usefulness of the measure the House will pass the Bill, and so bring about a position which will save the State's greatest asset from the grave injury that is threatening it.

Question put and passed.

Bill read a second time.

House adjourned at 11.21 p.m.

Legislative Assembly,

Wednesday, 13th December, 1933.

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

QUESTION—BUTTER PRICE STABILISATION.

Mr. McLARTY asked the Minister for Agriculture: In view of his declaration that Western Australia would not participate in the proposed Australian butter stabilisation scheme, will he consider the advisability of introducing legislation with the object of stabilising butter fat prices in this State?

The MINISTER FOR AGRICULTURE replied: The matter will receive consideration if the need arises. There is, however, a stabilisation scheme in existence in this State.

QUESTION—LEPERS IN TRANSIT.

Mr. COVERLEY asked the Minister representing the Chief Secretary: In view of the fact that the Health Department can give no definite assurance that the vessel carrying lepers from this State to Darwin will be in charge of a qualified seaman, will the Aborigines Department make the necessary inquiries to insure that a certificated master has charge of the vessel?

The MINISTER FOR HEALTH replied: The Chief Protector of Aborigines is making the necessary inquiries to insure the safe transport of the aboriginal patients to Darwin.

QUESTION—FAUNA FOR EXPORT.

Mr. COVERLEY asked the Premier: 1, Is it a fact that dealers trading in export fauna when applying for a permit to export birds are asked by the Fisheries Department to state what price they receive for the birds? 2, If so, which Act or regulation empowers the department to demand this information? 3, What value is this information to the department if supplied?

The PREMIER replied: 1, Yes. 2, Section 22 of the Game Act prohibits the export of living imported or native game unless with the consent of the Minister. To assist in the consideration of applications the information mentioned has been asked for. 3, For statistical purposes.

QUESTION—INFANT HEALTH CENTRES.

Mr. HAWKE asked the Minister for Health: Will he give early consideration to the question of removing the economy "cut" made by the previous Government in subsidies paid to Infant Health Centres?

The MINISTER FOR HEALTH replied: The question is being closely examined, and relief will be given as soon as the financial position permits.

QUESTIONS (2)—EGGS FOR EXPORT.

Reaction on local price.

Mr. SAMPSON asked the Minister for Agriculture: 1, Is it a fact that because of the guarantee of 3d. per dozen for export eggs by the New South Wales Egg Market-

ing Board the local (N.S.W.) price of eggs has been increased by from 2d. to 3d. per dozen? 2, Has he in mind means whereby an improvement in price can be extended to poultry farmers in this State?

The MINISTER FOR AGRICULTURE replied: 1, I cannot say. 2, Yes.

London Prices and Standard Variations.

Mr. SAMPSON asked the Minister for Agriculture: 1, Is it a fact that prices for Western Australian eggs are lower in the London market than are those for eggs of other Australian States? 2, What are the prices in the London market for eggs from the various Australian States? 3, Is he prepared to explain the variation and advise what has been done or is being done to remedy this, and to secure for Western Australian poultry farmers a return equal to that of those in other Australian States? 4, Is there any substance in the statement frequently made that the variation of three-eighths ounce in the 15-lb. pack of eggs is not strictly adhered to by all Western Australian exporters; further, that two and one-quarter ounce eggs are being shipped from Western Australia in the 15-lb. pack?

The MINISTER FOR AGRICULTURE replied: 1, No. 2, Latest mail figures received from London for Australian eggs are as follow:—17lb. pack, 13s. to 13s. 3d.; 16lb. pack, 12s. 9d. to 13s.; 15lb. pack, 12s. 3d.: 14lb. pack, 11s. 6d. to 11s. 9d.; 13¼lb. pack, 10s. 6d. 3, Answered by No. 1. 4, No.

QUESTION—FRUIT FLY.

Mr. SAMPSON asked the Minister for Agriculture: 1, Has there been any recurrence of fruit fly trouble? 2, Are the requirements of the Fruit Diseases Act and the regulations thereunder being carried out?

The MINISTER FOR AGRICULTURE replied: 1, Not beyond the usual annual recurrence. 2, Yes.

QUESTION—SLEEPER CUTTERS, KARRAGULLEN.

Miss HOLMAN asked the Minister for Forests: 1, Is he aware that the Forests Department has men cutting sleepers on country at Karragullen which has been cut over so often by both mill and sleeper cutters that at a recent pass some of the most experienced men in the State have had 10 per cent. of rejects? 2, Is he aware that these men are under the control of a man without experience other than in a mill?

The MINISTER FOR FORESTS replied: 1, No. 2, No.

BILL—CONSTITUTION ACTS AMENDMENT ACT (1931) CONTINUANCE.

First Reading.

Introduced by the Premier and read a first time.

BILL—FARMERS' DEBTS ADJUSTMENT ACT AMENDMENT.

Third Reading.

Bill read a third time and transmitted to the Council.

BILL—FINANCIAL EMERGENCY ACT AMENDMENT.

Report of Committee adopted.

MOTION—RAILWAYS, COMMISSIONER'S LIABILITY.

To disallow amending Regulation.

Debate resumed from the 7th September on the following motion by the member for Pingelly (Mr. Seward):—

That the amendment to By-law 55 of the Government Railways (liability for goods stored free on railway premises), published in the *Government Gazette* on the 29th September, 1933, and laid upon the Table of the House on the 18th October, 1933, be and is hereby disallowed.

THE MINISTER FOR RAILWAYS (Hon. J. C. Willcock—Geraldton) [4.36]: This amended regulation attempts to relieve the Commissioner of Railways of all liability in respect of any goods stored free of charge by the Commissioner on premises forming portion of a railway or under the control of the Commissioner. Hitherto when free storage was granted, an indemnity was obtained from the owner of the goods, relieving the department of all liability. But the practice entails a loss of time in obtaining the in-

demnity, and the purpose of the regulation is to relieve the department of the necessity for obtaining an indemnity.

Mr. Doney: That does not make the position any better from the point of view of those in the country.

The MINISTER FOR RAILWAYS: I do not see that the Commissioner should be liable for any damage that may happen to goods stored free of charge.

Mr. Doney: But it entails no expense on the Railway Department.

The MINISTER FOR RAILWAYS: The member for Pingelly when moving his motion dealt with unattended sidings. The Commissioner is under no responsibility for goods left at unattended sidings; he could not possibly be expected to be responsible for goods put out of a train at unattended sidings. The real import of the regulation was in respect of the Port Hedland railway, when wool was being stored awaiting shipment down the coast. The department has frequently used its goods-sheds for the purpose of storing wool and other commodities free of charge. Surely the Commissioner should not be expected to accept responsibility for those goods, and certainly not for goods at unattended sidings.

Mr. Doney: The complaint of the member for Pingelly did not include unattended sidings, but only goods stored in the department's goods-sheds.

The MINISTER FOR RAILWAYS: For a period of 12 hours they are allowed storage, but we do not accept any responsibility if people do not come along and collect their goods. Of course where people pay storage for their goods, the charge made covers responsibility on the part of the Commissioner. If we are to accept responsibility, we must make a charge to cover possible loss. However, as I say, the genesis of the regulation had to do with the Port Hedland line. When people desired to send their wool down the coast they brought it into the railway goods-sheds where, it awaited the arrival of the steamer. At one time they used to be charged storage, but in recent years we have allowed them to store their wool free, and have taken an indemnity in respect of those goods stored free on railway premises. However, that system has proved inconvenient, for those who would have to give the indemnity are not always to be found. How, then, can we be expected to accept liability for those goods? So we had to make the matter clear by regulation, otherwise people might think that even though their goods were stored free, if anything happened to them the Commissioner of Railways would accept liability.

Mr. Ferguson: Is there nothing about goods being stored for nothing?

The MINISTER FOR RAILWAYS: That is dealt with in another part of the regulation, which I have not under my hand at the moment.

Mr. Ferguson: But this regulation would override any other.

The MINISTER FOR RAILWAYS: Regulation 34 provides that in no case shall the Commissioner be liable for injury to goods if they are stored for 24 hours. That is all there is in this regulation, namely, that the Commissioner desires to assist people by giving them free storage capacity for their goods when they require it. But unless he gets an indemnity, he is perhaps liable for any damage or loss. Nobody could be expected to allow such a condition to continue. If a man wants storage for his goods and is prepared to pay for it, liability will be accepted by the Commissioner, but for goods stored free the Commissioner cannot be held liable in respect of any damage that may occur. The purpose of the regulation is merely to do away with the necessity for securing an indemnity, which is not always easy to obtain since the owners of the goods may not be readily communicated with. If the owner of the goods were present, the department would not take the goods into free storage without an indemnity. Under this regulation, where the storage of goods is free the Commissioner will not be held liable for any damage to those goods.

