

Hon. A. THOMSON: The Bill does not say so, and there is no provision for imposing a fine. The person who is found guilty of disorderly conduct or unlawful assault may be fined, but not one of the unemployed who makes a false statement. We should know the conditions imposed upon the individual before we pass this Bill. We do not know what conditions are laid down by the Unemployment Board and should not allow these people to be branded as rogues and vagabonds. It is all very well to say that a proviso has been added to exclude them from that category. I do not like the Bill, and will vote against the second reading.

On motion by Hon. E. H. Gray, debate adjourned.

House adjourned at 9.29 p.m.

Legislative Assembly,

Wednesday, 4th October, 1933.

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

QUESTION—ECONOMIC COUNCIL.

Mr. NORTH asked the Minister for Employment: 1, Has the Economic Council received the reports and recommendations (a) of the English and Presbyterian Churches regarding their researches into the crisis and unemployment; (b) of the Southampton Chamber of Commerce on the same questions as submitted to the British Cham-

ber of Commerce? 2, If these are not available locally, will he arrange for them to be obtained through the Agent General?

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

BILL—FRUIT CASES ACT AMENDMENT.

Report of Committee adopted.

MOTION—FRUIT FLY PEST.

MR. LAMBERT (Yilgarn-Coolgardie) [4.33]: I move—

That in the opinion of this House, owing to the prevalence of fruit fly it is advisable, in the interests of the fruit-growing industry of Western Australia, for the Minister for Agriculture to call for a report by a competent authority on the advisability of destroying all stone fruit and other trees which are acting as a breeding ground for this pest, within a given radius of the metropolitan area.

I do not intend to say much on this motion, which in itself is self-explanatory. No doubt others will take the opportunity to speak on it, in which event I shall have the right of reply. Therefore at this juncture I will content myself with formally moving the motion.

On motion by Mr. Sampson, debate adjourned.

MOTION—LEGAL COSTS.

To Inquire by Select Committee.

Debate resumed from the 27th September on the following motion by Mr. Raphael (Victoria Park):—

That a select committee be appointed to inquire into legal costs in this State, and also into the Legal Practitioners Act.

MR. HEGNEY (Middle Swan) [4.35] I will support the motion, for it will be in the best interests of all concerned to have a select committee appointed to inquire into the operations of the Act, which has not been amended for many years. Having regard to the experience of the past and the conditions of the present, the time is long overdue for inquiry into that Act. It is unnecessary to cover ground already traversed by other speakers, but I think that from the point of view of giving protection to

the public in the matter of trust funds in the keeping of solicitors in this State, the proposed inquiry should be made. Unfortunately some of our solicitors have been known to default in their obligations to those who have handed to them trust funds for investment. I know of one very sad case. There is an old chap, an employee of the Midland Junction Workshops, who has suffered greatly from rheumatism. He handed to a solicitor a sum of £600 or £700 for investment. Subsequently the old chap could no longer carry on his avocation, because of his ailment, and it was then found that the solicitor had defaulted in the matter of the trust fund. He was proved guilty, and in consequence his name was removed from the list of solicitors. However, the poor old chap had lost his money and had no redress at all. I met him the other day, and I learned that he is having a very rough spin. Such cases are not exactly uncommon. It is true that most of our solicitors are perfectly honest, but there are certain defaulters amongst them and to protect the public in this direction I think the proposed inquiry should be held, and something be done. It has been said there was a move afoot for the establishment of an insurance fund amongst the solicitors. However, up to date that has not been done, and so I think Parliament ought to hold an inquiry, to the end that the position should be improved. As to the question of costs, the mover of the motion dealt with that and showed that excessive charges had been made by many solicitors. Probably a majority of our solicitors make only reasonable charges for the services they render to clients, but there are others whose charges are far beyond what could be regarded as reasonable. In that way those men score off their clients, who know nothing whatever about the law. Having regard to the dignity and standing of the profession, I have no doubt many solicitors would welcome an inquiry into this question of costs. This matter was discussed last session, when the late Mr. T. A. L. Davy, then Attorney General, promised that some form of inquiry would be held. Unfortunately that has not been done up to date, and so I say it is time we had such an inquiry. Again, there is the question of those who, having qualified for their LL.B. degree at the University, are not permitted to earn anything during the two years of their serving articles before

entering the profession. I think if that position were reviewed something practical might be introduced to overcome the difficulty. Many of those young fellows, because they are not permitted to earn anything while serving articles, are unable to qualify for admission to the profession. All these things could be inquired into by a select committee, and so I will support the motion.

HON. N. KEENAN (Nedlands) [4.42]: I had no intention of speaking on this motion to-night, because I have not had opportunity to learn the facts I desired to learn before addressing the House. So far as I have been able to gather from the speeches delivered by the mover of the motion and other members who have supported the motion, the complaints voiced are mainly divisible under two heads: first it is alleged that excessive charges have been made by members of the legal profession for services they have rendered, and secondly we have had complaints of the conditions ruling as to the right of entry into the profession by students and others desiring to join. Lastly, there have been some questions as to trust funds handled by members of the profession. In regard to excessive charges made for services rendered, that can obviously be divided into two sub-heads. In the first place there are complaints by individuals of excessive charges made by certain other profession individuals for services rendered: secondly, into what are wrong principles for remuneration for the services that are rendered by members of the legal profession. In regard to complaints of individuals concerning excessive charges made against them by members of the profession for services they have rendered to them, I would point out that the same thing may be said of every other profession and calling. Individuals in other professions and callings will be found to make excessive charges. We all have experience in our ordinary lives of being charged far too highly on certain occasions for certain services that are rendered. If this House were to be a kind of cleaning house for all these matters, one wonders what time we would have to devote to the affairs of the country. It would be absurd to proceed with an inquiry as to why one particular individual was made the victim of some special rapacity by some other individual in

the community. If such an inquiry were justified, it would be equally justified in every case, and the whole time of the House would be filled by inquiries into the number of cases of overcharging arising in all professions, avocations and callings. It would be specially inappropriate for a committee of this House to be appointed to inquire into personal matters dealing with certain members of the legal profession, because of all professions the legal profession maintains a system of inquiry into its own charges. That is not so with other professions. If a legal practitioner makes a charge that is in excess of what the client thinks is a fair and proper charge, the client can demand and require that the charge shall be submitted to the jurisdiction of a competent tribunal, the Taxing Master, to settle what is a fair amount to be given for the services that are rendered. If one turns to the other professions in which we know that exorbitant charges are sometimes made, we find no provision for this sort of thing. No one imagines that all doctors charge a fair amount for the services they render. There are some amongst medical practitioners who charge too high a fee for what they do, and there is no tribunal to revise the charge. In the dental profession, excessive charges are sometimes imposed.

Mr. Raphael: Too right they are.

