elections and so on, and since they are satisfied, I am prepared to support the measure.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [9.24 p.m.]: I thank Mr. Dolan for his support of the Bill. I think it is fair to say that since the Taxi Control Board has been in operation the standard of the taxi industry in Western Australia has improved considerably. I think I am right in saying that dissatisfaction among taxi owners and taxi drivers has completely disappeared.

We all know that a few years ago if a member of Parliament hired a taxi he was told in no uncertain terms what the position was. This practice has been discontinued to a great extent. It is possible that there may be one or two people who are discontented but, of course, one finds this in any industry. Generally speaking, however, the standard has been raised to such an extent that there is little doubt the Taxi Control Board has justified its existence. Once again I thank Mr. Dolan for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

House adjourned at 9.28 p.m.

Legislative Assembly

Tuesday, the 3rd October, 1967

The SPEAKER (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.

LOAN ESTIMATES, 1967-68

Message: Appropriations

Message from the Governor received and read recommending that appropriations be made in accordance with the Estimates of Expenditure from the General Loan Fund for the year ending the 30th June, 1968.

QUESTIONS (14): ON NOTICE

ELECTRICITY SUPPLIES

Substation at Innaloo

1. Mr. GRAHAM asked the Minister for Electricity:

   What would be the approximate cost of moving and re-erecting the installations and electrical gear only, at the substation and switch yard in Scarborough Beach Road, Innaloo, to another site within a radius of a quarter of a mile?

Mr. NALDER replied:

It is not practical to dismantle and re-erect this substation. To maintain continuity of supply to consumers, some new equipment would have to be erected at the new site, feeders rerouted, and the load gradually transferred with a loss of many hours of scarce skilled labour.

The cost would be—

	$
Purchase of new equipment	156,000
Other costs	106,000
	$262,000

WATER SUPPLIES

Bunbury: Underground Sources, and Augmenting

2. Mr. WILLIAMS asked the Minister for Water Supplies:

   (1) What information can be given on the potential of the underground water storage in Bunbury?

   (2) Is it known the approximate population these resources are capable of supplying?

   (3) What proposals have the department in mind for augmenting the Bunbury town supply in future years?

   (4) Should this supply be augmented by Country Water Supply, under what arrangements and conditions would water be supplied to the Bunbury Water Board?

Mr. ROSS HUTCHINSON replied:

(1) Underground resources are considered adequate to meet the forseeable domestic and light industry demand for at least the next 10 years. The full potential has not been determined.

(2) Not less than 20,000.

(3) There are no firm proposals, but a future major industrial development might render such action necessary. Sources of supply are available.

(4) No firm arrangements or conditions have been determined. Should the need arise in the future, the matter will be a subject for negotiation.

RAILWAYS

Superannuation and Family Benefits Fund: Membership

3. Mr. FLETCHER asked the Minister for Railways:

   (1) How many employees were in the railways in each year since the 1st July, 1959, to the 30th June, 1967?

(2) How many—
(a) were members of the Government Superannuation Fund;
(b) were not eligible to join the fund because of the nature of their appointment to the staff;
for the above years?

(3) How many employees failed to join the fund when entitled and having attained the age of 50 years have applied for units?

(4) Can members of the fund obtain loans from the fund?

Mr. O'CONNOR replied:

Year ended the 30th June

		1960	1961	1962	1963	1964	1965	1966	1967
(1)	....	12,821	12,620	12,287	12,095	11,682	11,623	11,764	11,600
(2) (a)	....	2,279	2,325	2,353	2,435	2,553	2,611	2,621	2,594
(b)	....	1,005	1,094	984	1,120	1,074	1,282	1,685	1,672
(3)	....	28	29	14	33	55	98	49	45

(4) .... No.

AERIAL SPRAYING CONTROL ACT

Amending Legislation

4. Mr. SEWELL asked the Minister for Agriculture:

(1) Is it the intention of the Government to amend the Aerial Spraying Control Act this session?

(2) If "Yes," will the amending legislation give the department adequate control over the sale, storing, and distribution of all types of fungicides, herbicides, fertilisers, and agricultural chemicals?

Mr. NALDER replied:

(1) Consideration is being given to amendments but these are unlikely to be introduced during the present session as an interstate conference has still to deal with some of the items in an endeavour to obtain uniformity.

(2) The Aerial Spraying Control Act was not designed to give general control over the sale, storing, and distribution of fungicides, fertilisers, herbicides, and agricultural chemicals. The Health Act provides for the registration of pesticides (herbicides, fungicides, and related products) and lays down the conditions under which various products can be sold and stored. Restrictions under this Act, however, are mainly designed to reduce hazards to public health. The Fertilisers Act provides for the registration of fertilisers and lays down conditions of quality, labelling, and packaging.

SUPERPHOSPHATE

Fluoride Content

5. Mr. KELLY asked the Minister for Agriculture:

(1) What is the fluoride content of superphosphate produced from rock obtained from Christmas Island and Nauru respectively?

(2) Are studies being carried out by the C.S.I.R.O. in connection with possible harmful effects to stock grazing on land to which superphosphate with a somewhat high fluoride content has been added?

(3) Is his department associated in any way with these studies?

(4) What particular malformations and deficiencies in stock are being studied in relation to fluoride ingestion?

(5) What conclusions have so far been reached in connection with the matter?

Mr. NALDER replied:

(1) Samples of rock phosphate analysed over a number of years have shown that the fluorine content of Christmas Island rock phosphate generally ranges between 1 per cent. and 2 per cent., and of Nauru rock phosphate between 3 per cent. and 4 per cent. Investigations indicate that superphosphate has a fluorine content of approximately 60 per cent. of that of the rock phosphate from which it is made.

(2) to (5) In view of the absence of evidence of a fluorine problem in stock in Western Australia, it is not included in present C.S.I.R.O. or Department of Agriculture research programmes.

TRANSPORT

Phosphate Rock: Cartage by Contractors

6. Mr. McPHARLIN asked the Minister for Transport:

(1) What is the total tonnage of phosphate rock carted by cartage con-

tractors from ships to the manufacturers' works throughout Western Australia?

Eight to Ten-ton Trucks: Number

(2) What is the total number of motor trucks in the eight to ten-ton capacity in Western Australia?

(3) What is the number of farmer-owned motor trucks in this bracket?

Mr. O'CONNOR replied:

(1) 663,601 tons during 1965-66.
823,086 tons during 1966-67.

(2) 616.

(3) 101.

HANDICAPPED CHILDREN

Tests for Admission to Occupational Centres

7. Mr. DAVIES asked the Minister for Education:

(1) What mental and/or physical standards are required by the Education Department before children are allowed to attend the department's classes at occupation centres or the spastic centre?

(2) Who conducts any examinations and/or tests before admission to classes?

(3) Are children given regular medical examinations while at the centres?

(4) Are they tested in regard to mental improvement?

(5) Who makes recommendations in regard to exclusions?

(6) Who makes the final decision regarding exclusions?

(7) Are such decisions subject to appeal?

Mr. LEWIS replied:

(1) Occupation centres: Children with retarded mental development who will not be custodial, totally dependent or require constant nursing, and who are potentially able to care for themselves, adjust socially in home and neighbourhood, and may have some economic usefulness by doing routine chores in sheltered environment.
Spastic centre: Classes at school available to those children able to participate in group activities, profit socially and emotionally from a classroom situation, able to acquire some social and formal skills, and able to understand speech. Degree or severity of physical handicap not a factor of selection.

(2) Officers of the Education Department's Guidance and Special Education Branch and Mental Health Department's Irrabeena Centre co-operating with Department of Psychological Medicine (Princess Margaret Hospital), Child Guidance Clinic (Mental Health Department), and Spastic Welfare Association.

(3) Yes.

(4) Yes.

(5) Occupation centres: Review panel (doctor, social worker, head of centre, class teacher, psychologist).
Spastic centre: Guidance Branch officers, medical consultant, psychologists of spastic centre.

(6) Superintendent of Guidance and Special Education.

(7) Yes.

RAILWAY CROSSINGS

Rivervale: Tunnel Project

8. Mr. DAVIES asked the Minister for Railways:

(1) Has the design for the tunnel under the railway line at Rivervale and the associated roadworks been finalised?

(2) How many properties will be resumed?

(3) What is the estimated cost of resumption?

(4) What is the cost of other work associated with the project?

(5) When is it estimated the work will be completed?

(6) Will he table a copy of the plan for the project?

Mr. O'CONNOR replied:

(1) Yes.

(2) Seven whole blocks have been resumed and portions resumed from sixteen other properties for roadworks. Not any properties have been resumed for railway work.

(3) $110,000.

(4) Associated roadworks are estimated to cost $450,000.

(5) Project completion date is estimated as May, 1968.

(6) As the plans for this project are very voluminous, it would be preferable if the honourable member arranged with the Main Roads Department to view the plans in its office.

TIMBER

Sawmilling Permits in Warren Area: Bunning Bros.

9. Mr. ROWBERRY asked the Minister for Forests:

(1) How many sawmilling leases and permits does the firm Bunning Bros. operate in the Warren area?

(2) What is the individual acreage of each of these leases?

(3) What is the permissible intake of each of these leases?

(4) What percentage of permissible intake has been cut by this firm over the last three years over each lease?

Mr. BOVELL replied:

(1) Seven.

(2) to (4)

Permit No.	Area Acres	Annual Permissible Intake Loads	Percentage of Permissible Intake Cut 1964-65	1965-66	1966-67
1192	75,168	25,000	89	92	92
1328	88,900	25,000	93	97	98
1332	96,396	30,000 (26,200 as from the 1/7/66)	35	74	73
1454	15,489	8,800	112	106	106
1545	32,200	1,800 (in square)	89	61	71
1546	25,630	1,800 (in square)	17	57	65
1554	47,826	1,800 (in square)	64	72	40

Sawmilling Permits in Warren Area: Millars' Timber and Trading Co.

10. Mr. ROWBERRY Asked the Minister for Forests:

(1) How many sawmilling leases and permits does the firm of Millars' Timber & Trading Co. operate in the Warren area?

(2) What is the individual acreage of each of these leases?

(3) What is the permissible intake of each of these leases?

(4) What percentage of permissible intake has been cut by this firm over the last three years from each of these leases?

Mr. BOVELL replied:

(1) Six.

(2) to (4)

Permit No.	Area Acres	Annual Permissible Intake Loads	Percentage of Permissible Intake Cut 1964-65	1965-66	1966-67
1193	113,147	43,200	97	109	104
1271	151,500	16,080	103	108	108
1331	145,511	25,000	73	79	83
1437	53,000	1,200 (in square)	117	102	127
1548	41,400	9,000	96	114	94
1552	4,350	3,000	78	87	99

Hawker Siddeley Building Supplies: Pemberton Lease

11. Mr. ROWBERRY asked the Minister for Forests:

What percentage of permissible intake has the firm of Hawker Siddeley Building Supplies cut over the last three years from its Pemberton lease?

Mr. BOVELL replied:

	Per Cent.
1964-65	52
1965-66	67
1966-67	63

ESPERANCE LAND AND DEVELOPMENT COMPANY

Blocks Nos. 932-939: Conditions of Sale

12. Mr. MOIR asked the Minister for Lands:

(1) On what date were blocks Nos. 932 to 939 inclusive, situated north of Bedford Harbour in the Esperance area, offered for sale by the Esperance Land and Development Company?

(2) What improvements have been carried out on each of the blocks?

(3) Were the blocks offered as freehold land; if not, under what conditions?

(4) What means were adopted to publicise the availability of this land?

(5) How many applications were received for these blocks?

(6) Who were the successful applicants and what are their addresses and occupations?

(7) At what price per acre was the land sold?

(8) What area was contained in each block?

(9) Did the company confer in the selection of allottees with the committee constituted under clause 12 subsection C of the Esperance land agreement; if not, what was the reason?

(10) If it did confer, what were its reasons in allotting the land to the successful applicants?

(11) Is he aware that this land is being farmed by Geo. Fielder & Co. which has an area of 5,000 acres sown with wheat?

(12) Is he aware that some of the successful applicants are either University students or officers of the Department of Agriculture?

(13) Is he aware that it is alleged that the successful applicants are "dummies" for Geo. Fielder & Co?

(14) Is he further aware that it is also alleged that Geo. Fielder & Co. has entered an agreement with the people concerned not to claim these blocks for their own use, but to surrender them to Geo. Fielder & Co. when required?

(15) Is he aware that it is alleged that the consideration is an annual amount paid to these people by

Geo. Fielder & Co. for as long as the arrangement is required by that company?

(16) Was this arrangement entered into with his or the Government's official or unofficial approval?

Mr. BOVELL replied:

(1) Advice from the Esperance Land and Development Company is that the blocks were advertised for sale intermittently throughout Australia from September, 1966 onwards. The company sought advice of the committee appointed under clause 12 of the agreement to the sales of the following locations on the dates mentioned:—

Location 935 on the 19th December, 1966.

Locations 932, 933, 934, 936, 937, 938 and 939 on the 28th December, 1966.

Each sale purported to be to individuals on the basis of one holding to one settler as required by the original agreement. The committee therefore informed the company on the 11th January, 1967, that it had no objection to the sales.

(2) Location 932—756 acres sown to pasture plus fencing.
Location 933—790 acres sown to pasture plus fencing.
Location 934—798 acres sown to pasture plus fencing.
Location 935—772 acres sown to pasture.
Location 936—800 acres sown to crop and 1 dam.
Location 937—745 acres sown to crop.
Location 938—763 acres sown to crop, 1 dam, 1 shed and 3 cottages.
Location 939—758 acres sown to crop.

(3) The company has advised that the blocks were offered "for sale by private treaty on freehold basis."

(4) The company, by letter dated the 21st September, 1967, states that brochures offering the blocks for sale "were made available last year to every branch and subbranch of our agents in Australia, Elder Smith Goldsborough Mort Limited, and were also mailed to all land enquiries handled by this office. In all 4,000 of these brochures were printed." I have no other information regarding publicity.

(5) Unknown to the Government.

(6) According to the information supplied by the company, the successful applicants and their addresses and occupations were as follows—

Location 932—William John Rodger BOYD, 2 Dunbar Road, Claremont, Lecturer; and Robert Ruscoe FRASER, Box 14, Williams, Farmer.

Location 933—Ken George ADCOCK, 39 Gloucester Street, Subiaco, Technical Assistant.

Location 934—Glen Victor MORGAN, 381 Huntriss Road, Doubleview, Technical Assistant.

Location 935—Alwyn John MILLINGTON, 68 Gugeri Street, Claremont, Agricultural Scientist.

Location 936—David Lawrence CHATEL, 75 Bruce Street, Nedlands, Research Student.

Location 937—Graham Francis John GISBUHL, 18 Wilton Place, Scarborough, Technical Assistant.

Location 938—Roger Delano FOUNTAIN, 21 Roscommon Road, Floreat Park, Research Student; and Clive McDonald FRANCIS, 45 Castle Road, Woodlands, Research Officer.

Location 939—Lee Matthew RIENIETS, 7 Collier Street, Applecross, Sheep Breeding Consultant.

(7) The company has supplied the following information as to purchase prices for the blocks:—

Location 932—$18,100.
Location 933—$18,300.
Location 934—$18,300.
Location 935—$18,200.
Location 936—$18,800.
Location 937—$17,800.
Location 938—$18,100.
Location 939—$17,700.

The prices are fixed on an area basis and are subject to final assessment when survey plans are approved and contained areas confirmed.

(8) Location 932—approx. 2,250 acres.
Location 933—approx. 2,250 acres.
Location 934—approx. 2,250 acres.
Location 935—approx. 2,250 acres.
Location 936—approx. 2,320 acres.
Location 937—approx. 2,210 acres.
Location 938—approx. 2,250 acres.
Location 939—approx. 2,180 acres.

(9) In view of the circumstances mentioned in answer to (1) above, the company was not asked to confer.

(10) Answered by (9).

(11) The original application by the company for the sale of the blocks

to Geo. Fielder & Co. was rejected and sales to individual settlers were negotiated in terms of the agreement. Recent information available to me indicates that cropping has been engaged in this year, but I am not aware at whose expense.

(12) Since notice of the question was given, I have become aware, from information received from the company, that two blocks were sold to persons who are now officers of the Department of Agriculture. I understand that in one case, the person concerned joined the department subsequent to his purchase of the land. Occupations of successful applicants as known to me are shown in (6) above.

