Legislative Council,

Thursday, 9th August, 1906.

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THE PRESIDENT took the Chair at 4·30 o'clock.

PRAYERS.

PAPER PRESENTED.

By the COLONIAL SECRETARY: Return showing disposal of the sum of £150,000 mentioned in schedule to the Loan Act 1896; asked for by the Hon. M. L. Moss.

QUESTION—WATER FAMINE AT WYNDHAM.

HON. R. F. SHOLL (in the absence of Hon. F. Connor) asked the Colonial Secretary: 1, Is the Government aware that a water famine exists at Wyndham and the immediately surrounding district? 2, If it does exist, will the Government take immediate steps to remedy this serious state of affairs?

THE COLONIAL SECRETARY replied: 1, The Government is not aware that a water famine exists in Wyndham and surrounding districts, but is cognisant of the fact that the rainfall during the rainy season has been below the average. No complaints have been received as to any shortness of water. 2, Inquiries are now being made, and if it is found that such is the case it will be remedied. I will read this telegram, which was sent by the Acting Under Secretary for Works to the Resident Magistrate at Wyndham:—

Parliamentary question states water famine exists Wyndham and immediate surrounding districts. Kindly telegraph urgently how matter stands. Reply paid.

The Resident Magistrate at Wyndham replied:—

Re wire Wyndham water famine: No shortage water present time. Residency well very low: supply likely decrease as season advances. Well behind gaol has fair supply; stock water one-mile well, estimated present supply one hundred gallons weekly; good supply at three-mile.

LEAVE OF ABSENCE.

On motion by HON. V. HAMERSLEY, leave of absence for one forthight granted to the Hon. C. E. Dempster, on the ground of ill-health.

BILL—JURY ACT AMENDMENT.

Read a third time, and transmitted to the Legislative Assembly.

BILL—SECOND-HAND DEALERS.

RECOMMITTAL.

Bill recommitted for amendments.

Clause 6—Name of licensee to be displayed:

THE COLONIAL SECRETARY moved that the clause be struck out. It provided that every licensee should have his name in full, together with the words "licensed second-hand dealer" painted in legible characters at least two inches long, so as to be constantly seen and read on some conspicuous part of his place of business. He did not think that was necessary now. It might have been necessary when the Bill was originally introduced; but on account of certain amendments it seemed to cast rather an unnecessary slur or indignity on the second-hand dealer. Under a previous clause a dealer had to take out a license, so the police would know where to find him.

Question passed, the clause struck out.

Clause 14—Act not to apply in certain cases:

THE COLONIAL SECRETARY moved an amendment that the words "except purchasers of second-hand jewellery" be added to the clause. Stolen jewellery could be melted up and all trace destroyed. It was considered by the Criminal Investigation Department very necessary that these words should be added to the clause, so that any person purchasing second-hand jewellery would be compelled to keep it, according to this measure, for four days.

HON. J. W. WRIGHT did not see what was to prevent a man travelling with a caravan from making it his whole business, without dealing with a shop or store or anything of that kind.

THE COLONIAL SECRETARY: A man might purchase watches or other

articles of jewellery and alter them beyond recognition, and then he could give as an excuse that he did it for the purpose of manufacture. This clause should not apply to jewellery.

MR. PATRICK: It would be better to omit the clause altogether, since the object of the Bill was to allow us to trace all articles sold or exchanged, with the exception of second-hand furniture or mining machinery or appliances.

Amendment passed; the clause as amended agreed to.

Clause 16—Act not to apply in certain cases:

MR. PATRICK moved an amendment—

That the word "books" be struck out.

Books were just as likely to be stolen as other articles, and they were often of considerable value. There were instances of pilfering from libraries. It might be argued that it would be a hardship to class big book-shops as second-hand stores, but the whole Bill was a restraint on trade.

HON. J. W. HACKETT: The Public Library had been fortunate in having remarkably few cases of pilfering, but books had been stolen and had been traced. If the amendment were passed the chances of tracing stolen books would be much better.

HON. M. L. MOSS: Were the Government absolutely sure of the meaning of the words "who carries on the business of purchasing, selling, or exchanging second-hand articles," in Clause 2? In his opinion, to make the Bill workable and not to make it a dead letter presently, instead of those words the clause should read, "every person who in the course of his business purchases, sells, or exchanges second-hand articles." If the Leader of the House would consult the Attorney General he would find that the words in the clause would not extend to a man carrying on a variety of businesses. The probability was that if the Bill became law as it stood, the first person prosecuted, who carried on an overlapping business in the one shop, would secure an acquittal because of the language in which Clause 2 was couched.

THE COLONIAL SECRETARY could not agree with the interpretation put on the words by Mr. Moss. The Attorney General was of opinion that the clause was right as it stood.

THE CHAIRMAN: The question was that the word "books" be omitted from Clause 16.

