good results might be achieved, but I cannot see how it is possible to get results from a body of laymen selected from this Chamber. I am not prepared to say that the charges of members of the legal profession are always excessive, or that dishonest practices are adopted, or that lawyers do not give their clients a fair deal. There are black sheep in the profession, and we meet such people fairly frequently. From my experience I think the profession contains a number of most altruistic men. I have been in the happy position of getting legal advice from eminent members of the profession without having to pay any fee.

Mr. Kenneally: Has it been worth the price?

Hon. M. F. TROY: I would be ungrateful if I did not record that in their favour. On several occasions I have asked for legal advice. I have gone to men who are high in the profession. At one time I was seriously libelled when I occupied the position of Speaker. I was very much hurt about it, for the libel was both a savage and a coarse one. When I approached a member of the legal profession for advice, he said, "I think you will win, but it will cost you a lot of money, a lot of dirt will be thrown at you, and if you will take my advice you will not go on with the matter." I found it very good advice and it was given to me at the cost of a guinea. In a day or two everyone forgot all about the incident, but if I had not taken this advice I should have been subjected to a great deal of worry and trouble, and a lot of things would doubtless have been said about me which were as false as was the original libel. It was good advice, and very cheap in the circumstances. If members want to get legal advice, they should go to men of good character. If they go to the best men they are the cheapest men in the long run. I have always taken that precaution myself, and so far I have had very good results. If a person goes to any sort of solicitor, particularly the man whose morality is not very strong, he will get results which he must expect. Not long ago I discussed a case with a legal member of this House, concerning a lawyer who represented a client who had applied for workers' compensation. The amount of compensation due to the petitioner was about £20, but the lawyer's fees amounted to £86. That was a reprehensible charge, and it is the sort of thing that is responsible for this motion. I also know of occasions when legal men have acted for both sides in a case. A person may be told to consult a certain solicitor, when that solicitor is already acting for the other party. It is a very dishonest practice, but the dishonesty cannot be removed by the appointment of a select committee. The matter must be cleared up in some other way. I do not know what influence the Barristers' Board have. It should be exercised in the direction of the purification of the profession. It is generally understood that once a person gets into the hands of the legal fraternity he does not get out of them without being fleeced. That opinion is held because many people have had experiences of that sort. My own experience, however, was to the contrary. It is because of the general experience that hostility to the profession exists to-day. The member for Fremantle wants to know why the Barristers' Board have not taken action. I do not know how that board operates, and the Attorney General omitted to tell us. No doubt the board would take no action unless the matter was brought before their notice in the proper manner.

The Attorney General: Certainly.

Hon. M. F. TROY: It is quite natural that the Barristers' Board should refuse to poke its nose into all the business of citizens. If, however, the board acted when matters of that kind were brought to its notice, it acted in a very proper way, for which one must commend the board. Now, I do not say it occurs frequently, but it does occur too often, that people who go to solicitors are taken down.

The Attorney General: Once is too often, of course.

Hon. M. F. TROY: The member for North-East Fremantle said that lawyers who adopted such practices did not last long. But they do last long, because it is nobody's business and because they are too clever for the ordinary citizen. What hope has a layman against a professional man? None at all. Unless he gets some member of the

legal profession to take up his case, he cannot possibly succeed. I have known cases in which other legal gentlemen showed themselves strongly disinclined, no matter what the circumstances, to take action against a man of their profession. I can understand their objection; but I have never yet known of a case—yes, I have heard of a case in which——

The Attorney General: There have been quite a number of such cases.

Hon. M. F. TROY: Not too many, but it may have happened in a number of cases. I have brought certain facts under the notice of legal men, and have said to them, "That was a rascally thing to do." The legal practitioner has shaken his head and not said much, except perhaps, "Of course there are rascally members of the profession." But he would not take action. One can understand his diffidence about taking action in the circumstances. I have yet to learn that to pass an examination makes a satisfactory solicitor or barrister. I do not discount the educational advantages possessed by a lawyer: I regard them as essential. However, I am quite prepared to say that I could pick out a dozen men in this country, some of them advocates practising in the Arbitration Court, who, given a few years' experience, would make far more eminent solicitors and barristers than 90 per cent. of University-trained lawyers. I understand that in the United States solicitors and barristers do not pass examinations. They may serve articles, but their fitness for the legal profession is not decided by the passing of an examination. I cannot see how examinations fit a man for a profession. The passing of examinations may be evidence of certain educational qualifications, of book learning.

The Attorney General: Some people want examinations to be the only test.

Hon. M. F. TROY: I would not have that. That would be absolutely ridiculous. But, unfortunately, examination is largely the only test. If I serve the ordinary articles and pass an examination, I become a fully qualified legal practitioner; and, so far as I am aware, there is no other test. That is something we ought to simplify. There ought to be some other means by which a person desirous of entering the legal profession may be able to adopt that calling. In America, I understand, the citizens who follow the law study the law, and prove their fitness by their capacity before the courts; which is more than is done by many solicitors in Western Australia, who do not prove their fitness at all. They advise people to go to court when they have no cause. That is the unfortunate part. Such a lawyer says to a client, "Yes, you can win all right"; and then when the case is lost, of course he talks about bad law on the part of the judge. Hon. members know that. I have heard that view expressed very often indeed—bad law! When I was Minister for Mines, a certain case was brought under my notice, and I was told that the adverse judgment in the case was bad law. Though without legal training, I took the file home and studied it for a few nights. Bad advice had mulct this country in £70,000 damages and costs—bad advice, not bad law at all. I discovered that the court was right and that the lawyers were wrong. Again, a client has no guarantee that a solicitor's advice is right. Sometimes a solicitor, like other men, is lazy and does not go into the subject. At the last minute he goes into court totally unprepared. I do not know how to get over that sort of thing. The member for Fremantle may get a select committee but the danger of the whole thing is that the select committee may make the position of the legal profession more impregnable. If the select committee are going to get information which will simplify legal processes, they must have advisers; and where are they to get those advisers? The select committee will require legal advisers to inform them regarding the intricacies of the law; otherwise the select committee will fail. I shall vote with the mover, although I realise the utter hopelessness of a committee of this character getting legal practitioners to admit anything. I should say that if they admitted the things which the member for Fremantle wants them to admit, they would be extremely foolish. If any lawyer were to admit an instance of legal malpractice, or were to acknowledge that costs should be cut down, he would be acting against his own interests, and would become highly unpopular in the profession. Undoubtedly law costs are excessive. There ought to be a body to supervise law costs, and, when