(13) to (15) I am aware of the allegations. However, the only approvals given were to sales to individuals in accordance with the terms of the original agreement, which agreement was negotiated by the previous Government of which the honourable member was, for a time, a Minister. The agreement does not prevent a purchaser from the Esperance Land and Development Company from selling his block or holding it on trust for another. Any private arrangement so made between a purchaser and Geo. Fielder & Co. is outside the terms of the agreement and cannot be controlled either by the committee appointed under clause 12(c) or by the Government.

(16) If any such arrangement exists, it has not been made known to me by vendors or purchasers.

I want to add that the committee and the Government have acted in strict conformity with the provisions of the agreement which was originally negotiated by the Hawke Government when it was in office.

BUILDING BLOCKS

Prices: Report of Metropolitan Region Planning Authority

13. Mr. GRAHAM asked the Premier:

(1) Is it a fact that the Metropolitan Region Planning Authority has submitted to the Government the results of its investigation into land prices?

(2) Has the committee of officials appointed to investigate and make recommendations on the price of residential land submitted its report to the Government?

(3) If "Yes," to either or both the above will he make available copies of the reports?

(4) If the reply to (1) and (2) is "No," in either case when is it anticipated the reports will be—

(a) received; and

(b) made available?

(5) If any legislative action is required, will it be taken this session?

Mr. BRAND replied:

(1) The results of a survey instigated by the Research Committee of the Metropolitan Region Planning Authority of undeveloped residential land and land values south of the Swan River were reported to the Metropolitan Region Planning Authority in March, 1966, and made available to the Government.

Recommendations are as follows:—

(a) That, because there are reserves of undeveloped urban-zoned land sufficient to satisfy demands for a number of years, no change be made in the policy of not releasing urban-deferred land except in special circumstances.

(b) That the Government be advised that, although on the face of it there is more than enough land for immediate development, it is common knowledge that there is a shortage of freely-available blocks—for industrial as well as for residential development —at a price that the public can reasonably be expected to pay, and that the multifarious factors that have produced this unsatisfactory state of affairs call for very early, careful investigation and suitable remedial action.

(c) That the Government be further advised that, because the current levelling-off in land values may not endure, steps should be taken to counter further inflation. Suitable measures for stabilising values could be discovered by the investigations referred to in recommendation (b) and put up to the Government as soon as possible.

(2) No.

(3) Refer to (1) and (2).

(4) (a) Report expected shortly.

(b) This will be considered when the report is received.

(5) Yes, if possible.

NOOGOORA BURR

Safeguard against Introduction

14. Mr. RHATIGAN asked the Minister for Agriculture:

Further to my question of the 2nd August, 1967, with reference to the Noogoora burr, and his reply:

(1) Did he see an article in the *Northern Times* of the 14th September, 1967, stating that among some horses trucked into Derby recently one was found to be carrying Noogoora burr and that the shire council is concerned with the possible introduction of the noxious weeds Noogoora burr and Bathurst burr into Western Australia?

(2) Has he as yet taken any action to prevent the introduction by imported stock of these noxious weeds into the Kimberleys?

Mr. NALDER replied:

(1) Yes. The horses concerned were inspected firstly at Halls Creek and again at Derby prior to being sold. No noxious burrs were located. The report of a Noogoora burr being found by a buyer is being investigated but, so far, has not been confirmed.

(2) Stricter regulations regarding certification of freedom from noxious weeds by exporting States are being drafted and thorough inspections of stock undertaken at nominated points of entry.

QUESTION WITHOUT NOTICE

FIRE DISASTER RELIEF FUND

Establishment

Mr. HALL asked the Premier:

On Thursday, the 21st September, 1967, I asked the Premier a question, part of which reads as follows:—

. . . . . what steps have been taken by State and Commonwealth Governments to establish a fire disaster relief fund?

The Minister for Industrial Development, on behalf of the Premier, who was absent, replied—

To my knowledge, nothing has been done.

As I said, that question was asked on the 21st September; yet on the 22nd September—a day later—in *The Albany Advertiser*, under the heading "Plan to Avert District Disaster" the following appeared:—

Albany could become the centre of operations for a district fire disaster plan.

A W.A. Fire Brigades Board executive, Mr. C. Harvey was in Albany early this week to lay the groundwork for the plan.

Mr. Harvey said Albany was the place to inaugurate such a scheme, because of the serious fires that had ocurred here over the years.

How can the Premier reconcile the reply given on his behalf with the plan advertised in the Press?

Mr. BRAND replied:

Might I say to the honourable member that if he wants any information which is really worth while he should follow the procedure adopted by most members of giving some notice of the question. In giving the answer that nothing had been done, the Minister who replied on my behalf on the 21st September had in mind a fund established for the purpose of granting financial relief.

The plan referred to by the Press was a physical plan under which Albany would become the centre for dealing with emergencies. However, if the honourable member still wants further information, or something better than I have been able to give him, he should place the question on the notice paper and I will try to get the fullest information possible.

DENTISTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st September.

MR. DAVIES (Victoria Park) [4.54 p.m.]: As the Minister explained when introducing the Bill, it merely makes provision for people with overseas qualifications to practise dentistry in Western Australia; also the expression "British Dominions" will be changed to "British Commonwealth of Nations or the Queen's Dominions," which will be more in keeping with modern-day practice. In addition, the measure provides that persons who have degrees which are acceptable to the American Dental Association will be permitted to practise in Western Australia.

However, it was not what the Minister said when he introduced the Bill but rather what he left out that interests me. He admitted the measure will not do much to assist in alleviating the shortage of dentists in Western Australia; and I would heartily agree with him because of the evidence that is available. I have been through my file on dental matters, and the papers I have indicate there is

a world-wide shortage of dentists. Therefore, I hardly think there are many dentists waiting to rush to Western Australia to practise. However, I am sure there is a reason for introducing the Bill and possibly the Minister, when replying to the debate, will give us some indication of the number of people who are desirous of practising dentistry in Western Australia and who, up to the present time, have been banned because of the requirements of the Act.

It seems that when the Bill is passed, the Australian Dental Association will be the sole arbiter of whether or not persons shall be permitted to practise dentistry in this State; and I think it is only just and proper that that should be the position. I am sure members will recall the heartburnings of many people who, just after the war years, came to this country from European countries, with all kinds of qualifications—legal, medical, and dental in particular—and who were unable to practise their professions because their qualifications were not recognised in this State.

It is a wonder to me it has taken so long for the Government—whether it be a Labor Government, or a Government composed of the two political parties who now form the Government—to bring down amending legislation to provide that people who are suitably qualified can practise in Western Australia.

The replies to some questions I asked recently regarding the local Dental School indicated that submissions are being made to expand the activities and facilities for training dentists; but it appears it will be some considerable time before any results will flow from the expansion of the activities at the Perth Dental Hospital. I do not think that, in the reasonably near future, there is any likelihood of relief being provided in regard to the number of dentists.

I would be interested to know what happened to the proposals that were before the House two years ago in regard to dental nursing aides—I think that was the term used on that occasion. There was a good deal of discussion on the proposal and it was hailed as a great step forward: one which would assist in overcoming the shortage of dentists. We were told of the success of the proposal in New Zealand, in particular, and also in Tasmania, and there was hope that it would be of great benefit to Western Australia. However, among the members of the local dental association—I am not quite certain of the correct title of the organisation—I believe there was some argument as to the best form the new dental nursing aides should take—when I refer to "the best form" I mean the type of duties which these girls would be allowed to perform.

The then executive of the local dental association was keen to restrict these girls to a narrow field of work—I think it was related to painting teeth with fluoride and general inspections. Another section of the association wanted them to be given authority to do the same work as the dental nursing aides in New Zealand were performing. As I recall, at that time there was a change in the administration of the association—the old guard was displaced, and the new guard took over. This further strengthened the hand of the association in connection with the expanded duties required of dental aides.

For some reason unknown to any member on this side of the House—at least as far as I can ascertain—I think the Bill was one of the slaughtered innocents in the 1965 session. Since then we have heard nothing further of the proposal. I would be interested to know why it is now necessary to make special provision to widen the nationality provision for people who come to Western Australia to practise dentistry, while nothing further has been done by way of making available the services of the dental aides to ease the position due to the acute shortage of dentists. I would be glad of any information the Minister could give me on this point.

I am alarmed—as I am sure are most people—in connection with the considerable delays experienced before people are able to obtain treatment at the various clinics—for instance, at the Liddell clinic at Victoria Park and the Gustafson clinic at Fremantle. I believe this is also the case at the clinic in North Perth.

From questions I asked last year I recall that delays of up to six months were experienced before appointments could be obtained. Apart from this, there was also some dissatisfaction in connection with the means test at the Perth Dental Hospital. I believe that under the pay-as-you-go scheme, a patient is assessed at a certain rate for dental treatment and if he does not keep up his payments after his first treatment, further treatment is suspended until payment is made. This seems a rather rigid approach to the problem because, as I understand it, the people who use the services available at the Perth Dental Hospital are those who are in indigent circumstances, and that is the only place they can afford.

The problems associated with dentistry are causing great concern. The expense involved is quite alarming. Many people are unable to visit dentists as regularly as they would like. I have here an article which appeared in *The Australian* of the 8th December, 1965, which reads as follows:—

> The Collins Street man summed it up: "Right at this moment, 98 per cent of the population needs some sort of dental treatment. Yet only 33 per cent come to us for regular attention.

"It is obvious we have to get those two percentages closer together. It is equally obvious we can do little towards that until we get more dentists."

I think this fact is generally recognised. It is not only the shortage of dentists which prevents people from being treated, but the fees involved also keep them away. I am quite certain of this. Accordingly, the Perth Dental Hospital and the Government scheme will be called upon to play an increasingly large part in the dental hygiene of this State.

I also feel that the proposals announced for the dental treatment in schools leave much to be desired. Apparently the treatment available in the past has been very limited, and it is now proposed there shall be a regular yearly inspection. I do not know just what this entails; but it will be little joy to parents to be told that their children require a certain amount of dental attention, because while the parents may be aware of this fact, they may not be in a position to afford the necessary dental treatment. Previously the dentists attending the schools were able to provide treatment as well as advice, and both were generally very well accepted. It would have been far better had the Government aimed at continuing the free treatment scheme, rather than have a note sent to the parents saying that treatment is required; because the parents know this but are not able to afford the treatment.

If there are to be regular yearly inspections, it seems to me that parents will receive the same note year after year, and this will not help solve the problems of dentistry at all. I believe that in the north dentists have been able, in the past, to treat some Government employees, but under the new scheme this treatment will not be available to such employees. They will probably be in a much worse position than they are now, because not only will they suffer the disadvantages of isolation, but they will not be able to secure the services of a dentist when they require them. What limited help they are now receiving will be withdrawn.

There appears to be little hope of expanding dental assistance to the north-west of the State. There seems to be no desire on the part of dentists to go up north and remain there; yet there is plenty of work available for them. One cannot blame the dentists for their reluctance to go north, because here they have all the comforts of the city, and are able to keep their appointment books reasonably full.

Recently I had the case of an elector who was given a dental appointment at 2 o'clock on a day some three weeks ahead of the time the request for an appointment was made. In the meantime the tooth was aching so much that a further request was made for the appointment to be advanced. The dentist was most obliging and said he would advance the appointment to 10 o'clock on the day when it was originally due. In effect, he was able to advance the appointment by four hours.

This is surely an indication of how overworked the dentists in this State are; it surely illustrates the inadequacy of the service which is required. As I have already said, it is intended to amend the Act to bring some of the wording more up to date, and to provide that people with certain acceptable overseas degrees will be eligible to join the Australian Dental Association and to practise in this State.

We have not been told how far this will assist in overcoming the shortage of dentists in this country; though I suppose if we bring out even one or two dentists it will help the position. The Minister may be able to tell us just how many such people have applied to practise dentistry in this State over the last year or so, and how many have had to be refused because they did not meet the required standard. I feel we must support the Bill.

DR. HENN (Wembley) [5.9 p.m.]: I would like to say a few words in support of the Bill. The member for Victoria Park has made certain remarks covering the field of dentistry, but the Bill which has been brought down by the Government is one of many such Bills which are brought down by Governments of all parties to help people out of trouble. This is evident in the nursing field, in the medical field, and now, in the dental field.

The Bill mainly proposes to permit dentists who are qualified in Canadian schools to be recognised by the Dental Board of Western Australia. Section 44, however, would confer recognition on all dental schools which are accredited by the American Dental Association.

I am not aware—as apparently the member for Victoria Park is not aware—as to how many people will be coming here from those countries, or whether the authorities have such people in mind and, if so, whether they will advertise to try to secure their services.

I have no objection to the qualifications of the Americans in dentistry. My knowledge on the subject is not very great, but, generally speaking, I should imagine that the accredited American schools are quite satisfactory. I would, however, rather see graduate dentists from Western Australia practising in this State. As I have said before, this is an emergency measure to overcome the shortage of dentists and to increase the number of dentists practising in Western Australia.

I rather feel that this is the sort of legislation one can use when answering the question, "Are we overgoverned?" Parliamentarians are often posed with this question; and while I do not blame the Minister or the Government for bringing

this matter to Parliament, I do not think it has very much to do with the Government. I think it is entirely the fault of those who have been in charge of the curricula, the examination standards, and the registration of dentists in this State during the last 50 years.

It is worth having a quick look at the situation over those years as it relates to dentists. I think it was about the turn of the century when the Diploma of Dental Science was introduced into Western Australia. Prior to that we had the apprentice system, very much as we had it in the medical field. In the year 1750 the barber practised medicine, and from the system of apprenticeship has evolved the examination system. However, I think it was at about the turn of the century when the Diploma of Dental Science was introduced into this State, and those responsible for its management were dentists who were well established in the community; they were asked to give their time free to the management of the dental board, and in the matter of assessing the standard of the examinations the students were required to pass before being eligible for registration.

It was about 1948 when, at the invitation of the University of Western Australia, Professor Amies came from the Melbourne University to investigate whether there was any justification for Western Australia to have a faculty of dental science. I understand Professor Amies had a good look around and reported back that we were in a position to run a faculty of dental science at the University.

It was about that time that Professor Radden was appointed as the first Dean of the Dental School of the University of Western Australia. I think this is where the authorities who were responsible for the registration of dentists ran off the rails; because instead of retaining the Diploma of Dental Science, and also instituting the degree of Bachelor of Dental Science, they instituted the latter and completely abolished the former.

In many Commonwealth countries including, of course, the United Kingdom, there are many different qualifying examinations for various faculties. For instance, in medicine there is a great number of qualifying examinations, and the standard of these examinations is kept under supervision by the General Medical Council of the United Kingdom. So it could well be that in 1948 those responsible could have retained the Diploma of Dental Science, as well as instituting the degree of Bachelor of Dental Science. In so doing they could have regarded the diploma as a highly desirable qualifying achievement, and the degree as a sort of honours course.

In that way, with the time factor of, say, four years for the diploma and five years for the bachelor's degree, we would have had running side by side these two qualifying examinations; and this would have allowed a more even outflow of dentists. There would not have been a need to sacrifice any of the quality in the standards of dentists, but only the quantity. It is well known that a lot of the academic stuff, if I might term it as such, is given and is taught in the degree courses of all the faculties at the University, but much of this, as a qualification, is never used. The diploma course could have been streamlined by excluding this type of tuition; and it could have been retained in the bachelor's degree course for the ones who sought honours. I say the mistake which was made by those who were responsible for the training of dentists occurred at the time when the diploma course was abolished and the degree course was instituted.

In the courses provided in other countries a number of qualifying examinations of a high standard are set; although the standard is different from our standard. Some of the qualifying examinations are higher and some lower than ours, but the quality is not sacrificed.

Mr. Davies: Does this affect the number of people training to become dentists, or is the school filled to capacity?

Dr. HENN: Many people do not go in for dentistry, because they realise they cannot get through; but if a diploma course of a reasonable standard were instituted then many more people would go in for it. The same applies in the medical field, and we know exactly what goes on. It is very difficult for a student to get through the first and second years; but if he manages to get through the fourth year then he has reason to believe he may get through the final year. There is such a high failure rate at the University that many people are afraid to take on the course. Unless a student gets 90 per cent. in the examination he has little hope of getting through the course.

I would now like to give a few of my own views as to what should be done if we are not to prevent more people from entering this and similar professions. I am referring to the dental profession, but I also include the nursing profession. On many occasions I have spoken about the nursing profession and some of the ridiculous standards which are required of girls to enter it. However, on this occasion I will not deal with the nursing profession, but only with the dental profession.