Mr. Piesse: Do you not think there is likely to be some misunderstanding unless the owner of the goods is notified by the Commissioner of Railways?

The MINISTER FOR RAILWAYS: The owner has been notified of the conditions under which the goods will be accepted for free storage. When something is stored free of charge, it cannot be expected that the storer should be responsible for any damage to it.

Mr. Ferguson: This regulation does not put any responsibility upon the Commissioner.

The MINISTER FOR RAILWAYS: Not when free storage is granted to the people. A team loaded with wool may arrive at Port Hedland, where a boat is not due for a week. The Commissioner may allow that wool to be put into one of his sheds, and makes no charge for perhaps a week or ten days. Without an indemnity the Commissioner might be liable for some action for damages.

Mr. Ferguson: According to this, the Commissioner is not responsible for goods sent into the country, five minutes after they arrive there.

The MINISTER FOR RAILWAYS: I do not think that is so. The regulation does not cover anything like that. At attended sidings the railway officers see that the goods are delivered to the right person. If the goods remain for longer than a certain time, the Commissioner should not be liable for them, or for any loss that may occur to them.

Mr. Patrick: If goods remain on a station for a certain time, people are charged demurrage.

The MINISTER FOR RAILWAYS: We are only talking about small consignments.

Mr. Patrick: Demurrage has to be paid on small parcels.

The MINISTER FOR RAILWAYS: If storage charges are paid, the Commissioner will take the responsibility. These regulations deal only with cases in which goods are stored free. It is unreasonable to expect that the Commissioner should give free services to any person and then be held liable for any damage that may occur.

MR. DONEY (Williams - Narrogin) [4.48]: I agree with a good deal of what the Minister says in regard to indemnities. His explanation makes the regulations appear more reasonable. I wonder whether he would re-draft the regulation with the object of cutting out the last words, and retaining the indemnities in certain cases. Provision could be made for such instances as the wool arriving at Port Hedland; otherwise I cannot help thinking that at a time when traffic is being lost to certain competing services, this somewhat irritating regulation is calculated to injure the business of the railways.

The Minister for Railways: Do the competitors of the railways accept any responsibility for storage?

Mr. DONEY. I do not know.

The Minister for Railways: You know they do not.

Mr. DONEY: When goods from the country are picked up at the farm, and taken to their destination, there is no question of storage. If goods are wilfully damaged, the Commissioner escapes all responsibility. That does not seem right. The very existence of a regulation like this may cause the railway officials to be less careful than they are.

The Minister for Railways: There is nothing about wilful damage here.

Mr. DONEY: It is plainly implied in the words "notwithstanding the acts or defaults of his servants or agents."

The Minister for Railways: That is not wilful damage.

Mr. DONEY: It is included.

The Minister for Railways: If one wilfully does a thing, one must take the responsibility for that action.

Mr. DONEY: This regulation does not make the thing plain. I want to see our railway traffic increasing. In the interests of the railways this regulation should not be allowed to pass in its present form. I would sooner see the Commissioner revert to the old arrangement of indemnity, in preference to putting up the backs of country people and causing them to fall back on motor transport.

MR. SAMPSON (Swan) [4.51]: I appreciate the difficulties of the position. If no payment is made, there should be no responsibility on the part of the Commissioner for the care of the goods. The care of the goods, however, is part of the service that is provided.

The Minister for Railways: This refers to where cases of goods are stored free of charge.

Mr. SAMPSON: If goods are taken from Perth to Kellerberrin, for instance, they should be cared for, locked up, and at all events kept away from the weather. That is usually done. If the regulations provided that there would be no responsibility, the same position might occur as happens when goods are sent forward at owner's responsibility. A complaint was made to me recently respecting fruit that was sent to Mt. Barker. It was stated that time after time the cases were ullaged and fruit was taken out. The person who sent the fruit thereupon decided that instead of paying 2s. 10d.

to the railways, he would pay 3s. 6d. to a motor transport service. It is fair that this should be mentioned, It shows that there is not that full sense of responsibility one would expect even when goods are being transported. The Minister might adjourn the debate and amend the proposed regulation with the object of giving protection to those who forward goods. If the regulation is passed as it is, the railways will no doubt take advantage of it. It may be that there is no railway shed or lock-up provided at some station.

The Minister for Railways: This does not deal with unattended sidings.

Mr. SAMPSON: No. Where there is a railway shed or other accommodation in which goods may be kept in safe keeping, the railways would be well advised not to press for this regulation. A train may not arrive at the station until 4 o'clock in the morning. The recipients of goods may not be waiting for the parcels to arrive and may therefore suffer loss. The door of the shed might have been left unlocked.

Mr. Wansbrough: If that happens the person who leaves it unlocked is responsible for the damage.

Mr. SAMPSON: If goods are stored free of charge, the Commissioner will not be responsible for loss or damage notwithstanding the default or actions of his servants or agents. The care of goods for a certain period is part of the service which the railways inferentially undertake to provide for those whose goods are transported.

MR. THORN (Toodyay) [4.58]: The Minister would be well advised to reconsider this regulation. At attended sidings the Commissioner receives and despatches goods. Why should he not be responsible for them?

The Minister for Railways: If you accept a consignment, you take the responsibility for it.

Mr. THORN: The Harbour Trust and shipping companies make themselves responsible for any shortage that may occur in goods they have received. If the Commissioner receives goods at attended sidings, he should make himself fully responsible for them.

The Minister for Railways: He accepts goods for transport, not for storage.

Mr. THORN. This must deal with exceptional cases.

The Minister for Railways: It does.

Mr. THORN: When the Commissioner provides accommodation to suit the people concerned, that is a different matter. In other circumstances he should accept the full responsibility. This regulation will only have the effect of driving freight away from the system. We should not do anything to bring that about. Where the responsibility rests with the railways, they should accept it in full. One thing that is working against our railways to-day is the fact that if one rails goods at owner's risk, being the cheaper rate, the department accept no responsibility. At Commissioner's risk, which forces the Commissioner to accept the responsibility, a much higher rate is charged. On the other hand, motor transport takes full responsibility from the moment of picking up the goods, whereas the Commissioner of Railways will not do this except in return for, as I have indicated, a much higher rate of freight. Other forms of transport are cutting our railway rates while accepting full responsibility. That is one of the weaknesses in our railway methods.

MR. FERGUSON (Irwin-Moore) [5.2]: In my opinion, the Commissioner's proposal is altogether too drastic. To me it seems to go a good deal further in absolving the Commissioner of any responsibility where he should be responsible, than the Minister for Railways believes. Goods are brought into country railway stations for consignment to the metropolitan area, and are received at those stations from the metropolitan area, and the new regulation states definitely that the Commissioner will not be responsible for them. As regards the Port Hedland-Marble Bar railway, the regulation has no application so far as we are concerned; but I am of opinion that at ordinary country railway stations it will absolve the Commissioner of any responsibility from the time of the arrival of the goods at the country station until the consignee removes them. Under Regulation 32 all goods are subject to a storage charge of 6d. per ton for every day, or part of a day, of 12 working hours, exclusive of Sundays and holidays, if not removed from the railway premises within 12 hours after arrival. That regulation allows the consignee to leave the goods for 12 hours after arrival, and for that period the Commissioner has been responsible; but the new regu-

lation absolves the Commissioner from liability notwithstanding the acts or defaults of his servants or agents.

The Minister for Railways: The storage for the first 12 hours is part of the freight. If goods are allowed to remain for another day, the charge is 6d. per ton.

Mr. FERGUSON: By the amended regulation the Commissioner gets entirely away from responsibility immediately upon the arrival of the goods at their destination.

The Minister for Railways: That is not so.

Mr. FERGUSON: I think it is so. Ever since we had a railway system, the 12-hours period has been allowed to the consignee of goods. Now a regulation is brought in saying that there shall be no responsibility even for that period. As mentioned by the member for Toodyay (Mr. Thorn), other means of transport are cutting severely into the operations of the Railway Department. Recently we have given a great deal of consideration to transport activities, and every one of us desires to assist and encourage the Commissioner of Railways in the conduct of his job. We want the railways used for transport purposes. But such a regulation as this, which relieves the Commissioner of liability under all circumstances, tends in the opposite direction. The regulation goes altogether too far, and does not give the Commissioner's clients a fair deal, and thus will drive them to resort to opposition transport. That is not desired by either the Minister or any other member of the House.

MR. SEWARD (Pingelly—in reply) [5.7]: One or two matters mentioned by the Minister I should like to touch upon in reply. The regulation applies to goods consigned to farmers especially, and not at unattended sidings but at stations like Pingelly.