THE COLONIAL SECRETARY: There were few businesses in the city that did not purchase second-hand articles. Every blacksmith and saddler did so. With regard to the amendment, it seemed unnecessary at first to strike out these words, because second-hand bookshops as a rule were like second-hand furniture shops; but had Clause 6 not been struck out and should this amendment be passed, one of the largest bookshops in the city would be compelled to put up the notice "licensed second-hand dealer." It was because he had assented to the amendment that he had moved to strike out Clause 6.

Amendment passed; the clause as amended agreed to.

On motion by the COLONIAL SECRETARY, the clause was farther amended by inserting "or" after "furniture."

Clause as amended agreed to.

Bill farther reported with amendments, and the report adopted.

BILL—FREMANTLE RESERVES.
MUNICIPAL POWER TO SELL.
IN COMMITTEE.

Resumed from the previous day.

Clause 3—Appropriation of proceeds:

THE COLONIAL SECRETARY: The point had been raised that the figures in the schedule did not agree with the plan, but there was no mistake. The town lot number was 1513, and the reserve number was 1351.

Clause passed.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—PERMANENT RESERVES REDIDICATION.
IN COMMITTEE.

Clauses 1, 2—agreed to.

New Clause—By-laws:

THE COLONIAL SECRETARY moved that the following be added as Clause 3:—

Notwithstanding any vesting order, lease, or grant of the said Reserve A10250, the

Council of the Municipality of South Perth may, subject to the approval of the Governor, make and enforce by-laws under the Municipal Institutions Act 1900 for the management, conservation, and use thereof.

He moved this in fulfilment of the undertaking given yesterday, that the Government should retain control of the reserve after it was vested in the South Perth Council, by conserving the right of the public to free access to the reserve at all reasonable times.

Hon. M. L. MOSS: Was the Minister satisfied that this clause would be a sufficient safeguard? If a lease to the golf club were granted immediately, might not its terms be so altered later by regulations or by-laws as to nullify the present intention in granting the lease?

The Colonial Secretary: The by-laws might override the lease?

Hon. M. L. MOSS: Yes. This clause was couched in terms that seemed strange to him. The South Perth Council might grant a lease to-day on certain terms, and apparently the intention of the clause was to give power to the Governor-in-Council to approve regulations or by-laws the effect of which might be to nullify the terms of the lease.

The COLONIAL SECRETARY: The lease would be granted subject to by-laws to be made by the South Perth Council, and those by-laws must be approved by the Governor-in-Council.

Hon. W. Patrick: Could the council alter the terms of the lease after granting it?

The COLONIAL SECRETARY: Under this clause the lease to be given to the golf club would be subject to any municipal by-laws or regulations which might come into force from time to time.

Hon. W. Patrick: But the by-laws might be antagonistic to the terms of the lease.

The COLONIAL SECRETARY: When the club accepted the lease, they would be aware that it was issued subject to by-laws then existing or to come into force at a future date.

Hon. M. L. MOSS: It was only a question of whether the clause should not go farther, and say that the municipal council might not make by-laws inconsistent with the terms of the lease.

The COLONIAL SECRETARY: That was more a matter for the club lessees than for the consideration of this House.

Hon. J. W. HACKETT: The council might not make any by-laws on the matter. There was nothing in the Act to compel the council to do so.

Hon. M. L. MOSS: It was understood that the new clause should safeguard the right of the public to use this ground after it was leased to the golf club. It did seem strange that a body should be entitled to grant a lease to-day, and after six or twelve months, when there might be a new council, it should have power to frame by-laws entirely changing the conditions of that lease.

The COLONIAL SECRETARY: The Bill did not vest the reserve in the municipality of South Perth. Its purpose was merely to alter the status of the reserve by taking it out of Class A, and enabling it to be dealt with as an ordinary reserve.

Hon. M. L. MOSS: But the object of the Bill was to create golf links for South Perth, and it was intended that the public interest should be safeguarded by the approval of the Governor-in-Council being required to any by-laws to be framed. Were the Government perfectly satisfied, if the intention was to safeguard the public interest in that direction, that this clause went far enough to protect the people's right to use the ground? A lease might be granted to-day on one set of terms, and within a year or so the council might frame by-laws entirely inconsistent with the terms of the lease. His doubt on the matter was whether the clause went far enough.

The COLONIAL SECRETARY: Not being a legal authority, he was informed by the Crown Law Department that the clause was sufficient in that respect. However the clause would be looked into again, and if considered necessary to do so it would be amended on the third reading. The intention was that the public should not be excluded from the golf links of South Perth any more than they were now excluded from the bowling green in King's Park or that on the Esplanade. The clause might be passed now, and if it were found desirable later to amend it, the Bill could be recommitted.

