

# A REVIEW OF THE PROFESSION OF BARRISTER AND SOLICITOR IN WESTERN AUSTRALIA

## PREFACE

The following review which was completed in February, 1951, is one of a series prepared by the Commonwealth Employment Service. The preparation of the review has been made possible only by the whole-hearted co-operation of the University of Western Australia, the Law Society of Western Australia, the Barristers' Board of Western Australia, and the State Public Service. Special acknowledgment is made of the assistance given by Professor F. R. Beasley, Dean of the Faculty of Law, Mr. A. W. B. Gleadell of the Barristers' Board, and Mr. Justice Virtue, Past President of the Law Society.

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**A. INTRODUCTION.<sup>1</sup>**

1. The profession is controlled by the Barristers' Board of Western Australia, which was established by virtue of the Legal Practitioners Act of 1893. The Board controls the examination and admission of articled clerks and the examination of all candidates for admission as legal practitioners. The certificate of the Board is necessary before any person can be admitted to practise, and legal practitioners are required to obtain annual practising certificates from the Board.

2. The following are the sources of entry to the legal profession in Western Australia:

(1) *Articled Clerks.*

- (a) Graduates in law of any University recognized by the Barristers' Board who serve two years' articles and pass the Board's graduate examination.
- (b) Persons not holding a suitable degree in law, who pass the matriculation examination prescribed by the University of Western Australia for admission to the Faculty of Law, serve five years' articles, and pass the Board's intermediate and final examinations.

(2) *Managing Clerks.*

Persons who serve for ten years as a legal practitioner's clerk in Western Australia, including five years as a managing clerk after obtaining a certificate of approval from the Board, and pass the Board's final examination.

(3) *Legal practitioners from outside Western Australia.*

- (a) Solicitors admitted in England or Northern Ireland; solicitors from other Australian States which grant admission to Western Australian legal practitioners.
- (b) Solicitors from other places within the British Commonwealth where the system of law is similar to that of England and where conditions as to articles and

<sup>1</sup> The two branches of the profession are combined in Western Australia, every certificated legal practitioner being entitled to practise both as a barrister and as a solicitor.—EDITORIAL NOTE.

examinations are similar to those obtaining in Western Australia.

Solicitors seeking admission on either of these grounds must have resided for six months in Western Australia and must satisfy the Barristers' Board as to their fitness, good fame, and character. Barristers admitted elsewhere are not now eligible for admission in Western Australia.

#### B. NUMBERS IN THE PROFESSION.

1. At present, there are approximately 195 legal practitioners in Western Australia, of whom 189 are males and 6 females. The total number is engaged in the following fields:

Private practice . . . . .	175
Teaching and public services . . . . .	20
	195

2. With the present population of Western Australia estimated to total 570,000, there are approximately three legal practitioners for every 10,000 of the population in this State (see Appendix A for a comparison with other States and countries).

3. The estimated size of the profession in 1951 and in earlier years (derived principally from Census, Special Occupational Surveys, and the Law Almanacs) is shown in Table 1 (below). The statistics quoted may suffer from some inaccuracies owing to census problems and should be considered only as approximations of the true figures. Below the dotted line in the table are shown estimates for 1960 (see below for comments on 1960 estimate).

*Table 1: Legal practitioners: 1921 to 1951.*

Year	Number of legal practitioners			Western Australia: Population (1000's)	Legal Practitioners per 10,000 of population
	Male	Female	Total		
1921	170	—	170	333	5.1
1933	185	5	190	439	4.3
1939	180	5	185	465	4.0
1945	175	10	185	492	3.8
1947	164	6	170	502	3.4
1951	189	6	195	570	3.4
1960	285	15	300	727	4.1

4. An examination of the table discloses that the proportion of legal practitioners per 10,000 of population declined progressively between 1921 and 1947—from 5.1 in 1921 to 3.4 in 1947—and thereafter has remained approximately constant. The numbers in the profession declined slightly between the years 1933 and 1947, i.e., wastage from the profession exceeded the intake of new members. During this period, the annual wastage from the profession was extremely high, especially so from 1933 to 1938, when it exceeded an average of 12 per annum (Appendix C). In addition, the average annual intake of new legal practitioners fell sharply from earlier levels during the period 1939 to 1946 (Appendix C). These movements will receive further attention later in this review, but the evidence suggests that the decline in the size of the profession resulted from transitory influences, i.e., the depression of the 'thirties and the 1939-45 war. In recent years (1947 to 1951), there has been a substantial increase (15%) in the size of the profession, which now exceeds slightly the highest levels recorded during the previous 30 years. Because of the rapid growth in the population of Western Australia during the period 1947 to 1951, this increase in the size of the profession has been just sufficient to maintain the ratio of legal practitioners per 10,000 of population constant at the 1947 level of 3.4.