The Minister for Railways: I submit, Mr. Speaker, that there cannot be a fresh moving of the motion to disallow, because I shall have no opportunity of replying or giving the House any further information.

Mr. SPEAKER: The mover can reply to arguments which have been used.

Mr. SEWARD: The Minister said that in moving the motion I was referring to unattended sidings. I was not, however. I was referring to sidings where there is goods shed accommodation. Farmers living ten or 15 miles out cannot be communicated with in many cases. In my district the railway officials communicate with the farmer if he is on the telephone, or, if he is not, try to send him word through some other source. The goods have to remain in the goods shed until the farmer comes into town.

The Minister for Railways: Then he is charged storage.

Mr. SEWARD: According to the regulations, if any damage occurs to the goods while in the goods shed, even though by default on the part of the railway servants, there is no claim on the Commissioner.

The Minister for Railways: If they are stored free. If a man does not come in for his goods for three or four days, he can be charged storage.

Mr. SEWARD: If the regulation is necessary in the case of the Port Hedland-Marble Bar line, the Minister would do well to confine it to that line, and leave matters as they are in other districts.

Question put and negatived.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

Debate resumed from the 6th December.

MR. McDONALD (West Perth) [5.10]: I wish to thank the member for Fremantle (Mr. Sleeman) for the fair way in which he introduced the Bill. The measure may be divided into three parts. One part deals with costs, another with the respective functions of barrister and solicitor, and the third part deals with the conditions of admission of students as solicitors. The part about costs is one concerning which I am prepared to agree with the mover of the Bill. The part contains two provisions. One proposes an amendment of that section of the Legal Practitioners Act under which a solicitor has power to render a second bill of costs after he has received notice from the client of his intention to tax the bill. I have no objection to that section being deleted, as proposed by the measure. It is a provision which, I think, is very rarely used; and I see no objection to its deletion. The other provision is one concerning the costs of taxation of a bill of costs where the client desires to have the bill taxed. The principal Act provides that if the client succeeds in

reducing the bill by one-sixth of the amount of the items objected to, the solicitor shall pay the costs of taxation, and that if the client does not succeed in reducing the bill by one-sixth of the amount of the items objected to, then the client shall pay the costs of taxation. The amendment proposes to do away with that formula for determining the incidence of the costs, and to leave the matter in the discretion of the taxing master. I have no objection to that proposal either. All I want to say about it is that I think the provision of the principal Act is rather misunderstood, and that in my opinion the remarks of the member for Fremantle showed that he did not quite appreciate what the effect of the section is. If a client objected to a bill of costs rendered by a solicitor and had it taxed, the one-sixth to which the Act refers to would not be one-sixth of the whole bill, but only one-sixth of the amount of the items objected to. What happens in practice is this. The client gets a bill for, say, £20. He says, "Well, items representing £15 are all right, and I have no objection to them; but items representing £5 I think are not proper charges." He then goes to the taxing master, and the taxing master does not deal with items representing £15 which are admitted to be fair items, but with the items representing £5, which are claimed to be unfair items. If the client succeeds in reducing that £5 worth of items by the one-sixth, or 16s. odd, then the solicitor has to pay the costs of taxation. If the client cannot take off the 16s. odd, then he has to pay the expenses of taxation. To cut out that rule and leave the matter entirely in the hands of the taxing master, as the member for Fremantle proposes by this Bill, is something to which I have no objection at all. The old system is one which is found in the English Act, except that the English Act has a slight difference, in that it gives the taxing master the discretion to depart from the rule in any case where he is convinced that taxation is specially justified. However, I have no objection if the hon. member desires to have the matter left entirely in the hands of the taxing master and in accordance with his discretion. The next point dealt with is one concerning the functions of barrister and solicitor, or counsel and solicitor. A solicitor means the man who works in his office and counsel means the man who works in a court. The Bill proposes that no solicitor shall act as counsel or appear in court in any case in which he himself has acted as solicitor or in which his partner happens to be the solicitor. That means that if a man is practising by himself, and the case has to go to the Supreme Court, when it becomes a matter of pleading, he has to hand the brief over to another lawyer, whereas under the present system he can appear in court and carry through the whole transaction himself. It also means that in the office of a firm consisting of two or three lawyers, one of whom may be a King's Counsel, should the Bill be agreed to, litigation may be initiated but when the time comes for the trial to proceed, no partner in that firm can appear and fight the case in court. It has to be handed over to a member of some other legal firm. The suggestion outlined in the Bill is something that, as far as I know, does not operate anywhere else. In other countries, there is a separation between the work of a solicitor and that of a barrister, and there is a separate bar at which those admitted to it, work only as barristers. In this State we have what are known as amalgams, or legal practitioners who are both barristers and solicitors. Legal practitioners here can do both branches of the work.

The Premier: Is that not so in Victoria as well?

Mr. McDONALD: In Victoria, the position is the same according to law, but not in practice. As a matter of professional usage and convenience, they have separate Bars there, the members of which are as completely apart as if the branches were separated by law. In New South Wales there is a separate Bar, and solicitors cannot appear in courts of law. The same applies in Queensland, whereas in South Australia the position is the same as in Western Australia. The Bill, therefore, proposes to create a position among the legal fraternity that, so far as I know, does not obtain anywhere else. I shall ask the House not to agree to that proposal. It would require very careful consideration before allowing it to become law, and it would be purely experimental. So far as I can judge, it would mean more expense to the client. In small cases, such as undefended divorce proceedings, a solicitor can take his client's instructions and appear in court. If the Bill be agreed to, he

would not be able to do that, but when the time came for the case to be dealt with in court, he would have to hand the brief over to another lawyer, who would be paid counsel's fees. Although now, in dealing with the smaller types of litigation, one lawyer can carry through the whole transaction, the position will be, should the Bill be agreed to, that he will have to hand over counsel's work to another lawyer. That would mean a conference in order to explain the case to counsel, and would involve additional cost. As the proposition stands at present, I suggest to the House and to the member for Fremantle (Mr. Sleeman) that the clause I refer to is one that it is not desirable to adopt. I am in sympathy with the member for Fremantle to this extent, that I think the rules of the Supreme Court could be made clearer on the question of the employment of two counsel. That is the real burning question. I also agree with the hon. member that the rules regarding conferences between counsel could be made clearer, and generally tightened up in the interests of the public and of the legal fraternity themselves. That could be done on the recommendation of the Minister for Justice under the rules of the court, and the alterations could be effected by judges of the Supreme Court. If the rules were dealt with in that way, and made clearer, that course would have the support of the legal fraternity. Therefore, as the Bill stands now, I recommend to members that, with reference to the partial separation of the branches of law practised by barristers and solicitors respectively, they should not adopt the proposed course. To do so would mean, so far as can be foreseen—it is difficult to foresee what would be the real effect—additional cost to the public. The third part of the Bill deals with the conditions governing the admission of students, and with the conditions of the admission of those students who have obtained the degree of Bachelor of Laws. The ordinary law student who does not attend the University has to spend five years under articles or an apprenticeship. The student who attends the University and obtains his degree once had to put in three years in a solicitor's office, instead of five years as formerly. In 1926 the Legal Practitioners Act was amended in this House and the period of three years required for a Bachelor of Laws was cut down to two years in order to make conditions easier. Now the member for Fremantle has introduced a Bill seeking to make the conditions still more easy by a further reduction of the period required for a Bachelor of Laws. I do not desire to weary the House by going over ground that has been covered before. I will content myself with explaining that a University training is academic and the idea behind the period of articles was that a Bachelor of Laws would be assured of some practical training in the office of a solicitor before he was admitted to practise.

Mr. Sleeman: What practise would the solicitor have who came out from England?

Mr. McDONALD: I will deal with that phase in a moment. The Bill aims at reducing the standards with reference to the period of training and the examinations that are at present necessary prior to a solicitor being admitted to the Bar in Western Australia. The Bill is one to reduce standards. The complaint by the member for Fremantle was really this: He said that a barrister from England could eat a few dinners at the Inns of Court, and, after three years' academic training, could be admitted to the English Bar and then come to Western Australia and be admitted as a solicitor. He said further that the terms of admission as a solicitor here were so comparatively easy for those men as to be unfair to the local boy. It is true that an English barrister can be admitted without serving articles. What happens is that he either passes an examination set by the Bar Council, which involves three years' training, or else he gets a University degree and then has to pass portion of the usual final examination set for a student applying for admission to the Bar. But he serves no articles, and can qualify for admission as a barrister in three years. In the cases of barristers, they are only engaged by solicitors and the solicitors are able to judge whether the barristers are, or are not, qualified. English barristers who are admitted to practise are comparatively few. It is like selecting the Australian Eleven. They are picked by experts and if, after selection, they do not show themselves to be thoroughly competent, they have no chance whatever.