Hon. M. L. MOSS: If the intention of the Government was a laudable desire that the public interest should be safeguarded, he would suggest that another clause be added providing that in any lease granted under the provisions of the Bill there should be a reservation of the right of the public to have access to the ground for all reasonable purposes. There was such a reservation included in the lease proposed to be given to the golf club at Fremantle.

The Colonial Secretary: That was the intention of the Government.

Hon. J. W. HACKETT: Inasmuch as lessees would be the virtual owners of the reserve, some such provision as that suggested by Mr. Moss should be included in the Clause.

The COLONIAL SECRETARY: Before the Bill was finally passed, the Government would satisfy themselves that there was no doubt as to the right of the public being safeguarded; and the Bill would be recommitted for amendment in that direction if on inquiry it was found that such a course was necessary.

Hon. M. L. MOSS: As a large area of land close to the city was involved, the value of which in ten or fifteen years might be enormous, it was the duty of the Committee to safeguard the interest of the public; and while the intention of the Government might be very good, he was doubtful whether the clause was sufficiently clear.

Question passed, the clause added to the Bill.

Schedule 1—agreed to.

Schedule 2:

The COLONIAL SECRETARY explained that the numbers of the particular reserve, which had been queried at the previous sitting, were found to be correctly stated in the schedule.

Put and passed.

Preamble, Title—agreed to.

Bill reported without amendment; the report adopted.

BILL—STAMP ACT AMENDMENT.

SECOND READING.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a short measure, altering the schedule to the amending Act passed last session. That session, as members will recollect, was rather short and hurried, and some defects in the Stamp Act Amendment Act then passed were overlooked. When the Act was brought into operation it was found that certain exemptions which should have been included were unfortunately omitted. This Bill, as will be seen on referring to the schedule, gives the Governor power in certain cases to extend the exemptions. One very bad omission in the Act of last year was its not exempting from *ad valorem* duty transfers of mining scrip. We have little enough mining scrip here now: it is rather unfortunate that so much is held out of the State. The Act of 1905 had the effect of depleting the State of almost the whole of the scrip, and sending it to South Australia. It is out of the question to pay on mining shares the same stamp duty as on ordinary land transfers.

Hon. M. L. Moss: The duty is the same in England.

Hon. R. F. Sholl: One-half per cent. in England. I paid some the other day.

The COLONIAL SECRETARY: Nevertheless, in England shares are probably not so freely transferred, but are held for investment.

Hon. W. Patrick: No. In England transfers are more frequent than here.

The COLONIAL SECRETARY: However, that is beside the question. The Act of last year has had the effect of taking nearly all the shares out of Western Australia, and lodging them in Adelaide or Melbourne. A man may buy a parcel of, say, 1,000 shares in a high-class mine, at £10 per share, and may wish to sell them at a small profit; and the stamp duty will be greater than the profit; consequently, the duty will prevent his dealing with the shares in this State. The Bill will make the law as it was last session; that is to say, each share transaction will be subject to a stamp duty of 1d., and share transfers will be exempt from the ordinary *ad valorem* duty which must be paid on transfers of land. In the same manner it was omitted to exempt from duty declarations respecting lost baggage. People who lose baggage in transit have to pay a stamp duty of 1s. on declara-

tions in respect of parcels perhaps not worth 1s. Such exemptions are made under Clause 2, Subclause (*a*). As to Subclause (*b*), shipping companies have raised the question whether the word "exported" in the Act of 1905 covers intercolonial bills of lading. To remove this doubt we propose to strike out three words in the Act of last session, so as not to unduly harass traders. A bill of lading, though for goods worth only 2s., has now to bear 1s. stamp. There are other exemptions under Subclauses (*d*) and (*e*). The Bill of last year had almost the same effect on insurance policies as on mining scrip. Marine policies have to bear an *ad valorem* duty of 1s. per cent. The effect has been disadvantageous; because some of the rates, on gold for instance, are effected at Lloyd's for as little as 2s. or 2s. 6d. per cent.; so a stamp duty of 1s. per cent. on policies of that kind has tended to drive business away, and shipping companies' insurances are being effected in England and other countries where this duty is not imposed. We propose also to exempt receipts for workers' wages; for it is hard enough to get a wages sheet signed without stamping it, and stamping has never been the custom in years past. These are slight errors made in drafting the Bill last year. The original Act of 1883 provided that the Treasury should exchange any spoilt stamp. It is hardly fair that every stamp knocked about or disfigured by carelessness should be exchanged for a new stamp; so in order not to carry the principle too far, the Bill proposes that the Governor may make regulations providing for a small charge, though nothing like the face value of the stamp. When in Committee I shall be happy to give any further information on the clauses.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Amendment of schedule of Act No. 20 of 1905:

HON. J. W. HACKETT: Members would see a most remarkable paragraph in Subclause (*a*.), providing for the exemption of every affidavit or declaration, such exemption to be made by the Governor. These sweeping exemptions were quite new, but if made should be made publicly, and not in the secrecy of the Executive chamber. He moved—

That the words "by proclamation in the *Government Gazette*" be added after "exempt," in line 6 of the clause.