Hon. N. KEENAN: Where is there any rule amongst dentists whereby a charge of this nature can be revised? Whilst it would be absurd for the House to inquire into personal matters of charges in excess of what is proper, made against individuals by members of the profession, I would point out that of all professions it would be most undesirable in the case of the legal profession, which alone maintains a tribunal for the special purpose of revising charges.

Mr. Raphael: If they were all like you there would be no necessity for an inquiry. They are not all as honest as you are.

Hon. N. KEENAN: I suppose I ought to bow. If the case for the motion stopped at that, I should feel a desire to oppose it most strongly. I am prepared to admit, however, that the case does not stop there, but that it has been carried a good deal beyond that, not on the matter of personal charges made against individuals, but on the matter of the general principles on which these charges came to be made. It has been said that within the Supreme Court rules

charges can be made which are exceedingly difficult to justify. There is, for instance, the ridiculous charge of attending on oneself, to which members of this House have referred more than once. There is also the ridiculous and perhaps still more objectionable charge of attending upon a partner in the firm, who may never know anything of the existence of that attendance. So it is with other items which are in the Supreme Court rules admissible as charges for services rendered by members of the legal profession. Nor can it always be justified that there should be a junior counsel, or two counsel appearing in the one case, sometimes both of them juniors. I should be exceedingly sorry, however, to see by any act of the Supreme Court bench, which alone controls the Supreme Court rules, any rule brought into force which would not require that a senior counsel should on certain occasions, on all matters of importance, be associated with junior counsel. It is by that means that the profession is maintained in its highest standard and only by that means. It is the working of the junior with the senior, who has the experience and knowledge, and the capacity to lead, that the best results in the profession are produced. Although I agree that has been abused, and that steps should be taken up by the Supreme Court judges and the Supreme Court rules to prevent such abuses, I would deeply regret to see any attempt totally to abolish it. Generally, it may be that there are many other small matters, sometimes more important, and sometimes less important, which require consideration and rectification in the Supreme Court rules governing the question. Surely, whilst one is prepared to concede these facts, they constitute ground for requesting the Minister for Justice to make proper representations to the Supreme Court judges, and ask them to give consideration to these matters to the end that such objectionable features may be adjusted and rectified. One suggestion made as to the means possible of rectifying some of the objectionable features is that here as elsewhere the profession should be divided into two separate bodies, one being the solicitor side, and the other being the counsel side. I assure the House that this is wholly impracticable in Western Australia. We have not a big enough community at the present stage of our development to warrant such a division

in the profession. I am the only counsel practising in Western Australia and I say candidly there is scarcely room as yet for another. Nor is it reasonable to suppose that it will be so. We are a young community, and we have naturally to combine the two branches, counsel and solicitor, and allow that combination to continue until at any rate our numbers, and the volume of business resulting from such numbers, justify the profession being divided into two separate parts. As to the complaints concerning the difficulty of entering the profession, and of the disadvantages that are said to be imposed upon those who desire to join it, I should like to make a few remarks. I would, however, first say a few words on what might be described as a reform in our taxing procedure. An objection is urged against the present system for revising a bill of costs delivered by a legal practitioner, in that he can withdraw it when the client objects to it, and put in a new bill of costs. Furthermore, if the client does go to the Taxing Master on the second bill of costs, and does not succeed in knocking off more than one-sixth of the total, he must bear the cost of the proceedings. I agree that this is indefensible. If the member of any profession makes a charge, he should be obliged to stand to it, and bear the costs if that charge has to be reduced. I agree that it is inequitable to impose on the client the cost of the inquiry where he has succeeded to any reasonable extent in reducing the charges named. I would be prepared to support an amendment which would be necessary to the Legal Practitioners Act to obviate both those things.

Mr. Marshall: How did it come about that such a condition was embodied in the Legal Practitioners Act?

Hon. N. KEENAN: I can carry my memory a long way back in this State, but the Act came in anterior to my arrival. I have no objection to the proper steps being taken to effect a remedy in this matter. The remedy should be in this direction. In the first instance, the legal practitioner who delivers a bill of costs should be tied down to it. Secondly, an award of costs on an inquiry before the Taxing Master should be entirely at the discretion of that official. If he found that only a trivial amount of the bill of costs was improper, he would not allow costs, but if he found that any sub-

stantial amount should come off the bill, and that the amount was in excess of what should have been charged, he should be at liberty to award costs as he thought fit. As to the facilities for taxing, it can be said that the ordinary individual is not in a position to have his costs taxed. He does not know the procedure and has to employ another solicitor. He may thus be placed at a great disadvantage. I am told on good authority that the Law Society is prepared to undertake to give the Minister for Justice a guarantee in writing to supply, free of all charge, in any case of any person who is not in a position to employ a solicitor, a legal practitioner for the purpose of carrying out the taxing of a bill of costs. I do not think anything further can be asked for. It would be on the same basis as a case under the Poor Persons Legal Assistance Act. Members of the profession will render this service without looking for a reward. This deals with the main objections that have been raised, the most reasonable objections to certain matters existing to-day in the legal profession. The other points raised are in connection with suggested amendments of the rules governing the admission of students. There again, I think I can put the matter in a more reasonable way. When these rules were first framed we had no university. Things have changed so completely since then, however, that the rules which no doubt fulfilled all necessary purposes in the past are now out of date. Through the Minister for Justice they can be revised. The Barristers' Board does not consist of a hide-bound body wedded to antiquity. It is prepared to consider a revision of the rules to meet modern conditions. I am informed that on meeting a deputation from the University, the Barristers' Board, which is elected by the profession, stated that it was quite prepared to adopt the views of the University on all material matters, these being first of all to allow an L.L.B. degree to rank after certain years of apprenticeship, and also to allow those who are engaged in becoming qualified to belong to the profession, to earn their living in any way approved of by the Barristers' Board. It is obvious that the board must be allowed to have control in the matter. It would be absurd, for instance, that a law student should be a bookmaker laying the odds on the racecourse.

The Minister for Mines: Would you permit him to be a punter?

Hon. N. KEENAN: I will not answer that question. There are obvious reasons why there should be some control. Again, that is a matter which would be best discussed by the Minister for Justice with the judiciary, as it is open to the Minister to do at any time. Those are the main matters raised, except for the question of trust funds. It is suggested that in that matter some special form of provision should be brought into existence to require security by those solicitors who accept trust moneys from their clients. One has to recollect that in the legal profession, and in the legal profession alone, the most terrible penalty is exacted, not by the law of the land but by the law of the profession, from those who become defaulters in respect of trust funds. They are debarred for ever afterwards from practising their profession.

Mr. Marshall: But that does not give the client back his money.