Mr. Patrick: Is that where the client has a say?

Mr. McDONALD: That is so. At any rate, there have been no English barristers

admitted to the Bar here, apart from a very few, during the last 30 years.

Mr. Raphael: They know there are a lot of sharks here.

Mr. McDONALD: They know they would have no chance against the local lads. A client may suggest the choosing of a barrister because he may be a well-known man who has established his reputation by his career at the Bar. In the absence of a man who has already established his reputation, a client would be guided by the recommendation of his solicitor, who would know from experience whether or not a barrister was competent. The danger does not apply to the same degree with regard to barristers as it does to solicitors. There is a principle involved in the Bill, and it is one of some importance. Under the Legal Practitioners Act there is an authority set up—the Barristers' Board. That is the competent authority, and the function of its members is to prescribe the examinations and the standards that they think necessary regarding admissions to the Bar. Parliament does not endeavour to set down the details of the examinations to be conducted, but throws upon the competent body, the Barristers' Board, the responsibility for the character, qualifications and ability of the men who are to be permitted to practice law in Western Australia. That principle obtains, as far as I know, everywhere. In New Zealand the competent authority is a council consisting of two Supreme Court judges, and two solicitors who are members of the Law Council, who prescribe the examinations required for admission. Comparatively recently the New Zealand Law Society wrote to the authorities in each of the Australian States regarding their requirements with reference to the qualifications for admission to the Bar, because in New Zealand it was felt that the standard of admission of solicitors needed overhauling to make sure that it was raised to a higher level. The same method obtains in Victoria and England, but naturally the details and standards of the examinations, and the number of examinations held, are left to the competent authority to determine. The Bill seeks to take that power away from the Barristers' Board to a certain extent, and endeavours to lay down details as to what standard shall be demanded by the Barristers' Board. Provision is made in the Bill that a Bachelor of Laws need not pass any further examination for admission as a solicitor. At present, a Bachelor of Laws has to serve two years' articles and to pass an examination set and prescribed by the Barristers' Board. That examination deals with practical subjects including procedure and practical conveyancing.

Mr. Hawke: Would the hon. member mind speaking a little louder? It is difficult to hear him owing to the talking that is going on between so many other hon. members.

Mr. SPEAKER: Order!

Mr. McDONALD: After getting his degree of Bachelor of Laws, he has to pass an examination in practical work. It is proposed to abolish that examination. The reason for the examination is this: So far as I know every country requires, before a man holding the degree of Bachelor of Laws it admitted as a solicitor, that he shall serve some period of practical training, whether of one, two or three years. The object of the examination is to ensure that, during his two years of articles, he has in fact studied as he was expected to do. Before he is admitted and after his two years of articles, the board hold an examination which ensures that the student has paid attention to the practical work. If there were no such examination, all that students, who had taken the degree of Bachelor of Laws, would be required to do would be to go to the office for a couple of years more or less spasmodically, and, at the end of the period, they could be admitted, and there would be no guarantee that they had made proper use of their time. The small examination ensures that the man has spent his time in the way intended, and has acquired a practical training qualifying him to be admitted. For that reason the legal fraternity consider it would be wise to retain the examination in practical work.

Mr. Sleeman: Do you think it is necessary?

Mr. McDONALD: I do. Another provision stipulates that the period of articles shall be one year instead of two years. In 1926 the period was cut down from three to two years. Now it is desired to cut it down to one year. In Victoria it has been made one year, but I am informed that the decision is being reconsidered with a view to restoring the period to two years. In England the Solicitors Act was overhauled last year, and

under the re-enactment, a student who holds the degree of Bachelor of Laws has to serve three years articles before he can become a solicitor, as against our two years, and he has to pass the final examination set by the law for solicitors, instead of the comparatively small examination prescribed in this State.

The Minister for Justice: That does not apply to barristers.

Mr. McDONALD: No.

The Minister for Justice: They can be admitted here as solicitors.

Mr. McDONALD: Yes. I was pointing out that in England, three years' articles are required as against two years here, and a much more extensive examination has to be passed before a man who holds the degree of Bachelor of Laws can be admitted to practise as a solicitor. I admit that barristers from England can be admitted here as solicitors on somewhat more favourable terms than can men who have been trained here.

The Minister for Justice: And on more favourable terms than they can be admitted as solicitors in England.

Mr. McDONALD: Yes.

Mr. Patrick: But none of them comes out here.

Mr. McDONALD: Apart from Rhodes scholars and one other man whose father was a resident of the State and who went home to study, I cannot recollect a single English barrister who has come out here in the last 30 years.

Mr. Sleeman: Our own men come back.

Mr. McDONALD: I said apart from Rhodes scholars and one other man.

The Minister for Justice: And the other man did not practice.

Mr. McDONALD: One man did practice for a time; he is not practising now. If we wish to adjust that anomaly, we have one of two courses open to us. We can either impose an extra qualification on an English barrister before he is admitted here——

Mr. Sleeman: You do not favour that?

Mr. McDONALD: I am prepared to favour that—or we can reduce our standard and make the term of qualification easy and more comparable with that which obtains in respect to the English barrister. Sooner than see the standard of admission lowered, I am prepared to move that an English or Irish barrister coming to this State shall not be admitted unless he passes the examination prescribed by the board for Bachelors of Laws in this State.

The Minister for Justice: What about the Barristers' Board examination?

Mr. McDONALD: The Barristers' Board conduct two types of examination—an examination for those students who have served five years articles and have not attended the University, and an examination for those students who have taken the University degree of Bachelor of Laws. They conduct a comparatively small examination for Bachelors of Laws to test their proficiency in practical work, and to test the work they have done during the two years' articles served after obtaining the degree of Bachelor of Laws. If there is a grievance that English barristers can be admitted on easier terms than can local men, I am prepared to move an amendment requiring the English barrister to pass the examination prescribed by the board for Bachelors of Laws of our own University. I think we could say that the barrister who had qualified in England and had passed the examination prescribed by the Barristers' Board for Bachelors of Laws would have something approaching the legal qualifications of those men who have passed through the course prescribed in this State. I would sooner see the terms for the admission of the English barrister increased—it would be purely nominal because they do not come here—than see the local standard lowered. A decrease in standard, apart from other considerations, would be likely to affect reciprocity and the chances of Western Australian boys, if they so desired, going to another State or country to start in business. The widest field is always the best. While the member for Fremantle was speaking the other night, I wrote down the names of five local solicitors whose sons had recently passed or were passing through the University law school and who had served or were serving two years' articles and have to pass the examination prescribed for Bachelors of Law. Not one of those solicitors has ever suggested that the course was too long or too difficult, or that it was unnecessarily long or difficult. If they had felt that way, I feel sure that, in the interests of their sons, they would have suggested an amendment to reduce the length of the course.

Mr. Raphael: Did those sons serve in the offices of their parents?

Mr. McDONALD: They may have done so. If they did, there would be nothing wrong about it. The member for Fremantle referred to a man who was a solicitor, and whose father held a brief and whose brother, I think, was in the case.

Mr. Sleeman: I mentioned a case in which son, father and uncle appeared.

Mr. McDONALD: There is nothing wrong in that. In business, on the land, and in the law, it is natural for the son to follow the profession of his father. I recollect that in Melbourne there were in the law the present Chief Justice of the High Court, Sir Frank Gavan Duffy, a nephew who is now Mr. Justice Gavan Duffy of the Victorian Supreme Court, another son, a very brilliant barrister who was killed, and a brother of Sir Frank Gavan Duffy, a Melbourne solicitor. If any litigant in the Victorian Supreme Court had had the services of the present High Court Chief Justice and the Victorian judge and one other member of the family when they were all practising at the Bar, I do not think his interests would have suffered one iota. Nor would the mere fact that relationship existed between the men have led to the client receiving less proper treatment or less skilled advice than would otherwise have been the case. There is only one other provision to which I wish to refer, and that is the clause providing that the articled clerk may be remunerated by his employer. There is no objection to that. At present it is necessary to get the permission of the board to pay an articled clerk, and I do not think the board has ever refused permission. I have no objection to that being included in the Bill.

The Minister for Justice: All apprentices are paid, and they do a certain amount of useful work.