THE COLONIAL SECRETARY: The Executive Council regulation would be gazetted in ordinary course.

HON. M. L. MOSS: The publication was not compulsory.

HON. J. W. HACKETT: In such remissions of taxation by the Executive, the fullest publicity was necessary.

Amendment put and passed.

HON. M. L. MOSS: By the Act of last year, a bill of lading or cheque or receipt of any kind whatever of or for any goods, etcetera, to be exported, must bear a stamp duty of 1s. The draftsman of that Act inserted the words "to be exported," and accidentally omitted the word "coastwise," the result being that all the goods sent along our coast to any point between Albany and Wyndham since last session had not been paying any duty on shipping receipts or bills of lading. The Act of last session had not been passed more than a week or two before that mistake was discovered, and the late Government gave instructions for an amending Bill to be prepared to correct the mistake. Doubtless the present Bill was largely the result of those instructions. The Fremantle Chamber of Commerce had passed a resolution on the subject, and asked him to bring it before this Chamber, with the object of getting this impost of 1s. in the case of coastwise bills of lading and shipping receipts reduced to 3d. in the case of goods not exceeding in weight or measurement half a ton, and reduced to 6d. for goods of over half a ton; leaving the present charge of 1s. to be leviable only on goods exported beyond the State. He moved an amendment, that the following words be added:—

Receipt of master or mate coastwise taken in lieu of bill of lading for goods exceeding half a ton, weight or measurement, 6d.

THE COLONIAL SECRETARY: Had this House a right to insert those words? This being a taxation measure, the effect of the amendment would be to increase taxation.

HON. M. L. MOSS: To put it in order, he would submit his proposal in the form of a suggestion; but this was not proposing an increase of taxation, for by the Act of last session the fee was fixed at 1s. This would make a slight concession to coastal trading. If goods were exported to Melbourne or to the old country, the fee would still be 1s. His object was to confer a benefit on the people of Geraldton and ports farther north, not on merchants at Fremantle. Consumers had to pay the tax, not the merchants.

HON. R. LAURIE, in supporting the suggested amendment, pointed to the great difference in revenue which would be derived from stamps on bills of lading by coastal vessels, as compared with oversea vessels. An entire cargo of timber would be covered by one bill of lading, on which the fee would be 1s.; whereas on a coastal vessel there might be two or three hundred separate bills of lading for small lots of goods, each under half a ton weight or measurement, or there might be 50 bills of lading for every port between Fremantle and Wyndham. These sums, although small, had to come out of the pockets of people who were already sufficiently taxed; and they were to be asked shortly to bear another form of taxation. The suggestion of Mr. Moss was very good.

Suggested amendment put and passed.

HON. J. W. LANGSFORD, referring to Subclause *(f)*, moved that a paragraph be added at follows:—

> Receipt given by any religious or charitable institution, or any money paid to such institution.

Such institutions as the Home of Peace, the Blind School, the Convalescent Home, the Deaf and Dumb School, and several religious bodies, might very well be exempted from stamp duty on receipts given for subscriptions of over £2 in value. The amount of revenue which would be derived from this source was very small, and the Committee might very well make the addition proposed.

THE COLONIAL SECRETARY questioned whether it was worth while to make this amendment in view of the small amount likely to be involved.

HON. W. T. LOTON: The fewer exceptions, in measures of this kind, the better. He hoped the amendment would be withdrawn.

THE COLONIAL SECRETARY: It was inadvisable to have numerous exceptions in a measure such as this, as people would be confused by not knowing which documents needed stamping and which did not.

Amendment by leave withdrawn.

HON. L. M. MOSS suggested that the Government should follow the practice adopted by previous Governments, of having reprints of the schedule as amended, so that people might be able to consult the reprints, instead of having to search for information as to the amount of stamp duty in each case. It would be convenient to business people.

THE COLONIAL SECRETARY thanked Mr. Moss for drawing attention to the matter, and would try to get it carried out.

Preamble, Title—agreed to.

Bill reported with amendments; the report adopted.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

SECOND READING.

THE COLONIAL SECRETARY (Hon. J. D. Connolly), in moving the second reading, said: It has generally been remarked that the legal profession is a very close corporation. This Bill is one which will have a tendency to open the doors of that profession to an extent. It will enable those who have not served articles in accordance with the provisions of the existing Act to enter the profession.

HON. R. F. SHOLL: Not every one.