5. Of the 195 legal practitioners at present in Western Australia, it is estimated that 160 are in the metropolitan area and that 35 are in the country. In 1939, there were 185 legal practitioners in the State, of whom 125 were in the metropolitan area and 60 in country districts. Thus, although the profession is now only slightly larger than in 1939, there has been a marked change in the distribution of members of the profession between metropolitan and country areas. In the space of twelve years, the number of legal practitioners has increased by nearly 30% in the metropolitan area, and declined by more than 40% in the country. At the present time, the ratio of legal practitioners per 10,000 of population is 5.2 in the metropolitan area and 1.3 in the country. Comparable figures for 1939 are 5.6 and 2.5 per 10,000 of population. Thus, in proportion to the population, the profession in the metropolitan area has almost maintained the 1939 level, but in country areas has declined by half. The uneven distribution of the profession (in proportion to the population) as between metropolitan and country areas which was apparent in 1939, has, in 1951, become even more pronounced.

### C. PAST INTAKE.

1. During the past thirty years (1921 to 1950 inclusive), 242 persons were admitted to the profession in Western Australia, i.e. an average intake of 8 per annum. Detailed statistics are given in Appendices B and C. The average annual intake in selected periods is shown in Table 2 below:

*Table 2: Average annual intake of legal practitioners:  
Selected periods from 1921 to 1950.*

Period	Average annual intake
1921 to 1932	8.0
1933 to 1938	11.5
1939 to 1946	3.5
1947 to 1950	10.8
1921 to 1950	8.1

*Note:* The periods have been selected so as to facilitate comparisons with Tables 1 and 5.

*Source:* Appendix C.

2. The table discloses substantial variations in the intake of legal practitioners during the period 1921 to 1950. Although there has been a substantial increase in recent years, the average intake during 1947-50 (10 to 11 per annum) was slightly below the level recorded in 1933-38 (11 to 12 per annum).

### D. FUTURE INTAKE.

1. The intake of legal practitioners during the period 1951 to 1960 will arise from the sources of entry outlined in Section A, i.e., (i) articled clerks, (ii) managing clerks, (iii) immigrant legal practitioners.

2. At the present time, there are 45 articled clerks registered with the Barristers' Board of Western Australia. The numbers in earlier

*Table 3: Articled clerks: 1933 to 1951.*

Year	1933	1939	1945	1951
No. of articled clerks	34	35	33	45

*Sources:* Barristers' Board, Census, and Special Occupational Surveys.

years are shown in Table 3, above, but the statistics quoted should be regarded only as approximations to the true figures, as they may be subject to certain inaccuracies.

3. Since the figures quoted are not dissected between two-year and five-year articulated clerks (i.e., between graduate and non-graduate articulated clerks), caution should be used in making comparisons between the various years. The table does suggest, however, that during the period 1933 to 1945 the intake was fairly constant but that following 1945 there was a substantial increase. Of the 45 articulated clerks in 1951, 16 are law graduates serving two years' articles and of the remaining 29 an indeterminate number, at present undergraduates in law, are expected to transfer to the two years' articles on graduation (see Appendix D for an analysis of articulated law clerks by period of articles and year of entering upon articles).

4. The number likely to complete the degree course in law at the University of Western Australia during the period 1951 to 1958 inclusive is estimated to total 140, and of these about 100 are likely to become articulated clerks (Appendix E). As there are 16 graduates already articulated, this suggests that the total intake of legal practitioners from this source during the period 1951 to 1960 will be approximately 110.