Mr. McDONALD: This is a more debatable question. A provision of the kind might possibly militate against the employment of articled clerks. However, I do not desire to enter into a discussion of that subject at the present stage. Another provision is that no clerk during his term of articles shall engage in any other occupation during the ordinary business hours. Under the Legal Practitioners Act an articled clerk may not engage in any other occupation without the written consent of the Barristers' Board. That means that neither during the working hours of the day nor in his spare time at night may he have any occupation except the study of law, unless he first obtains the consent of the board. The proposed provision requires a student to work at the law during the ordinary business hours of the day, and to be free thereafter to take any other employment. The law is perhaps a rather peculiar business. The Barristers' Board and any tribunal charged with the responsibility of admitting solicitors have something more to do than simply to look at a student's academic qualifications. They keep a somewhat paternal eye on the student, and it is desirable to ensure that there shall be no outside employment which may militate against the proper studies by the student during his period of articles. In England, by the Solicitors Act of 1932, there is a somewhat similar provision. It has been in existence for many years and was re-enacted. Section 21 of that Act provides—

> An articled clerk may not enter into any other employment unless he has obtained from the Master of the Rolls or a judge of the High Court an order sanctioning the holding by him of the office or his engagement in the employment.

The object of that provision mainly is to ensure that a student shall not take some employment which is going to be inconsistent with his proper studies during his period of articles. For example, a student may be a farmer, or he may be managing a farm, and if he had to do the work associated with that employment during his period of articles, it is likely that his period of legal training would suffer. Or if he were engaged in business he might have to give close attention to that work which would militate against the really proper application of his mind to the practical training during the period of his articles. I think that is the principal reason why the English legislation has kept a hold over outside employment by requiring that the student shall obtain the consent of a judge to carrying on outside work. At the present time under our law a student has to obtain the consent of the Barristers' Board. I have no objection to an alteration by which he may get the permission of a Supreme Court judge, and if he puts up a reasonable case, I am not quite sure a judge will not withhold the permission. Perhaps an amendment leaving the matter to a judge in the same

way as the position exists in England would be better than the provision contained in the Bill which leaves the student entirely at large as to what he may do in the way of outside employment, provided of course, as the Bill says, he gives proper attention to his work during business hours. The Law Society and Council of this State have considered the position and they hesitate to say, in fact they do not wish to see, any amendments introduced which will lower the present standard of qualifications. I would ask the House to heed the views of the Law Council because, as I previously explained, lawyers have voluntarily agreed to contribute £500 per annum indefinitely towards founding a Chair of Law at the University to give these people the best possible training so that they might eventually render good service to the community. Therefore, as lawyers are contributing that sum for the purpose of maintaining the good standard of training, it will be rather hard if that standard is reduced below what is considered desirable in the public interests. The House might well take into consideration the views of the legal fraternity on this point, because they are disinterested views and are made in good faith. I have no objection to the provision regarding costs, though I shall move an amendment to impose an additional examination in the case of overseas barristers. I would ask the House, however, not to lower the standard which at present exists for the admission of solicitors, and not pass the clause which will interfere with the existing system as it applies to barristers.

MR. SLEEMAN (Fremantle—in reply) [5.52]: I am rather surprised at some of the remarks made by the hon. member. When I moved the second reading of the Bill I told the House that I had been in touch with the legal members of this Chamber, and got the opinion of the member for West Perth, and that in deference to his wishes, I cut out a couple of clauses which otherwise might have been still in the Bill. I now find that the hon. member is in favour of putting into the Bill what I agreed to cut out, and that other parts of the Bill with which he was in accord, he now desires to excise. I do not know exactly whether the hon. member is speaking on his own behalf at the present time or whether, as the Law Journal put it, the matter of seeing the Bill through has been left in his hands by the Law Society. I asked the hon. member whether it was his opinion, and he replied that it was the opinion of the Law Society. Now he tells us it is his opinion. It seems remarkable that the hon. member should have changed his mind in so quick a time. At first he had no objection to the taxing of costs, and I am pleased to know he still has no objection to that. Next he said that the briefing of counsel did not exist in any other country of the world. As a matter of fact, it exists in every country of the world. In most countries, solicitors have to go outside to brief counsel. My opinion is that the proposal in the Bill will make for the cheaper working of the profession. Next there was the question of the admission of students to the Bar, and the hon. member says that I am asking for a reduction in the term of articles. Only a few days ago the hon. member was in favour of it. Now he says he does not think it can be accepted. In Victoria the requirement is one year's articles. In New South Wales an LL.B. is admissible to the Bar without further examination. I ask the House to pass the clause as it is, because I contend that a man coming from the University, having passed the Bachelor of Laws degree, and having served one year in articles to get practical experience, should be as good, if not better than the youth who goes to the Old Country and returns without having served articles. The hon. member suggests that I should cut out of the Bill the reference to the serving of articles abroad, because, as he says, "I do not think any English barristers, except Rhodes scholars, have been admitted here for the last 20 years, and the effect of Mr. Sleeman's amendment would be to deprive our Rhodes scholars of an opportunity of returning to their own States to practice law as the funds at their disposal would make it difficult to complete the longer solicitor's course." If the hon. member is so much concerned about what it is going to cost Rhodes scholars returning from abroad, why is he not concerned about what it will cost local lads who have been struggling to secure admission to the Bar? These lads may be the sons of poor parents——

Mr. Latham: Rhodes scholars may also be sons of poor parents.

Mr. SLEEMAN: I admit that, but the member for West Perth is worrying about the boy from abroad, who has served his

term, passed his examinations and eaten his dinner, but who has never served a day in articles and has not even had an examination at the hands of the Barristers' Board in that or in any other country. As for the boy who can be successful by winning a Rhodes scholarship, or having parents who can afford to send him Home to secure his training, the hon. member is not concerned about him. There are some in this House who have been sent Home to study law and have returned as barristers. They have never been asked to pass another examination on their return, nor have they been asked to put in a year in articles, and when I suggest that both should be brought in on an equality, the hon. member is no longer in agreement with me. Victoria provides for one year's articles, and the hon. member pointed that out, and added that in New South Wales an LL.B. is admissible to the Bar without further examination. I am asking the House now to make the law consistent, so that if a boy from the Old Country or a barrister from abroad is to be admitted without examination, the same procedure shall apply to local lads. The hon. member wants to make it compulsory for the Rhodes scholar to pass an examination, but I do not think he said anything about serving articles. All the leading barristers in this State obtained their education in the Old Country and never served a day in articles. Yet we are to say that the others are to be admitted without serving articles, while the local boys are to be compelled to serve articles. This will make us look ridiculous in the eyes of the world. Imagine a brilliant barrister from Great Britain coming here and being told by the local people that he would have to submit to an examination before being admitted and also serve articles, though he would not have to pass an examination before being admitted as a barrister.

Mr. Latham: The one at Home is a much more difficult examination than we have here.

Mr. SLEEMAN: I do not know that.

Mr. Latham: I will get you the papers next week.

Mr. SLEEMAN: I trust members will agree to that clause in the Bill. Then the hon. member said the Bill meant that articles are necessary. At present a bachelor of laws has to pass an examination, and the hon. member said this was necessary in order that he might get a practical examination. If a practical examination is necessary, it should be the same for men from abroad as for youths from our University. The hon. member said that Victoria contemplates increasing the articles. For many years Victoria has had only 12 months of articles. If that is good enough in Victoria and New South Wales also, I hope it will be good enough for Western Australia. Imagine a lad going through the University and through the Chair of Law there—to which, the member for West Perth told us, some £500 is contributed by the Law Society—and then when he emerges successful he finds he has to serve two years under articles!

Mr. Patrick: I think he could serve those articles while studying at the University.

Mr. McDonald: No.

Mr. SLEEMAN: No, he could not. I hope the House will pass the Bill, so as to bring about this long-desired reform in the profession. The member for West Perth admits everything to a certain extent, but desires that it should be done in some other way, whereas I think the way I have chosen is the simplest and best. Then the hon. member says he has no objection to articled clerks being remunerated; and he adds that at present articled clerks must receive permission from the Barristers' Board before they can earn anything while serving their articles; that if it should come to the knowledge of the Barristers' Board that an articled clerk has earned anything he will have no chance of being called to the Bar. I hope that sort of thing will be cut out. The hon. member said he would agree to make provision the same as it is in England, namely that the articled clerk may not enter into other employment without the permission of the Master of the Rolls. That would be a lot better than it is at present, but the time has gone by when any young fellow in this country should be told by the Barristers' Board that unless he can serve his articles without earning a living, he cannot be admitted to the Bar. In New Zealand every opportunity is given to the sons and daughters of the poorer people, and no obstruction is placed in their way when they desire to enter the profession.

Mr. McDonald: All that is being overhauled now.