Hon. N. KEENAN: No; but can the hon. member suggest any other agency for handling trust funds in which such a provision exists? Should a man who has spent years of his life in being trained for a profession and in practising it become a defaulter in respect of any trust moneys placed in his hands, he is in every case, struck off the roll and is never allowed back. Can there be anything more terrible than that hanging over a man's head to prevent him from abusing his trust? I admit that even that penalty fails on occasion; but there is also the penalty of the criminal law, which I do not mention further because it applies to all alike. If there be any question arising out of the handling of trust funds by persons in the community being allowable only on condition of insurance or fidelity bond or anything of that kind, it should be done generally, and not in regard to a profession which takes especial care to deal with offenders who mishandle trust funds. For all those reasons I am exceedingly anxious to see this matter dealt with by the Minister for Justice, to hear a statement of that Minister's views, and to know whether he is prepared to take the steps I have indicated, steps which would be far more effectual than anything that could be done by a select committee of this Chamber. The question of what should be the reform, if one may choose to call it by that name, is prejudiced by what are almost historical

views. Through all the ages certain persons in certain categories have borne unjustly certain opprobrium. The Hebrew, for instance, is unjustly charged with double-dealing. The Scotsman is unjustly charged with parsimony. The Irishman is unjustly credited with a desire to fight on every occasion. And so on. Similarly, the legal profession is credited with being unscrupulous, whereas in fact that fiction is just as great as the fictions I have spoken of in the case of other parties who are unjustly reviled. No profession has any higher or nobler aims than the legal profession has. It aspires to defend the innocent and to prevent injustice, and above all to carry out in its own person and in all its conduct the highest dictates of justice. In common with so many others of my profession, I have tried throughout my life to maintain those high ideals; and it would be a grievous matter indeed to suffer that the profession should be mauled and torn to pieces by a select committee not one of the members of which had any training in or knowledge of the matters to which they addressed themselves. I frankly concede that there is a case for inquiry into certain matters dealing with the profession; but I suggest that the proper channel, and the only proper channel, for that inquiry is the Minister for Justice, by the action which he will be able to take with the Supreme Court judges. Therefore I sincerely hope that the motion will not be pressed, but that when the Minister for Justice has made a statement on the subject—which I understand he will do before the debate closes—the House will rest satisfied with what I have every reason to expect will be a satisfactory promise on the Minister's part of action which will lead, as I have said, to beneficial results. It would be highly regrettable if this motion went to a division. Personally I would not care to vote on it; in fact, I would not vote on it. Nevertheless, it would be a great slur to one who has attempted to pass his life in a profession which he regards as of the highest honour.

On motion by the Minister for Works, debate adjourned.

MOTION—DAIRYING INDUSTRY.

Debate resumed from the 27th September on the following motion by Mr. J. H. Smith:—

That in the opinion of this House the Government should give urgent consideration to

the position of dairy farmers in the South-West in their relations with the Agricultural Bank, and more especially in the bank's relations to the group and soldier settlers

MR. CROSS (Canning) [5.11]: If I had risen before the Minister for Lands spoke, probably I would have a good deal more to say; but the Minister's explanation has removed many objections which might be raised. The motion has largely served its purpose in bringing before the House the desperate position of south-western settlers. The suggestion is that action be taken to adjust grievances between the Agricultural Bank and the settlers. The Minister for Lands, however, has no power whatever to interfere with the bank's activities. From the hon. gentleman's statement it is evident that the settlers have a highly sympathetic administrator in him. Indeed, they have had sympathetic treatment from the last three Governments. Millions of pounds have been written off their indebtedness. Again, some of those settlers would fail in any circumstances. From that aspect it is highly desirable to give consideration to the placing of unsuitable settlers in some other industry, where they would be of service to the community.

Mr. Thorn: That should have been done long ago.

Mr. CROSS: I know that this applies not only to the South-West. There is the case of two or three men in the electorate of the member for Wagin (Mr. Stubbs), who have been hand-fed by the Government for 20 years. Nearly every farmer in the neighbourhood knew that those settlers were and always would be failures. It is time some settlers took a real interest in themselves. The motion, even if now withdrawn, will have done a certain amount of good. For my part, I am convinced that anything that can be done for the benefit of genuine settlers will be done by the present Government.

MR. THORN (Toodyay) [5.13]: I support the motion. Further inquiry into group settlement seems highly necessary. I made two or three interjections while the Minister for Lands was speaking, but I did so only when he applied his observations to the whole of the farming industry. I have pleasure in acknowledging, however, that with his remarks on group settlement I feel myself pretty well in accord. Still, it is useless to continue with the present state of affairs

unless we make one final effort to rectify the position. My view is that on the groups there are many settlers who are entirely unsuited for the occupation, and that the Government should say to those settlers, "We will do so much for you; we will put you on a certain basis, and after we have done that, you will have to depend on yourselves; it will be a case of the survival of the fittest." That process has proved successful in other primary industries. The soldier settlers in the Swan district seven or eight years ago found themselves in a serious position. After conferences with those concerned, it was decided to grant the settlers a final revaluation on the understanding that in future they were to pay their way, as no further assistance would be available for them. The immediate effect of that was that a number of settlers left their holdings and to-day the Government have the right type of man on the blocks in that area. They are carrying on the industry successfully and paying their way. In my opinion, the same thing could be done regarding the Group Settlement Scheme. Undoubtedly, group settlement in this State has proved a tragedy. On the other hand, I feel there is still some hope for the scheme if we can arrive at a basis by which a final revision of the position would be undertaken and unsuitable settlers made to seek some other occupation. The figures given to the House by the Minister were scandalous. They show that in administrative costs alone group settlement is costing the State £17,000 a year.

Mr. Brockman: That is where the trouble lies.

Mr. THORN: The interest bill in connection with the scheme amounts to £400,000 a year, and yet the Government are able to collect £8,000 only. In view of that result, it is time something was done because it is unfair that the taxpayers of the State should be called upon to carry such a burden any longer. The motion moved by the member for Nelson (Mr. J. H. Smith) and supported by many members has for its object, I believe, a final inquiry. Members in favour of that inquiry do not contend that the majority of settlers are unsuitable, but they do claim that there should be a final cleaning up with a view to placing the scheme on a satisfactory basis. I have visited some of the groups and I realise that a number of the settlers are totally unfitted for their present occupation. It is not their

fault; they should not have been allowed to take up blocks. I have not consulted other members, but my opinion is that if it were possible for the Minister to allow the inquiry to be held, with a view to the revision I have indicated—

The Minister for Lands: There is nothing in the motion about a revision.

Mr. THORN: But that is what it means.

The Minister for Works: The motion says that the Government should give serious consideration to the matter.

Mr. THORN: Quite so.

The Minister for Lands: I would not have any objection to the position being dealt with by the Agricultural Bank Commission. I think it should be.

Mr. THORN: I am of the opinion that we should make a final attempt to deal with the group settlement position.

Mr. Stubbs: Wipe off all the debts?