necessary, to cut them down. A professional witness such as the motion seems to call for would be of very bad standing in his own profession. He would become an absolute outcast. I could not imagine his giving the select committee the evidence desired. It would not profit him. If the member for Fremantle is going to get the information that he suggests he should have, it will be necessary for him to call the most eminent men in the legal profession: and naturally they would not give evidence discrediting others. They would be most careful and most scrupulous about their testimony. The select committee may be appointed, but it will not get the results anticipated.

MR. ANGELO (Gascoyne) [8.39]: The member for Fremantle put up a good case for an inquiry, and at the conclusion of his speech I felt inclined to support him in his demand for a select committee. The inclination continued until I heard the offer made by the Attorney General, to request a Supreme Court judge to inquire into the matter. I respectfully say that Western Australians should be proud of their Supreme Court judges, and that if any one of them is selected for and undertakes this inquiry I for one shall be quite satisfied with the report which he will submit.

MR. SLEEMAN (Fremantle—in reply) [8.40]: I presume I should reply first to what without offence I may term the smaller fry. My learned friend from North-East Fremantle began by saying that articles were necessary in Queensland.

Mr. Parker: In New Zealand.

Mr. SLEEMAN: No, in Queensland. I said they were not necessary in Queensland, and the hon. member said they were necessary. They are quite unnecessary in Queensland as regards barristers. Barristers do not serve articles in Queensland.

The Attorney General: Articles are not necessary, so far as barristers are concerned, anywhere in the world.

Mr. SLEEMAN: Articles are necessary in Western Australia.

Mr. Parker: No.

Mr. SLEEMAN: A man cannot qualify for practice as a barrister by going to our University: but a man can, by going to the University of Queensland, become a barrister. That is a bad advertisement for our University. I hold that the lads turned out of our University are just as competent as those turned out of the Queensland University. The member for North-East Fremantle must know that there is the distinction I mentioned.

The Attorney General: Pardon me, but a barrister is called to the bar.

Mr. SLEEMAN: But a man cannot be called to the bar in Western Australia. He has no chance of ever joining the bar here unless he proves to the satisfaction of the Barristers' Board that he has never earned a penny while serving articles. Undoubtedly the member for North-East Fremantle is quite aware of that fact.

The Attorney General: Why mis-state facts? I do not suppose that for the last 20 years there has been an articled clerk who has not earned money during the whole of the time he has been articled.

Mr. SLEEMAN: Will the Attorney General tell me how many have obtained such permission from the Barristers' Board in the last 20 years—permission to earn something outside in order to help to keep them going.

Mr. Parker: The articled clerk earns in the office.

Mr. SLEEMAN: I have made every endeavour to find these things out.

The Attorney General: What endeavour have you made?

Mr. SLEEMAN: The endeavour suggested by the Attorney General, to go down to the office of the Barristers' Board and ask for the information. I interviewed the secretary of the board. This is a matter which concerns the Barristers' Board, and from the secretary I met with a flat refusal: "No, of course I could never tell you that unless my board first instructed me to do so."

The Attorney General: Why did not you come to me?

Mr. SLEEMAN: In spite of that refusal I took every opportunity to satisfy myself how many articled clerks had been granted permission, and how many had been turned down. But I now state—and what I say can be corrected if it is wrong—that during the last 25 years only one articled clerk in Western Australia has been granted permission to earn whilst going through his legal course. That was the late Mr. Thomas Walker. No Barristers' Board would ever dare to refuse Mr.

Walker, because he was a highly capable man and would have brought in legislation quick and lively if the board had refused him the permission he sought. I believe Mr. Walker is the only man in a great number of years who was given permission—

Mr. Parker: I had permission myself.

Mr. SLEEMAN: The member for North-East Fremantle seemed to me never to have heard of the New Zealand Act, because he and the Attorney General were most anxious to get hold of the volume. I sent it across to them. The member for North-East Fremantle quoted part of it, and said that it was necessary in New Zealand to serve articles to become a solicitor. The hon. member quoted portions of the Act.

Mr. Parker: I quoted Section 13.

Mr. SLEEMAN: But the hon. member did not finish the quotation. In the New Zealand Act, Section 12, which deals with solicitors, reads:—

(1) Subject to the provisions of Section 13 hereof, every person, male or female, of the age of 21 years or upwards, coming within any of the descriptions specified in the next succeeding subsection shall be qualified to be admitted and enrolled as a solicitor of the court. (2) The descriptions referred to in the last preceding subsection are—(a) any person who has passed the prescribed examination in general knowledge and in law; (b) any person who is a barrister of the court.