Mr. SLEEMAN: It would have been bad for the country if it had been overhauled in

years gone by. Had our present Governor-General not been permitted to earn his living while serving his articles, he would never have become a lawyer, and so perhaps never a Governor-General. It was only through his own ability and industry that he was able to go out and take on little odd jobs so as to earn a few shillings to see him through while he was serving his articles. Another man, Judge Real, of Queensland, served his time as a carpenter and studied law while not working at the bench. He was called to the Bar, and eventually became a judge. So if the system of making things easy had been overhauled in years gone by, it would have been bad for some of Australia's brainiest men. I hope the House will pass the Bill so that the young people of this country shall have at least a sporting chance of entering the legal profession by being permitted to earn something while serving their articles.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Hegney in the Chair; Mr. Sleeman in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 6:

Hon. N. KEENAN: The clause would serve to lower the standard of the profession, which necessarily must be kept pretty high. There could be no greater danger to the public than to permit ill-trained lawyers to practise the profession. To lower the standard would be doing a dis-service to the public. The clause will certainly lower the standard, because it will permit a man of purely academic training to qualify for the profession. A man who does no more than go to the University and get a degree has no practical knowledge. In order that such a man might qualify to protect the public, he requires at least two years of practical work in a solicitor's office. I can assure the Committee that a very large part of the work I get arises from the blunders made by men not properly trained, who have done a very great ill to their clients simply because they were not properly trained. Then, when the harm is done, it becomes necessary to take steps in a court of law—a very expensive matter. So I say that to lower the standard of the profession is to do the public a great disservice. Under this clause the mere lapse of time would entitle a man to be called to the Bar, released from any examination which would test his practical knowledge.

Mr. SLEEMAN: I cannot follow the reasoning of the hon. member. First he says that men should not enter the profession without a qualifying examination, and then he goes on to say that half the work he gets arises from inefficiency on the part of badly trained lawyers. Of course, those badly trained lawyers have all passed their qualifying examinations. If it were not for the many obstructions there are to being called to the Bar in this State, some of the brainier of the young fellows of poor families might be in the legal profession, instead of those who have got there merely because their parents could afford to give them an expensive training. I hope the Committee will agree to the clause.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. SLEEMAN: If a man from abroad can take up the legal profession in this State without an examination, it is equally desirable that the same privilege should be extended to a local man.

The MINISTER FOR EMPLOYMENT: I hope this clause will not be agreed to. A larger principle is involved than appears on the surface. The question of apprenticeship is bound up with the principle contained in this clause. When a youth is engaged in learning a trade as an apprentice, he has to produce a certificate showing the standard of education to which he has attained. From then on he is examined from time to time to see that he is still proficient as far as he has gone. As the proficiency increases, the necessary certificates are issued until the young apprentice becomes a tradesman. This clause proposes that when a person has reached a certain standard he need not be educated any further. That principle is subversive to the whole system of apprenticeship. In the case of the engineering trade an arrangement is made whereby a young man gets continuous education at the University. If we take away the principle that ensures practical experience in any trade or calling, we cannot successfully support our apprenticeship ideals.

The MINISTER FOR JUSTICE: In England and Ireland the legal profession

is separated into two parts, the barrister and the solicitor. A solicitor has to be trained to secure his LL.B. degree, and has to serve for some time and pass an examination before he is allowed to do the practical work associated with the profession. The barrister, however, takes his degree and is then admitted to the Bar. He does not practise as men do here, but is only a pleader, a person who has a knowledge of the law, the ability to conduct a case, and other necessary attributes. In this State the profession is not divided into two parts. We should not make the conditions appertaining to entering the profession too easy. We should ensure that persons received training on the practical side. The man who takes his LL.B. degree need have no idea of drawing up a will or making a deed of partnership. We believe that people should make themselves reasonably efficient in the trade or calling they intend to adopt in order that the public may be protected against inefficiency. The effect of this clause is that what applies to the admission of a barrister to the profession in Great Britain shall be sufficient to enable a man to become a solicitor as well as a barrister in Western Australia. If we want a member of the legal profession to be qualified for the practical work he has to do, we can only ensure that by providing that he shall pass an examination of the requisite standard. I consider it absurd that anyone who merely has an academic degree in law should be entitled to set up as an all-round legal practitioner. I have known of Rhodes scholars going to England and being admitted to the Bar there, and then coming out here to practise; but most of them had learned the solicitor's side of the profession. I am with the member for Perth, in part, as to the amendment he proposes to move. If the law were abrogated as proposed by the clause, it would be a distinct lowering of the standard of the legal profession. I agree with the member for Fremantle that men should be permitted to earn money during their period of articles. Further, I consider that articled clerks should be entitled to remuneration. People who are trained for the teaching profession are paid during the period they are learning to teach.

Mr. SLEEMAN: I do not think the argument as to practical experience carries much weight. The clause does not provide for practical experience. The examination by the Barristers' Board is largely an academic examination. On the argument of the Minister for Justice, the passing of the Public Service examination should not qualify a candidate for appointment, but he should be subjected to another examination in practical work. A man who has the degree of Bachelor of Laws should, according to the Minister's view, undergo a further examination by the Barristers' Board; but an English barrister can practise here without passing any further examination. To interfere with Rhodes scholars would be to make ourselves ridiculous in the eyes of the world. The local man should have the same opportunity as the lawyer coming from abroad, who need merely possess a residential qualification.

Clause put, and a division taken with the following results:—

Ayes	13
Noes	25
Majority against	12

Ayes.	
Mr. Clothier	Mr. Sleeman
Mr. Coverley	Mr. J. H. Smith
Mr. Cunningham	Mr. Tonkin
Mr. Moloney	Mr. Wilson
Mr. Munsie	Mr. Withers
Mr. Needham	Mr. Raphael
Mr. Rodoreda	(*Teller.*)

Noes.	
Mr. Brockman	Mr. North
Mr. Collier	Mr. Patrick
Mr. Ferguson	Mr. Piesse
Mr. Griffiths	Mr. Seward
Mr. Hawke	Mr. F. C. L. Smith
Miss Holman	Mr. J. M. Smith
Mr. Keenan	Mr. Stubbs
Mr. Kenneally	Mr. Troy
Mr. Latham	Mr. Warner
Mr. McDonald	Mr. Welsh
Mr. McLarty	Mr. Willcock
Mr. J. I. Mann	Mr. Doney
Mr. Millington	(*Teller.*)

Clause thus negatived.

Clause 3—Substitution of new section for Section 13; Articled clerks not to engage in other employment during office hours, and may be remunerated:

Mr. McDONALD: I desire to have this clause amended by the striking out of the word "repealed" in line 1, and of the words "substituted therefor" in line 2, and by striking out Subsection 1 of proposed Section 13 and inserting in lieu the words "Section 13 of the principal Act is hereby amended, and a new section is added there-

to." The new section would be as per proposed Subsection 2, referring to remuneration of articled clerks. Under the amendment, students would be entitled to engage in outside employment during their term of articles, with the permission of the Barristers' Board. I move an amendment—

That the word "repealed", in line 1, be struck out.

Mr. SLEEMAN: I hope the amendment will not be carried. The section which the clause seeks to amend is most vicious in principle, and I do not think many members would support it. Under it, no articled clerk is to engage in any other occupation except with the sanction of the Barristers' Board. I have produced evidence here that during the past 20 years only one articled clerk has obtained the permission in question. Diligent search failed to disclose more than one such case. The late Attorney-General asked me why I had not gone to the right place to obtain the information. He was quite dumbfounded when I said I had gone to the secretary of the Barristers' Board. The secretary could not, or would not, afford me information of any case except that one.

Mr. F. C. L. Smith: Had there been many applications?

Mr. SLEEMAN: I know of three.

Hon. N. Keenan: The secretary of the Barristers' Board told me that not a single application from an articled clerk had been refused.

Mr. SLEEMAN: If members look up last year's "Hansard," they will find the particulars that I gave in this House. It amounted to a confidence trick. If a student were to deposit £13 with his application for permission, there would be no chance of the money being refunded. What happened was that young fellows, before being articled, wrote to the Barristers' Board to ascertain whether they would be permitted to earn their livelihood at some other occupation, and the Barristers' Board refused those applications. That enabled the Board to say that they had never refused a single application from an articled clerk. On the other hand, the Board do not say that they have not refused applications from other young fellows. The late Mr. Davy, when Attorney General, admitted that the young fellows would not be able to get their £13 back if their application were turned down. That can be substantiated by a reference to last year's "Hansard." The whole thing is rotten to the core, and I hope the Committee will not agree to the amendment, but will repeal the section so that young fellows will have an opportunity to earn a living while they are studying for admission to the Bar. In Queensland, a young fellow worked as a carpenter at his bench and later on he became a judge of the Supreme Court. In New Zealand young men studying law are permitted to do what they like so long as their avocation does not interfere with their legal work.