5. An additional source of intake is from non-graduate articulated clerks, of whom there are at present 29. During the period 1951 to 1955, the annual intake of new clerks is likely to be about 4 per annum, i.e. a total intake of 20. On this basis, it seems probable that about 35 non-graduate articulated clerks will complete their training and enter the legal profession during the period 1951 to 1960 inclusive.

6. Managing clerks provide a further source of legal practitioners. The intake is, however, extremely small, and is most unlikely to exceed a total of 5 during the period 1951 to 1960 inclusive.

7. An additional source of intake is from the immigration of solicitors from other States and overseas. Although there is also a wastage from the profession resulting from the emigration of legal practitioners, the numbers incoming are expected to exceed slightly the numbers outgoing. The nett intake from migration during the period 1951 to 1960 inclusive is estimated, therefore, to total 10.

8. On the basis of the above estimates, the likely intake of new legal practitioners in Western Australia during the period 1951 to 1960 inclusive is shown in the next table.

9. A comparison of Tables 2 and 4 will show that the estimated annual intake of legal practitioners during the period 1951 to 1960

*Table 4: Estimated intake of legal practitioners:  
1951 to 1960.*

Source of intake	Estimated intake, 1951 to 1960 inclusive	
	Total	Average per annum
Articled clerks—		
graduate . . . . .	110	11.0
non-graduate ..	35	3.5
Managing clerks . . . .	5	0.5
Migrant solicitors . . . .	10	1.0
<b>Total . . . . .</b>	<b>160</b>	<b>16.0</b>

substantially exceeds the rates of intake attained during the years 1921 to 1950.

**E. WASTAGE.**

1. It is estimated that during the past thirty years (1921 to 1950 inclusive), wastage from the profession from all causes totalled 217, i.e., an average of 7 to 8 per annum. The average annual wastage from all causes in selected periods is shown in Table 5 below (see also Appendix C).

*Table 5: Average annual wastage from all causes:  
Selected periods from 1921 to 1950.*

Period	Average annual wastage
1921 to 1932	6.3
1933 to 1938	12.3
1939 to 1946	7.4
1947 to 1950	4.5
1921 to 1950	7.3

*Note:* The periods have been selected so as to facilitate comparisons with Tables 1 and 2.

*Source:* Appendix C.

2. The table shows that the wastage of legal practitioners has varied substantially during the period 1921 to 1950. It is possible that the peak level of wastage recorded during the 'thirties arose from over-crowding in the profession resulting from the distressed economic

conditions of that period, and the consequential loss of legal practitioners to other employment. However, since the statistics available concerning wastage are not dissected according to the cause of wastage, i.e., death, retirement, emigration, and loss to other employment, it is most difficult to arrive at any firm conclusions regarding the reasons for these fluctuations in the level of wastage from the profession.

3. During the next ten years (1951 to 1960), wastage from the profession appears likely to result mainly from death and retirement. Loss to other employment may result in a small additional wastage. Emigration is expected to be more than offset by immigration (see Section D, para. 7, above).

4. Wastage by reason of death and retirement will be determined largely by the age distribution of the profession and the average expectancy of life. An analysis of the Law Almanac for Western Australia (Appendix F) reveals that, both in 1939 and in 1951, the average legal practitioner had been practising for about 19 years. Assuming that the average legal practitioner enters the profession at about 23 years of age, the average age of members of the profession in 1939 and 1951 would be in the vicinity of 42 years. Therefore, it appears that the average age of the profession has remained approximately constant during the past 12 years. However, with the substantial intake of young legal practitioners expected during the next 10 years, the average age of the profession is likely to decrease.

5. There is, in addition, a tendency for life expectancy to increase steadily, as the following table shows, so that the future

*Table 6: Australia: Average expectancy of life at 40 years of age: 1881 to 1948.*

Period	Average expectancy of life at 40 years (in years)	
	Males	Females
1881 to 1890	26.5	29.1
1891 to 1900	27.7	30.5
1901 to 1910	28.6	31.5
1920 to 1922	30.1	33.1
1932 to 1934	31.1	34.0
1946 to 1948	31.2	34.9

*Source: Statistical Register of Western Australia and Australian Life Tables, 1946-1948.*



rate of wastage of legal practitioners from death and retirement might be expected to be smaller. The annual absolute size of the wastage will, however, increase owing to larger numbers in the profession.