I may point out in passing that in New Zealand a barrister has not to serve articles, but once he is admitted as a barrister, he may later be admitted as a solicitor. The section continues—

(c) Any person who is admitted as a solicitor in any superior or Supreme Court of any part of the British Dominions, other than New Zealand, and who has passed the prescribed examination in law, including the law of New Zealand in so far as it differs from the law of England: Provided that he shall not be required to pass any such examination if he has been in practice as a solicitor in any part of the United Kingdom for not less than three years: (d) Any person who has taken a degree in arts, science, or law in any university in any part of the British Dominions other than New Zealand and who has passed the prescribed examination in law: Provided that if he has taken the degree of Bachelor of Laws in any such university, then he shall be required to pass only an examination in the law of New Zealand in so far as it differs from the law of England, and ... the practice of law.

Now I shall quote Section 13, which the member for North-East Fremantle partly quoted:—

The Senate of the University shall prescribe the nature and conditions of such examinations and the educational and practical qualifications of candidates, and may also prescribe such courses of study and practical training and experience for such candidates as it thinks fit.

The member for North-East Fremantle (Mr. Parker) when reading that section, suggested that it showed clearly it was necessary for a man to become an articled clerk in New Zealand. When questioned, he said that the practical examination was indicated in the reference to the practical qualification of the candidate. Had the member for North-East Fremantle read the section further, he would have seen that the position was made more clear by the following reference—

Provided that it shall not be competent for the Senate to require that any course of study or practical training shall be taken at a university college in New Zealand by any candidate who for the time being is resident more than 10 miles from such college, or who, being engaged in qualifying for a profession, learning a trade, or earning a livelihood, is, in the opinion of the Minister for Education, thereby prevented from attending lectures.

Mr. Parker: He need not go to a university there for his technical training.

Mr. SLEEMAN: He can secure his practical qualifications as the result of his attendance at the university, but if he lives ten miles away, he can be engaged in some other occupation in order to gain a livelihood while he is learning his profession.

Mr. Parker: He can be a motor mechanic or anything else.

Mr. SLEEMAN: Thus I have exploded the idea that articles are necessary in New Zealand. They are not necessary at all, and if the member for North-East Fremantle had known the conditions that apply in the Eastern States and New Zealand, he would have known that they are not necessary in the Dominion. This information was given to me by a man who is practising as a lawyer in Perth. He informed me what the New Zealand Act contained and that was how I was fortunate enough to become possessed of this information. Let us compare the section of the New Zealand Act with

Section 13 of our own Legal Practitioners' Act of 1893. That section reads—

No articled clerk shall, without the written consent of the board, during his term of service under articles, hold any office or engage in any employment other than as bona fide articled clerk to the practitioner to whom he is for the time being articled, or his partner; and every articled clerk shall, before being admitted as a practitioner, prove to the satisfaction of the board, by affidavit or otherwise, that this section has been duly complied with.

In this State we have the spectacle of a man passing through our University and taking his degree. He then has to be articled for two years to a legal firm, and he has to get the permission of the Barristers' Board to supplement his earnings, which is practically impossible.

The Attorney General: It is not impossible. It has never been refused for the last 30 years.

Mr. SLEEMAN: I say that it is impossible.

The Attorney General: Will you quote an instance?

Mr. SLEEMAN: I shall, and I shall indicate what can happen here. A number of such applications have been refused.

The Attorney General: Just quote some of them. Give us one!

Mr. SLEEMAN: The Attorney General says that no articled clerk has ever been refused that permission. To a certain extent, that is the truth because in this State when a man is articled, he has to pay £13 10s. Although he has to make that payment, there is no provision for the return of the money. Many young fellows who desire to be articled, cannot afford to lose that amount. In many instances, when they have made inquiries about getting permission to earn for themselves before deciding to become articled, they have been told that there was no chance whatever of getting that permission from the Barristers' Board. In those circumstances, the young men did not continue with their intention to become articled.

The Attorney General: I think you should quote those instances.

Mr. SLEEMAN: If I quote one, will that suffice?

Mr. Parker: No.

The Attorney General: You said there were several of them.

Mr. SLEEMAN: I shall be able to place the particulars before a select committee. I have got the information and can furnish it if required. As a result of this debate, I have received communications from people in different parts of the State and elsewhere congratulating me on the attitude I have taken up and asserting it is a pity it was not done years ago. To support my contentions, I shall read a letter from the Barristers' Board to show what sort of communication is sent out by that body to these young men. One young fellow wrote for permission to enable him to earn something during the time he was pursuing his studies, and he received the following letter: —

I duly placed your letter of the 23rd ult. before my board for its consideration on the 13th June inst. Whilst appreciating the difficulty of your position, the members of the board present at the meeting directed me to point out to you that at present you are not an articled clerk, consequently the meeting could not deal with the subject matter of your letter. The exercise of the board's statutory discretion can only be invoked by an articled clerk on an application made under the provisions of the Act and Rules. Such application would be dealt with by the board at a meeting of the board, and such meeting may be attended by members of the board who were not present at the meeting above mentioned. For your information, however, I may state that, as a matter of principle, the members present at the meeting were of opinion that an articled clerk cannot satisfactorily serve two masters, and that any articled clerk, even with your University degree, must necessarily devote the whole of his time and attention to his study and practice of law during the period of his articles in order satisfactorily to qualify himself for admission to the Bar.

The Minister for Lands: In other words, the Barristers' Board believe in one man, one job.