I believe the procedures in selecting and in examining students in the universities will have to be refined to include evidence of motivation, intelligence, and determination, as well as achievement. The universities will also have to reduce the content, but not the standard, of pass-degree courses. It is a well-known fact that the content of many pass-degree courses is very often far more comprehensive than is required by the students in their future

careers. Having said that, we ought to ask those who are responsible for the conduct of the dental examinations to have a good look at their own affairs, and to consider whether the examination programme and the curricula of these faculties should not be altered to some extent. It is not much good for the profession to get into a difficult situation, and then to ask the Government to take steps to solve it. That is unfair. Very often this happens to Governments, and they have to legislate to try to correct the situation —one which was not of their own making.

Before I conclude I would like to quote from an article which appeared in *The West Australian* of the 21st September. In it we find this report of what Dr. J. A. L. Matheson of the Monash University said—

> The failure rate of Australian university students was appalling.

The article goes on to say—

> He said several things would have to be done simultaneously before any improvement could be expected.
>
> Selection procedures would have to be refined to include evidence of motivation, intelligence and determination as well as achievement—the only quality measured by the present matriculation examination.
>
> Universities would have to reduce the content but not the standard of pass-degree courses.
>
> Dr. Matheson was commenting on the statement by Federal Education Minister Gorton that universities would have to raise their entrance standards considerably to exclude the big number of students who wasted public money by failing first year.

Many people blame the Commonwealth Government for the existing situation, because of its failure to supply sufficient money, through the universities' grants or in some other way, to the authorities concerned to enable them to erect more buildings, to provide more dental chairs at universities, and to enlarge the Perth Dental Hospital. I wonder whether we can afford to do all this. In the old days the public very often came to the rescue.

I am wondering whether assistance cannot be obtained from the wealthy firms which manufacture dental and medical equipment, and other wealthy industrial firms. I do not think they have ever been canvassed to assist in alleviating the situation which exists in a State like Western Australia. This country can only afford to provide the social services which its financial resources can meet; certainly the Commonwealth Government cannot afford to assist Western Australia in a matter like this. If the Commonwealth Government cannot afford to meet all that is demanded by the people, then I am sure that at the present time Western Australia cannot afford to do so. Rather than ask the Government to overcome the difficulty in which the faculty has got into, it should consider other methods to alleviate the situation. Whilst I have been referring to dentistry, I should point out that I include nursing and medicine in my remarks.

MR. TONKIN (Melville—Leader of the Opposition) [5.24 p.m.]: There exists in this State at the present time a shortage of dentists. The member for Victoria Park indicated the experience of one of his constituents; and I had a similar experience myself. I required a very simple filling to be done, but was told that it would not be possible under three weeks. I might say that subsequently I had the work done in half an hour. In the first approach to a dentist in my district I was told that was the position.

The Government has decided to change the existing school dental treatment scheme to one which will require still more dentists, thus increasing greatly the shortage of dentists in this State. That has posed a problem. The Government immediately has had to set about trying to provide more dentists. The Government's pronouncement on this question is this: It therefore becomes desirable to follow every course which could conceivably give us more dentists in Western Australia. That is the purpose of the Bill before us—to follow every course which could conceivably give Western Australia more dentists.

I wish to examine the wisdom of the methods proposed. I say at the outset that because there is a shortage of dentists, and as I am satisfied there is to be no relaxation of standards, I support the Bill, which is intended to provide more dentists. However, I want to criticise some of the factors which are causing the shortage to become more acute.

For many years there has been in operation in this State a system under which school dental units visit schools in the metropolitan area, as well as schools in country districts. In the northern part of the State these dental units not only give free dental examination and treatment to children, but also provide free treatment to certain Government employees who would be subject to very considerable expense—because of the remoteness of their domicile—if they had to travel to centres where dentists were stationed. That is an excellent system, but the Government has decided to scrap it.

Instead of having these school dental units travelling in country districts, visiting country schools, examining the mouths of the children, and then carrying out, free of charge, the necessary dental treatment, the Government now proposes to

employ dentists in private practice, and to pay them for examining the mouths of the children. These private dentists will then tell the parents of the children what is required to be done, and the parents will have to pay for the dental treatment. That is the new scheme proposed by the Government.

The Minister who introduced the Bill in another place referred to the new scheme, and he had this to say—

> It was specified last year on a number of occasions that advantage would be taken of this—

He was referring to the fluoridation of water supplies. He continued—

> —and that certain changes in the dental services of Western Australia would be implemented. This current Bill is part of that overall plan.

So the Bill before us is part of the Government's new plan which will change the existing free school dental treatment scheme into one under which the people will have to pay for the treatment.

If one looks at the report of the Public Health Department for 1965, one will get some idea of what is operating at the present time. In appendix VIII, on page 49 of that report, the following statistics are given:—

Number of country schools visited	112
Number of metropolitan schools visited	13
Number of native missions visited	16
Number of orphanages visited	5
Number of children examined	9,952
Number of children treated	6,280
Number of children requiring no treatment	2,958
Number of children who were to receive treatment from private dentists	201
Number of children whose parents ignored notices	513

The point I want to make clear is that the parents who ignored the notices could have had this dental treatment performed for their children free of charge. Of the total number involved, 201 parents elected to send their children to private dentists instead of having the work done by the school dentists. However, the parents of 513 children received notices indicating the treatment required and pointing out that the treatment would be carried out by the school dental service at no charge to the parents. Those 513 parents ignored the notices and the children were not treated.

Under the new scheme one must expect that number to increase because a number of parents who were previously prepared to have their children treated free of charge by the dentists at school will give the matter a second thought if they have to pay for the treatment. Therefore, in my view, the net result of the new system will be a reduction in the number of children who will receive the required dental treatment.

Because of the decision to employ private dentists to go to schools to examine all the children, and the parents then being expected to send those children to various private dentists, many more dentists than are available in the State will be required. Therefore it is no wonder the Minister says that every conceivable method will be utilised in order to try to get the increased number of dentists needed.

I use this opportunity to point out to the Government that in my view it is not a sound step to substitute for a scheme under which the treatment is free, one under which the parents have to pay for the dental treatment of their school children. It is true that when the scheme was announced, the Minister mentioned that a means test similar to the one operating at the Perth Dental Hospital would apply. That is not entirely satisfactory. At the Dental Hospital the authorities assess the amount which they think the person is able to pay for the treatment being given.

Now, if the person so assessed has not the means to pay the amount, then no further dental treatment is given. It is cut out. That is to be the scheme to be applied to the children throughout the State. If, on a means test basis, the authorities decide that the parents can pay a certain number of dollars for the treatment involved, and they cannot pay it, then the children who need the treatment will not get it. Under the present scheme they do. They get it for nothing because it is free treatment.

If what is proposed is a step forward, I do not understand what progress is; and I am surprised country members have not been vocal in their opposition to this scheme. I would not have believed it possible that a scheme like this could be brought in without a single word of protest from members who represent country constituencies, because that is where the greatest benefit of this scheme has been felt up to now. That is where the greatest shortage of dentists is and that is where treatment is most costly, because it involves a good deal of travelling in order to reach the dentists. If a number of visits is involved, very high travelling costs are incurred. Under the new scheme, the children will be obliged to travel to the dentist to obtain the dental treatment, which will be carried out at the parents' expense. I say it will inevitably result in fewer children getting attention. Surely it is obvious.

The SPEAKER: I think the Leader of the Opposition had better return to the Bill. I know what he is saying has a relationship, but it is not mentioned in the Bill.

Mr. TONKIN: I bow to your opinion about this, Mr. Speaker, but I venture to point out that the Minister in charge of the Bill said very definitely that it was in furtherance of the new scheme which the Government was developing.

Mr. Ross Hutchinson: No, I did not.

Mr. TONKIN: The Minister was not the Minister in charge of the Bill in another place.

Mr. Ross Hutchinson: When you said, "The Minister" you were referring to the Minister here.

Mr. TONKIN: I was not trying to thrust such greatness on the Minister for Works.

The SPEAKER: I was not under that impression. The Leader of the Opposition can see my difficulty.

Mr. TONKIN: Yes, I can; but I read *Hansard* closely and so I say with due deference that if the Minister in charge of the Bill believes he is relevant when he refers to the Government's decision to change the plan and says that because of that plan it is necessary to use every conceivable method to get more dentists, and that is the purpose of the Bill, of course I am strictly relevant in what I am saying.

The SPEAKER: If it is said in a passing reference, yes, but not when the Leader of the Opposition speaks on the matter for 10 minutes of the 12 he has spoken.

Mr. TONKIN: If you had not so agreeably interrupted me, Mr. Speaker, I would have been sitting down by now.

The SPEAKER: I must apologise then, in that case.

Mr. TONKIN: I did not realise, Mr. Speaker, that you were one of those country members who had not protested. What I was about to say was that it seems to me remarkable that a Government should introduce a new scheme at a time when there is a known shortage of dentists—a scheme which will make that shortage more acute and which must inevitably result in fewer children getting the treatment they need.

Two reasons exist for this. The treatment will no longer be free, and it will involve considerable travelling expenses. These travelling expenses are not incurred now, because the children are treated at school. The dental unit pulls up at the school where the treatment is carried out. However, under the new scheme, after the mouths of the children have been examined, a notice will be sent home to the parents indicating the treatment required. The parents will then be expected to make their own arrangements with private dentists to have the work carried out.

So, in my view, the Government is only creating additional difficulties unnecessarily, and that is why it has to reach out in all directions in order to get more dentists. However, as additional dentists are required, we must agree the Bill must pass; but I would like to read this again to emphasise the length to which the Government has to go—

> It therefore becomes desirable to follow every course which could conceivably give us more dentists in Western Australia.

One final word: I agree with what the member for Wembley had to say about this Bill. I think it was very sound common sense. However, when he referred to Professor Amies having come over here, I was disappointed that he did not inform the House that that professor was very strongly opposed to the fluoridation of public water supplies.

MR. BRADY (Swan) [5.40 p.m.]: I want to have a few words to say on this Bill because it concerns a very important matter. I think we must be grateful to the members for Victoria Park and Wembley, and to the Leader of the Opposition, for their informed opinion on this subject.

Like other speakers, I know of a person who contacted a dentist for an appointment for a filling, but could not obtain one before the 11th October. That instance is indicative of the situation in the metropolitan area. Because of the information which was brought to my notice, I have looked up a number of articles and conferred with people who are better informed than I am on this subject. From my research I find it obvious that the Government will have to give further consideration to the developments taking place.

I would first of all like to refer to the following article which appeared in *The West Australian* on Friday, the 18th August, 1967:—

> Government Wants More Dental Graduates
>
> By 1980 the State would need a minimum of 30 dental graduates a year, Works Minister Hutchinson said in the Legislative Assembly yesterday.
>
> He said that in June, 1965, there were 321 registered dentists to serve 804,500 people.

That means that one dentist served 2,500 people. The article continues—

> A further 290 dentists would be needed for the estimated population of 1.1 million by 1980.

Adding this 290 to the 321 we have already, gives a total of 611. This means that by 1980, 611 dentists will be required to treat 1,100,000 people. Therefore 24

new dentists will be required in each of the 12 years between 1968 and 1980. At the present time I understand there are only seven dentists qualifying, and this leaves a deficiency of 17. Some of those who are qualifying are Asian students and more than likely they will go home to their own countries. Therefore we will face a very grave shortage of dentists; and it is for this reason I wish to speak.

I think it will be a shocking situation if in this State, which we proudly believe is up to date with the requirements of the community, we will be 200 dentists short by 1980. I know, having read the speech of a member in another place, that overseas dentists will be looked after to a certain extent under this legislation because they will have certain qualifications acknowledged and accepted by the Dental Board here. However, I understand that there are not very many overseas people offering their services here. I know that although New South Wales has similar legislation to the legislation under discussion here at the moment, only two American dentists have offered themselves for appointment in that State. I believe the remuneration in the Old Country, as we refer to it, is so good that the dentists there are not offering to come to Western Australia. As I have said, I think it will be terrible for the community if a great shortage of dentists develops.

I referred a moment ago to a person who had tried to obtain a dental appointment and could not get one before the 11th October. Imagine the situation of a woman who cannot, for a month or six weeks, get an appointment for her children although in the meantime those children are being worried by decayed teeth and the associated difficulties.

I have considered it necessary to speak on the measure if only to emphasise that the Government will have to try to induce qualified people from overseas to come to Western Australia in order that we may overcome the difficulty which we are now experiencing. I understand that the University of Western Australia will not have the necessary facilities available before another three years. Consequently the University would not be able to increase the number of students in the first, second, third, fourth, and fifth-year grades until that time, even if there were students available There are not the facilities to enable people to be properly trained. Anything which can be done by the Government to improve the position over and above what it is today should be welcome.

I support the legislation, and, as I said before, I only rose to speak on the matter because I know many people experience difficulties in making appointments with dentists. I also know that dentists are not coming from the Old Country—as we call it—or from America. It would therefore seem that we must try to provide the facilities at the University of Western Australia in order to enable sufficient people to be trained.

Last year I was alarmed when I spoke on the Perth Medical Centre Bill, which had the aim of providing extra hospitalisation at Hollywood, to find that even the optical section at the University had been dropped, and that many of the students had to qualify in New South Wales. To my mind, that is appalling. I feel sympathetically disposed towards Dr. Henn's suggestion that people should support the Dental School. When the Medical Faculty was being set up at the University, many thousands of people contributed liberally to an appeal by the Government of that day to make money available in order that a greater number of doctors could be provided. If it is necessary, a similar appeal should be made to the community in regard to providing ample dentists. I consider the Government should give some thought to this idea. We cannot afford to have thousands of parents and thousands of children inconvenienced because there are totally inadequate dental facilities in Western Australia. I support the legislation.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [5.48 p.m.]: This is a small and simple measure; its prime purpose is to widen the registration entitlements of the Act, which it does through several simple amendments.

It is intended that the board shall recognise all appropriate schools within the British Commonwealth, and this will include all Canadian schools of dentistry. In addition, it will bring in for registration purposes all schools of dentistry from the United States of America which are accredited by the American Dental Association. I am unable to say what numbers of people are involved in this matter. The Government is endeavouring to pursue every possible avenue to try to secure additional dentists, and this is why these amendments are being made to the Dentists Act. When I introduced the Bill I said—

> It is, of course, not believed by the Government that the provisions of this Bill will automatically lead to a solution of the problem we have of a shortage of dentists. This particular shortage is world wide.

The member for Victoria Park also mentioned that the problem was world wide.

On several other occasions in the House I have stated—as, indeed, have other members—that there are not enough dentists to cope properly with one-third of the dental work that should be done in the community. This was one of the prime factors which led the Government to introduce legislation for the fluorida-

tion of water supplies, because that is a positive way of trying to close the gap and make it possible to treat dental caries in children's mouths.

In comparatively recent times, the thing to do in either medicine or dentistry is to try to prevent disease rather than cure it. The same reasoning is involved in regard to the fluoridation of water supplies.

When the Bill becomes law, I hope it will have a beneficial effect, no matter how small. I know this is the wish of all members who have spoken to the legislation. I am afraid that at the present moment I am unable clearly to answer the question why the legislation to enable the registration of dental nurses was not proceeded with. I imagine that a number of difficulties arose in regard to the fields of operation in which they would be permitted to work.

I, too, agree with members who have said that as far as dentists are concerned, it is of extreme importance that we should try to secure as many graduates from our own Faculty of Dental Science as is possible, without having to secure overseas assistance. However, there are severe limitations in regard to the number of students who can be trained, not only because of the difficulties of the facilities available to students of dentistry, but also because of the difficulty of the course. In this connection, I was very interested to hear the remarks made by the member for Wembley who said that the action of not proceeding with the diploma course was, perhaps, one reason why the number of dentists is not larger than it is. I am not able to say with any degree of certainty that this is the case, but it is an interesting idea. I believe the Act still enables a diploma course to be taken.

Dr. Henn: It has been wiped off altogether.

Mr. ROSS HUTCHINSON: I am not even able to tell the honourable member why this was done. However, it may have been with the idea of trying to avoid two classes of dentists—the goodies and the baddies.

Dr. Henn: It is the trend in everything; that is, shoot high.

Mr. ROSS HUTCHINSON: I could agree with that remark. As the school leaving age has risen, and as various professions came under registration, the academics had their own way and higher standards were required. I understand the Leader of the Opposition thought this was no bad thing.

All I can say about the Faculty of Dental Science and the Dental Hospital is that it is an institution of very high standards indeed. In saying this, I am not necessarily referring to high building standards, but to the excellent work that is done; and I am sure arrangements could be made, if anybody wished, to view this place.

Perhaps a number of members took the opportunity of speaking somewhat beyond the bounds of this particular piece of legislation. Whether or not the Minister in another place said one thing or another thing, the Bill is very simple, and I shall confine myself to saying that in so far as both people and children in remote areas are concerned, the dental care given now is inestimably better than it was 10 years or more ago.