6. Taking into account all the above factors, it is estimated that wastage from the profession from all causes (other than emigration) will approximate 5 to 6 per annum during the years 1951 to 1960 inclusive, i.e., total wastage during the period will be about 55.

#### *F. INTAKE LESS WASTAGE.*

1. During the past thirty years, the nett intake into the profession, i.e., intake less wastage, has fluctuated considerably, as the following table shows:

*Table 7: Average annual nett intake of legal practitioners:  
Selected periods from 1921 to 1950.*

Period	Average annual nett intake <sup>1</sup>
1921 to 1932	+ 1.7
1933 to 1938	— 0.8
1939 to 1946	— 1.9
1947 to 1950	+ 6.3
1921 to 1950	+ 0.8

<sup>1</sup> A minus sign denotes a decrease in the size of the profession.  
*Source:* Appendix C.

2. The table shows also the slow rate of increase in the size of the profession during the period 1921 to 1950—an average nett intake of one legal practitioner per annum. The reasons have been outlined in earlier sections.

3. During the next ten years (1951-1960), the estimated nett addition to the profession will be 105, i.e., 160 entries less 55 exits. The average nett intake of legal practitioners during 1951-1960 will be 10 to 11 per annum. A comparison with Table 7 will show that this substantially exceeds the rates of nett intake attained during the years 1921 to 1950.

4. With the estimated nett addition of 105 legal practitioners by 1960 there would be 300 in the profession then as against 195 now. As the Department of Immigration estimates the population of Western Australia to reach 727,000 by 1960 the ratio of legal practitioners to 10,000 of population will rise from its present level

of 3.4 to 4.1 by 1960. The 1960 ratio would approximate the 1939 ratio, but would be below that in 1933 (4.3) and 1921 (5.1).

**G. MAIN SOURCES OF EMPLOYMENT.**

1. A legal practitioner may establish his own practice, purchase an established practice, or be admitted to partnership in an established practice. Alternatively, he may continue in the employ of the firm with which he served his articles or obtain salaried employment in another private practice.

2. For those whose interests lie outside the field of private practice, the Commonwealth and State Public Services and similar organisations may offer opportunities for salaried employment as legal officers, etc.

**H. DEMAND.**

1. Most of those entering the profession during the next decade will be engaged in private practice, either as principals or as salaried employees in legal firms. On present indications, it appears likely that by 1960 the numbers so engaged will have risen to about 275, compared with 175 in 1951. This is a most substantial increase. It means that apart from the intake required to offset wastage resulting from deaths, retirements, etc., an average of 10 legal practitioners will be entering the field of private practice each year during the next decade.

2. For the reasons outlined above, employment prospects in the profession will be determined primarily by the demand for the services of private legal practitioners, which in turn arises from the public's need for legal assistance in such matters as land conveyancing, litigation, and probate work. It has been pointed out by some members of the profession that the demand is mainly for the services of solicitors rather than of barristers. However, many of the functions of solicitors may be performed by persons outside the profession. A quantitative assessment of the various factors affecting the demand for the services of legal practitioners therefore becomes somewhat difficult.

*Table 8: Transfers of title: Registrations effected: 1921 to 1950.*

Year	1920-21	1932-33	1938-39	1944-45	1946-47	1948-49	1949-50
Number	11,965	6,993	11,457	10,436	18,615	19,436	10,489 <sup>1</sup>

<sup>1</sup> Half year only.

Source: The Statistical Register of Western Australia.

3. Since most legal firms are concerned mainly with land conveyancing, the demand for legal services may be related directly to this class of transaction. An examination of Table 8, above, will show that the number of transfers of title registered annually has increased substantially in recent years.

4. Although, as a sub-committee of the Law Society of Western Australia has pointed out, "a very large number of transfers registered at the Titles Office are prepared by banks, land agents, accountants and private individuals", it seems reasonable to assume that the profession has shared substantially in the increased volume of land conveyancing being carried out in Western Australia. On this basis, the statistics quoted in Table 8 may be regarded as indicative of a growing demand for legal services.