Mr. SLEEMAN: What it amounts to is this, that the Barristers' Board want, if possible, to prevent the sons of poor men from entering the legal profession. The board do not indicate the hours they consider it necessary for a young fellow to spend in connection with his legal work. The Attorney General will admit that lawyers do not work the full eight hours every day. The board say that not even during the evenings, can young fellows earn anything to help them through their course.

The Attorney General: The board have never said that, and never will.

Mr. SLEEMAN: Of course they have.

The Attorney General: They have never said anything of the sort.

Mr. SLEEMAN: They say it in the letter I have read.

The Attorney General: Will you lay that letter on the Table of the House..

Mr. SLEEMAN: Yes, if necessary. At the same time, it contains the name of the person concerned and it may do him some harm if the letter is placed on the Table of the House. I do not desire to do that, but if the Attorney General claims the tabling of the letter, he can have it. In their letter, the board refer to the necessity for the young man spending the whole of his time at his law work and his studies.

Mr. Parker: That means within office hours.

Mr. SLEEMAN: If my construction is not the proper one, I will agree with the member for North-East Fremantle that I do not know what I am talking about.

The Attorney General: What I say is that the particular person whose letter you have quoted—I think I know who he is—

Mr. SLEEMAN: I have others as well.

The Attorney General: What I say is that if an articled clerk should apply to the Barristers' Board for permission to do work that will not interfere with his ordinary duties in office hours, I have no doubt permission will be granted.

Mr. SLEEMAN: I can quote several instances to prove my statement that men have applied for the permission but have not received it. In the circumstances, these young men cannot afford to put up £13 10s. and chance losing the money. They will not attempt to do so unless they know they have some chance of making a living.

Mr. Parker: Such permission is always granted; I myself was granted permission.

Mr. SLEEMAN: In effect, the Barristers' Board say that a man cannot be articled unless he can carry on without outside assistance. It is terrible to think that in a civilised country such conditions can exist. The member for North-East Fremantle objects to the appointment of a select committee because I am endeavouring to secure to young Western Australians the same conditions that apply elsewhere. He tried to make the House believe that in New Zealand articles were not necessary, whereas I have shown the conditions under which a man may be admitted as a barrister and solicitor in that country. While going through their law course, young men are allowed to earn their living and so help to pay their way. So much for the member for North-East Fremantle. Now I will deal with the remarks of the Attorney General.

Mr. Marshall: He represents the big fry.

Mr. SLEEMAN: Had I charged the legal profession of Western Australia with wilful murder instead of contenting myself by adducing a few facts in support of my attempt to secure the appointment of a select committee, the legal profession would have been dangling at the end of a rope, because the Attorney General was much more emphatic in his declaration that something was wrong with the present system. He said more about the legal profession than I anticipated he could have said. Apparently the Attorney General had a good deal of information, and dropped some of it here. He convicted the legal profession out of his own mouth. During the course of his remarks he said that I was badly instructed, had made a number of errors, was without the proper facts, had referred to suspicions instead of facts and had made grievous mistakes. If I was badly instructed and made a number of errors, the Attorney General himself made more than I did. With that spoilt-boy attitude for which he is famous, the Attorney General would not give me credit for one little grain of wisdom.

The Minister for Lands: Do not get offensive.

Mr. SLEEMAN: The Attorney General seemed to be at a loss for a word after referring to a grain, and some member suggested the words "of wisdom." The Attorney General declined to make use of those words and would not give me credit for possessing even a grain of wisdom. I do not profess to be encyclopaedic in my knowledge, but the Attorney General could have been a little more generous. The Attorney General, in the course of his remarks, said that junior counsel in this State should be ashamed of themselves.

The Attorney General: I did not say anything of the sort.

Mr. SLEEMAN: Look up "Hansard."

The Attorney General: What I said was that any junior counsel who went into court without knowing his brief should be ashamed of himself.

Mr. SLEEMAN: The Minister said nothing of the sort. He said that junior counsel should be ashamed of themselves. "Hansard" shows that he went further and said that there were junior counsel who, if the senior counsel dropped dead, would have to apply for an adjournment, because they would not know anything of the case. Did you say that?

The Attorney General: I said a man who went into court and took a junior briefed under circumstances of that sort ought to be ashamed of himself.

Mr. SLEEMAN: And you said there were junior counsel who did it.

The Attorney General: Yes.

Mr. SLEEMAN: I contend that a junior counsel who goes into court knowing nothing of the case, being so ignorant of the case that if his senior were to fall dead he would have to apply for an adjournment, is guilty of false pretences; and I say the senior counsel is equally culpable in allowing his junior to appear in court without having any knowledge of the case. And I go further and ask what is the Attorney General guilty of if he knows this sort of thing has been going on, juniors knowing nothing about the case and going into court in order to extract money from their clients? I say the Attorney General stands convicted of something pretty serious, for he has admitted that he knew these things were going on and did not attempt to stop them. Does not the Attorney General think it is time an inquiry was made and this sort of thing stopped? Are we going to allow it to go on from year to year? I have the audacity to get up in the House and move for a select committee, and in consequence I am sneered at as a common layman. But has the Attorney General or any other solicitor ever taken steps to stop this practice indulged in by our counsel, senior and junior? I think I should be commended for bringing up this matter and trying to remedy a serious state of affairs in the legal profession. The Attorney General said that a lawyer is restricted by law in the charges he makes. But let me read from the Rules of the Supreme Court of 1909, Order 65, page 137, as follows:—

> Subject to the provisions of the principal Act and these rules, the costs of and incident to all proceedings in the Supreme Court, including the administration of estates and trusts shall be in the discretion of the court or judge.