Hon. N. KEENAN: I am afraid the member for Fremantle has not obtained the correct information, because the statement he has made flatly contradicts the answer I was given by the same individual—the secretary of the Barristers' Board. That gentleman informed me that not a single application, made by an articled clerk for permission to earn his livelihood at some occupation, had been refused. Now it would appear from what the member for Fremantle has stated, that young fellows, before becoming articled law clerks, have made application to the Board. Naturally the Board could not deal with such applications. The member for Fremantle seems to suggest that the £13 is retained by the Barristers' Board, but that is not the position. That amount has to be paid as stamp duty on the articles entered into.

The Premier: Then I think that amount should be paid!

Mr. Raphael: There is one vote for you on this side of the House!

Hon. N. KEENAN: It is compulsory for stamp duty to the amount of £13 to be paid on the articles. It is absolutely necessary that someone—the Committee may remove the responsibility from the Barristers' Board and hand it over to a judge, if it is so desired—should have some say regarding the occupation to be followed by a prospective legal practitioner.

The Minister for Justice: Not at all.

Hon. N. KEENAN: I think so. A young man might desire to become a bookmaker's clerk.

Mr. Sleeman: Would that be any worse than being a punter?

Mr. Raphael: There might be more money in it.

Hon. N. KEENAN: If punting is an occupation and is remunerative, it might be so.

If a young man were to earn his living as a punter, he would be endowed with more knowledge than most people. It must be obvious that there should be some restriction imposed regarding the form of occupation to be followed. Would a young man who aspired to be a legal practitioner, be allowed to run a starting price bookmaker's shop? Surely it will be admitted that there is need for some disciplinary covenant governing this situation. I am not wedded to the board having the authority to exercise supervision over the occupation to be followed, and would not object if that application were made, as in England, to a judge. It would be wrong to allow an articled clerk to select whatever occupation he thought fit.

Mr. SLEEMAN: It is strange to hear the member for Nedlands advocating that we should follow the course adopted in England now, whereas a little while ago he was urging that we should get away from the practice followed in England. I shall now furnish evidence to prove that the Barristers' Board definitely and repeatedly refused a man's application to earn a living. The only man to whom permission was granted to earn his living while studying law and serving his articles, was the late Mr. Thomas Walker. He was an eminent man and if the Barristers' Board had refused permission to him, the fat would have been in the fire. Mr. Walker would have shown up the action of the Board on the floor of the House, but Mr. Walker was entirely ignorant of what was happening to others. Here is a letter from the Barristers' Board—

> I duly placed your letter of the 23rd ult. before my board for its consideration on the 13th June last. 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 . . . . .

That application was placed before the Board.

Hon. N. Keenan: Was the applicant an articled clerk?

Mr. SLEEMAN: If the hon. member will wait, he will see. The letter continues—

> . . . . . 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 . . . . .

The Board contend that a young fellow cannot serve two masters. That applies to some young men, but it does not apply to the son of a wealthy man who can afford to allow his son to do anything he likes while he is serving articles, without the necessity to earn money. The letter concluded—

> 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.

Members can see for themselves whether the statement made by the secretary of the Barristers' Board to the member for Nedlands was, or was not, correct. I hope the Committee will not agree to the amendment.

Mr. McDONALD: The Barristers' Board appear to have been entirely candid in the case the member for Fremantle has referred to, and even went out of their way to furnish the young man with an expression of the Board's opinion before he was even articled. It is very hard for the Committee to arrive at a decision in such a case in view of the fact that we do not know the name of the individual.

Mr. Sleeman: What difference would that make?

Mr. McDONALD: It might make all the world of difference.

Mr. Raphael: He might be a Labour supporter.

Mr. McDONALD: That sort of talk will not get us anywhere. The legal profession is one of the cheapest and easiest to enter.

Mr. Tonkin: You do not believe that.

Mr. McDONALD: I do. There is a free University.

Mr. Sleeman: The University is not free.

Mr. McDONALD: It is as free as ever a University could be. There is only one person who has a grievance regarding this particular section of the Act, so far as I have been able to ascertain. The Committee cannot decide the issue without knowing what that man proposes to do, or the extent of the time that will be occupied in another avocation and so on. The Barristers' Board have

no desire to keep people out of the profession.

Mr. SLEEMAN: I do not know that it matters what the name of the individual may be. I know two young fellows who are about to pass their final law examination. One is the son of a tramway employee, as respectable a citizen as could be found anywhere.

Mr. McDonald: I do not want to know that. What I want to know is what occupation the applicant intends to follow?

Mr. SLEEMAN: What does it matter what occupation he follows, so long as he is prepared to earn a decent livelihood while qualifying for law.

Mr. Tonkin: More power to him if he does.

Mr. SLEEMAN: Of course. I should think the member for West Perth would wish such an individual good luck and express the hope that he would get through his examination.

Mr. McDonald: So I would.

Mr. SLEEMAN: There should be no objection to a young fellow following whatever occupation he chose, so long as it was an honest one. It would be ridiculous to think that such a young chap would desire to follow in the footsteps of Bill Sykes. The member for West Perth talked about a free University. It may be free to go to, but parents have to struggle to keep their boys at the University. It may be free, but it costs a darned lot of money to go there. If the member for West Perth had his way, a man would not be allowed to qualify for the profession unless the Barristers' Board desired him to do so.

The MINISTER FOR JUSTICE: I support the member for Fremantle. There is evidence of absolute snobbery in the attitude of the Barristers' Board. To anyone who can make his way in the world against natural disadvantages or against the advantages others enjoy by reason of having wealthy parents, we should say "good luck!" Under the conditions suggested by the member for West Perth, what hope would anyone have of entering the profession unless his parents were wealthy? If anyone is prepared to do the legitimate work to fit himself for the profession, he should be allowed to help himself by taking work in any honourable calling. The profession is rather exclusive, and will be exclusive because only people of wealth can hope to get their children into it. A musician would not be debarred from utilising his spare time to supplement his means in order that he might pursue his studies. To lighten the sacrifice made by parents is a trait that should be commended. I would not prevent a man from selling papers between 6 a.m. and 9 a.m. to finance himself while studying for the profession.

Mr. Sleeman: That would be degrading!

Mr. McDonald: I do not think it would be any bar at all.

The MINISTER FOR JUSTICE: I do not think it would meet with the approval of the Barristers' Board.

Hon. N. Keenan: Would it meet with the approval of a judge?

The MINISTER FOR JUSTICE: Yes. I have great confidence in our judges, because they are guided by commonsense and equity. Why should anyone be subject to the dictation of another in this respect, particularly when that someone might not be actuated by the best motives. There is no reason why the board should restrain students from earning money in an honourable way.

Hon. N. Keenan: Who would determine what was an honourable way?

The MINISTER FOR JUSTICE: If a student engaged in any dishonourable calling, he would not be admitted. The legal profession is an honourable profession.

Mr. Raphael: There are some dishonourable people in it.

The MINISTER FOR JUSTICE: I do not know anything about that. If anyone acted dishonourably during the period of serving articles, he would have little chance of being admitted.

The MINISTER FOR EMPLOYMENT: The Act prohibits any articled clerk from holding any office as well as from engaging in any employment. There appears to be no interpretation of the term "office," and the question arises as to how far that provision would extend. Holding office in an organisation might disqualify an articled clerk or prevent his being admitted. Could it be taken that the office of president in the Nationalist organisation or in the Labour organisation would incur disqualification? It might be an office carrying no remuneration. Who is the better man, the one who slides through life depending on the money provided by his parents, or

the one who tries to help himself by working for himself? We should not give preference to a man who is prepared to lean on others as against one who is prepared to work in order to keep himself.

Amendment put and negatived.

Clause put and passed.

Clause 4—Amendment of Section 14.

Hon. N. KEENAN: This is an amendment in which we should reduce by one-half the length of time by which an articled clerk who has obtained his LL.B. degree shall be obliged to serve before presenting himself for examination. I have not been personally able to get into touch with the profession on the matter, but I have learnt the views of not only the profession itself, but of Professor Beasley, who is in charge of the law classes at the University. His view is that the two years' practical experience are essential, but that one of those two years might well be served by still preparing for the LL.B. degree. It takes a certain number of years for a student to present himself for the LL.B. degree. Professor Beasley suggests that the last of those years could be used not only for attendance at lectures for the purpose of getting that degree, but also for attendance in an office of a legal practitioner to acquire practical experience. So that the suggestion is if the clause is struck out, to provide that students in law at the University may serve articles in one year during the period of attendance at the University. That would mean that they would serve two years in all and only one year after taking the LL.B. degree. The last year of the University preparation could thus be spent by the student in preparing himself not only for his examination but also in practical work in the office of a practitioner. That would mean that he would not be called upon to wait one day longer than if the hon. member's amendment were passed. At the same time he would get his greater experience which it was considered very essential in order that he might properly qualify for his work.