5. Earlier it was seen that during the period from 1951 to 1960 the population is expected to increase at the rate of approximately 3% per annum. This increase in population may reasonably be expected to be accompanied by increased activity in the building and construction industry and by an increase in the general level of real estate transactions. Because of this, the demand for legal services in connection with land conveyancing appears likely to continue to increase during the period covered by this survey. It is not possible, however, to predict either the magnitude of this increase or the extent to which the legal profession will share in the increased volume of land conveyancing. There are indications that the increase in the volume of land conveyancing in recent years has contributed to an existing shortage of legal practitioners. This shortage may well have limited the amount of conveyancing carried out by the profession so that the extent to which the profession is likely in future to share in the expanding volume of conveyancing business will to some extent be conditioned by the size of the legal profession. If the number of legal practitioners does not expand to the same extent as the growth in the volume of conveyancing, the share of the conveyancing business done by banks, land agents, accountants, and legally unqualified individuals is likely to increase. The degree to which the profession will benefit from the expected increase in demand will thus depend partly on the adequacy of the numbers in the profession and partly on the manner in which legal practitioners meet the competition from banks, land agents, etc.

6. A rising demand and competition from persons outside the profession are also broadly characteristic of other legal services, statistics concerning which are shown in Appendices G and H. How-

ever, the demand for legal services in connection with probate and related work requires special consideration. In this field, private legal practitioners are subject to substantial competition from the Public Trust Office (a State instrumentality) in addition to the other sources of competition mentioned earlier.

7. The statistics quoted in Table 9, below, suggest that over a long period of time there has been a steady increase in the volume of probate work in Western Australia. As may be expected, the volume of probate work bears a strong positive correlation to the number of deaths occurring in the community (see Table 10, below). Thus, with an increasing population the volume of probate work will continue to increase during the next decade.

*Table 9: Probate and letters of administration: Number of Estates: 1921 to 1947.*

Year	1921	1933	1939	1945	1947
Number of estates	1060	1282	1559	2170	2491

*Source:* Statistical Register of Western Australia.

*Table 10: Applications for probate, etc., as a percentage of total deaths: 1943 to 1950.*

Year	1943	1944	1945	1946	1947	1948	1949	1950	1943-1950
Applications as percentage of deaths	48	50	51	56	49	54	50	48 <sup>1</sup>	50 <sup>1</sup>

<sup>1</sup> Estimates.

*Sources:* Supreme Court and Statistical Register of Western Australia.

8. Information supplied by the Supreme Court suggests that about 65% of all probate work is carried out by private legal practitioners, 25% by the Public Trust Office, and 10% by private individuals. There are indications that the amount of probate work being carried out by private persons is declining from its already low level. Concurrently with this, there appears to be a slight increase in the proportion of all probate work carried out by private practitioners. (No similar trend is discernible in the case of the Public Trust Office). If this continues, the legal profession will share more

than proportionately in the increased volume of probate work expected during the next ten years.

9. There is some evidence to suggest that, in the past, the profession has been appreciably affected by cyclical fluctuations in the level of economic activity. It has been said that most legal firms are concerned with land conveyancing, and an examination of Table 8 will show the sharp fall in this class of transaction recorded during the depression of the 'thirties. In addition, it was noted (Section E of this report) that the average annual wastage from the profession reached a high level during 1933-38. This was not accompanied by a reduction in the average annual intake during the same period (Section C); the lack of knowledge of immediate prospects in the profession may have accounted for the fairly high level of intake. In a profession with a substantial proportion of people working on their own account a decline in business tends to lead initially to a reduction in the average level of income rather than to unemployment and therefore may not be obvious in its early stages. For the future, the profession will of course remain susceptible to cyclical fluctuations, but owing to the expected continuation of the large-scale immigration programme and with ambitious projects for national development planned for the next decade, it is unlikely that a decline in economic activity would occur unless unforeseen international economic circumstances bring it about.

### *CONCLUSION.*

1. The above notes have shown that it is difficult to predict precisely the demand for legal practitioners in Western Australia in the next ten years. However, it has been estimated that provided the population of the State reaches the figure of 727,000 by 1960, there would in that year be about four legal practitioners for every 10,000 of population. This figure, although slightly higher than that of 1951, is about the same as the 1939 figure.

2. Moreover, an examination of the trend of business in the legal fields has indicated that the effective demand for legal practitioners has shown a tendency to increase in recent years and could be expected to increase further in the next ten years. Although the profession is subject to competition from banks, land agents, accountants, and some private individuals, there are indications that in some fields, particularly probate, the share of the work done by private legal practitioners is increasing.