The Attorney General says the lawyer is restricted by law, but the Rules of the Supreme Court say it is at the discretion of the judge. I should like to ask the Attorney General is there any maximum to the costs that may be charged for drawing up a brief?

Mr. Parker: Yes.

Mr. SLEEMAN: The only limitation I can find is the client's ability to pay

The Attorney General: Do you mean a brief for counsel?

Mr. SLEEMAN: Yes.

The Attorney General: That is at the discretion of the taxing master.

Mr. SLEEMAN: Who, being in the legal profession, is not very severe on the lawyer and always takes into consideration the ability of the client to pay.

The Attorney General: The present taxing master happens to be a solicitor, but he need not be. His predecessor was not.

Mr. SLEEMAN: When the taxing master is examining a bill of costs he always has regard to the ability of the client to pay.

Mr. Parker: That has nothing whatever to do with it.

Mr. SLEEMAN: A man is notoriously a bad judge of his own case, and the lawyer is no exception to the rule. Is there any maximum fee for the drawing up of a will?

Mr. Parker: Yes.

Mr. SLEEMAN: What is it ?

The Attorney General: It depends on the length of the will.

Mr. SLEEMAN: That is why so many wills are so long. The solicitor gets so much per folio, and the more folios he can turn out, the more he gets. So I do not think it can be said there is a maximum to the cost of drawing up a will. Is there a maximum provided for the cost of drawing up articles of association for a company, or for preparing a mortgage or a lease? The Attorney General pretended inability to understand what I meant when I

referred to the unbalanced constitution of the Barristers' Board. I do not know why the Attorney General should find difficulty in understanding the phrase, for it is pretty clear to me. Of the representation on the Barristers' Board the King's Counsel have nearly 100 per cent. Members of the junior Bar have a few representatives, articled clerks nil, and the general public nil.

Mr. Parker: What chance would an articled clerk have on that board?

Mr. SLEEMAN: Not much, nor would a representative of the general public. So if the Attorney General cannot understand that the unbalanced constitution of the board means that interests which should be represented on the board are not so represented, then I cannot enlighten him any further. The Attorney General said the responsibility of an architect and of a lawyer are exactly the same in law. But there is a vast difference between the negligence of a lawyer and the negligence of an architect in their respective results. If an architect gets his plan out of plumb he is liable for damages, but if the lawyer misreads his law and so inflicts heavy costs on his client, nothing happens to the lawyer. It must be something very flagrant before one could get anything against a lawyer in a court of law. So there is a lot of difference in law between the responsibility of an architect and that of a lawyer. The Attorney General said that when a lawyer sends a letter of claim to a debtor, it is done out of consideration for the poor debtor, to save him expense. As a matter of fact, in many cases where those letters are sent the lawyer and his client are taking a pot shot at getting the money. They think it would be not of much use to prosecute, since the debtor has nothing, and so they decide to send him a solicitor's letter. But the poor debtor, on receiving such a letter, either goes along and borrows the necessary money or pawns some article, and whether or not he can pay the original debt he pays the 6s. 8d. demanded as the lawyer's fee for sending the letter. In most instances the debtor does not know he is not responsible for the 6s. 8d., the lawyer's fee for sending the letter, but he is so frightened of the law and the law courts that he borrows the money or pawns something, and so of course the lawyer gets his 6s. 8d. from the debtor and 10 per cent. from his own client for having collected the debt.

The Attorney General: Where does the 10 per cent. come in?

Mr. SLEEMAN: That is paid by the lawyer's client. If the Attorney General were to send a letter to a debtor, the debtor would immediately send along the Attorney General's 6s. 8d., and the Attorney General would then charge his client 10 per cent for the collection of the debt.

The Attorney General: Who told you that?

Mr. SLEEMAN: I do not say the Attorney General would do it, but quite a lot of solicitors do. I am using the Attorney General merely as an illustration.

The Attorney General: Then please don't

Mr SLEEMAN: I am sorry the Attorney General should be cross.

The Attorney General: I am not cross; I am merely disappointed in you.

Mr. SLEEMAN: The Attorney General said that if it came under the notice of the Barristers' Board that a lawyer had attempted to extract money by appearing on both sides of a case, he would be seriously dealt with by the board. And the member for North-East Fremantle, by interjection, said that he would be dealt with also by the court. The Attorney General suggested that very likely the matter had not been properly brought before the Barristers' Board. I do not know whether it was properly brought before the board, but a member of the board was well aware that a colleague of his had tried to use an illegal agreement, and so I say it was the duty of that member of the board to bring the matter before the board. The Attorney General admitted that if what I said was correct counsel had done a very wrong thing, and that the Barristers' Board and the court would deal severely with him. But it was a member of the Barristers' Board who pleaded the case, and he ought to have known that something wrong had been done. In those circumstances, it should not be necessary for a letter to be written to the secretary of the Barristers' Board pointing out what was done; it was the duty of the member of the board to bring it before the board. The Attorney General in answer to a complaint of mine said he did not think a King's Counsel would go into an inferior court because of the fees.

The Attorney General: Why do you object to King's Counsel going into an inferior court?

Mr. SLEEMAN: I object because only on very rare occasions do K's.C. appear for the Crown. Their advice has been sought by the Crown on only a few occasions. There are junior members of the profession who, I think the Attorney General will agree, are having a very lean time, and when a man reaches the top of the tree as a K.C. has done, the smaller work in what are known as inferior courts should be left for the junior members of the Bar.

Mr. Parker: You would not deprive the public of the best advice procurable?