THE COLONIAL SECRETARY: It will enable certain people to do so. Although we propose to widen the Act to make it somewhat easier to enter the profession, we have no idea of opening its doors so that every Tom, Dick, and Harry, and every bush lawyer may enter it. After all, if the legal profession is closely protected it is not altogether protected in the interests of the legal profession, but just as much in the interests of the public. I cannot imagine anything worse to happen to the public than to let loose on them partly qualified professional men, whether lawyers or any other professional

men. I rather think that the properly qualified and high-class legal men would be inclined to welcome it, as it would make any amount of work and legal proceedings for the good practitioners. The systems which prevail in most of the other British colonies are as follow:—In Cape Colony three years' articles are required, in Natal four years', in the Transvaal three years', in the Orange River Colony three years', with certain exceptions with regard to examination entitling admission to the High Court (that law existed at the time the country was a republic); in Tasmania five years', in South Australia five years', but there is an exception in that case whereby a person who has been an associate of a Judge for five years is entitled to admission on passing the necessary examination; in Victoria also it is three years'; and in New South Wales at the present time exactly the same system prevails as we are introducing into this State, namely that a person on completing ten years' clerkship and having been for five years of that period a managing clerk in a solicitor's office can be admitted by passing the last (third) examination. [Hon. R. F. Sholl: No.] I am referring to the Bill which we are introducing. In New South Wales they have a provision that a clerk must have been a managing clerk for five years out of ten, and that he can then enter the legal profession by passing the two examinations. This Bill proposes that a clerk who has been in a solicitor's office ten years and for five years of that period has been a managing clerk can pass the final examination—at present he passes three examinations—and can obtain a certificate. It only enables him to obtain a certificate from the Barristers' Board that he is a fit and proper person; that is to say, he can obtain a certificate of character from the Barristers' Board. He may have been 15 or 20 years in an office and the Barristers' Board may still deem him to be not a fit and proper person to enter the legal profession, and therefore he may be refused admission. The Barristers' Board in certain cases may reduce the term to seven years instead of ten, provided the man has been for five years a managing clerk. That is to say if he has been a clerk in a lawyer's office for seven years and managing clerk for five years they can make an exception, if they think the case warrants it. The latter part of Clause 2 makes a provision which I think is a very fair and just one. It prevents a managing clerk who passes his examinations from setting up in separate business in the same town or within a certain radius, within 12 months.

Hon. R. F. Sholl: The lawyers look after themselves there.

The Colonial Secretary: I think it is a very just and fair clause.

Hon. M. L. Moss: I think it is a very unjust clause.

The Colonial Secretary: Why allow a managing clerk to set up?

Hon. M. L. Moss: Why should he not?

The Colonial Secretary: It always seems to me that in a solicitor's office a managing clerk knows just as much about the business as the lawyer himself, probably in some cases more, and he is brought very much into touch with clients and perhaps is more intimate with the majority of the clients, or a proportion of them, than the solicitor is himself. Therefore if we give him this privilege simply because he has been a managing clerk to that solicitor, and has not served his articles and paid for them the same as would an articled clerk, we should not give him the privilege of going out and setting up next door to that man, taking business from the person through whom he has been able to get permission to join the profession. An articled clerk works five years for nothing and probably pays a premium for his articles besides, whereas in the other case the man has gained all his experience and knowledge for nothing. I beg to move that the Bill be now read a second time.

Hon. R. F. Sholl (North): I am decidedly going to oppose this Bill, which I think is one of the most disgraceful measures ever introduced into the House. It is brought down by the Government to allow three or four very worthy individuals, no doubt, to become fully fledged practitioners by a very easy means of admission. These gentlemen have entered

a professional office and have doubtless drawn pay from the time they entered it. By their merit, their industry and their worth they have worked up to the position of managing clerk. This Bill proposes that these gentlemen after they have been ten years employed as clerks in the office of a practitioner or practitioners, for five years of which they have been managing clerks, shall be entitled to be admitted by passing the final examination; that is, one out of three. It does not say what they are to pay in fees, or that they are to be put to any expense. They are to be admitted by passing the final examination, which is not, I am informed, the hardest examination of the three; but I dare say it depends upon who sets the papers. Now take the position of an articled clerk. Before an articled clerk can be admitted he has to pass a general knowledge examination, an educational examination, for which he pays fees to the Barristers' Board amounting to 12 guineas. Then if he passes that he is articled to some practitioner for five years. The stamp duty on his articles is £10. After he passes that, comes the intermediate examination. If he passes the intermediate, he pays three guineas. I do not know to whom that goes. If he fails in the final examination he has to pay five guineas, and he has to pay that amount for every examination until he passes, and if he does not pass it he is debarred from being a barrister or solicitor of the Supreme Court. After he has passed all his examinations his admission fees will amount to £40 more. As I say there are only three or four of those gentlemen referred to, and it is not creditable to any Parliament to pass a measure for the benefit of three or four people unless it is to the advantage of the general community. I have indicated the position of the articled clerk in regard to fees, to say nothing about the premium to the practitioner to whom he is articled, which is fairly heavy. There is only one State in Australia where this proposal is in operation. I am not certain about New Zealand.