Mr. THORN: We might just as well do that because the settlers are not paying anything.

The Minister for Lands: But we could not do that.

Mr. THORN: No, I do not suggest that course should be followed.

Mr. Brockman: Nor do we desire it.

Mr. THORN: I suggest getting down to a final basis so that competent settlers will have an opportunity to make good, and unsuitable settlers will have to leave their holdings.

Member: Reduce valuations?

Mr. THORN: What is the good of high valuations if there is no hope of the settlers making good?

The Minister for Lands: The settlers are not affected by the valuation because they are paying nothing. That would not be the end of the difficulty. It would not be fair to confer benefits on one section of the community, who would not be required to pay their debts, and to expect others to pay their way. That would be the beginning of the end of all things. If the settlers are to escape from their obligations, what will you do about it?

Mr. THORN: I do not think they should be allowed to escape from their obligations, but the position regarding group settlement is so serious that it should not be allowed to continue indefinitely. I hope that something concrete will result from the passing of the motion. The Minister will agree that many of the settlers are totally unfitted for

their present occupation and should be transferred from their holdings to some other occupation. We should see to it that the settlers retained are capable of carrying on. I support the motion.

HON. W. D. JOHNSON (Guildford-Midland) [5.20]: Nothing is contained in the motion that means anything beyond giving members an opportunity to ventilate their opinions on the much-debated question of the development of the South-West. I merely wish to express my views in that respect. Too much blame is placed upon the settlers, with a total disregard of the incapacity of Parliament to deal with group settlement in the initial stages. It is useless endeavouring to convince me, after I have had some experience of the groups, that the settlers are responsible for all the very high capitalisation involved in the scheme. Most of the capitalisation resulted from the improper organisation of the scheme in the early stages, and also, after the discovery that the organisation was not competent, from the position being continued. A Royal Commission was appointed to investigate the position and I was a member of it. Much evidence was taken and a good deal of time was devoted to inspecting the group holdings. The Commission submitted a report and if effect had been given to our recommendations, a considerable proportion of the millions that have been written off since would have been saved to the State. If our report had been taken seriously, I am convinced that would have been the result. For some reason, an understanding appeared to have been arrived at between the Press and the Government that, although the Royal Commission had been paid to investigate the problem, it was unwise to consider the report and recommendations attached to it. When the present Minister for Lands took charge of the Lands Department, he gave serious consideration to the recommendations of the Royal Commission and, in the light of experience gained since the report had been submitted, he was able to institute many reforms that put the organisation on something like a satisfactory basis. The sad thing is that the present Minister was not in charge of group settlement matters at the time the Royal Commission presented their report. In my opinion, we can put our finger on the reason that caused group settlement to fail. It was solely due to lack of organisation. The then

Minister in charge, Sir James Mitchell, had an organisation that may have been able to deal with group settlement on the basis of one group per quarter. The trouble was that Sir James Mitchell speeded up operations and tried, with the same organisation, to establish one group per week. Immediately that attempt was made, the whole scheme went to pieces and millions of pounds were wasted. For instance, when the speeding up took place, land had to be surveyed on the face. We know that the land is patchy: there are few countries in the world where the whole of the land can be taken on the face and all of it be said to be fit for agricultural purposes. We know the land in Western Australia is patchy and, therefore, in taking a portion of the South-West on the face, the result was that good and bad land was taken together. That was done simply because of the rush to get land on which to place the settlers. There was no time for the selection of suitable land for dairying and for closer settlement generally. The surveyors, in accordance with their instructions, rushed through with their work and surveyed land that was totally unsuitable for the scheme. Then, again, commodities required were bought under the worst of conditions. The waste of money was enormous. Hundreds of thousands of pounds were lost because the required commodities were bought by the organisation under rush conditions. The requirements were purchased from most expensive quarters, instead of inquiries eliciting information as to where cheaper purchases could be effected. Hundreds of thousands of pounds were wasted in the purchase of manures. Large quantities were bought and sent down to the groups and finally dumped on holdings that were to be cultivated. In fact, the manure was delivered in anticipation of cultivation. The rain came and when the land was ready for sowing, the manure was ruined. We saw rows upon rows of bags of manure that were not used because the land was not prepared for it. I do not say that that applied generally, but I have no hesitation in saying that an enormous amount of money was wasted through the loss of manure in such circumstances.

The Minister for Lands: Holdings were surveyed where the land was under water.

Hon. W. D. JOHNSON: Yes, some of the land was totally unsuited for settlement pur-

poses. I remember one block that we visited in the Abba River district. That area should never have been surveyed because it is quite unsuitable for dairying purposes. The country grows a certain herbage at periods of the year.

Mr. Brockman: The Abba River is the most successful country under the Group Settlement Scheme to-day.

Hon. W. D. JOHNSON: Portion of it is, but another portion of the district was abandoned and that is the part I refer to. It was obvious from the outset the land was unsuitable for the purposes for which it had been surveyed. Then it was decided to drain that section and to clear it. When that had been accomplished there was no water to encourage the growth of the herbage to which I have referred, and the land became dry. It was then discovered that coffee rock was present all over the area. As the land became dry it was blown away and the coffee rock was exposed. By that means, a large percentage of the land was proved unsuitable for cultivation. The sad part is that on those blocks, houses have been built, families established, cowsheds, fencing and cattleyards erected. All those works have been carried out as if the blocks had been suitable for settlement. That is what leads me to say it is distinctly unfair now to blame the settlers. The settlers could not possibly make a success of such land, and the capitalisation of the good land has been burdened by the waste upon the poor land that was at one time settled but has since been abandoned.

The Minister for Lands: We have corrected all that.

Hon. W. D. JOHNSON: No, the Minister could not correct it all. I am of opinion that the good land has to carry portion of the capitalisation of the abandoned blocks. Drainage would have been on a totally different basis if the low-lying waterlogged land had not been included in the group area.

The Minister for Lands interjected.

Hon. W. D. JOHNSON: When the Minister says that £4,000,000 has been written off, does that include anything on drainage?

The Minister for Lands: No.

Hon. W. D. JOHNSON: Then the loss is enormous. If we are carrying the cost of the drainage in addition to the amount written off, what about the blocks that are settled?

The Minister for Lands: The abandoned blocks have been sold for a mere song—for £200 or £300 each.

Hon. W. D. JOHNSON: And have the blocks that are still settled been written down?

The Minister for Lands: Yes.

Hon. W. D. JOHNSON: All that goes to show what an enormous sum of money has been wasted. A great part of the waste could have been avoided if Parliament had taken notice of the recommendations of the Royal Commission.

The Minister for Lands: I admit that.