Mr. SLEEMAN: I would not say that K's.C. always give the best advice. Not long ago we had the spectacle of a junior member of the Bar being appointed a judge of the Supreme Court over the heads of the K's.C. If it was established that the K's.C. were the most learned in the law, it would be reasonable to expect that one of their number would always be elected to fill any vacancy on the Supreme Court bench.

The Attorney General: Not necessarily.

Mr. Panton: They might be able to make more money as K's.C.

The Attorney General: A K.C. might be the best lawyer, but he might not have the judicial temperament.

Mr. SLEEMAN: There is always some way of getting round the point.

The Minister for Lands: That is a lawyer's argument.

The Attorney General: It is a commonsense argument.

Mr. Kenneally: Then it is not a lawyer's argument.

The Attorney General: The law long ago degenerated into commonsense.

Mr. SLEEMAN: Lord Halsbury said that K's.C. should always obtain permission to plead a case against the Crown. If in this State they had to get permission, they would be kept pretty busy running to the Supreme Court.

The Attorney General: They not only have to get permission, but they have to pay a guinea.

Mr. SLEEMAN: And the poor client suffers again. The Attorney General said that I had been a little bold in expressing the opinion that the profession should be divided into two branches—barristers and solicitors. I suppose we can form a commonsense opinion by considering the law as it applies in different countries in the world. It is simply a matter of opinion, whether it be expressed by a legal man or a layman. Some legal men say they prefer an amalgamation of the two branches: others say that they prefer the division of the profession into two branches. All the judges of the High Court of England, including the law lords of the judicial committee of the House of Lords—the highest judicial tribunal in the British Empire—and the Privy Council—the highest tribunal for the Dominions—have been only barristers. They have not been both barristers and solicitors. In Victoria the profession has been divided into two branches, notwithstanding that it was amalgamated in the law. Evidently the profession in Victoria think with me in the opinion I expressed that it would be better if the profession were divided. In Great Britain, New Zealand, New South Wales and Victoria the profession is divided, and so those countries are at variance with the view expressed by the Attorney General. Consequently it is problematical whether the Attorney General is right, and I do not think I was bold in expressing an opinion.

Mr. Panton: It was a matter of precedent.

Mr. SLEEMAN: I had plenty of precedent for my opinion. The Attorney General said that in Melbourne a client might be advised by a solicitor to obtain counsel's opinion, and that a total of anything up to five or six guineas would be charged. The Attorney General surely does not wish us to believe that on every occasion when a lawyer is asked for an opinion, the client is requested to take the opinion of counsel. I suppose more opinions are given by solicitors than by counsel. Yet the Attorney General would lead us to believe that if I was in Melbourne and wanted the opinion of a solicitor, he would advise me to obtain the opinion of counsel at a cost up to five or six guineas.

The Attorney General: That is so.

Mr. SLEEMAN: Unless it was an important matter I do not think that would apply. The Attorney General said that

members of the profession had not the right to charge a lump sum such as a land agent, an architect or a dentist. I believe that land agents work on a scale laid down for them and that an architect works on percentages. If a building to cost £10,000 is being erected the owner can calculate exactly what the architect's fees will be. The client, however, does not know what the solicitor's charges will be. A man may go to a surgeon specialist and can ascertain beforehand what he proposes to charge for an operation, but for the operation performed by a solicitor, the charges are sometimes never ending. The Minister said that on one occasion he had advised the member for Swan (Mr. Sampson) on a point for a charge of 10s. 6d., and that it had saved him hundreds of pounds. That recalls a story told of Lloyd George. When he was electioneering, he was asked whether it was a fact that he had been guilty of a breach of etiquette by charging a client one guinea when he should have charged two guineas. His reply was, "No, I have not been guilty of any breach of etiquette; I got all that the man had." Perhaps the 10s. 6d. was all that the member for Swan had. The Attorney General's remark does not carry us very far. Probably every solicitor in the country can claim to have saved clients many pounds, at the cost of a small fee. The Attorney General regretted that the reduction of 22½ per cent. had not been made applicable to the legal profession. If he regretted it, he did not go far to show his regret. He did not regret the reduction to the workers when he was battling in the Loan Council and the Premiers' Conference. He made sure that the last ounce was taken out of the workers.

Mr. SPEAKER: We are not discussing that.

Mr. SLEEMAN: I think it is a fair comparison. Why was not the 22½ per cent. reduction applied to the legal profession? Surely the Attorney General should give some reason for it.

Mr. Hegney: He said that a 15 per cent. reduction had been made.

Mr. SLEEMAN: But that is not 22½ per cent. Governments and private employers have insisted on taking their pound of flesh, and if the Attorney General really regrets that the reduction of 22½ per cent. was not applied to the legal profession, he should have seen that it was applied. Preference should not be meted out to the legal profession. The Attorney General argued that the lawyers were being badly h through the falling off of work, but th casual worker may be securing employmer on only one day a year, and he is reduce by 22½ per cent. and has to meet the taxe imposed by the Government. If it was rigl for one section of the community to suffe a reduction of 22½ per cent., it was rigl for the rest to suffer a similar reductio and the Attorney General should have see that the job was completed. I dealt wit the New Zealand Act when replying to th member for North-East Fremantle. I Western Australia, on lodging articles th applicant has to pay £13 2s., and on bein admitted to the Bar he has to pay £31 10 In New Zealand a man can be admitted a a barrister for £21 or as a solicitor for £2 There are no articles in New Zealand.

Mr. Parker: There are other fees in Ne Zealand.