Mr. Davies: What does the Minister base that on?

Mr. Rhatigan: Ten years ago the position was ludicrous.

Mr. ROSS HUTCHINSON: The mobile dental clinic, the aero dental clinic, and the stationing of dentists in remote parts of Western Australia—in particular, in the Kimberleys—has surpassed anything that was done prior to this Government's taking office.

Mr. Tonkin: Why haven't more children been treated?

Mr. ROSS HUTCHINSON: I am not at all sure that more children have not been treated.

Mr. Tonkin: Have a look at the reports.

Mr. ROSS HUTCHINSON: I will, but what I have just said will bear examination, too.

Mr. Rhatigan: I am not blaming any Government. There was only one man to do an impossible job.

Mr. ROSS HUTCHINSON: I can remember the member for Kimberley saying what a great job the dentists were doing.

Mr. Rhatigan: There was only one dentist at the time, and he was doing an impossible job; he could not give the attention that was necessary.

The SPEAKER: Order!

Mr. ROSS HUTCHINSON: I still say the position is inestimably better than it was. The measure is quite a simple one, and any step which can be taken to increase the number of dentists available in Western Australia is a step in the right direction.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

LICENSING ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Court (Minister for Industrial Development), read a first time.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 30th August, 1967.

MR. EVANS (Kalgoorlie) [6 p.m.]: This Bill seeks to amend the Legal Practitioners Act, which is one of the early pieces of legislation passed by this Parliament. Under the Act a statutory body known as the Barristers' Board is constituted, and this board is charged with the responsibility of safeguarding the interests of the community in general and the interests of the members of the legal profession. The board also seeks to ensure that the Act, as time progresses, meets the needs and requirements of those two groups.

Recent amendments to the Act show quite clearly that the board is fully cognisant of its responsibility. A perusal of these amendments indicates that a great deal of the time and consideration of the board has been spent in recognising the standard of practitioners who have been educated and admitted to the Bar in this and other jurisdictions. This is only natural as the population of the State grows and the need for more legal practitioners becomes obvious.

One of the provisions in the Bill deals with this very question. For example, it is sought to amend subsection (2) of section 15 by repealing one of the paragraphs and re-enacting it. Section 15 reads as follows:—

> 15. (1) No person shall be admitted as a practitioner unless he is a natural born or naturalised British subject of the age of twenty-one years or upwards.
>
> (2) Subject to subsection (1) of this section, a person may be admitted as a practitioner if—

and the following paragraph is the one that is sought to be deleted:—

> (a) he has—
>
> (i) taken a degree in law at a University recognised by the Board for the purposes of this section; or
>
> (ii) fulfilled all the requirements of the University of Western Australia for the taking of a degree in law at that University.

Apparently the board has found itself in difficulty in recognising a person who is qualified through a particular university and granted a degree by that university which does not meet the requirements recognised by the University of Western Australia. Therefore clause 3 of the Bill seeks to repeal paragraph (a) of subsection (2) of section 15 and to re-enact it as follows:—

> (a) he has—
>
> (i) fulfilled all the requirements of the University of Western Australia for the taking of a degree in law at that University; or
>
> (ii) such other qualification as in the opinion of the Board is substantially equivalent to that degree,

In other words, the Bill seeks to make a change of method. That is, instead of there being recognition of a particular university, there will be recognition of particular qualifications. The Opposition commends this amendment to the House.

The other major amendment in the Bill relates to articled clerks. In the Act it is provided that no person shall be articled to a person of less than two years' standing. The Opposition does not disagree with that provision. The amendment in the Bill seeks to provide a new section 10 under which a practitioner shall not have articled to him more than two articled clerks at the same time. The proposed new section also seeks to provide that—

> (2) A person may, subject in all other respects to the provisions of this Act, be articled to a practitioner of less than two years' standing if the practitioner is the Deputy Commonwealth Crown Solicitor in the State and is a barrister or solicitor or both—
>
> (i) of the High Court of Australia; or
>
> (ii) of the Supreme Court of a State of the Commonwealth, other than this State,
>
> of not less than two years' standing.

We feel that no objection can be raised to this amendment, because the person must have been a practitioner of more than two years' standing in some other Australian jurisdiction. The proposed new section then goes on—

> (3) A practitioner—
>
> (a) shall not have articled to him more than two articled clerks at the same time except where the practitioner is the Crown Solicitor of the State or the Deputy Commonwealth Crown Solicitor in the State, in which case the practitioner shall not have articled to him more than four articled clerks at the same time;

This is a departure from the general principle. In other words, the Commonwealth and the State Crown Law Departments in Western Australia, if this provision becomes law, will be entitled at any one time to employ four articled clerks; that is, four articled clerks in each Crown

Solicitor's office in this State. On the other hand, a private practitioner, in meeting the requirements of the Act, will be permitted to employ only two articled clerks.

At this stage the Opposition does not oppose this principle, but doubts its wisdom. By increasing the number of articled clerks that can be qualified within the closed precincts of a Crown Law Department—whether it be the State Crown Law Department or the Commonwealth Crown Solicitor's office—raises some doubt in our minds, because it is possible that this is not in the best interests of the State or of the legal profession itself. If the reason for the introduction of this new provision is that there are not enough articled clerks coming forward for training, we should look elsewhere for the cause of this and, if valid reasons are found, take steps to remedy the situation.

It is very seldom that legal practitioners, in private practice, find themselves acting for the Crown. In litigation concerning the Crown most of them find themselves on the opposite side to the Crown; that is, instead of taking the role of prosecutor they play the role of defence counsel. Therefore it is considered that legal education and training provided by the Crown is possibly not as comprehensive as that provided in a private practitioner's office.

It is noticed that the Bill contains a qualifying clause to the effect that a person who has served articles under a Crown Solicitor of the State or in the Commonwealth Crown Solicitor's office in this State shall not be admitted as a legal practitioner unless he has otherwise complied with the provisions of the Act, and he is not entitled to practise on his own account at any time for a period of five years next following his admission as a practitioner unless and until he satisfies the board that he has had 12 months' experience in the office of a practitioner who is practising on his own account.

It is felt that this provision in the Bill highlights the doubts the Opposition has over the wisdom of the proposed new section 10. From the point of view of articled clerks, or from the point of view of a newly-admitted practitioner who has served his articles in the office of the Crown Law Department or in the Commonwealth Crown Solicitor's office, it would seem harsh that such a person, unless, after serving his articles, he takes the opportunity to serve another 12 months in the office of a private practitioner, is not entitled to practise on his own account. Alternatively, if he does not follow that course he may wait a further five years before he is qualified to practise as a practitioner on his own account.

I repeat that the Opposition does not oppose the measure, but at this stage it doubts the wisdom of a form of education for future legal practitioners in this State which appears to be one-sided and not as comprehensive as is desirable in the training of practitioners.

MR. TONKIN (Melville—Leader of the Opposition) [6.12 p.m.]: The Bill proposes to do two things. Firstly, it will allow the Barristers' Board to decide whether the qualifications of a person are equivalent to a degree in law at the University. I have no objection to that. The Barristers' Board has been constituted to regulate and control qualified lawyers, and if it is satisfied that a person applying for registration has qualifications which are equal to a degree in law, I have no objection to the board's granting its approval.

However, I object to the other provisions, and I think the Bill ought to be referred to a Select Committee so that its various aspects may be properly examined. Obviously the Bill is intended to find jobs for students of the Law School, and those jobs will be found in the State Crown Law Department and the Commonwealth Crown Solicitor's office. Having entered those departments, it is expected they will remain there.

I believe, if there is any department in the State which ought to have fully qualified and fully experienced lawyers, it is the Crown Law Department; because I say, without hesitation, that some of the legal decisions from that department have been absolutely woeful. The State spends a great deal of money on the Crown Law Department and very important legal decisions have to be given by it and, in my view, the most highly-trained and experienced lawyers ought to be employed by the department. If this system of eight articled clerks every two years being admitted to the Commonwealth and State Crown Law Departments is to be applied and all students from the Law School are to go straight into those departments, they will be staffed with many lawyers who have had no outside experience. There is no satisfactory substitute, in any field, for practical experience.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. **TONKIN**: The field of law as practised by the Commonwealth and the State Crown Law Departments is much too limited and restricted to provide adequate training for articled clerks and I do not think it is in the best interests of the community that the officers who are required to work in those departments should be recruited from the Law School in this way. I think that before they go into the service they should have a reasonable amount of experience in the world outside in order to become familiar with the problems which confront the ordinary person.

Apart from its not being in the best interests of the general community that the department should be staffed in this way, I do not think it is in the best interests of the students themselves, because it is definitely limiting their capacity to practise law; and, I think some regard should be had to that aspect of the matter.

No doubt the reason behind this proposal is because some difficulty is being experienced in placing students who graduate from the Law School of the University, which suggests that the articled clerk system has broken down. I think this Bill ought to be inquired into by a Select Committee in order to ascertain the real nature of the trouble and what is the best course to follow in the interests of the general community and in the interests of these law students who, I would hope, will one day be able to take their place properly as servants of the community.

I do not know what the legal men in the Parliament will think of this, but it is my experience that at the present time in Western Australia there is a shortage of legal men. Each time I have occasion to go into a lawyer's office, without exception I find his table cluttered with documents and books and I frequently am called upon to try to stir a lawyer up to give some attention to a case he has had in his hands for months. It is obvious to me that the reason for the delay is not because of any inefficiency or laziness on the part of the lawyer, but that he just has too much to do. As there is a limit to anyone's capacity and the amount of work one can accomplish in the time available, it is inevitable that if there are too few lawyers, most of the lawyers will have more work than they can cope with at the time. So the work gets behind.

Possibly the remedy lies in the direction of inducing the lawyers to take on more articled clerks. Each one is entitled to two, and articled clerks are notionally for a period of two years. So, if this field is properly used, then we will have an opportunity for men and women who desire to be lawyers to get the necessary practical experience to fit them for a very important task in the community. It is bad for medical men to give bad advice, and it is also bad for legal men to give bad advice; and unless a man is well qualified with the necessary knowledge of the law and experience of the law, then he is not in a position to give the best advice.

I have given a lot of thought to this matter and I do not like the idea that we will be turning out eight articled clerks every two years from the Commonwealth Crown Law Department and the State Crown Law Department. Most of these articled clerks will continue to find employment within the departments of the Commonwealth and the State. I am just as anxious as anybody that students who go through the Law School should have an opportunity of starting off their careers in the law, but in my view this is not the best way to do it—to channel large numbers of them into the Crown Law Departments of the Commonwealth and the State.

I think it would be advantageous if members had a look at this problem, made inquiries, and interrogated lawyers and law students in order to find out the real nature of the problem and how it could best be remedied. It must be a problem to the Law School to be able to place its students, otherwise this Bill would not be here. The purpose of this measure is not to provide the departments with students who are not available, but to put the departments in the position of helping the Law School to place the students who are graduating from it.

I do not think that is the best way to handle this problem at all. To me it savours of a misuse of public funds to take the students in for this purpose. We do not use other departments for the purpose of providing employment for students who cannot get employment elsewhere. Therefore I am wondering who thought this one up; because it is not a process which ordinarily one would follow.

I believe the matter requires further inquiry. I do not think we were given sufficient reasons to justify this step and we ought to seek some more evidence in connection with it. I think we ought to be striving to strengthen the legal services of the Crown Law Departments instead of weakening them; and I see in this a process which will only result in a gradual weakening of the capacity of those departments to properly advise their Governments.

I repeat that in my view there is no satisfactory substitute for practical experience. I do not care how good a brain a person has or how much book knowledge he has absorbed, he must still have practical experience to fit himself to carry out his job. The Minister for Housing, as an ex-school teacher, will know that the best teachers were not always those with Diplomas of Education or Bachelor of Arts degrees, but with no teaching experience. Quite often a person not so well qualified, but with a varied experience in all classes, would literally run rings around the graduate until the graduate had experience. It is the same in politics as, indeed, it is in every other field.

Take the leading medical students who go through the Medical School with first class honours. They have to have experience in hospitals and with patients. They come up against situations which are entirely new to them and about which they have learned nothing, and they learn by experience, which is the best teacher of all. I have yet to hear that taking graduates from the Law School of the

University straight into the Crown Law Departments without experience outside at all is going to be the right and proper way to give those students the education which they require to properly fit them for a career in the law.

So I would suggest that what we ought to do, and what I propose to attempt to do at the proper time, is to have this Bill referred to a Select Committee so that some inquiries can be made and evidence on the various points taken so we can decide whether the Bill ought to be passed or not. With those remarks I shall await my opportunity.

MR. DURACK (Perth) [7.42 p.m.] The main purpose of this Bill is to deal with a problem which is rather different from the one dealt with in the previous Bill which amended the Dentists Act.

During the debate on that Bill we were told there is a great shortage of dentists coming forward from the Faculty of Dental Science at the University. There is a shortage of recruits going into the dental profession at the present time, compared with a flood of graduates from the Law School seeking to become articled clerks.

One of the ways to deal with this situation, as was stated in the introduction of this Bill, is to enable the State Crown Law Department and the Commonwealth Crown Law Department to take more articled clerks than they are eligible to do at the moment. It was stated by the Minister when introducing the Bill that another of its purposes is to provide some greater ease in recruitment of staff for these departments; and I was interested to hear the comments of the Leader of the Opposition on that aspect of the legislation.

In my remarks on this Bill I had intended to confine myself more to the question of legal education, but in view of one or two comments made by the Leader of the Opposition and, indeed, by the member for Kalgoorlie, in regard to recruitment into the Crown Law Department by this method, I feel I would like to say a few words on that aspect as well.

In the main I would agree with the comments which have been made by the member for Kalgoorlie and the Leader of the Opposition. However, I would not agree that the Crown Law Department has reached decisions as bad as those indicated by the Leader of the Opposition. I believe that by and large we are fortunate in the personnel that has been recruited in our Crown Law Department, and highly competent lawyers are available there in the service of the Crown. But I do agree it would be dangerous if the Crown Law Department became too inbred and did not have a number of men who had had experience of legal practice outside the department.

As I said, I do not propose to deal with that aspect of the Bill and I will return to the other aspect on which the Leader of the Opposition and the member for Kalgoorlie have already spoken. It is undoubtedly true that there has been, in the past—in my own experience of practising law in this State—a shortage of lawyers, although, perhaps, not as highlighted as the shortage in regard to dentists and possibly other professional people. It is true to say that the legal profession is overburdened with work, and it would be able to do a better job if it had more assistance. It is also true, as I said earlier in my speech, that at the present time—that is last year, and certainly this year—there has been a great increase in the number of graduates from the Law School who are seeking, and indeed obtaining, articles. I think it ought to be said that the profession has coped, albeit with some difficulty, with the problem up to date and has provided articles for everybody that wanted them. I think I am correct in saying that.

However, concern has been expressed about the possibility of the profession being able to cope with the same numbers if they continue at the present level, or if they increase. One of the objects of the Bill is, to enable, each year, four more persons to obtain articles than is possible at the moment. In that regard, therefore, this Bill is rather a short-term solution to a problem which undoubtedly exists and which may become more serious depending, of course, on the number of graduates. That is something which cannot be very accurately predicted.

It is fair to say that for the next few years, at all events, the present system should be able to work satisfactorily. However, I wonder—and I think a large number of lawyers are also wondering, not only in this State or in Australia, but in Britain and America as well—what is the most satisfactory method of providing legal education for legal practice. The articles system has been a sound solution to the problem for centuries, but there are other solutions in other parts of the world, and I think one's attention should be given to some of those other solutions. The difficulty that arises is due to the fact that a study of law at a university is a particularly academic exercise. There seems to be a greater difference between the subjects one studies and the techniques one learns in this academic study of the law and the actual practice of the law, than there is in other professional courses at a university. I think it is fair to say that in medicine and dentistry, for example, and probably in engineering, there is in the degree course a great deal more training for the practical application of the knowledge of the profession than applies in a legal course at a university.

I could not agree more with what the Leader of the Opposition said in regard

to the importance of practical training for any professional work. However, it does apply particularly so, I think, in regard to a legal course at a university. Perhaps this arises from the tradition of university education in law over many years. It is a tradition that goes back more than 100 years in universities in America and England, and it is one which has been adopted in Australia. In other words, a very theoretical approach is made in the university course and that is why it has been so important, hitherto, that there should be the period of two years of articles following a law degree before the student is allowed to practise in his profession on his own account.

There is some real doubt as to whether this period of two years—this period of articles—is the best way of giving the law student the sort of training he requires to practise his profession. It is in this regard that a good deal of thought and experiment is going on in other parts of the world and, indeed, in other parts of Australia.