Hon. W. D. JOHNSON: We could have made a success of group settlement and avoided much waste of money if the rush that took place in the initial stages had not occurred. The Minister, in his speech, referred to the pioneers, and rightly paid a tribute to them. They suffered many privations and had not the advantage of Government assistance. Still we have to be fair and admit that the pioneers had the first pick of the land. The early settlers got the good land, and to-day we are trying to settle the poorer land. That applies generally in all countries. The first comers have the first pick, and, generally speaking, they pick wisely and well. On the land that is left, new settlers have to try to make a living. That applies in the South-West and in the wheat belt. The Minister said that the Fontanini brothers had an ordinary block. Theirs is a special block.

The Minister for Lands: No.

Hon. W. D. JOHNSON: There may be other land similar to theirs, but there are thousands of blocks not similar, and those thousands of blocks are causing the trouble. The Fontaninis are living in reclaimed country. It is wonderful what those brothers have done in the way of draining. To me it is marvellous that two human beings could accomplish so much. Their reclamation work has given them a wonderful piece of country.

Mr. Brockman: They managed their own affairs.

Hon. W. D. JOHNSON: That is so. There is land and land. The Fontanini brothers have a wonderful bit of country, highly suitable for the rotation of crops. What they have got has been obtained by hard toil. They realised that to get quality they had to undertake a lot of drainage. Even after draining, thousands of group holdings could not be made anything like so fertile as the land that those men hold.

The Minister for Lands: Do you mean to imply that there are only a few hundred acres of good land in the South-West?

Hon. W. D. JOHNSON: I do not say that at all. The land of the South-West varies considerably. It would be quite wrong to say that group settlers had had an opportunity equal to that of the Fontaninis. There may be a few blocks, but I do not know of any equal in quality.

Mr. Sampson: It would be unlikely that the Fontanini's land would be the only good land.

Mr. Brockman: There are thousands of acres of land as good as theirs.

Hon. W. D. JOHNSON: But other people have it.

Mr. Brockman: No, it is unalienated.

Hon. W. D. JOHNSON: Then it is a sad thing to reflect that we settled inferior land and left good land available for selection. I agree largely with what the Minister said. It should be possible for people in the South-West to produce practically all they require for home needs. Many thousands of people do so. The point I wish to make is that the group settlers were not given land of good quality, and they made a failure of it, not because of their incapacity, but because they were put on land which, despite all their work, could not be made into farms. The Minister mentioned one other matter on which we have crossed swords on more than one occasion, namely, the question of marketing. Undoubtedly the problem of the South-West, as of all parts of the agricultural industry, is that of marketing. The Minister, in debating this question, always applies the scheme of orderly marketing to the local marketing of locally-raised products. Where orderly marketing is required is where we have to export a portion of what we produce. Orderly marketing is required to enable us to compete with other countries that have orderly marketing. We have started to export butter within the last few years. In the early stages the pioneering of the market was undertaken by the co-operative butter factories. They accepted all the responsibility and undertook the task of placing the butter on the English market, and the co-operative organisations in Great Britain assisted us to establish our brand with other Australian brands, so that we might compete successfully in the markets available there. It was quite wrong for the patronisers of the co-operative factories to have to carry the responsibility.

Mr. Ferguson: They collected the levy.

Hon. W. D. JOHNSON: Yes, but lately wiser counsels have prevailed, and we have succeeded in introducing something like order into the industry. I admit that we have not been enabled to do this by legislation. This industry is more easily organised than are others, because the product of the individual goes to a factory, and we organise the factories instead of the individuals. By so doing we have made it possible for the individuals to get orderly marketing that previously was impossible. The member for Irwin-Moore spoke about the Metropolitan Whole Milk Bill being necessary to organise marketing. The reason why it was necessary was that there were two prices for practically the same commodity, and one man could exploit another because of the lack of a proper understanding between the producers. We created an organisation so that the producers would get a certain percentage of the higher-priced whole milk market and at the same time share the burden of the lower-priced butter-fat market. If every producer could sell his whole milk on the local market, there would be no need for legislation, but because some producers were getting the whole milk price and others in the same locality were getting the butter-fat price, dissatisfaction arose. We organised the producers so that they could take a reasonable share of each market for their produce. That is orderly marketing and special circumstances of the kind call for legislation. I have no hesitation in saying that we cannot compete in the overseas markets unless we have orderly marketing. There is urgent need for legislation to assist us in that direction. The marketing of many of our products would be facilitated if we could get the organisation which it has been possible to get for the butter producers of the South-West, but which is not possible to get for other commodities produced by the group settlers. The production of fat lambs in the South-West is possible, but the export trade will never be successful until we have a marketing Act to secure regulation so that some proportion may be established for the lambs to be marketed locally and for the lambs to be exported, the latter of which, of course, return a lower price. They are doing that in New Zealand. Here we are behind the times and the difficulties of those associated with marketing are very pronounced to-day because they are up

against State organisation as against individual organisation. When you get to the other side where the markets are available, and when you bump up against State marketing, the individuals or small combinations are not capable of competing with them. The co-operative movement with which I am associated carries out a considerable amount of export marketing, but we appreciate the fact that we are handicapped, because we cannot get the producers to realise the difficulties of exporting as compared with the easier methods of disposing of the products in the local markets. The member for Toodyay (Mr. Thorn) has referred to the Dried Fruits Act. He devoted a considerable time in an endeavour to organise the marketing of those products on a voluntary basis, to getting the producers to understand one another. Various honourable understandings were arrived at by the associations, but success was never attained until legislation was actually passed. What I want to convey is that we require orderly marketing for the control of the export of the commodities used locally, but only used to a limited extent as compared with the export of the full production. The Minister is always of the opinion that we want to fix prices locally, but it is not a question of fixing prices. Instead of flooding the overseas markets during the month when the consumption is low, we should study the consumption capacity of the markets and export only sufficient to fill requirements. That can only be done by control authorised by legislation. Queensland has had such legislation for years and industry has flourished. New South Wales has similar legislation. The member for Sussex (Mr. Brockman) is directly associated with the dairying industry; he knows more about it than I do. He is a practical dairy farmer and comes into contact daily with his dairy farming constituents. I consider he was very unfair in his references to the co-operative organisations that have done so much to establish factories throughout the South-West. Eighty per cent. of the butter produced in the State is produced in co-operative factories. The number of private concerns is limited. The hon. member told the House that there was no real co-operation. I am inclined to think that his knowledge is not up-to-date with regard to the activities of the co-operative concerns. It is true that some years ago what is known as the South-West Dairy Pro-