Mr. SLEEMAN: I have not been able t discover that there are. On those figure an applicant has to pay £44 12s. befo he can get into the profession in Wester Australia, whereas in New Zealand he ca be admitted for £21.

Mr. Parker: In New Zealand he woul have to pay £42 in order to be admitted a a barrister and solicitor.

Mr. SLEEMAN: Not many practise i both branches of the profession in Ne Zealand.

Mr. Parker: But as a short cut to avoi so-called articles, one could pay £21 to b admitted as a barrister, cease to be a ba rister, and then pay another £21 to be ac mitted as a solicitor.

Mr. SLEEMAN: The hon. member agree that there is a short cut whereby it is u necessary to serve articles in New Zealan

The Attorney General: Did you say tha the profession in New Zealand is divide into two branches?

Mr. SLEEMAN: I have the impressio that Ks.C. cannot practise as solicito there.

The Attorney General: Yes, and I unde stand it applies to others, too

Mr. SLEEMAN: What harm can the be in adopting the practice observed in Ne Zealand? If a University graduate in Ne Zealand can become a barrister without ha ing to serve articles, why should not tha apply here? Why should it apply in othe countries and not here? Is the Attorne

General in favour of retaining the provision n the existing Act, or is he in favour of iberalising it and making it more demo-ratic, as it is in other countries I have noted? Is he going to retain the provision nd debar young people from entering the profession?

The Attorney General: Do you think we would be safe in adopting everything done n New Zealand?

Mr. SLEEMAN: No, but I do not think he Attorney General can show there is any-hing wrong with the principle I am advo-ating. New Zealand has been responsible for inaugurating many reforms, and nothing s more certain than that New Zealand has ed the way in the matter of the Legal Prac-itioners Act.

The Minister for Lands: What about ar-bitration?

Mr. SLEEMAN: That was started in New Zealand.

The Minister for Lands: What about the position now?

Mr. SLEEMAN: I do not think the At-orney General can find any fault with the Legal Practitioners Act of New Zealand. The Attorney General stated that a lot was o be said in favour of preventing English University graduates from practising here vithout serving their articles. I cannot nderstand why he should support such a retrograde step, for it would only bring ridicule upon us from the other side of the world. I hardly think he meant what he said. Take the position of the last Rhodes scholar. In about two years he would be ready to be called to the bar in Great Bri-ain. Would the Attorney General say that on his return to this country he should serve n articles for two years without being able o earn anything in the meantime?

The Attorney General: You voted in fav-our of the amendment to make him wait for wo years before he could practise.

Mr. SLEEMAN: I did not know what I vas doing. Sometimes the legal mind can lip a thing through before the layman can understand what is going on. I would not vote that way now. The absurdity of the hing is that the man who qualifies in Eng-and has only to wait for two years in Monte Carlo, the South Pole, or some other place. o be admitted to the bar on his arrival here, whereas the locally trained lad must be articled and cannot earn anything while he is serving his articles. The Attorney General complained because I referred to money that had been spent outside the Crown Law Department. I do not want to hurt his feelings. We have a large staff in this country. In more advanced places the Attorney General does go into court and plead cases on behalf of the Crown. I remember a murder case in Great Britain where the Attorney General appeared as a pleader.

The Attorney General: I have done it here.

Mr. SLEEMAN: I suppose we can reasonably expect the Attorney General in these times of depression to save the country a few pounds by taking some of the bigger cases.

The Attorney General: If I could be relieved of a few of my other duties I would glady spend all my time at it. The people you speak of do nothing else.

Mr. SLEEMAN: The Attorney General tried to compare the legal profession with the medical profession. They cannot be compared. Immediately a medical student takes his degree he can commence practising, and some of them are very clever at it, too. These young men are able to carve a patient to pieces quite legally and quite properly, but the other man who wants to plead for his client cannot do so until two years have elapsed since he passed his examination. The Attorney General referred to cases of members of the legal profession who worked for a certain fee under the Poor Law Act. Members of the medical profession have been doing something that will endure as a monument to them for all time. I refer to their honorary work. A man without a shilling in his pocket can in the Public Hospital have the best medical brains in the State brought to bear upon his case. That is not so in the legal profession. The Attorney General objects to my being on the select committee because of certain statements I have made. He also objected to my being the chairman. Does he mean to say that because I made certain statements I would be able to dictate to four other members of the House, some of whom might be members of the legal profession? He went on to say that he was

prepared to ask a judge to go into some of the matters but not all of those referred to in the motion. He said he had discussed the question with a judge. I do not know whether the judge thinks the same as the Attorney General thinks, or whether it is a case of vice versa. Evidently both were in agreement with each other. Arbitration is very nice if one can pick the arbitrator. I suppose the Frankland River men would not mind someone adjudicating upon their case if they knew he thought as they did. I do not think the Attorney General would agree that in any other walk of life an arbitrator should be picked who was clearly on the desired side. A judge is entitled to his opinions and I respect them, but it is not right that the Attorney General should be prepared to leave the matter to a judge of whose opinion he is already well aware. He said that because of my opinions I was not fit to be a member of the select committee, and yet he says that he is prepared to ask a judge, whose views he knows, to inquire into certain phases of the question. The reason I moved this motion is that I did not want to bring down any amendment to the Legal Practitioners Act until I knew more about the profession itself. I thought it would be better to have an inquiry by select committee before making any attempt to amend the law. Another reason is that I do not think a judge should be appointed to make an inquiry. I take this view because the Minister for Lands said that the judges were already working at full pressure owing to their being short-handed. If they are so busy, none of them should be called upon to inquire into this matter. An alteration to the law is a political matter and should be decided by a select committee. Whoever makes up that committee will be sure to bring in a finding that is respected, and the House can then decide what amendments are required to the Act.