One suggestion which has already been put into practice in, I think, Victoria is that there should be a fairly intensive course of practical training given by a skilled teacher to the student, and organised so that he is given experience and asked to solve the sort of problems he will meet in practice. This, of course, is very similar to the clinical training which is given to a medical student. The article system is all very well, but there is an element of hit and miss about it. It depends a good deal on the sort of office a student gets his articles in. Perhaps the most important item is the time that the master has available to give instruction, and the competence, for that matter, of the master solicitor to teach a student. The most competent practitioner may be quite unable to really explain and impart knowledge to an articled clerk, and explain why certain things are done or even how they are done.

I think this is one important matter which should be considered and probably introduced into the training system. In this State we have some training of this kind during the period of articles, and I think that in this regard we are well up with the procedures and techniques that are available in other parts of Australia. However, I do not think this particular aspect of the articles training goes far enough, and, if there was available an intensive course of practical training to the student immediately following his degree course, I think that probably the period of articles could be shortened. Alternatively, and this apparently applies in some of the better law schools in America, the student could be given some practical training during his degree course. That might be a wise solution rather than provide the practical training after he has received his degree.

At the present time a student spends four years obtaining a law degree. In other universities a law degree can be obtained in three years. I do not think this applies in Australia but certainly it does in England. For instance, at the Oxford University one can get a Bachelor of Arts degree in law in three years. It all depends on how much content is thought desirable to be included in the actual law degree course. This is also bound up with theories of legal education. The amount of time one can spend as a student of law is almost unlimited. One could never possibly cover, in any sort of reasonable course in law, all the law that one should probably know. Therefore, a very careful choice has to be made of legal subjects for a degree in law. Just what subjects should be studied, and how long should be devoted to them, are matters for debate.

I think it is generally agreed that all one can do in a course of legal training—even of a theoretical kind—is to teach the student some of the basic principles and a basic approach to the problems. In other words, we should, rather than teach him a whole lot of stuff which he learns by rote, teach him how to go about his job and how to think in legal terms so that when he is faced with a problem he will be able to tackle it efficiently. It is no use just learning a whole lot of legal decisions and rules, because nobody can possibly keep all those matters in his head. Any competent lawyer will, before he tackles a problem, always refresh his mind on matters which are relevant.

So there are considerable limits upon the time one can give to theoretical training, and more time could probably be spent on giving the law student actual experience under the direction of a skilled practitioner and a skilled teacher.

The conducting of a case in court, and even the interviewing of a client, are matters on which practical training can be given to the student. This, I feel, is the long-term solution of the problem of how adequately to train the number of recruits required for the legal profession in this State.

As I have said, the Bill only tackles the problem on a short-term basis, but the long-term solution, however, is the subject of a great deal of debate and experiment in other places. I know the Law School in this State, the Barristers' Board, and the Law Society, are all well aware of these various problems and the solutions of them. The Law Society at present has a committee investigating these matters, and I hope the members of it—and, of course, they are acting in a voluntary capacity, and carrying out the work in the little time that busy practitioners have available to them—will be able to get on with the job as quickly as possible and come up with some proposals for a long-

term solution of the problem of the proper method of providing legal education in this State.

I believe in professional matters of this kind the responsibility in the first place lies with the professional body concerned, and it is up to the members of that body to solve any problems associated with the profession. It is only as a last resort that action should be taken by a Government or by a Parliament in this regard. I think the Law Society and the legal profession in this State are sufficiently responsible, and the record of the profession in the past would give one sufficient confidence in it to allow people in the profession to endeavour to solve that problem.

Of course, whatever the solution may be, legislation will most probably be required, but in legislation of this type we in Parliament are more or less only giving our approval to solutions which are arrived at by the professional body concerned. As I have said, I am aware the legal profession is tackling the problem and will come forward in the not too distant future with some proposals. As I have said, too, I hope that whatever the proposals are they will provide for some better form of practical training for the law student than has hitherto been possible in this State.

However, there will be one practical difficulty about this—who is going to bear the cost of such practical training? Here again, in the old days I suppose in a sense the student largely bore the cost, because either he or his parents paid for his articles, or he received only a pittance for the work he did. Nowadays, during the university period, the cost is largely borne by the parents, or by the State, depending on the means of the student, and after that the cost is borne partially by the student, or the parents, and partially by the legal profession; because the members of that profession are now actually paying students. Although it is not a handsome amount, the students are actually being paid during the period of articles; and it is fair to say that the practitioners do not get much for the amount paid out in the first year or so of that period.

So if any form of practical training in some institutional form was provided then, of course, one would have to tackle the problem of the cost involved. However, as I have said, all these problems are ones which in the first place I think the profession itself should attend to, and it should provide the solution. I have every reason to believe that the profession, and its responsible body, the Law Society, are aware of the problems and are tackling them. I have every hope that some solution will come forward in the near future.

MR. GUTHRIE (Subiaco) [8.6 p.m.]: I have listened with great interest to the contributions made this evening by the member for Kalgoorlie, the Leader of the Opposition, and more recently the member for Perth. This Bill is a perfect example of a small wedge that is inserted and then hammered in to make the gap wider and wider. I will demonstrate just what I mean by that in a moment or two.

As has been said by the member for Kalgoorlie, there are two provisions in this Bill and, like other speakers, I commend the second, I think it was, of those provisions—in any event, the one with which the member for Kalgoorlie dealt first; namely, the question of the recognition of degrees of foreign universities. I do not think anybody could have any objection to that provision.

I wish to address myself purely to the aspect to which the Leader of the Opposition and the member for Perth directed themselves. I am now reaching the end of my fortieth year in the law, as a student and as a practitioner, and during those 40 years I have seen a very great change in the method of training and, I am sorry to say, a great deterioration in the service which the legal profession provides for the public. I am sorry to say that, but I have to admit it. I have not been able to make up my mind whether this has come about as a result of the system of training or of the times in which we live. I am a bit inclined to think it is not so much the fault of the system of training but the fault of the times in which we live; because I have had the same thing said to me by members of other professions who have experienced the same difficulties.

Over the last few years I have been asking certain questions and I will quote shortly some statistics which rather prove that the legal profession is perhaps not quite measuring up to the same standards as it did when I first entered it, about 40 years ago.

Mr. Davies: In what way?

Mr. GUTHRIE: I will come to that in a moment, but first of all I would like to start at the beginning and I will read to the House the reasons which were given by the then Attorney-General when the provision regarding articled clerks being attached to the Crown Law Department was inserted in the Legal Practitioners Act. I refer to the 1948 *Hansard*, volume 2, page 2365. After dealing with certain other provisions in the Bill the then Attorney-General (The Hon. A. V. R. Abbott) went on to deal with the proposal to which I have already referred and he gave his reasons for the introduction of the proposal in the following words:—

> At present, a practitioner who has ceased to practise on his own behalf is not entitled to take or retain an articled clerk. The effect of that is to prevent any Crown Law officer from having or retaining an articled

clerk. The Public Service Commissioner is particularly anxious to try to improve the standard of the Civil Service—

and I emphasise the words "Civil Service." To continue—

—by encouraging promising young public servants, particularly Crown Law officers to take degrees at the University and to be admitted in this State. This will benefit both the State and the officers concerned.

At present, there is one Crown Law officer doing a rehabilitation course in law at the University. He has six distinctions and two major passes in the eight subjects he has so far taken. He is now in his third year at the University and, being an ex-service man, he will be entitled next year to do his first of two years articles concurrently with his fourth year law at the University. Unless he is allowed by legislation to do his articles with the law officers he will be compelled to seek articles with a solicitor in private practice, and cease to be a public servant. Alternatively, he could never seek admission to the bar. The Bill endeavours to avoid any such hardship and will, if it becomes law, tend to improve the standard of and opportunities in the Civil Service.

That was the reason given for the introduction of the provision, and if one read the speech of the Minister for Industrial Development, when he introduced this Bill, one would see that the purpose has now changed somewhat.

I would have strongly opposed this Bill, and intended to do so, until I realised that in 1948 the principle was introduced by a Government 50 per cent. of whose Cabinet were lawyers; and some of them were very distinguished lawyers—I refer to Sir Ross MacDonald, Mr. Hubert Parker, the then Attorney-General, and Mr. Arthur Watts who was the last Attorney-General. They were experienced lawyers, and I felt that they, having put the provision on the Statute book, I would indeed be foolish if I said at this stage that it was my inclination to take this provision out of the Legal Practitioners Act altogether—the provision which permits the Crown Law Department to have articled clerks.

However, in view of the fact that the provision has been in the Act for 20 years, and that it was introduced by a Government whose Cabinet was well and truly representative of the legal profession—and some very distinguished members of that profession—I felt I should hesitate before I advocated such a course. I agree with other speakers, however, that the time has come to give some careful consideration not only to the provision to which I have referred, but also to the general situation of the legal profession as it exists today.

As the Leader of the Opposition has said, there are great limits to the training that an articled clerk can receive in the Crown Law Department. It would be fairly safe to say that such a student would be in touch with only about 25 per cent. of the work which an ordinary lawyer would regard as the bread and butter work in his practice. An articled clerk in the department would never be required to draw a will; he would never be required to advise anybody on matters connected with the formation of companies, the sale of land, or divorce, and very seldom would he have anything to do with bankruptcy. He would have very little experience, if any at all, in the administration of trusts, and the general advice people require in regard to their business affairs. When we look at that aspect we can see the limits to the experience that can be gained in the Crown Law Department.

Apart from that there is to my mind a much more dangerous feature. I do not think any lawyer can be said to be competent and able to give sound advice on the problems that face a Government from day to day when the whole of his experience as an articled clerk has been gained in the Crown Law Department, because the department is always on the side of the big battalions; it has always been on the side of authority. His character as a lawyer is developed by his having to fight, as most practising lawyers do at some time or another, for the little man; by his having to think of ways and means to protect his rights and to stand up for his interests.

An officer in the Crown Law Department does not come up against this very often. Furthermore, if we permit the practice of allowing students to go straight from the University and obtain their experience in the Crown Law Department they would not be, what I would call, complete lawyers. They would not be people who would give me confidence in the future; nor do I think they could soundly advise a Government in basic democratic principles as envisaged by the law.

I do not want to go on record as meaning that this applies in the Crown Law Department at this point of time, because statistics show that very few officers in the Crown Law Department at this moment have had all their experience in the Crown Law Office. It is true that the senior officers in the Crown Law Department have had experience in private practice. But that may not always be so. It is a dangerous feature which should be prevented rather than encouraged. For that reason alone I feel, that the move made in 1948 was a wrong one, and I hope at some future time this provision will be taken out of the Act.

There is another aspect which should be looked at. It was laid down in the original Legal Practitioners Act that no practitioner should have more than two articled clerks. That was done for a very good reason. It was done on the basis that the practitioner accepted responsibility for training the articled clerk—not that his firm did; not that someone else in his office did; but that he personally entered into those articles of clerkship, and it was considered in that light when it was put into the law.

I would remind the House that every articled clerk originally served five years of articled clerkship, and if members would like to take this over an average they would find that a practitioner would have an articled clerk every 2½ years. This was considered to be the limit of his capacity to impart knowledge. Now we reach the situation where it is proposed that the Crown Solicitor and the Deputy Commonwealth Crown Solicitor can have four articled clerks each.

I think the Leader of the Opposition said they could have eight. I do not know whether he meant there could be eight in the State Crown Law office and eight in the Commonwealth Crown Law office.

Mr. Tonkin: In two years.

Mr. GUTHRIE: It could be said that the time has gone when the practitioner personally accepted responsibility for his own individual articled clerk. I rather regret its passing, and it may be said that if there are sufficient partners in an office, or sufficient officers in the Crown Law Department, an articled clerk can gain the necessary knowledge. But I think that is perhaps a little wrong, because if a practitioner takes on the responsibility of imparting knowledge to a clerk or student, he should accept that as his personal responsibility.

Another factor that must be borne in mind in connection with the provision that was inserted in the Act in 1948 is that at that time there was another provision, which the member for Kalgoorlie read to the Chamber, to the effect that a practitioner could not go into private practice until he had served one year in a private practitioner's office.

I think it was in 1964 that we altered the law to provide that after five years in the Crown Law Department, the one year's experience in a private office could be dispensed with. It is a fact that the Barristers' Board was not consulted when that amendment was introduced. Had the Barristers' Board been asked, it would have strenuously opposed the amendment.

It is also a fact, so I am informed, that when the Barristers' Board was consulted on this Bill its attitude was, "You have ignored us previously; you have destroyed the safeguard that existed, so we could not care less what you do." It is not true to say that the Barristers' Board has specifically approved the Bill. It has simply said, "We do not oppose it; you have whittled it down, and put one over us, and we do not mind very much what you do."

The members of the Barristers' Board are not particularly happy; nor, do I think, are the members of the profession very happy with the situation that has arisen. One has only to look at what I read a moment ago when quoting what the Attorney-General said in 1948, to see how the situation has changed. One does not need a great imagination to know the type of measure that could come before the House 10 years from now.

In the normal course of events I would have opposed this provision tooth and nail. But I think it is better to let this go. I agree with what the member for Perth had to say: that there should be an investigation into the training, and I hope that out of this will emerge the recommendation that there should be no articled clerks in the Crown Law Department. This should be part of a general review of the whole system of training, and though we should not prejudge the issue, the Crown Law Department should submit to whoever is conducting the inquiry—and I will come back to the type of inquiry in a moment—all the facts to enable it to put up its case and justify, if it can, the contention that it can give proper training in the interests of the public. This should come later.

At this point of time there is some difficulty in placing articled clerks, and I am content to let this go at this stage in the manner in which it has come forward. But I am not content to let it go for very much longer.

I now want to deal with the question of statistics in the legal profession, together with the development of the Crown Law Department over the years. As I mentioned earlier—and I repeat now—over the years I have been consistently asking questions on statistics; and I have been asking them for a purpose. I have wished to draw the attention of the House to the difficult situation that I have seen arising in the legal profession, and this debate provides me with that opportunity. In asking those questions I took as my base the 31 December, 1928. I did that for a particular reason. This was the peak year in the State prior to the depression. Any figures after 1928 are affected by the results of the depression.

The legal profession was severely affected during the depression; students were severely affected during the depression; and any figures quoted between 1928 and 1939 could certainly be misleading. The years during World War II would also be misleading, as would be the immediate post-war years. For that reason I propose to compare figures which have been gathered from questions answered as at the

31st December, 1928, the 31st December, 1961, the 31st December, 1965, and the 30th June, 1967.

On the 31st December, 1928, there were three officers in the Crown Law Department; 89 practitioners in the metropolitan area of Perth; and 50 practitioners in the country districts of Western Australia. At that time the ratio of practitioners in the State Crown Law Department—and there was no Commonwealth Law office then—to those outside was a ratio of 1 to 46. On the 31st December, 1965, we find the 13 officers in the Crown Law Department; 186 practitioners in private practice in the metroplitan area; and 52 practitioners in the country districts. The ratio of officers in the Crown Law Department to private practitioners had fallen, or risen—whichever way one likes to put it—to 1 to 18. On the 31st December, 1965, we find the situation had further altered. At that stage there were 22 officers employed in the State Crown Law Department; there were 213 private practitioners in the metropolitan area; and the number in the country had fallen very sharply to 41. The ratio of officers in the Crown Law Department to private practitioners had again altered to 2 to 23, or 1 to 11½.

On the 30th June, 1967, the officers in the Crown Law Department had risen to 28; the practitioners in the metropolitan area had increased to 258, while the practitioners in the country had fallen even further, to 39. So we see the alarming situation that exists. While in the period the 31st December, 1928, to the 30th June, 1967, the number of practitioners available in the metropolitan area to advise the public has increased from 89 to 258—which is somewhere near the increase in the population—the situation in the country has deteriorated from there being 50 practitioners to there now being 39.

It is a cold hard fact that there are large tracts of this State where there are no lawyers at all. The few lawyers that do exist in the country congregate very largely in the south-west and the great southern, with the exception of a few in Kalgoorlie. There is no lawyer between Northam and Geraldton. I am not sure whether there is a lawyer at Merredin, but if there is not, there is no lawyer between Northam and Kalgoorlie.

Mr. Kelly: There is one at Merredin.

Mr. GUTHRIE: So, with the exception of Merredin, there is none between Northam and Kalgoorlie. The situation in 1928 was different. There were lawyers at Kellerberrin, Merredin, Bruce Rock, Wyalkatchem, Moora, Three Springs, and Southern Cross, to name but a few country towns.