THE COLONIAL SECRETARY: He need not be articled at all in New Zealand.

HON. M. L. MOSS: The result is that a New Zealand qualification is not recognised.

HON. R. F. SHOLL: I believe that New South Wales is the only State where a similar measure to the proposed Bill is in existence, and there is this difference there, that there are two branches of the profession, barristers and solicitors; and there the clerks, after serving ten years in an office, five in the capacity of managing clerks, can be admitted as solicitors on passing an intermediate and a final examination; but here we propose to admit managing clerks on similar conditions as to the term of service to become legally qualified practitioners in the dual capacity of barristers and solicitors after passing only the final examination. So this Bill goes a good deal farther than New South Wales, the only State where similar conditions prevail. The Attorney General in introducing this Bill in another place said:—

> I have discussed the lines of the Bill with the Managing Clerks' Association, and I can say that the representative of that association, with whom I had the pleasure of discussing the Bill, was prepared to give it his hearty acceptance.

I am sure it is very considerate on the part of the representative of this association. I do not know how many individuals are required to form an association, but I think I can name all the gentlemen interested in this Bill. I should like to see the Bill thrown out. I do not think it is fair. I think the Government make it less a hardship than the articled clerks find it at present. While the present stringent conditions are in force, I do not think that the back door should be opened to allow gentlemen, however worthy, to be admitted as legal practitioners, unless they have passed certainly the examinations articled clerks are required to pass. I think also that the fees should be paid. While on the question of fees, to show the inconsistency of the Government, when the member for Subiaco moved in another place to reduce the stamp duty of £10, in order to make it less a hardship for the people not blessed with worldly wealth who might wish to article their sons to legal practitioners, the Government would not accept the suggestion; but they

bring down this Bill and there is nothing in it to compel them to pay fees at all.

THE PRESIDENT: I should like to direct the hon. member's attention to Standing Order 127:—

No member shall allude to any debate in the other House of Parliament.

HON. R. F. SHOLL: I was not aware of that Standing Order. I do not propose to *move* the rejection of this measure at present, but I think it might be amended in Committee to make it a fair Bill.

THE COLONIAL SECRETARY: In what way?

HON. R. F. SHOLL: To make them pass a different examination. I shall tell the hon. member in Committee how I propose to amend the Bill.

THE COLONIAL SECRETARY: You should put your amendments on the Notice Paper.

HON. G. BELLINGHAM (South): I recognise in this Bill a dangerous precedent in class legislation. Referring to the remarks of Mr. Sholl, if we open the doors too wide in a Bill of this sort, will we not place our legal practitioners in the same position as legal practitioners in New Zealand, that is that they will not be recognised in the other States of the Commonwealth? At present my mind is perfectly unbiased. I am prepared to be convinced either in favour of or against the Bill by the arguments of hon. members.

HON. W. KINGSMILL (Metropolitan-Suburban): It is my intention to support the Bill, and I do not think it will take very long to explain my reasons for doing so. Let me say at the outset that I have the highest respect for the honourable and learned profession of the law; and if I thought that this Bill would in any way detract from the dignity of that profession, I should be the last man in the world to venture to offer my support to it. However, I do not think that is at all the case. I should like to deal with one or two of the arguments raised by Mr. Sholl. He said that the Bill was introduced for the benefit of three or four persons. If this Bill had contained what is contained in similar Acts in other parts of Australia, I think particularly in Victoria, an automatic appeal clause rendering the measure operative for only a certain period, that is for 12 months, the contention of the hon. member would be correct; but such a clause is not contained in this Bill, and I maintain that the hon. member's contention falls to the ground, because any who have been clerks for ten years, during five of which they have occupied positions as managing clerks, as they mature their term of service will become eligible for the position of practitioners of the Supreme Court. In the next place, I would like to point out that the Legal Practitioners Act was a measure introduced for the protection of the public more than for the protection of the legal profession. The Legal Practitioners Act has provisions laid down in order that persons having occasion to consult lawyers may be assured that the advice they get from them is good and worthy of being followed; and I do not think the measure we are now considering will detract in any way from that. Again, I draw attention to the fact that more than any examinations, more than any term of service, greater protection than either of these, is the fact that these gentlemen applying for admission as legal practitioners of the Supreme Court have to be certified to by the Barristers' Board. Now, the Barristers' Board is representative of the legal profession, which in many cases I understand seeks protection from measures of this sort. Are we to believe that a body representative of that profession will lightly pass as persons to be admitted as legal practitioners of the Supreme Court those who are in any way unfit, by want of knowledge or the necessary stability and respectability of character? I do not think so. Then again, it is provided that these gentlemen shall pass, before being admitted, the final examination prescribed by the rules under the principal Act for the admission of articled clerks. I understand that the intermediate examination is placed in its present position under the principal Act more for the purpose of ascertaining whether articled clerks are justified in prosecuting their desire to be admitted to the bar, than for the purpose of a