ducts Limited claimed to be a co-operative concern. Its main activities were in Bunbury. It was not really a co-operative concern, although it claimed to be such, and that was due to the fact that the company had to get capital from non-dairy farmers in order to establish the factory under the organisation. They could not raise capital from the producers because the producers did not have it at the time. Quite a number of people interested in the South-West, and from patriotic motives, I suppose, contributed sums of money to enable the factory to be established. It was a matter of investment on the part of a number of shareholders as distinct from what are known as the "wet" shareholders who produce butter fat for the factories. Nevertheless, the establishment served a useful purpose at the time, and I consider that the hon. member in his criticism was viewing the position that prevailed at the outset, and continued until about 12 months ago, when the re-organisation took place and the factory was put on a co-operative basis. It is wrong to say that there is no true co-operation in Western Australia. My experience of co-operative work is that if you get what is known as the Rochdale basis, generally adopted throughout the British Empire, you become truly co-operative and you distribute in proportion to the business done by the individual shareholders. What happened in regard to the Bunbury factor in its early stages was that the "dry" shareholders had to get interest on the money they had invested, and in my opinion they took an undue proportion of the interest, leaving too little to be distributed amongst the producers. As a protest against that, Westralian Farmers Limited started butter factories in the South-West on a co-operative basis. Westralian Farmers Limited, as members know, are a co-operative concern and have been in existence for many years. After Westralian Farmers had been going for some time the competition between them and the Bunbury organisation began to assume big proportions. Both concerns were building factories and were actually entering into competition in the one district. The result was that a conference was called and the South-West Dairy Products, Limited—the Bunbury concern—agreed to amend their constitution. Now the whole concern has been reorganised and I do not suppose that in any part of the Commonwealth to-day can be found an

organisation that is on a sounder basis than is that in the South-West. Not only have they become registered, but there is a guarantee now that the business is being conducted on co-operative principles, and, in addition, a great deal of trouble will be involved before they can revert to proprietary methods. The zone system has also been instituted so as to give local representation on the board, and each district now has that representation. Thus we can say that the South-West to-day is organised on a sound co-operative basis. The member for Sussex, I am inclined to think, devoted too much attention to the meeting which took place between a limited number of proprietary concerns, and the larger number of co-operative factories, for the purpose of fixing the price of butter fat to be paid to the consumer. The hon. member thought that that meeting took place for the purpose of reducing the amount to be paid to the producer, but actually the meeting was held for the purpose of arriving at the maximum amount to be paid. The hon. member desired to convey that it was purely a combination of two interests, co-operative and proprietary, to take from the producer portion of that to which he was entitled. That is not so.

Mr. Brockman: When the consumer was paying 1s. 7d. a lb. for butter we were getting 10½d. for butter fat.

Hon. W. D. JOHNSON: Again the hon. member is not fair. He cannot prove, unless it was in an isolated instance, that 10½d. was paid for butter fat and the consumer had to pay 1s. 7d. The fact is that 10½d. was the lowest price ever paid for butter fat. The price to-day is a little better than 1s. and the hon. member could have quoted 1s. as being the price. The retail price of butter is 1s. 4d. to 1s. 5d. I am going to repeat what I have said over and over again that the Government should tackle the question of forcing into use the large areas of good land lying idle in the South-West. This land has remained unimproved for many years, while the inferior land has been cultivated by struggling settlers. The land is there; I have gone through it more than once. Some say it not a question of private ownership, that the land is held by the Forests Department as timber reserves. If these areas are held as timber reserves, they should be changed, because fires have swept through

so much of the areas I have in mind and rendered them no longer suitable for forestry purposes. Therefore I urge members to try to get together and endeavour to have them thrown open for settlement. The whole of the South-West should be properly classified so as to find out how much land there is close to existing railways, and how much of that land is actually being used. It would be far better to cultivate some of the areas close to the railways than to try in a haphazard way to develop certain agricultural parts of the State.

Mr. McLarty interjected.

Hon. W. D. JOHNSON: I do not know, but we have many thousands of workers that to-day are crying out for a bit of land of this kind. The Minister stated that there can be produced in the South-West the greater portion of all that is required to maintain life. Then why not place these men on that land for the purpose of enabling them to reduce sustenance claims and to give them an outlook in life?

Mr. McLarty: There is plenty of land available.

Hon. W. D. JOHNSON: Yes, but largely it is either controlled by private individuals or held by the Forests Department, or for some other reason we are forced to go out many miles from existing railways and factories in order to establish a settlement. Fancy going right down to Northcliffe to establish a dairy area, and having to build a road 27 miles from the railway out to a remote settlement! And in getting there one has to travel through tens of thousands of acres of good land before reaching Pemberton, where one leaves the railway in order to go on to Northcliffe. I suggest to members for the South-West that they should devote some attention to that aspect. Let us have a select committee to go into that question and see exactly what land we have down there, and whether there is a land monopoly, and if so how the land can be made available? If we get to work on that at the earliest possible moment we shall not only be doing a great service to the South-West but we shall be relieving our unemployment troubles in a practical way. It is of no use putting men on to work for a little while, and then putting them off. The older men are not going to get work again. If we had this land in the South-West properly classified, we should find there abundance of land in close proximity to factories, schools and railways; but unfortunately we do not seem

to be able to tackle the question in a way that will give us practical results.

The Minister for Lands: The land down about Pemberton constitutes a forestry reserve.

Hon. W. D. JOHNSON: Yes, but what I am more concerned about is the land between Bunbury and Pemberton.

Mr. Brockman: That also is a forestry reserve.

Hon. W. D. JOHNSON: But is it worth while keeping it as a forestry reserve?

Mr. Patrick: Timber might be worth more than butter to the State.

Hon. W. D. JOHNSON: Fires have destroyed the greater part of the green timber.

The Minister for Lands: The Conservator of Forests would not part with it.

Hon. W. D. JOHNSON: We ought to check up the Conservator of Forests, have an inquiry into this question, and see whether he is holding any land of no value to him; whether he is retarding settlement in the South-West, and whether private individuals have not more land in the South-West than they can handle; after which we could see about providing ways and means of resuming it from them. I deplore the waste of money that has taken place in the South-West, the enormous expenditure on useless land. Look upon that picture, and then go and see the wonderful belt of beautiful country still uncleared. The problem is to get the good land into use, so that it would be no longer necessary to try to convert poor land into productive areas. We are trying to do that at present, and because we are failing we blame the poor unfortunate settlers. We have down there settlers who never will make a do of it, settlers on land totally unsuitable. We require to organise on a different basis, and for that purpose a complete investigation is essential.