The final word I wish to mention on the question of statistics is that the ratio of officers today in the Crown Law Department as compared with private practioners is 1 to 9½. So the Crown Law Department has expanded ninefold in the intervening 39 years. The profession itself has just about doubled in relation to numbers of private practitioners.

Mr. Davies: Does that include the Commonwealth?

Mr. GUTHRIE: It is excluded. Those I referred to are in private practice. There are a number of officers in the Commonwealth Crown Law office who are not drawn from the local pool in this State. They are transferred here, and then transferred back again.

I suggest that these statistics show an alarming situation in the country districts. I think it is true—and I do not think any member will disagree with me—that the existence of a strong legal profession is absolutely essential for a strong system of justice. If it is not possible for people to obtain legal representation, it is doubtful whether they will get a satisfactory standard of justice. I ask members to ponder on the possibility of their driving into the electorate of, say, the member for Murchison, and being unfortunately charged with an alleged breach of the Traffic Act while going through, say, Dalwallinu. Members will readily appreciate the great expense that would be involved if it was necessary for them to defend their case at the police court at Dalwallinu. They would be placed in the situation where they would have to arrange for a lawyer from Geraldton, Northam, or Perth to take the case. I could pick many places all over the State where such a situation arises and the people cannot get legal advice or get legal work attended to.

We, as members of Parliament, have a real interest in this matter. To this extent I disagree with the member for Perth, and I do not think it is entirely a matter for the legal profession to arrange and to think about. We as a Parliament are responsible for ensuring that justice is done. We should and we must be greatly concerned to see there is an adequacy of lawyers. After all, the taxpayers have provided the Law School. Notwithstanding the remark which I heard made on one occasion, that the task of the Law School was to teach the law and not to produce lawyers, I think it has a task to teach the law and to help to produce lawyers.

I said earlier that I was dissatisfied with the service the profession was providing in the State. The statistics show that in recent years the profession—although it has had its bad times, such as after the war—has the numbers comparable with the increase in population. What it is not getting—and this is where I do not know whether it is the fault of the training system or the fault of the times—is the output of work per member, compared with the output of a member of the legal profession 40 years ago.

I base my view on my experience of 40 years in my office, where I have available to me the entire records since the inception of the office in 1892, the profit and loss accounts for the years, the file indexes, and the deeds. I do say without any fear of contradiction that the amount of work and the daily output of the average lawyer today have fallen, and have fallen unquestionably.

Mr. J. Hegney: Is that due to automation?

Mr. GUTHRIE: That is not due to automation. Automation would not be helpful to the legal profession, although I have heard rumours to the effect that in America computers are available to find a case on such and such a point. However, I have not heard of any being introduced into Western Australia.

The average member of the profession nowadays has lost the sense of urgency, the sense of trying to do the job today, and the need to give advice promptly. As I have said to many young practitioners, advice given three weeks late is sometimes worse than no advice at all. It only makes the client unhappy, as long before the three weeks are up he has given up hope of getting the advice, and often he has done the wrong thing. It might be better for him not to get advice at all. It is a fact that if a lawyer takes instructions from a client and acts on them immediately, he can produce a result the next day and so reduce very considerably the length of time taken in taking instructions on the case. If a practitioner does not attempt to do the work for three weeks, it is inevitable that it will be necessary for him to take voluminous notes.

Mr. Bickerton: You do not put off till tomorrow what you can do today.

Mr. GUTHRIE: I do not wish to boast, but I still follow the practice of doing today what I have to do today. I adopt a very simple process when a client comes to me: I make an appointment to see him again within two days. This has the effect of keeping one's nose to the grindstone. If the practitioner lets the client get out of his office, and fails to fix an appointment, he will tend to put the matter off.

I have a feeling that at the present time we have a generation which has grown up in a period of plenty; and the sense of urgency and the need for doing things quickly seem to escape it. It is true that I came into the profession in the flush before the depression, but I also saw the depression through. One had to put one's running shoes on, because one was too scared that by letting the client get out of one's office one would not see him again. There was a tendency for legal practitioners to hang onto their clients, and in those days they did not see too many clients. They had a sense of urgency which kept them going. Even though a person might have been an articled clerk at that time he knew he had to watch the situation.

Mr. Davies: How did the charges of those days compare with present-day charges?

Mr. GUTHRIE: The charges today are not quite comparable to the rise in the cost of living since 1928. The charges were reduced very considerably during the depression. I have not taken out any statistics recently, but a few years ago I did take out some statistics in my office and came to the conclusion that the charges had been multiplied by 2½ up to that point of time, but the cost of living had been multiplied by four. There is no doubt that the earnings of the average lawyer of today are not as great as those of his counterpart in 1928. There might be some exceptions, but, overall, the present-day earnings are nowhere near those of 1928.

This brings me to the question of training. I agree this has to be reviewed. One of the aspects which has to be remembered when people talk about the training of lawyers is that it is not only a matter of training them in the practice of the law, but also in the practice of administering an office—and sometimes quite a substantial office with a large staff.

I entered the law before the Law School of the University was established, but subsequently I attended lectures at the University. I went into the law straight from school, and from the strict discipline of the school to the strict discipline of the office. I could accept the discipline. But the student of today who leaves school spends four years at the University before he goes into an office. It is not quite the same in trying to discipline him into the ways of running an office with an efficient organisation. Furthermore in the two-year term at the office he does not get the opportunity to be trained in the basic principles of office administration, and that part of the training is left completely alone.

When I entered a law office at the age of 17 years, straight from school, I was sent out on menial tasks, although I did not deliver letters except when the office boy was away sick. But I did all the menial tasks and I served a long period. There were very few things in the law which I did not have to do. Consequently when I give instructions to a clerk, I know at least what they involve. When a legal practitioner gets a student, already a graduate from the University, and has only two short years in which to train him, he can only give the graduate a short glossover of the rounds of the Government departments. I do not think he quite gets the necessary background of training, and he does not get the atmosphere of the cost factor which is so important for his own

sake afterwards, and also from the point of view of giving efficient service to his clients.

I have often thought that the legal profession could adopt something from the system of the engineers, and I have always encouraged students in this respect. I have taken graduates into my office on this basis. During their long vacation they can be taken into the legal offices and given practical training as part of their university course. I have encouraged two or three boys to do that, and subsequently all of them have told me that at the end of the period they had an advantage over their fellows by reason of the fact that not only did they get more experience in the mundane things in the law, but they returned to their lectures at the University with a better understanding of some of the processes which they had read about in theory. After working in their vacation they knew what it was like in practice. They were able to see a writ, a title deed, a mortgage, and various other documents. They became aware of the processes that went on, and knew how the documents were registered or processed.

As I said at the beginning, and I say again now, this is a matter of great concern to the public. It must be a matter of great concern that the public gets an efficient legal system as part of the system of justice. I cannot agree that this is necessarily a matter which will be handled adequately by a Select Committee. I cannot see what a Select Committee will achieve. By the same token I do not agree it is necessarily a matter which can be left entirely to the legal profession. The Government, in the first instance, has to take the lead and has to ask for some form of report from which we can get the germ of an idea. We can talk about it and think about it. With this Parliament reaching the end of its term, obviously a Select Committee at this stage would not be able to complete its report, and it would not be able to achieve its objective. Even if that could be done, I still think this is not a matter to be dealt with satisfactorily by a Select Committee.

As the member for Perth indicated, we have to look at what is happening overseas, and we have to judge the systems that apply there. It will be a long and slow process to get the necessary information, and it will be a process of holding conferences with various people rather than the setting up of a committee to take evidence and to bring in a report.

I do sincerely hope the Government will take some heed of what I have said, and will institute at least some form of inquiry with the object of its presenting a report from which we may be able to introduce a better system. I have made suggestions how this situation can be improved; the member for Perth has also made similar suggestions; and other members of the profession have done likewise.

I would like to emphasise that if the profession is to set up a committee, it will be futile to set up one to comprise legal practitioners who came into the profession in the last 10 or 15 years. A balance is required, and practitioners from the earlier days should be included so that their experience could be drawn on. Out of their discussions will emerge some suggestions, but in the final analysis we, as the guardians of justice, have to be satisfied that what comes forward will produce results. At the moment the statistics I have read do not suggest to me that we are giving to the people the result to which they are entitled—an adequate system of legal advice throughout the length and breadth of this State.

Some people have claimed that legal practitioners cannot make a living in the country. All I can say is that the lawyers in our country centres do remarkably well for themselves. The figures reveal that they do better than their city brothers.

Mr. Hall: What percentage of the legal profession would charge the maximum for their services?

Mr. GUTHRIE: Not a very great percentage, but perhaps that is too quick an answer. In many cases members of the legal profession make considerable allowances in the charges they make, taking into account the results achieved and the financial position of the clients. The number of occasions on which maximum charges are made would be fewer than the occasions when something less than the maximum charges are, in fact, made.

That is done for a variety of reasons. If a practitioner applied the maximum scale on all occasions he could finish up with very few clients; the clients would begin to wonder whether the service was worth the money.

The other aspect which I wish to stress again is that I am concerned with the great increase in the Crown Law Department. This increase is far in excess of the increase in the population of the State, and far in excess of the number of lawyers who are available to serve the public. When the Crown finds it necessary to have this number of lawyers it should look outside the State, and it should not be encouraged to draw the lawyers from the State.

The Crown should examine the situation to ascertain whether or not too much work is being put on the Crown Law Department—work which has no right to be there. This, I know, does concern the Law Society greatly. No reason whatever exists for officers of the Crown Law Department to represent the State Government Insurance Office. These matters can be handled quite effectively by private

practitioners. It is ridiculous to read in the paper—as one reads quite frequently—that the Crown Law Department is representing say, Great Boulder Mines Pty. Ltd. It is difficult to persuade the public that this is making the right and proper use of Crown Law Department officers. I think a close investigation of the use of officers of the Crown Law Department is well overdue.

I support the Bill for what it is worth, but I hope that a major attempt will be made to solve this problem in the forthcoming years.

MR. COURT (Nedlands—Minister for Industrial Development) [8.46 p.m.]: I thank members for their obvious careful study of what is an important piece of legislation. Very few people realise the significance of the legal profession until they find themselves in some difficulty of one sort or another; and I do not mean only in criminal matters. It is only when people have first-hand experience of good practitioners that they are fully appreciative of their worth. These men are an integral part of our system of justice and without them many cases would not be properly tried. This is adequately borne out by the testimony of some of the most learned judges we have.

At the outset I would dissociate myself from the remarks of the Leader of the Opposition who criticised the Crown Law Department officers. In my experience, and I have had considerable experience of legal practitioners, both in public and in private practice, I have found the senior officers not only very conscientious but also of considerable ability. I would not suggest their opinions are always right any more than are the opinions of private practitioners; because, after all, they are the opinions of men who, as a result of learning and study, decide that a certain action can or cannot be taken. It is only natural, human beings being what they are and the computer not having taken over these functions, that a man can be wrong whether he is in private practice or working for the Crown within the Crown Law Department.

However, I want to say very categorically that in my experience I have learned to respect them greatly, not only as persons but also in their legal capacity. I admire the thoroughness with which they attempt to advise the Government and others who have to take advantage of their services.

We can dismiss the point on which there is general agreement—that is, the question of changing the law to give the Barristers' Board some reasonable and sensible scope for determining acceptable qualifications—because there is obvious unanimity on this point. Therefore we come down to the question of whether we should increase the number of articled clerks allowed in the Crown Law Department; that is, in the State department, and those articled to the Deputy Commonwealth Crown Solicitor in this State.

In considering this subject, it was inevitable that members on both sides of the House, and particularly those with experience in the legal profession, should have a very critical look at the training within the profession. We have to realise that not only the legal profession, but all professions, are undergoing quite dramatic changes in this generation. I have had the experience in my particular profession. In very quick time I have seen it move from a profession which insisted that it would have its students right from the day they left school. In the main they did their studies at night. In other words, for the period of their qualifying examinations, they were in a practice under the eye of a skilled and trained man all the time.

This, of course, was all right in those days when, I freely admit, the degree obtained was not as exacting and not as high as the degree today. In fact, I think it would be well-nigh impossible for a young man in a reasonably short time to qualify with the high degrees required in my own profession today under the old system. But in those days it was necessary to be under a practitioner working full time during the whole of the qualifying period. In fact for the Institute of Chartered Accountants it was necessary for a student, before he could sit for his finals, to have had three full years of this sort of work.

This had some advantages, as pointed out by the member for Subiaco, because the students gained a lot from the practical guidance and advice, in more things than their actual profession, from a very experienced practitioner. Some of these men were very wise, not only in their own profession, but in their understanding of human nature and the like; something which is inseparable from the proper practice of any profession.

However, with the increasing complexities of commercial and industrial life, and particularly the increasing complexities of law, it was found changes had to take place, and this profession of chartered accountancy has changed almost completely to a system whereby a young man in future will have to attend the University before actually qualifying, and he will then have to obtain his practical experience in postgraduate work, or some other way, before he can be a fully-fledged member of his profession.

Some of us, of course, had some misgivings about the change. We are always inclined to hang on to the *status quo;* but I think somewhere between the two in all professions an answer will be found. We have to realise that in all professions the technology and the complexities are increasing at such a great rate it is well-

nigh impossible for any young man to be a master of all facets of his profession. Hence we see this great tendency throughout the world to specialise. We have only seen the beginning of this in Western Australia because we have a simple economy compared with some other countries of the world where people who practise law, for instance, for the whole of their life will specialise in a particular form of law. For example, in America it is not unusual for a young practitioner to make up his mind very early in life—even in his student days—to specialise in anti-trust law. There is so much work to do in this highly technical field that he spends his life in it.

The same can be said about taxation. This is the field in which people in Australia are specialising more than in any other field, again because of the complexities in the law and in the life we lead.

Because of this trend it is natural we should take a definite look at the training of a practitioner. I feel that some of the changes foreshadowed by the members for Subiaco and Perth will occur quicker than most of us realise. We are fortunate because we have a comparatively young economy and community, and we have the advantage of seeing some of the older and more sophisticated countries and economies at work. We are able to see the problems they have run into and the changes they have had to make; and we would be very foolish if we did not anticipate some of these changes which are inevitable.

The member for Perth stressed the importance of greater emphasis being made during the training period on the more clinical type of practical training for students. I think, of course, this is inseparable from any profession today. It is a vital part of the teaching system; but how we are going to get informed people with the capacity to be able to do this is yet another challenge we have to face; because this could only be done effectively by very competent teachers and practitioners.

It is perhaps in this field that America has shown a lead because of the great interchange which takes place in the way of life there between the universities and industry, commerce, and the various professions. In Australia there is a tendency for a man who accepts a teaching post or professional position within a university to make it his career for the rest of his life. He stays there and becomes very learned in his own particular field. However, in point of fact, he probably becomes a little narrow in his approach to the profession or subject.

On the other hand, people who move freely from industry, commerce, and professions, and in and out of the universities, bring a freshness to both sides of life; and this freshness is missing in this country. In America it is not unusual for a professor to go in and out of university two or three times in his career and make just as great a contribution to, and be just as successful in, industry as in his professorial work within a university; and I think we will have to encourage this, not only in law, but in all professions, because such a man does bring that little bit of extra understanding and expertise which is so necessary in not only serving the public as a practitioner but also, when he is a teacher, in getting the message across to the young people under his care.

One thing I feel was not brought out in the debate tonight was the fact that the personal equation, so far as the student is concerned, is a tremendously important factor. We can have a system which is very good and practical in its approach to teaching and training, and involves the two separate phases of teaching and training; but if the student is not able to absorb, or is not dedicated to his work, then of course the best system in the world will not make him a good practitioner.

I would not like the House to think we can evolve a fool-proof system which will make a first-class practitioner out of any student who has the benefit of that system. The fact is if he is not capable, or has not the personality or determination, he will not make the grade, no matter what system is adopted. Admittedly, if the system and teachers are good, he will be the better for them; but the system alone will not overcome the personal equation.

This brings me to another point I think I should make in fairness to the department which would like this measure made law, and also in fairness to the Minister who introduced the Bill in another place. This point is that the practice of law within the Crown Law Department today is entirely different from what it was in the year referred to by the member for Subiaco; namely, 1928. If we just set aside for the moment the objection raised by the member for Subiaco to Crown Law Department officers acting in cases for the State Government Insurance Office and other Government instrumentalities, the complexities of the matters which are covered by the department are really tremendous. The young articled clerk serving his time under the Crown Solicitor in the State sphere or under the Deputy Crown Solicitor in the Commonwealth sphere, would have a much wider range of experience than the average practitioner would normally need.

I know that during its life the present Government has had occasion to enter into a lot of agreements and it has had to negotiate a number of commercial transactions. Some of the men concerned have had experience which has been quite unique—experience far beyond that of some of the private practitioners.