3. Consequently it can be said that by 1960 the community in Western Australia can expect to have a more adequate legal service

than at present. The predicted increase in the size of the profession is in keeping with the expected development of the State and the growing demand for legal services.

*APPENDIX A.*

LEGAL PRACTITIONERS PER 10,000 OF POPULATION  
IN WESTERN AUSTRALIA AND OTHER STATES  
AND IN THE UNITED STATES.

State or Country	Year	Barristers and Solicitors per 10,000 of population
United States of America	1940	13.7 <sup>1</sup>
New South Wales . . . .	1950	6.9
Tasmania . . . . .	1950	5.5
Victoria . . . . .	1950	5.4
Queensland . . . . .	1950	4.8
South Australia . . . . .	1950	4.6
Western Australia . . . .	1951	3.4

<sup>1</sup> Includes members of the judiciary.

**APPENDIX B.**

**NUMBER OF LEGAL PRACTITIONERS ADMITTED ANNUALLY IN WESTERN AUSTRALIA: 1921 to 1950.**

Year	Number admitted <sup>1</sup>		
	Male	Female	Total
1921 . . . . .	6	—	6
1922 . . . . .	6	—	6
1923 . . . . .	7	—	7
1924 . . . . .	11	—	11
1925 . . . . .	8	—	8
1926 . . . . .	8	—	8
1927 . . . . .	3	—	3
1928 . . . . .	5	—	5
1929 . . . . .	11	—	11
1930 . . . . .	11	1	12
1931 . . . . .	7	—	7
1932 . . . . .	12	—	12
1933 . . . . .	6	2	8
1934 . . . . .	8	1	9
1935 . . . . .	13	—	13
1936 . . . . .	7	2	9
1937 . . . . .	9	—	9
1938 . . . . .	20	1	21
1939 . . . . .	4	1	5
1940 . . . . .	9	—	9
1941 . . . . .	10	—	10
1942 . . . . .	2	—	2
1943 . . . . .	—	1	1
1944 . . . . .	—	—	—
1945 . . . . .	—	—	—
1946 . . . . .	7	—	7
1947 . . . . .	7	—	7
1948 . . . . .	11	—	11
1949 . . . . .	14	—	14
1950 . . . . .	11	—	11
<b>Totals . . . . .</b>	<b>233</b>	<b>9</b>	<b>242</b>

*Source:* The Barristers' Roll of the State Crown Law Department.

<sup>1</sup> *Note:* The dissection according to sex is based on the signatures in the Barristers' Roll and may be subject to some inaccuracies.

**APPENDIX C.**

**INTAKE AND WASTAGE OF LEGAL PRACTITIONERS:  
1921 to 1950.**

Period	Gross intake		Wastage		Nett intake <sup>1</sup>	
	Aggr.	p.a.	Aggr.	p.a.	Aggr.	p.a.
1921 to 1932	96	8.0	76	6.3	+ 20	+ 1.7
1933 to 1938	69	11.5	74	12.3	- 5	- 0.8
1939 to 1944	27	3.5	27	3.5	0	0
1945 to 1946	7	3.5	22	11.0	- 15	- 7.5
1947 to 1950	43	10.8	18	4.5	+ 25	+ 6.3
1921 to 1950	242	8.1	217	7.3	+ 25	+ 0.8

*Source:* Derived from Table 1 and Appendix B of this report.

<sup>1</sup> A minus sign denotes a decrease in the size of the profession:

**APPENDIX D.**

**ARTICLED LAW CLERKS—1951.**

Year of entering upon articles	Prior to 1946	1946	1947	1948	1949	1950	Total
Law graduates (2 years' articles ..	2			4	8	2	16
Others (5 years' articles ..	4	2	5	3	11	4	29
Totals . . . . .	6	2	5	7	19	6	45

*Source:* Barristers' Board of Western Australia.

*Note:* These statistics should be used with caution. A number of undergraduates in law enter upon 5 years' articles and, on graduating, transfer to 2 years' articles.