The Premier: If he fails?

Hon. N. KEENAN: Paragraph (e) refers only to a person who has taken his LL.B. degree; therefore, if he fails, as suggested by the Premier, he will not come under paragraph (e), but he could present himself again for examination. I am prepared to move the amendment, or leave it to the hon. member to do so.

Mr. SLEEMAN: I should like to see the clause pass at is it. The Committee has decided that the student has to pass another examination after satisfying the University, and now we propose to say that he shall serve two years in articles before he can plead a case before even an ordinary justice of the peace. In the medical profession a man can take his degree and practice as a doctor immediately afterwards.

Hon. N. Keenan: That is not so.

Mr. SLEEMAN: It is so. I have made inquiries and found that it is so. When I was passing through Adelaide a little while back, I heard of a man who had taken his degree as a doctor on one day and sailed for Western Australia on the very next day where an appointment in a hospital was awaiting him. In that hospital there would be quite a number of people whose lives would be entrusted to his care.

Hon. N. KEENAN: A medical student does not follow a purely academic course. He attends a hospital and watches operations, so that from beginning to end his training is practical. Here we are dealing with a purely academic case. My proposal will not mean an hour longer; it will mean that the student would have the two years, one of which will coincide with his last year in the academic course.

Mr. Raphael: Would you agree that a man should have time off to attend the University?

Hon. N. KEENAN: Professor Beasley said last year of the academic course that it would be quite possible for a student to do that because his University work in the last year would not be heavy.

The MINISTER FOR EMPLOYMENT: The member for Fremantle would be well advised to accept the suggested amendment of the member for Nedlands. Constant applications have been made to reduce the term of apprenticeship and throughout the many years that that has been attempted, it has been agreed to on only one occasion and that was when the men returned from the war. Here it is proposed to reduce by half the practical apprenticeship that is provided at the present time, and after all it is a practical apprenticeship that counts. We are asked to cut down the period by 12 months. The proposed amendment

reaches the same position as the hon. member desires, but the 12 months experience will be gained in the last year of the University course, and so there will be no sacrifice of practical knowledge, and no extension of the period served. Without that amendment I would vote against the reduction of the time devoted to the acquiring of practical knowledge. I suggest to the hon. member in charge of the Bill that he should adopt the suggested amendment.

Mr. SLEEMAN: I understand the member for Nedlands is prepared to move an amendment. I will accept that amendment.

Hon. N. KEENAN: If we negative the clause, may I then move a new clause?

The CHAIRMAN: Yes, at the end of the Bill.

Clause put and negatived.

Clauses 5 and 6—agreed to.

Clause 7—Amendment of Section 49:

Hon. N. KEENAN: This is the clause which the member for West Perth said would produce chaos. If we pass this clause it will be impossible for the profession to be carried on, for we have not reached the stage where the profession in Western Australia can be divided into two sections—barristers and solicitors. We have not yet advanced sufficiently, either in numbers or in the volume of legal business available, to justify a division of the profession into two sections. Consequently under the clause it will be necessary for a solicitor to employ someone else to appear for him, and so add to the costs of the case. I do not object to a provision being made to put an end to the ridiculous farce of a solicitor consulting himself and making a charge for it; but that could be effected by the Rules of Court, by a revision of the scale of costs.

Mr. RAPHAEL: I hope the clause will be agreed to. I had a legal action, and I was with my solicitor when his partner came and sat in the room without saying a word; yet eventually I found I was charged about £60 for his presence. The public should be warned of that sort of thing. The member for Nedlands said the clause will create chaos in the legal profession, and that there was not sufficient legal work to warrant a division of the profession into two sections. If that be so, I should imagine it is because of the high fees charged by lawyers, in consequence of which they do not get more work. The clause will prevent the filching of the public's money by the so-called solicitors of the State. I hope it will be agreed to.

Mr. SLEEMAN: I expected that this clause would be objected to by members of the profession. I explained to the draftsman what I wanted, and this is the clause he produced. Here is an extract from a letter I have received from a friend, covering a bill of costs—

> Mr.—— is the solicitor, counsel and clerk mentioned in the bill of costs. Items 88 to 93, inclusive, refer to that gentleman as a solicitor taking statements from witnesses and making observations thereon. He then, as a solicitor, attended upon himself as counsel with his own observations. He then considered he had done a good day's work, so he decided to split his fee with his clerk (himself again), his fee being £21 15s., making a total of £39 6s. for a portion of a day's work. Again in Items 103, 104 and 105, the same gentleman attended with himself at the hearing, £3 3s., and he attended himself for a refresher, 6s. 8d. And his fee for doing the job of attending with himself—which fee he again splits with himself (his clerk)—is £11, or £14 9s. 8d. for his day's work . . . . . When he had charged me all he could think of, he evidently reckoned his charges for attending on himself were a bit light, so he increased them by 25 per cent., then, evidently making provision for bad debts or something like it, he put another 25 per cent. on to the bill.

That gentleman was both counsel and clerk. I hope the Committee will agree to the clause. Some members of the legal profession have been getting at the public for many years, and it is time we put them in a position where they will not be able to treat themselves as counsel just to get higher costs from the client. We are here to protect the public, and I hope the clause will be agreed to.

Clause put and passed.

Clause 8—agreed to.

New clause:

Hon. N. KEENAN I move—

That a new clause be inserted, to stand as Clause 3, as follows:—

Section fourteen of the principal Act is hereby amended by adding after paragraph (a) thereof the following words:—"Provided that a barrister applying to be admitted under subsection (a) hereof shall not be admitted unless he shall have passed to the satisfaction of the board an examination similar to that from time to time required by the board to be passed by a Bachelor of Laws, or shall have

satisfied the board that by reason of his experience or training such examination should be dispensed with.''

This will fit the case of a Rhodes scholar, or anyone else, who comes here from England or Ireland, and put him on exactly the same footing as the local chap, as the member for Fremantle calls him.

Mr. SLEEMAN: I have no objection to the new clause, although it will not provide for the imported individual spending two years of his time in articles, as will be the case with the local boy.

New clause put and passed.

New clause:

Hon. N. KEENAN: I move—

That a new clause be inserted, to stand as Clause 4, as follows:—''Section 14 of the principal Act is hereby amended by adding to paragraph (e) the following proviso:—'Provided that in the case of students in law at the University of Western Australia one year of such articles may be served during the period of attendance at the University.'''

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—LOTTERIES (CONTROL) ACT AMENDMENT (No. 2.)

Council's Message.

Message from the Council received and read notifying that it did not insist on its amendment No. 4, but insisted on its amendments No. 3 and 5, with which the Assembly had disagreed.

ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. P. Collier—Boulder) [9.8]: I move—

That the House at its rising adjourn until Tuesday next at 4.30 p.m.

Question put and passed.

House adjourned 9.9 p.m.

Legislative Council,

Thursday, 14th December, 1933.

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

QUESTION—CATTLE CONSIGNMENTS.

Hon. W. J. MANN asked the Chief Secretary: 1, What was the number of cattle landed at Fremantle from other ports—(a) during the year ended the 30th June, 1933; (b) during the period between the 1st July and the 30th November, 1933; (c) the ports of shipment of such cattle; (d) the cost per head of transhipment from each port? 2, What was the number of cattle landed on the Eastern Goldfields by the trans-Australian railway from Port Augusta—(a) during the year ended the 30th June, 1933; (b) during the period between the 1st July and the 30th November, 1933; (c) the cost per head of transhipment of such cattle? 3, What was the number of cattle railed from Midland Junction and Fremantle to Coolgardie and Kalgoorlie—(a) during the year ended the 30th June, 1933; (b) during the period between the 1st July and the 30th November, 1933; (c) the cost per head of railway transport? 4, What was the aggregate number of cattle received at Coolgardie and Kalgoorlie from railway stations within the State—(a) during the year ended the 30th June, 1933; (b) during the period between the 1st July and the 30th November, 1933?

The CHIEF SECRETARY replied 1, (a) 11,191; (b) 4,315; (c) Derby, Broome, Port Hedland, Beadon, Carnarvon; (d) from Derby to Fremantle £3 15s. per head, from Broome to Fremantle £3 15s. per head, from Port Hedland to Fremantle £3 per head, from Beadon to Fremantle £2 17s. 6d. per head. 2, (a) 2,901; (b) 1,292; (c) not known. Owners do own transhipping. 3, (a) 98; (b) 167; (c) £1 6s. 7d. 4, (a) 895; (b) 494.