This in turn, of course, must spill over to the young articled clerks who are working in this atmosphere and who see something of this commercial atmosphere grafted onto what used to be the rather humdrum existence of the Crown Law Department, which is projecting itself into quite a few transactions which previously would not have come within the sphere of the average Crown Law Department officer.

Under the old order I would have supported very strongly the approach made by the members for Perth, Subiaco, and Kalgoorlie, and the Leader of the Opposition. However, I would like to remind them that the degree of experience obtained by these people today is considerably greater and in an entirely different atmosphere from what it used to be.

There is one other point, not touched on by the speakers, concerning training; that is, if we are trying to balance in a fair way between the articled clerk in private practice and the one in the Crown Law Department; and I refer to the small practitioner. As long as he is a properly qualified practitioner, under the terms of the Act, is a person of repute and is allowed to practise, he can have his two articled clerks.

There are many practitioners who, in my experience, have a very limited practice. When I say "limited," I do not mean so much in volume as in the type of work. The three legally qualified people who have spoken on the measure will realise what I mean. One name, which I will not mention, comes to mind from my pre-war experience. Almost the whole of this practice was concerned with mortgages for elderly folk and he seemed to do nothing else all of his life except attend to mortgages and title deeds. I cannot recall if he had an articled clerk, but I would say that any young articled clerk in his office would finish up with the most limited experience a man could have. However, the practitioner would, under the Legal Practitioners Act, have been entitled to have articled clerks, and the articled clerks would have been entitled to have their service acknowledged for the purposes of becoming practitioners.

We have to view this in its proper perspective before condemning out of hand the limitations that have been suggested to having articled clerks or too many articled clerks within the Crown Law Department. A point that has to be kept in its proper perspective, also, is the number that is requested. It has been pointed out by the Crown Law Department that, under the present system, it is lucky if it retains one out of two articled clerks. There is the problem of the student whose articles have to be extended because he does not make the grade in the time and, allowing for all these factors, there is a wastage of at least half of the numbers who are actually articled. Therefore, under this system of having four instead of two, there is not going to be a large number of people who will come into the profession via this means.

One is entitled to ask whether we are seeking to protect the public, the Crown, or the student in respect of the articled clerkship with the Crown Law Department. In connection with the public, it is not directly concerned until this young person becomes a practitioner and wants to go out into private practice. In addition, some restrictions are imposed by the Statute before the individual can actually set himself up as a private practitioner. In fact, the member for Kalgoorlie took exception to the severity of these restrictions.

If it is to protect the Crown, I submit there are ample practitioners within the Crown Law Department other than a particular person to ensure that the Crown receives reasonably balanced advice during the course of the administration of the department. In view of not only the number but the complexity of the matters that have to be dealt with, it is not going to be one person solely who will be advising the Crown on these matters.

So far as the student is concerned, one could argue both ways. Firstly, one could argue that the experience he would gain within the Crown Law Department in certain directions would be limited compared with that in a large and varied private practice. On the other hand, he would gain certain experience that a person in private practice would not gain.

Really, it comes down to an issue which is not a question of making jobs for students. We should leave this thought out of our reckoning; because in my experience professions are quick to sort these things out for themselves over a year or two. There never is a time when things are in imperfect balance for very long. Methods change quickly, and professions have a habit of sorting themselves out quickly as soon as they see a trend towards an oversupply or an undersupply of graduates, as the case may be.

I return to the point that in this fast changing world in which we live, and with the increased technicalities and complexities, there will be a tendency towards a degree of specialisation which has never been known before and there will have to be a complete change of thinking in respect of the method of training the graduates so that they can find their way into their own particular niche. Some young men and women who go in for law will favour industry and commerce, some will favour private practice, and some will favour the Government. We have to realise there is a new field for the legal practitioner today.

There was a time when the members of the legal profession were virtually confined to practice either for the Government or for the public in private practice. However, today we find that industry in other countries is absorbing a very large number of lawyers; we find that banks want their own lawyers; and we find that large financial institutions want their own lawyers. They want lawyers who, to a large extent, become highly specialised in the law relating to a particular company or industry, as the case may be. This, in turn, surely highlights the fact that there will have to be a change in the system of training articled clerks or students prior to, or immediately after, their graduation.

I hope the Leader of the Opposition will not proceed with his move for a Select Committee, because this is not the answer to a matter so complex and so far reaching in the life of a profession such as this. A lot of work has to be done before Parliament gives itself the responsibility finally to legislate for any changes which are necessary. I am inclined to agree with the member for Perth when he says that the profession is quite capable of looking after itself. The job of government and the job of Parliament is to make sure that the profession does, in fact, face up to its responsibilities. I want to assure the House that, so far as the Government is concerned, we will see this is done. The fact that this Bill has been introduced for a specific purpose does not mean that the Government is unmindful of the need for a complete study of this question of how best to train graduates and how best to equip them for practice in any one of the many specialised fields which they will enter after they become qualified within the eyes of the law.

I feel I have covered most of the points that were raised. It is fitting that the House should study very closely the significance of the measure, because of the importance of the legal profession, in order to ensure that the law is properly practised. It is from the legal profession that we draw our judges, who have such a vital role to play in our system of justice. Therefore, when we are considering the training of young men and women for the legal profession, we are also considering the future training and experience of the judges of this country. In my experience, Governments always accept the task of appointing judges with considerable caution and great responsibility, because these men occupy a very special position in the mind of the public and in the law of this Parliament.

I would like to feel that the training system which will be introduced over the years—and this will not be the last time there will be a change—will be one which will equip men to graduate to the highest honour available in their profession; that is, to become judges. Even in this field, we are going to find that judges will achieve a very high degree of specialisation themselves. Indeed, this has happened already when some judges have special experience and skill, and a reputation for hearing certain types of cases better than others. Again, this is only a reflection of the degree of specialisation; and a reflection of the trend towards specialisation which is inseparable from all the learned professions of our day. I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

Reference to Select Committee

MR. TONKIN (Melville—Leader of the Opposition) [9.10 p.m.]: I move—

> That the Bill be referred to a Select Committee.

I consider that the speeches made by the members for Perth and Subiaco were in support of the point of view which I expressed. Both those speeches indicated that all was not right with the situation regarding the supply of lawyers. Neither was happy with the Bill, because of the provision that it was for the purpose of taking additional graduates into the Crown Law Departments of the State and Commonwealth. Each member agreed that these students would not be properly qualified as lawyers and there would be something lacking in their education.

A Select Committee is not expected always to find all of the answers to a question. A Select Committee would immediately give attention to the point as to whether it was desirable now to pass the Bill or to recommend that it should not be passed until the inquiries referred to by the member for Perth had been completed. Perhaps this is the wrong way to go. The member for Subiaco made it clear it is the wrong way to go; he referred to the thin edge of the wedge of 1948, and I agree with him. Why should we perpetuate a mistake until such time as some inquiry is carried out by the lawyers themselves? If they take as long over the inquiry as they take over some of the cases which they handle at present, most of us will be dead.

I suggest that what we ought to do is to have a look at this Bill to see whether we think it should be passed now or whether its passage should be deferred until such time as the lawyers, both here and elsewhere, have had an opportunity of giving consideration to this problem, which has been freely admitted by everybody except the Minister for the North-West.

Mr. Speaker, you have had considerable experience in the House and during the period you have been here, Select Com-

mittees have been appointed and have obtained results. I can remember one Select Committee which was appointed by the Government, especially for the purpose of defeating a move which I made for the registration of chiropractors. When the personnel was selected, it was deliberately chosen, to my mind, because it was felt by the Government that it would produce the likely result. However, what was the result? It was a unanimous recommendation that chiropractors be registered and, subsequently, the Government itself introduced legislation for that purpose.

Select Committees are not expected to obtain all the answers, but the question before us at the moment is whether, in the interests of those concerned, it is desirable that this Bill should be passed. I had my own opinion when I spoke and it has been confirmed since I heard the members for Perth and Subiaco; namely, to pass this Bill is not the right procedure to follow. Try as he did, the Minister for the North-West was hard put to it to justify a case for this Bill. Of course, its purpose is to find jobs for law students from the Law School. That is the difficulty.

Mr. Court: That is not the purpose of the Bill, you know.

Mr. TONKIN: Of course, it is obvious.

Mr. Court: That only happens to be a coincidental purpose, but it is not the main purpose.

Mr. TONKIN: Of course. Is the purpose to provide personnel for the Crown Law Department which it cannot get elsewhere?

Mr. Court: Partly, but that was stated clearly in the notes.

Mr. TONKIN: I would not accept that at all. That might be the Minister's point of view, but it is not mine. No other reason exists. It is quite patent that opportunities for these students are not being provided by members of the legal profession, and so the Government proposes to introduce this method to assist the Law School. In the long run I fail to see that it will be of any advantage to the students, because it has already been pointed out—although the Minister for Industrial Development does not agree—that opportunities for students in the Crown Law Department and in the Commonwealth Crown Solicitor's Office in this State are very restricted and limited, and the opportunities for law students, upon whom the community will ultimately depend, could be broadened with advantage.

The member for Perth used the word "inbred," the word I had in mind when I was speaking previously, but did not use. I agree this method will make only a further contribution to inbreeding within the Crown Law Department, and this will not be a good thing for the State, which depends on the advice obtained from the Crown Law Department, and it will not be a good thing for the students, either. So whom are we helping?

The Bill represents a shortsighted view. It is a proposal immediately to get over the difficulty of a surplus of students from the Law School; namely, to put them in a job. That will solve the problem for the time being, irrespective of whether it is of advantage to the students or of advantage to the State in its reliance upon the Crown Law Department for advice, or whether it is of advantage to the people generally who will look to lawyers for the legal assistance which they require in various ways.

Try as I may, I cannot see any real advantage in this legislation other than that it will, for the time being, make a contribution towards placing some of these students from the Law School in a job, and I do not think that result is sufficient to justify the harm which may be done in other directions. It will not take the rest of the time between now and when the House rises for a Select Committee to determine whether the Bill ought to be passed at this stage.

I visualise that if sufficient evidence came forward along the lines I think it would come, the advice to us would be that this method is not in the best interest of the State and no action should be taken until the inquiries that are being made—not only here, but in other places—are completed and a firm recommendation made as to what course should be followed. To me it does not make sense to go on doing something which a number of members feel should not have been started in the first place while somebody else is holding an inquiry into what should be done to meet the situation.

Surely we ought to stop to look now and should not go any further in the wrong direction, because in my opinion this Bill is a further step in the wrong direction. I agree with the member for Subiaco who said that the first step in the wrong direction was taken in 1948, but I think his logic subsequently went a little astray when he was prepared to take further steps in the wrong direction after being quite sure that the first step taken was in the wrong direction.

I earnestly put to members that the information placed before the House this evening has been in the direction of indicating and emphasising that a real problem exists and it needs further inquiry in order to determine the best method to deal with it. This method of rushing in and providing a few jobs for surplus students from the Law School is, in my view, a shortsighted step indeed. Therefore I move my motion.

MR. COURT (Nedlands—Minister for Industrial Development) [9.22 p.m.]: I oppose the motion by the Leader of the Opposition. I think he has the situation completely out of focus. Quite unfairly, he has misinterpreted the statements made by the member for Perth and the member for Subiaco. If one considers the discussion that has taken place tonight it will be realised that most emphasis has been on the changing scene and the changing pattern necessary for the actual training of future practitioners, and how to combine the actual study of the law with the practical knowledge required for the practice of the law in an effective way.

I would hate to see this matter placed in the hands of a parliamentary Select Committee, because it is one concerning which, even if the Select Committee sat for months and took formal evidence, the members of the committee would hardly be in a position to make proper recommendations; unless, of course, they were members of the legal profession with practical experience who could spend the time, over a long period, to hear the evidence and study it in the light of their experience.

I make this statement because the question is not as simple as sitting down and holding a formal hearing and accepting submissions from the Crown Law Department, from members of the legal profession, and from representatives of industry and commerce. This is a matter which will need careful study by not only members of the legal profession and the Law School, but also the judiciary itself, because it, as much as anyone, is very interested in the training and the standing of legal practitioners.

The Leader of the Opposition rather shattered his own argument when he stated this committee could take evidence and make its deliberations between now and the end of the session. I feel that if it is of the importance that I judge it to be, a Select Committee certainly could not effectively conduct its inquiry in that time, even if the members of the committee had the professional experience to consider the situation.

Mr. Graham: I think you forget that you forced the appointment of a Select Committee to be held within a fortnight, to inquire into the whole of the ramifications of the metropolitan road passenger transport system, and that inquiry involved millions of pounds in the currency of that time.

Mr. COURT: The circumstances surrounding that matter and the circumstances relating to the question contained in this Bill are entirely different both in complexity and the need for expertise. The inquiry into the metropolitan road transport system was straightforward and the information sought was readily available, but in this instance an inquiry is sought into something which concerns human beings in a very important way, and many complexities tied up with human nature and human needs, as well as the actual technical angles of practising a certain profession.

If a Select Committee is appointed to inquire into this Bill it will not really achieve the purpose which members have emphasised in the main burden of their argument tonight, because—and I return to the point I am making—a study of this matter would really be a searching inquiry into the methods that are employed for training and equipping students for legal practice. This Bill does not deal with that beyond the fact that a very small proportion—double the present number—would be permitted to enter the service of the State Crown Law Department and the Commonwealth Crown Solicitor's Office in this State.

I cannot see that any great disaster would befall any student who came under this system when compared with other students who would be graduating under a system which has been demonstrated tonight by most members who have spoken to the Bill as being inadequate. Having regard for present times, this highlights further that the appointment of a Select Committee would not be satisfactory.

In conclusion, I want to record one important fact: this Bill was not conceived to create a few jobs, and it does not matter how often the Leader of the Opposition says it was. It was definitely not conceived for this purpose. The main reason for the Bill is the fact that the Crown Law Department is concerned about its capacity to absorb into the department potential practitioners, or qualified practitioners; and I want to read the comments I made when I introduced the Bill, because they are pertinent and are really the fundamental reasons for bringing this measure before the House.

The temporary problems of the Law School are purely coincidental and are not the main reasons for the introduction of the Bill. When introducing the measure, I said—

> While, admittedly, suitable juniors have very recently applied for appointment and been engaged, the department regards its main source of recruitment as being, as in the past, from its own articled clerks and, under existing circumstances, this is likely to continue.

This is the considered opinion of the men who are responsible for the operation of the Crown Law Department; that is, they will have to increase, at this higher rate, the intake of articled clerks if they are going to meet their needs and be able, adequately, to service the Crown Law Department.

The other point raised by the member for Subiaco as to whether some of this work should be farmed out to private practitioners raises another question which is a pertinent one. It is a question that will be studied by the Government. It is fair to say that the Government does use private practitioners. I think our predecessors also used private practitioners. There are times when the Government desires to obtain legal opinions outside the Crown Law Department, and this is only right and proper. There are times when we have to get legal work done by private practitioners because of the pressure of work.

The point that has been missed by the Leader of the Opposition in his submission for the appointment of a Select Committee is that the main concern of at least four members who spoke tonight was in respect of the system of training rather than this particular question of the Crown Law Department's employing articled clerks, although this was referred to. I submit that no Select Committee of the type envisaged could adequately and effectively deal with this vital question of the training of students and potential practitioners. I oppose the motion.

The SPEAKER: I cannot allow a reply to be made to this debate.

MR. DAVIES (Victoria Park) [9.28 p.m.]: I must confess that this is the first occasion I have experienced a motion of this nature during my time in this House and no doubt you will quickly correct me, Mr. Speaker, if I get off the track. As I understand it, the question is that the Bill be referred to a Select Committee. If this is so, I imagine that a Select Committee can deal only with the contents of the Bill.

As the Minister for Industrial Development said when introducing the measure, it seeks to do two things. It proposes to double the number of articled clerks employed by the Crown Law Department, and to change the phraseology relating to the acceptance of qualifications of legal practitioners. I do not think there is any argument whatsoever in relation to the second point. This means that if a Select Committee were appointed it would confine itself to the first matter in the Bill; namely, the number of articled clerks that can be employed by the Crown Law Department.

Of course, the question then to ask is: Is it reasonable that a Select Committee should inquire into this aspect of the Bill? First of all, the member for Subiaco indicated quite clearly, in my opinion, that the type of training available to articled clerks within the Crown Law Department is very limited; and the matter of lawyers leaving the department, allegedly trained in all aspects of the law, when apparently they fail to meet some requirements, obviously needs attention. This is the main aspect which I think a Select Committee would inquire into. No doubt there would be side issues with such an inquiry which could not be divorced from that one factor.