verification of their study of the law; and as the final examination is the crucial examination, surely it is reasonable to suppose that if these gentlemen can pass it they are eminently fitted to practise in the position which they wish to occupy. I hope sincerely that the Bill will become law. With regard to the general knowledge of these clerks, I think it can be surely taken as an assured fact that if they have occupied positions as managing clerks in lawyers' offices for five years, their general knowledge or ordinary education is sufficient to enable them to practise. I hope the Bill will come into law. I do not see, for my part, the immense dangers some members see; and I feel sure that in the case of the gentlemen to whom Mr. Sholl has alluded, and in the case of gentlemen who come after them, that the public will not suffer by being supplied with bad law by those admitted when this Bill goes on the statute book. I have much pleasure in supporting the second reading.

HON. C. SOMMERS (Metropolitan): I am also sympathetic with the endeavour of the Government to pass this Bill. It seems to me that it is safeguarded in every way. We must remember that these gentlemen have to serve ten years, five of which must be served as managing clerks in a solicitor's office. In addition to that, Subclause (*b.*), referred to already, specifies that they must have a certificate from the Barristers' Board. That is a very saving provision, because we know that the Barristers' Board is composed of the most conservative members of the profession, whose duty it is to safeguard the interests of the profession; and I think it is recognised that they do that. It may be recollected that a few years ago there was a great fight. The board would not admit solicitors from Victoria who had passed a university examination harder and more severe that any examination in any other State. It is only two years since the Barristers' Board, after a great deal of pressure, admitted these gentlemen from that State to practise.

HON. M. L. MOSS: There was good reason for it. Victorians would not admit West Australians.

HON. C. SOMMERS: I do not think any West Australian would be foolish enough to seek to be admitted in Victoria. I do not think he would pass the examination if he had to do the final test. To ask these gentlemen who have passed ten years in a solicitor's office, and who have been for many years away from school, to pass a school examination, is altogether too much. It is only a test of general knowledge, and I think the mere fact of these gentlemen having occupied their positions is sufficient evidence—it is, at any rate, in the opinion of their employers, the solicitors—that they have the particular general knowledge these examinations are supposed to qualify them to possess. I understand that in England a clerk of ten years standing, no portion of which he has to serve as managing clerk, is placed on the same footing as a man holding a university degree, thereby certifying that he has that general knowledge Mr. Sholl desires them to have here. A clerk there has to serve only three years, instead of five as proposed here. We might follow the procedure in this connection adopted in England and the Eastern States of mainly relying on a man's ten years' experience, five of which have been passed in the capacity of managing clerk. He has to pass the examination set by the board of examiners, who we may be sure will take care that it is a pretty stiff one. Then an applicant has to have a certificate from the Barristers' Board that he is a fit and proper person and duly qualified to be admitted to the profession. Taking all these things into account, I do not see that any great harm would be done by doing away with one examination. It seems to me hard that after serving a long term a man should be deprived from qualifying because he happens to have failed in a preliminary examination. At any rate I have an open mind on the matter.

HON. V. HAMERSLEY: I feel inclined to oppose this measure, and to agree with the remarks of Mr. Sholl. I do not know that I have heard anything brought forward by any other members to show there is a great necessity for such a measure. It seems to me that the effect of the Bill, if passed, will be that it will

tend to lower the status of those barristers at present in this State; for if we open the door too wide, as has been said, the effect will be to cast a slur on the practitioners of this State, which will be felt if they apply for permission to practise in any other State where the same provisions as are now proposed do not then exist. We have been appointed to our positions here for the purpose of safeguarding the interests of the community; but in this Bill we are giving away our right to do this, and throwing the onus on to the Barristers' Board.

THE COLONIAL SECRETARY: They are a safe body.

HON. V. HAMERSLEY: They may be a very safe body, but I doubt whether they are responsible to the community in the same way as are members of Parliament. It is more than probable that there will be more applicants for admission than the two or three mentioned by members. I do not see what is to prevent, in case of a barrister or solicitor who may have been practising for years in some way-back country place with a boy as a managing clerk, that clerk from applying under this Bill.

MEMBER: The Barristers' Board would attend to that.

HON. V. HAMERSLEY: The Barristers' Board may not know anything about it. That boy may have put in ten years service, or even more; he may be a hail-fellow-well-met who has never passed the necessary examinations, and may not have put through a great deal of legal work, for the office may have done but little business; and the onus is to be thrown entirely on the Barristers' Board of saying whether he should be admitted.