MR. SAMPSON (Swan) [6.5]: I followed with interest the debate on this motion, and the other evening I listened with great attention to the Minister for Lands, whose statements were something in the nature of an inspiration. Too often we are taught to lean on the Government for every requirement. I do not know whether this State is particularly prone to that, but there are indications that it is. The expressions so frequently made in criticising the problem of securing a living from the soil have, I think,

the ultimate effect of killing initiative, undermining a man's self-reliance, and leaving him less able to face the problems of everyday life. So when something is done to point out that the standard of living is not what it should be, that the hours of work are too long and that the difficulties to be faced are too great, the effect of it is to render a man less able to stand up to the work which he must perform if he is to achieve success. Those who speak in that way do it with the object of being helpful but, like charity, those remarks must be used with wisdom. Charity, if not carefully administered, leaves the recipient in a state far worse than before. In the old days, men went out into the bush, cleared the land and, in the face of an almost impossible situation, pulled through. It is remarkable that families so circumstanced frequently develop the best children. The offspring know what it is to face difficulties, and consequently they put up a more vigorous fight, a more enduring effort than would others in more comfortable circumstances. When a man is treated as an only child in a home, a spoilt man results; but if we put it to the man and say, "You have either to win through or definitely fail," his utmost endeavour is put forward, and the conditions are then hard indeed if success cannot be attained. We must acknowledge that the South-West presents unusual problems. Whether it is more difficult than virgin country in other parts, is questionable. I am fully aware that because of the heavy timber there are special difficulties in the South-West. But there are problems everywhere, and while I do not want to strike a personal note, I know something of the difficulties that my grand-parents faced in South Australia, out at a little place called Hallett's Cove. They fought a very hard fight and scored a moderate success. South Australia has always been a country which has called from its people the greatest fighting qualities.

The Minister for Lands: A difficult country.

Mr. SAMPSON: Yes, it is a difficult country, and a country where the climatic rigours are more pronounced than they are here. Perhaps I had better not make too lengthy a comparison between the two States, but I do believe that where the climatic conditions are severe, there is produced in the individual a more vigorous fibre to enable him to stand up to those difficulties.

Mr. SPEAKER: I think the hon. member will be better down the South-West in this State.

Mr. SAMPSON: Yes, I dare say that would have been the case even with my grand-parents, but they found themselves in South Australia and they fought and won in that difficult country, where the absence of roads and all the natural disabilities were only some of the problems they had to face. To revert to the South West: we must not belittle the difficulties with which the settlers there are confronted. The timber grows very vigorously, and in consequence the clearing of the land presents a problem which, to those not used to axe, mattock and saw, will call for all the vigour of the Britisher. The settlers who came here with Peel faced tremendous difficulties, and in spite of the years that passed until Sir James Mitchell took up group settlement, there was little progress made. That perhaps is a full answer to the statement so often made, that it should be possible without Government assistance to do what is necessary to develop that country; yet during the passage of 80 years there was to be seen in the South-West—I refer to the country south of the Margaret—only little clearings here and there.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. SAMPSON: Before tea I was referring to the difficulties which settlers in South Australia had to face. I hope the Minister for Works will endorse what I have to say. In those days people had to face great difficulties. Home-made bread, dripping and fermented jam were very frequently the lot of those concerned. It has been said on different occasions that the group settlers have suffered because they were not permitted to use their initiative to the fullest extent. That would mean a very great disability for them. If we are to secure results from our efforts, we must be permitted to exercise our initiative and do the best we can in all circumstances. Whether there is ground for that statement I cannot say, but it has often been uttered. It has been said that when a group settler desires to dispose of stock, or purchase stock, he is not always permitted to do so. I very much appreciated what the Minister for Lands had to say. His remarks are well worth reading, not only by group settlers but by all settlers. His statement

that in the old days he had "more patches than pants" was in the nature of a classic. I hope that the spirit which animated him and others who have had to fight their way through may be exemplified throughout the group settlements. I desire to assist group settlers in every proper manner. I am doubtful whether interference would be helpful, but if we come to the conclusion, realising the position as we do, that help can be extended to them, I shall certainly do my utmost to assist. The successful development of the great south-western areas is in the highest degree important to Western Australia. The time has gone by when we should depend upon the Eastern States for our dairy products. The great success which has been achieved in the development of the dairying industry is a full answer to all criticism. I join with other members in deploring the amount of land held by certain settlers in the South-West and other parts of the State. If we are to achieve a full measure of success, there must be a limitation of the area that can be held by any one person, and only land which can be fully cultivated or otherwise utilised should be retained by the individual. I hope that in the future the groups will make greater progress than they have done in the past. Anything I can do to assist in that direction will be gladly done. I support the motion.

On motion by Mr. Stubbs, debate adjourned.

BILL—DENTISTS ACT AMENDMENT.

Second Reading.

MR. LAMBERT (Yilgarn-Coolgardie) [7.35] in moving the second reading said: In bringing down this Bill my sole desire is to place our dental legislation on a foundation different from that on which it has existed in the past. The first Bill to deal with this subject was introduced in 1894 by Mr., now Sir Walter, James. In moving the second reading of that measure, he said—

In fact, the whole of this Bill is substantially the same as the Victorian Act of 1878.

Although the Act has since been amended in one or two directions, substantially the dental legislation of this State is over half a century old. The desire of the dental profession should be to put the legisla-

tion on a footing that will provide for better control over dentists, dental operatives and dental apprentices. To achieve that object it is necessary to amend the parent Act. No doubt the original Act served its purpose by making it mandatory for those who were engaged in the practice of dentistry to be registered. Thus a step forward was achieved. It is to be regretted that when the Act was amended in 1920 by the then Attorney General, now Mr. Justice Draper, an attempt was not made to bring the legislation into line with that existing in other parts of the world. The Act of 1894 provided, amongst other things, that if the Dental Board did not register an applicant for registration he could apply to the Minister in control of the Act, and it was optional for the Minister to order the registration of the applicant. In 1899 that section of the Act was repealed. No attempt was made to amend the Act until 1920. The only substantial amendment made then was that the law provided that certain people should become registered and practise dentistry in Western Australia. The Act as amended served a purpose more or less useful until the Dental Board made an attempt to carry out what were believed to be the intentions of Parliament, namely, to see that dentists were registered and that none other than registered dentists were allowed to practice. The board accordingly launched prosecutions, with only one of which I propose to deal. This case, which finally came before the Full Court, was that of Blitz versus the Crown. A man named Blitz was supposed to be an assistant dentist under the protection of a registered dentist. He was prosecuted and fined. The case subsequently came before the Full Court.

Mr. Sampson: Was not that before 1920?

Mr. LAMBERT: Yes. The board considered they were on sound grounds in launching the prosecution against Blitz. The appeal, however, was upheld. The appellant was represented by the member for Nedlands (Hon. N. Keenan).

Mr. Raphael: And very successfully, too.