I cannot see anything but good coming from a general inquiry, particularly in view of the information that has been made available by the speakers tonight. It is not proposed, as was indicated by the Minister for Industrial Development, that there shall be a complete and a full inquiry into all aspects of training for the profession of law. That has not been suggested at any stage. Indeed, the wording of the motion would preclude its being done.

The Minister for Industrial Development indicated that the purpose of the Bill is not to provide additional positions for articled clerks who have graduated from the Law School. To prove his point he read the second paragraph of his introductory speech, but he did not go far enough. Further on he had this to say when he introduced the measure—

> Additionally, support for the proposed amendment has been expressed by Dr. Edwards of the Law School. He has found difficulty in placing in articles the increasing number of final year law students after graduation.
>
> In some other States, and in New South Wales in particular, the matter of placing graduates in articles has become a real problem. Though it is not yet a problem in Western Australia, the Crown Law Department in this State desires to play its part in easing the burden on the Law School in the matter.

This is a clear indication that one of the objects in bringing the measure before the House is to provide additional opportunities to employ final year students from the Law School as articled clerks—the term used in his speech was "placing in articles."

The member for Perth said that the question of training generally was being looked into by the Law Society. I imagine the Law Society would have something to say on the Bill before us. I understand that body is quite distinct from the Barristers' Board. The main support the Minister gave to the House for the introduction of the Bill was that it had been recommended by the Crown Law Department.

Obviously the Crown Law Department would recommend a Bill of this nature, because it would expand its little empire. As the member for Subiaco pointed out, the ratio of law officers engaged by the Crown Law Department to those engaged in private practice has altered from 1 in 46 during 1928 to 1 in 9 as at the 30th June, 1967. Naturally the Crown Law De-

partment is anxious to extend its empire and naturally it will support a Bill of this nature. We cannot place much credence on the support of such people.

The next body, mentioned as being in support of the Bill, is the Law School of the University. I have already indicated that Dr. Edwards of the Law School is in favour of finding more places for students who desire to become articled. Naturally the Law School will also support a Bill of this nature.

The Minister then said that the Bill had been accepted by the Barristers' Board. I cannot see the distinction between the Law Society and the Barristers' Board, but apparently there is some distinction. I cannot say what amount of credence can be placed on the acceptance by the Barristers' Board of this measure. This gets back to the point that a Select Committee would have a look at the Bill. The matter which the Select Committee would consider is whether or not it is desirable that the Crown Law Department should be able to double the number of articled clerks it may employ.

I am quite certain an inquiry of this nature would not take a considerable amount of time. From the evidence given by the Leader of the Opposition, and from the interjections of the Deputy Leader of the Opposition, it has been indicated that when the occasion demands it, and more particularly when the Government desires it, Select Committees can be appointed and their findings can be made available in a very short time.

There is a certain amount of concern for the procedures which will be adopted by the Government, as they affect the Crown Law Department, if the Bill is passed. In my view sufficient justification has been given this evening for the appointment of a Select Committee. The Minister for Industrial Development has dragged a red herring across the trail by saying that if a Select Committee is appointed it will inquire into all aspects of the training of lawyers. This is far from the truth, and members should bear that in mind when they vote on the question.

Point of Order

Mr. GRAHAM: I wish to seek information from you, Mr. Speaker. Under what authority do you rule that the mover of the motion that the Bill be referred to a Select Committee has no right of reply?

The SPEAKER: Under a precedent set on the 3rd December, 1924, by the then Speaker (The Hon. T. Walker) who ruled that no reply was permissible to any member who had moved an order of the day (not being the second reading of a Bill), an amendment, or instruction to a committee. That ruling was made under Standing Order 120, which is now Standing Order 122.

Debate (on motion) Resumed

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

Ayes—16

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Moir
Mr. Davies	Mr. Norton
Mr. Evans	Mr. Rhatigan
Mr. Fletcher	Mr. Sewell
Mr. Graham	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. May

(Teller)

Noes—23

Mr. Bovell	Mr. McPharlin
Mr. Brand	Mr. Marshall
Mr. Burt	Mr. Mitchell
Mr. Court	Mr. Nalder
Mr. Crommelin	Mr. Nimmo
Mr. Dunn	Mr. O'Connor
Mr. Durack	Mr. O'Neil
Mr. Elliott	Mr. Runciman
Mr. Gayfer	Mr. Williams
Mr. Grayden	Mr. Young
Mr. Guthrie	Mr. I. W. Manning
Mr. Lewis	

(Teller)

Pairs

Ayes	Noes
Mr. Curran	Mr. Hutchinson
Mr. Hawke	Mr. W. A. Manning
Mr. Rowberry	Mr. Craig
Mr. Hall	Mr. Rushton
Mr. J. Hegney	Dr. Henn

Question thus negatived.

In Committee

The Deputy Chairman of Committees (Mr. Crommelin) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 10 repealed and re-enacted—

Mr. TONKIN: When I spoke during the second reading debate of this Bill I made the statement that some of the decisions from the Crown Law Department were woeful. The Minister for Industrial Development, in his typical fashion, considered this entitled him to say that I criticised the officers of the Crown Law Department. If the statement of the Minister is analysed, it means I criticised all the officers of the Crown Law Department; and the Minister considered that a statement of mine that some woeful decisions had come from the Crown Law Department justified that announcement from him.

One looks in vain to the Minister for any fairness in debate; it is foreign to his nature. He takes advantage of every opportunity to misrepresent and to twist. How on earth anybody can read into a statement that some woeful decisions have come from the Crown Law Department justification for the statement made by the Minister passes my comprehension. I say quite unequivocally that I have the greatest respect for a number of officers of the Crown Law Department, but that does not alter my opinion, which I can prove, that some woeful decisions have come from that department, and one of them was in 1966 when the Minister for Health introduced in the Legislative Council a Bill for a Perth

medical centre on the advice of the Crown Law Department that he could do it.

When the question was raised, the Leader of the House (The Hon. A. F. Griffith) had this to say, and I quote from *Hansard* of 1966, page 964—

> I repeat: This Bill has not been introduced in this House merely to satisfy the personal whim of Mr. MacKinnon. I think it is only natural, if a Minister is working upon some project, that he likes to be able to explain the matter to Parliament as part of his ministerial duties. However, so far as I am concerned, together with my requests to the Crown Law Department, this matter is either right or it is wrong.
>
> The draftsmen use infinite care in their advice to the Government of the day upon matters such as this.

So we had a situation where the officers of the Crown Law Department were supposed to have exercised infinite care, but their decision was wrong. Their advice was wrong, and the Bill had to be withdrawn because it could not be introduced without a Message and it was subsequently introduced in this Chamber. I ask you, Mr. Deputy Chairman (Mr. Crommelin): Was that a woeful decision? There were others. There was the occasion when some 90-odd names were struck off the Pilbara electoral roll, and the Crown Law advice to the Electoral Department was that these names could be struck off. I raised the question in this Chamber that they could not be legally struck off, and they were subsequently put back on.

Mr. W. Hegney: I was the member responsible.

Mr. TONKIN: The member for Mt. Hawthorn was the member concerned; and I took action when I received a telegram from him from the north. If a third example is needed, there was the occasion when temporary appointments were made to the Transport Board, after the Crown Law Department had advised the Minister this could be done. I raised the question in this Chamber that it could not be done. Subsequently the Government had to introduce a validating Bill to validate what had been done during the period of these invalid appointments. If these examples do not justify what I said about woeful decisions coming from the Crown Law Department, I would like to know how many more examples are required! However, that does not justify anybody in saying I criticised the officers of the Crown Law Department.

Mr. Court: I do not know who else you were criticising.

Mr. TONKIN: Had the Minister said I criticised some of the decisions that came from some of the officers, I would have agreed with him.

Mr. Court: That is the same thing.

Mr. TONKIN: The Minister twisted what I said and did so deliberately, as he always does.

The DEPUTY CHAIRMAN (Mr. Crommelin): I would point out to the Leader of the Opposition that I am being patient in regard to giving him the right to get a little bit off his chest, but I cannot see any connection with what he is saying and the clause. I suggest he get back to the question of articled clerks, which is covered by the clause.

Mr. TONKIN: Thank you, Mr. Deputy Chairman; I am grateful for your forbearance. However, I would point out that clause 2 deals with the appointment of articled clerks to the Crown Law Department.

The DEPUTY CHAIRMAN (Mr. Crommelin): Yes.

Mr. TONKIN: When I was speaking about this, I said it was against the interests of the department because the experience is too limited and restricted; and in order to show they wanted some build-up and not some watering-down of their capacity, I mentioned that some woeful decisions were coming from the Crown Law Department.

The DEPUTY CHAIRMAN (Mr. Crommelin): You have made your point, but I cannot see that you are speaking on the clause.

Mr. TONKIN: Having made the point, there is no need for me to proceed any further. In conclusion, I would like to say that since the Chamber, in its wisdom, decided that the Bill does not require any further inquiry and that it ought to be passed in its present form, no purpose would be served by my endeavouring to do anything else to it; but I take this opportunity to repeat that I think it is a retrograde step and that it will not advantage anybody, much less the students whom it is supposed to help.

With regard to the Minister's argument that the real purpose of this is to enable the Crown Law Department to recruit more articled clerks, he might be able to put that over in the kindergarten somewhere, but not, I would hope, in this Chamber.

Mr. COURT: When the Leader of the Opposition gets stung like this he gets very personal, and quite unnecessarily. It does not do his cause any good. In all kindness, I make the observation that if he did not criticise the Crown Law Department officers the first time, he went much further the next time.

Mr. Tonkin: Quote the words.

Mr. COURT: During his first utterance he said that the decisions were woeful. Surely this is a reflection. He said that the best lawyers ought to be there.

Mr. Tonkin: I still say that.

Mr. COURT: This means that he does not think much of the ones who are there. In fairness to the officers, who cannot defend themselves here, I want to say that included in their ranks are some very competent and dedicated people who give the Government of the day the best advice they can within their capacity; and no-one can ever ask more. I have no doubt that when he was Minister, the Leader of the Opposition did not always agree with the advice they gave. I do not. However, they are trained men and one accepts the fact that they give their advice in the spirit of their appointment and to the best of their ability; and it is quite unfair for the Leader of the Opposition to now try to suggest that although he said they were not much good, he thinks they are. I was not twisting any words.

Mr. Tonkin: Not much!

Mr. COURT: He said they make woeful decisions, and if that is not a criticism of the officers, I do not know what is.

Mr. TONKIN: All I want to say on this matter is that I do not expect the Minister for Industrial Development to show any fairness in his disputation.

Mr. Court: He was quite fair about it.

Mr. TONKIN: He never does show any.

Mr. Court: I am trying to be fair to the officers.

Mr. Graham: That will be the day.

Mr. Court: And they are not able to defend themselves.

Mr. TONKIN: If I were to say that some woeful decisions were made by the Government, does that mean I am saying that every Minister makes nothing other than woeful decisions?

Mr. W. Hegney: That would not be far wrong.

Mr. TONKIN: If the Minister were incapable of logical thought, I would accept what he says because he would not be able to help it. However, I know this is not so. Therefore when he argues this way he deliberately distorts, which in any argument is the lowest form of attack. It shows a weakness in the strength of the argument being advanced. There is not a question which cannot be argued on its merits, and it should not be necessary to twist or distort.

Mr. Court: You are trying to talk yourself out of a jam now.

Mr. TONKIN: The statement should be accepted as it was said; and I think I have proved that some woeful decisions have come from the Crown Law Department; but that does not necessarily mean that in making that statement I criticise every officer of the Crown Law Department. But that is what the Minister said.

Mr. Court: He did not.

Mr. TONKIN: The Minister said that I criticised the officers.

Mr. Court: So you did.

Mr. TONKIN: I did nothing of the sort.

Mr. Court: You referred to woeful decisions.

Mr. TONKIN: I repeat that it is impossible to get any fairness from the Minister. As a matter of fact I long ago gave up looking for it.

Mr. Court: You be fair to the officers.

Mr. TONKIN: That does not mean I will not draw attention to it on every occasion to show him in his true colours.

Mr. DURACK: I wish, after that heated altercation, to raise a very technical matter concerning the drafting in this particular clause.

Mr. Brady: I hope it does not show the weakness of the Crown Law Department.

Mr. Tonkin: Be careful or you will be accused of criticising the Crown Law Department officers.

Mr. DURACK: Proposed new subsection (3)(b) in part provides that a practitioner shall not take, have or retain an articled clerk after the practitioner has been suspended from practising or struck off the roll. That literally would preclude a person who, after suspension, had subsequently been permitted to practise. I am sure that is not what is meant.

These words baffled some members in another place and an explanation was given there by the Minister concerned. These words were used in the old section, but the section is now being redrafted for a number of reasons and it would seem to me preferable if we amended this phraseology. This could be done if the words "if the practitioner is suspended" were used instead of the words "after the practitioner has been suspended." I have discussed this matter with the Minister concerned and I want to know whether the Minister for Industrial Development can tell me if an amendment along these lines has been suggested. I am not saying that the words I have suggested are the only ones which should be used. However, I believe the present wording is ambiguous and although, no doubt, the Barristers' Board knows what it means and is not likely to take the point, nevertheless one never knows whether it might be taken in future and lead to an unnecessary difficulty.

Mr. COURT: This particular point was the subject of discussion in another place after a query was raised by Mr. Willesee. My understanding from the Minister is that when the matter was discussed and explained, the explanation was accepted and those in another place were prepared to allow the Bill to pass in its present form on the understanding that these words had stood the test of time and there was no need to change them.

My own experience is that when we try to change these things we create further anomalies. This provision has worked before, and my advice is to leave well alone. However, I assure the honourable member that before the Bill is considered at the third reading stage I will confer with the Minister and the Crown Law Department and if there is any risk that the provision might be misinterpreted, I will suggest that the Bill be recommitted.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 10 p.m.

Legislative Council

Wednesday, the 4th October, 1967

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (8): ON NOTICE

NICKEL

Harmful Effects of Underground Mining

1. The Hon. R. H. C. STUBBS (for The Hon. J. J. Garrigan) asked the Minister for Mines:

   (1) Now that the nickel mining industry has been established in Western Australia, has it been proved that the dust from nickel being mined by underground miners is harmful to their general health?

   (2) If the answer to (1) is "Yes," would the nickel miners come within the same category as gold miners suffering from silicosis, and be compensated on the same basis?

   (3) Has the Mines Department any information on the general health of miners mining nickel in Norway or Canada?

   The Hon. A. F. GRIFFITH replied:

   (1) No.

   (2) Answered by (1).

   (3) It is understood the general health of nickel miners in Canada and Norway appears to be similar to that of hard rock miners anywhere, with the additional problem of dermatitis due to sensitisation to nickel.

SHEEP

Destruction by Native-owned Dogs

2. The Hon. G. E. D. BRAND asked the Minister for Local Government:

   (1) Is the Minister for Native Welfare aware that large losses of sheep are being suffered by pastoralists in the Laverton Shire area caused by dogs owned by natives?

   (2) Will the Government give urgent consideration to amending the Dog Act, the Vermin Act, the Agriculture Protection Board Act, or the Native Welfare Act, whichever is appropriate, to allow doggers authority to destroy native-owned dogs that are obviously leaving reserves at night and killing the sheep?

   The Hon. L. A. LOGAN replied:

   (1) Losses of sheep in the Laverton Shire have been reported to the Minister for Native Welfare.

   (2) No. Sections 22 and 22A of the Dog Act provide the owner or occupier of land with the entitlement to apply remedial action. The amendment of the Dog Act assented to on the 1st October, 1965, deleted section 29, and native dog owners are now in the same position as any other dog owner and further amendment of the Act is unnecessary.

STAMP DUTY

Transfer of Motor Vehicles: Collections, 1964-1967

3. The Hon. N. E. BAXTER asked the Minister for Mines:

   For the years ending the 30th June, 1964, 1965, 1966, and 1967, what was the amount of stamp duty collected from the transfer of motor vehicles under section 76C of the Stamp Act?

   The Hon. A. F. GRIFFITH: replied:

   Duty paid on the registration of new vehicles and the transfer of used vehicles was as follows:—

			$
1963-64	....	....	271,782
1964-65	....	....	689,564
1965-66	....	....	965,768
1966-67	....	....	1,305,997

LAND AT KALBARRI

Allocation of Townsite Lots

4. The Hon. C. E. GRIFFITHS asked the Minister for Mines:

   (1) Under what conditions were townsite Lots 85, 86, 88, and 98 in Grey Street, Kalbarri, allocated by the Crown?

   (2) When were the allocations made, and who were the successful applicants in each case?