THE COLONIAL SECRETARY: The Barristers' Board is in the best position to judge.

HON. V. HAMERSLEY: That position is likely to occur; and then the general public will, in the ordinary course, have law doled out to them with nothing at the back of it. He may never have had to pass an examination; but his hearty good-fellowship may have made him good friends with everyone on the Barristers' Board, and out of good nature they may pass him through, and so he becomes a full-blown barrister. He has had no examination to pass.

THE COLONIAL SECRETARY: It is not a schoolboy's examination he has to pass, but is the hardest in the lot.

HON. V. HAMERSLEY: It is not a question whether it is the hardest examination. A man might easily be coached on particular points. Unless I hear considerably more as to the urgency of this measure I shall oppose it.

THE COLONIAL SECRETARY (in reply): I do not think there is any need for fear in the direction Mr. Hamersley has indicated. He and Mr. Sholl appear to think that a great mistake might be made through applicants for admission not being required to pass three examinations. Mr. Sholl also says that an applicant has only to pass the easiest examination.

HON. R. F. SHOLL: No; I said he had not to pass the most difficult examination.

THE COLONIAL SECRETARY: It may be that he is right; but we all know that it is our first examination which is the hardest to pass. At any rate it would be a very hard one for many men to pass; I mean to say that members would probably not like to have to pass some of their school-day examinations over again. They passed them as boys all right, but they would find it a much more difficult matter to do so now. In that respect this examination may be called very difficult, though in the ordinary sense it is not. Mr. Hamersley says that these applicants may be admitted, and it may afterwards be found that they are not fully qualified solicitors; and he instanced a case where an out-back solicitor may have had a boy acting in the capacity of managing clerk. Such a case is fully provided for in Subsection (*b*) of Clause 2, in which it is provided that the Barristers' Board shall give a certificate. The board is composed of gentlemen elected by the whole of the legal profession; and experience has shown that Barristers' Boards not only here but in every other place are very conservative; therefore the board here is likely to be extremely careful before giving a certifi-

cate to any person unless satisfied that he has been a managing clerk in the truest sense of the term, and a man of the highest character. I do not see that there is need for fear in that direction. Mr. Hamersley seems to lay stress on the point that because a man has passed three examinations he must necessarily be a better lawyer, or know more about law than another man who has passed only one examination. But a man might, by study, get through his examinations in three years, and still know very little about law. But if a man serves ten years, five of which have been passed as a managing clerk, even though he failed in one examination, yet with his lengthy experience he ought to be a much better lawyer than the ordinary articled clerk.

HON. R. F. SHOLL: An articled clerk learns all branches of the profession; a managing clerk does not.

THE COLONIAL SECRETARY: I should think that a managing clerk would get just as complete knowledge of all the branches as does an articled clerk. Mr. Sholl has stated that he intends to move certain amendments in Committee. I think it is only fair to members, not only in this but in every case, that when amendments are to be moved they should be put on the Notice Paper. It is extremely difficult for members to grasp the entire meaning of an amendment while it is being read out by the Clerk. Amendments intended to be moved by members should be placed on the Notice Paper.

Question put and passed.

Bill read a second time.

BILL—NELSON AGRICULTURAL SOCIETY LAND SALE.

Received from Legislative Assembly, and read a first time.

ADJOURNMENT.

The House adjourned at 6·27 o'clock, until the next Tuesday.

Legislative Assembly,

Thursday, 9th August, 1906.

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

PRAYERS.

QUESTION—RAILWAY BRAKE-VANS CONTRACT.

MR. JOHNSON asked the Minister for Railways: 1, Are the A.J. brake-vans now being built by the contractors, Messrs. Hudson & Ritchie, near completion? 2, When will those which it was decided at the time of letting this contract should be built at the State Works in order to check the cost, be started? 3, Is the delay in starting this work in any way responsible for the recent dismissal from the State Works of blacksmiths and strikers? 4, If not, why were these men, some being old hands, paid off? 5, When will the building of these brake-vans be started at the State Works? 6, Does the Minister intend to take such steps as will prevent a similar delay occurring in connection with the decision to build corridor cars at the State Works?

THE MINISTER FOR RAILWAYS replied: 1, The A.J. brake-vans being built by the Westralia Ironworks Ltd. are about half finished. 2, The material for the vans to be built by the Government has not yet been received; until this has come to hand, in the interests of economy it is not advisable to start the manufacture. 3, No. 4, These men were employed in the manufacture of ironwork for GB., B., and C. trucks, and brake gear for fitting vacuum brakes on four-wheeled vehicles; the work being completed the men were paid off. The Department has now under consideration the manufacture of farther trucks. 5, See answer to No. 2. 6, The question of building rolling-stock involves the getting