**APPENDIX E.**

**NUMBERS LIKELY TO GRADUATE FROM THE FACULTY OF LAW AT THE UNIVERSITY OF WESTERN AUSTRALIA  
1951-1958.**

1. In Section A of this Report, it was seen that one method of entry to the legal profession is to graduate in law at the University of Western Australia, serve two years' articles, and pass the Barristers'



Board's graduate examination. On present indications, it appears that a large proportion of the intake of locally-trained legal practitioners will arise from this source. It therefore becomes necessary to estimate the likely future supply of law graduates from the University of Western Australia: Statistics of enrolments and graduations in the Faculty of Law during the period 1936 to 1951 are shown in the attached table.

2. The table shows that the number of first-year law students at the University of Western Australia reached the record high level of 41 in 1947. Since then, the number has declined steadily and, in 1951, first-year enrolments totalled 20. Comparable figures for 1939 and 1940 are three and ten respectively. Following the decline in first-year enrolments, total enrolments fell from the record level of 95 in 1948 to 68 in 1951. The comparable figure for 1939 was 29. On the basis of past experience of the proportion of law students completing the course, it is estimated that the numbers likely to qualify in each of the years 1951-1953 will be approximately:

1951	.. . . .	19
1952	.. . . .	19
1953	.. . . .	17
		—
		55
		—

3. The numbers that will qualify in 1954 and subsequent years will depend upon the numbers of first-year students enrolling in 1952 and onwards. It will be observed on examining Table A below that in recent years substantial numbers of ex-service personnel enrolled for first-year law under the Commonwealth Reconstruction Training Scheme. However, for several years, the numbers of these students have declined steadily and in 1950 there were no C.R.T.S. students enrolled for first-year law. The table shows that the Commonwealth Financial Assistance Scheme has influenced only slightly the intake of first-year law students.

4. Under the Commonwealth Financial Assistance Scheme, 77 vacancies were available annually, these being allocated between the several Faculties. Under this arrangement, the Law Faculty shared six vacancies with the Agricultural Science and Dental Science Faculties. However, under the Commonwealth Scholarship Scheme which commenced in 1951, a total of about 200 vacancies will be available annually. As these scholarships will not be allocated between the several Faculties, the introduction of the Commonwealth Scholarship Scheme could result in a substantial increase in the intake of

TABLE A—FIRST-YEAR LAW STUDENTS: UNIVERSITY OF WESTERN AUSTRALIA: 1945-1951

Year	Commonwealth Reconstruction Training Scheme <sup>1</sup>	Commonwealth Financial Assistance Scheme <sup>2</sup>	Commonwealth Scholarship Scheme <sup>3</sup>	Other	Total
1945	3	1	—	8	12
1946	22 (2)	1	—	13	36
1947	19 (1)	2	—	20	41
1948	13 (1)	—	—	9	22
1949	3	2	—	13	18
1950	—	—	—	16	16
1951	—	—	11	9	20

<sup>1</sup> Figures in brackets are part-time students, who are also included in the totals.

<sup>2</sup> Scheme ended in 1950.

<sup>3</sup> Scheme commenced in 1951.

first-year law students. Whilst it is difficult to predict the likely effects of this Scheme, it appears reasonable to suggest that at least 6 students annually will commence first-year law under the Commonwealth Scholarship Scheme.

5. In recent years, the number of unassisted first-year students, i.e., enrolments other than C.R.T.S. and C.F.A.S., has been appreciably higher than the annual intake during the pre-war years and war years. After reaching a peak in 1947, enrolments of unassisted first-year students fell sharply in 1948, but have since increased steadily. It seems likely that about 15 unassisted students will commence first-year law annually in 1952 and subsequent years.

6. Taking into consideration all the above factors, it appears probable that the total first-year enrolments in 1952 and subsequent years will approximate 20 per annum.<sup>1</sup> On this basis, it is estimated that about 85 will complete the course during the period 1954 to 1958. Consequently, the total number completing the degree course in law during the period 1951 to 1958 inclusive is estimated to be 140.