Question put, and a division taken with the following result:—

Ayes	17
Noes	20
Majority against	3

AYES.

Mr. Coverley	Mr. Panton
Mr. Griffiths	Mr. Sleeman
Mr. Hegney	Mr. F. C. L. Smith
Mr. Kenneally	Mr. Troy
Mr. Lamond	Mr. Wansbrough
Mr. Marshall	Mr. Willcock
Mr. McCallum	Mr. Withers
Mr. Millington	Mr. Wilson
Mr. Munsie	(*Teller.*)

NOES.

Mr. Angelo	Mr. Parker
Mr. Brown	Mr. Patrick
Mr. Church	Mr. Piesse
Mr. Davy	Mr. Richardson
Mr. Ferguson	Mr. Sampson
Mr. Latham	Mr. Scaddan
Mr. Lindsay	Mr. J. M. Smith
Mr. H. W. Mann	Mr. Thorn
Mr. J. I. Mann	Mr. Wells
Mr. McLarty	Mr. North
	(*Teller.*)

PAIRS.

AYES.	NOES.
Mr. Collier	Sir James Mitchell
Mr. Cunningham	Mr. Doney
Mr. Nulsen	Mr. J. H. Smith
Miss Holman	Mr. Barnard

Question thus negatived.

RETURN—RAILWAYS, LOCOMOTIVES AND CUSTOMS DUTY.

Debate resumed from the 21st September on the following motion by Mr. Sampson:—

That a return be laid upon the Table of the House showing:—(1) The cost (exclusive of Customs duty) of the 10 locomotives and 3 boilers purchased for the State railway system in 1924. (2) The amount borrowed by the State Government, and paid to the Federal Government, by way of Customs duty in respect thereof. (3) The annual interest charge upon the people of this State in respect of the added loan burdens on account of the Federal Customs duty. (4) The approximate duty, under the existing tariff, that would be payable by the State Government to the Federal Government in respect of the proposed purchase of £1,400,000 worth of electrical equipment.

THE MINISTER FOR LANDS (Hon. C. G. Latham—York [9.45]: If the hon. member who moved this motion will agree to the deletion of its fourth paragraph, the remainder of the information desired can be furnished. As regards paragraph (4), that is almost impossible unless the hon. member sets out in detail exactly what he desires and I realise that that would take considerable time. I move an amendment—

That paragraph (4) of the motion be struck out.

Mr. SAMPSON: I appreciate the difficulty involved, and accept the Minister's suggestion. At a later stage I hope to submi

paragraph (4) in a form which will render practicable the supplying of the information I desire.

Amendment put and passed.

Question, as amended, agreed to.

House adjourned at 9.47 p.m.

Legislative Assembly,

Thursday, 27th October, 1932.

	PAGE
Question: Unemployment, assistance for single men	1405
Bills: Financial Emergency Tax Assessment, 3R. ...	1405
Financial Emergency Tax, 2R., Com., report ...	1410

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

QUESTION—UNEMPLOYMENT.

Assistance for Single Men.

Mr. MARSHALL asked the Minister for Mines: 1. Is it a fact the Government have instructed the Unemployment Relief Board that, for the time being, no further assistance in the way of sustenance will be granted to single men? 2, Is he aware that such instructions have considerably hampered and affected single men who have been following up the occupation of prospecting for gold? 3, As no seasonal work is available to those who have been following up prospecting, and receiving sustenance (thereby making it possible for them to secure employment), will he reconsider the position with a view to reinstating sustenance to those who in the past have been following up prospecting, in order that they may continue their search for gold?

The MINISTER FOR MINES replied: 1, No. The instructions apply only to new cases. 2, No. 3, Answered by No. 1.

BILL—FINANCIAL EMERGENCY TAX ASSESSMENT.

Third Reading—Amendment (Six months) Negatived.

THE MINISTER FOR RAILWAYS (Hon. J. Scaddan—Maylands) [4.37]: I move—

That the Bill be now read a third time.

HON. A. McCALLUM (South Fremantle) [4.38]: I move an amendment—

That the word "now" be struck out, and "this day six months" inserted in lieu.

From the time the Bill was brought into the Chamber we have not had either from the Premier or from the Minister now in charge of the Bill any attempt to justify the tax. The people in the country have not been consulted, nor has there been any mandate to the Government to impose new taxation. Such an iniquitous proposition as this Bill contains is objectionable in every feature, and Parliament should have full justification for accepting it. But the Minister has been content to sit quiet and say not a word, merely throwing the responsibility on the absent Treasurer. The Minister has remarked that if the Treasurer were here he might agree to an amendment, but because the Treasurer is away he, the Minister in charge, cannot agree to any amendments. I do not know whether that is to be taken as an admission that this is a one-man Bill. Are we to understand that the imposition of this tax is being made merely at the whim of the Premier and does not represent the decision of Cabinet, that the Minister disowns responsibility for it, declines to accept either on his own behalf or that of Cabinet any responsibility for the extraordinary imposition contained in the Bill? We know that is not the case, that not only has there been full approval by Cabinet, but that Cabinet took the Bill to caucus, where there was a lively debate, and that it was only after a compromise had been arranged at the caucus meeting that the Bill was approved. So the responsibility for the Bill cannot be put on to the absent Premier, but belongs first of all to Cabinet and then to every member sitting on the Government side, because they all decided before the Bill came into the Chamber that it was to have their support. The public