7. Of those completing the law course, many will wish to enter the legal profession and will, therefore, seek to become articled clerks. However, a legal training is widely recognised as being extremely valuable in administrative and executive positions, and attractive alternative sources of employment are likely to be open to the new

<sup>1</sup> These estimates may be revised when the first effects of the Commonwealth Scholarship Scheme are known.

graduates in commercial organisations and the Public Service. For these reasons, it is difficult to estimate the numbers likely to seek entry to the legal profession. On present indications, it appears likely that about 100 of the 140 estimated to complete the degree course in law during the period 1951 to 1958 inclusive might become articled clerks.

*TABLE TO APPENDIX E.*

UNIVERSITY STATISTICS—LAW—WESTERN AUSTRALIA.

Year	ENROLMENTS		Number Graduating
	First Year	Total	
1936 .. ..	9	38	11
1937 .. ..	14	29	5
1938 .. ..	2	29	6
1939 .. ..	3	33	7
1940 .. ..	10	36	6
1941 .. ..	6	21	11
1942 .. ..	—	—	4
1943 .. ..	—	—	—
1944 .. ..	7	14	—
1945 .. ..	12	21	—
1946 .. ..	36	58	1
1947 .. ..	41	90	4
1948 .. ..	22	95	14
1949 .. ..	18	91	12
1950 .. ..	16	71	21
1951 .. ..	20	68	—

*Source:* Faculty of Law, University of Western Australia.

APPENDIX F.

PRACTISING LEGAL PRACTITIONERS: 1939 and 1951: LOCATION AND YEAR OF ADMISSION TO THE ROLL.

LOCATION	YEAR OF ADMISSION TO THE ROLL																TOTAL		
	Prior to 1890	1890 to 1894	1895 to 1900	1900 to 1904	1905 to 1909	1910 to 1914	1915 to 1919	1920 to 1924	1925 to 1929	1930 to 1934	1935 to 1939	1940 to 1944	1945 to 1949	1946	1947	1948		1949	1950
1939																			
Metropolitan Area . . . .	1	2	10	6	11	16	10	20	17	21	11	-	-	-	-	-	-	-	125
Country Areas	-	1	7	4	3	4	-	6	6	12	17	-	-	-	-	-	-	-	60
TOTAL . . . .	1	3	17	10	14	20	10	26	23	33	28	-	-	-	-	-	-	-	185
1951																			
Metropolitan Area . . . .	-	-	2	1	5	12	6	17	17	24	29	12	26	2	3	10	10	9	160
Country Areas	-	1	-	-	1	1	1	7	3	6	7	1	5	-	3	-	2	2	35
TOTAL . . . .	-	1	2	1	6	13	7	24	20	30	36	13	31	2	6	10	12	11	195

Sources: Law Almanacs for Western Australia and the Barristers' Board of Western Australia.

## APPENDIX G.

### STATE TITLES OFFICE—STATISTICS OF TRANSACTIONS, WESTERN AUSTRALIA—1921-1950.

	1920/21	1932/33	1938/39	1944/45	1946/47	1948/49	1949/50 <sup>1</sup>
<i>Transfers.</i> Registrations effected . .	11,965	6,993	11,457	10,436	18,615	19,436	10,489 <sup>1</sup>
<i>Mortgages.</i> Registrations effected .	8,424	5,499	7,876	3,037	10,566	10,567	6,354 <sup>1</sup>
<i>Caveats Lodged.</i>	1,715	1,498	1,475	2,106	1,006	1,161	450
<i>Certificates of Title.</i> <sup>2</sup> Registered . .	6,710	4,087	5,580	4,129	6,573	6,679	3,610

<sup>1</sup> For half-year ended 31/12/1949.

<sup>2</sup> Includes land registered (1) on alienation by Crown, (2) on application, (3) on change of proprietorship.

*Source:* Statistical Register of Western Australia.

APPENDIX H.

STATISTICS OF COURT TRANSACTIONS: 1921-1947

	1921	1933	1939	1945	1947
<i>Civil Cases—Writs commencing actions . .</i>	625	390	412	343	575
<i>Divorce Petitions . . . . .</i>	154	174	282	720	808
<i>Companies Registered . . . . .</i>	119	164	131	44	172
<i>Probates and Letters of Administration.</i>					
Number of Estates . . . . .	1060	1282	1559	2170	2491
<i>Bankruptcy.</i>					
Petitions . . . . .	30	33	44	3	22
Compositions, etc. . . . .	54	118	73	2	10

Source: Statistical Register of Western Australia.