Mr. LAMBERT: Yes. The Full Court gave judgment in favour of the appellant. I will read portion of the judgment of the Chief Justice in that case, which really undermined the whole structure of dental legislation in this State. In delivering judg-

ment the Chief Justice, Sir Robert McMillan, said—

The only question we have to answer in this case is whether, under the facts as stated, the defendant committed an offence against the Dentists Act, 1894. It appears that the defendant is not a registered dentist, and that in May last one Miller called at a place where Mr. Ford is a registered dentist, and obtained certain advice from Mr. Ford. Although it is not clearly stated, it also appears that the defendant is an assistant employed by Mr. Ford. After certain estimates had been given to Miller, an operation was performed on him by Mr. Ford, the registered dentist. After that a good deal of work was clearly done by the defendant, but the case states that while this work was being done by the defendant Mr. Ford was present, and on one occasion asked whether he could give any assistance. This, therefore, is not a case in which a man who is not qualified is endeavouring to carry on his business under the name of some person who has the necessary qualifications. One must assume, on the case, that the defendant was an assistant bona fide employed by a fully qualified dentist carrying on his work under the supervision of that qualified dentist.

In this respect, as to bona fides, it will be seen that the Bill differs materially from the principal Act.

Now, it is said that even under such circumstances as these the Act applies, and prohibits work of this kind being done by any person who is not a qualified dentist, and Mr. Hearder relies upon Section 15, which says: "From and after the passing of this Act, no person other than a registered dentist for the time being, or medical practitioner, shall be entitled . . . to practise dentistry or dental surgery, or perform any dental operation or service." The present appellant has not practised dentistry or dental surgery, but it is said he has performed a dental operation or service, and in the strict meaning of these words it is true that he has. If we are to give that strict meaning to the language used by the Legislature, I think we should be doing a great deal more than is necessary to give effect to the real intention of the Legislature, and should be reducing this Act to an absurdity, because we should be placing upon the Act a construction which would prevent any apprentices ever obtaining the experience which it is necessary that they should obtain before they can become registered under this Act; and we should prevent an assistant from doing the mechanical work, making false teeth, or doing the necessary work in connection with them, which certainly would be performing a dental service.

To my mind there is no doubt that this is where the Full Court went astray. Possibly it was due to the brevity of the section dealing with the question, or possibly to the court not being over-familiar with the in-

tention of Parliament at the time. Plainly there was a distinct separation between operative and prosthetic dentistry.

I think we ought to have regard to the general scope of the Act, and when we find that this is not a case of a man attempting to practise on his own behalf, without any of the necessary qualifications, and without being registered, but that it is the case of one who is simply acting under the general instructions of a registered dentist and doing work for him as his assistant, I think we should say that no offence has been committed. The defendant was performing these dental operations or services, it seems to me, on behalf of the registered dentist who was there present, able to give any assistance which might be required, or to check him if he thought the operation was not being performed satisfactorily. I think, therefore, that the defendant has not done anything which he is prohibited from doing by the law. I again repeat that in my opinion this case must be decided simply on the facts as they are stated, and the judgment in this case would certainly not be of any assistance to an unregistered man who was attempting to carry on business really on his own behalf under the shelter of the name of one who was a registered dentist. I think, therefore, that the learned magistrate was wrong in convicting, and that we should answer the question by saying that the defendant has not committed any offence against the Act.

The appeal was upheld. This sort of trouble has occurred, and will recur as long as the obsolete Act remains unamended. It requires amendment in many of its vital provisions. Section 2 of the Act I propose to amend by inserting in their appropriate places the following definitions:—

"Dentistry" includes any operation on the human teeth or jaws, or the artificial restoration or reparation thereof, or the treatment of diseases or lesions thereof, or the correction of malpositions or malformations thereof or therein, but does not include the mechanical construction by an artisan employed by a registered dentist of artificial dentures or other devices.

"Registered apprentice" means an apprentice bound to and serving a dentist under duly registered articles of apprenticeship.

In the amending of all legislation, and particularly of legislation which, as I have shown, is over half a century old, there must be some compromise, and also some superficial sacrifice, if sacrifice it can be called. To-day there are certain men employed in dentistry who have been so employed for many years, earning their living. It was not necessary under the Act of 1920 for them to register as apprentices, but they

were registered as dentists. The clauses I propose are in strong contrast to the provisions of the amendment Act of 1920. Under the Bill it will be necessary for a person to show in the first place that he has been practising both operative and prosthetic dentistry for at least eight years. Then he can apply to the Dental Board for registration as an apprentice. The provisions I propose are strict, and are far in advance of any provisions which the Dental Board have under the present Act as to misrepresentation or anything of that nature. If a person applies within six months—and after the lapse of that period he cannot apply—he must be prepared to pass an examination in practical dentistry as set out in the schedule to the amendment Act of 1920. The Bill also provides that any person who submits himself for examination in practical work and passes the examination, shall go on until such time as he has passed the full examination prescribed in the schedule to the amendment Act. I propose to repeal Section 15 of the principal Act and Subsection 5 of Section 4 of the amendment Act; and in their place I propose the following new section:—

No person shall—(a) take or use the name or title of “dentist” or “dental surgeon,” or any name, words, title, or description, either alone or in conjunction with any other word, implying or tending to indicate or to induce the belief that he is entitled to practice dentistry; or (b) practice dentistry unless—(a) he is a legally qualified medical practitioner; or (b) he is registered as a dentist under this Act.

[The Deputy Speaker took the Chair.]

In the judgment I have quoted the court held that any person, no matter how inexperienced, so long as he operated under the reasonable supervision of a registered dentist could go on drawing teeth, or inserting teeth, or doing anything either in the mouth or the jaw. That will be legally impossible if this Bill passes. I have tried to bring this legislation into conformity with, and possibly in advance of, the most advanced dental legislation existing in Australia. All the best features of the respective Acts of New South Wales, Victoria and South Australia are embodied in the Bill, with the one desire to tighten up the practice of dentistry and place it upon a footing that the more ethical side

of the dental profession should desire. The proviso to Subsection 1 of proposed Section 15 reads—

Provided that no registered apprentice shall be hereby prevented from practising dentistry under the immediate supervision of the dentist to whom he is articulated, nor shall any such apprentice be deemed to be prohibited from representing that he is entitled to practise dentistry to the extent authorised by this proviso; and provided further that this section shall not apply to any person who in case of emergency may extract teeth at any place more than fifteen miles from the place of business of the nearest practising dentist. Penalty: For a first offence, not less than five pounds nor more than fifty pounds, and for any subsequent offence, not less than ten pounds nor more than one hundred pounds.

Thus it will be absolutely impossible for any person, without doing an unlawful act, to go into a dental surgery to perform any operation whatever unless he is a registered dentist, a medical practitioner, or a registered apprentice. The weakness of the present Act is that under it any person—I have been the proprietor of a dental company myself—so long as there are one or two registered dentists on the premises can, whether he is apprenticed or not, extract teeth, put in teeth, and do bridge or crown work or anything else. Under the provisions of the Bill, there will be no possibility whatever of a person going into a surgery to perform an operation unless he comes under one of the three headings I have mentioned. Even a registered apprentice will not be able to perform operations unless under the immediate supervision of a registered dentist. It means that no registered dentist can hand over his business to a registered apprentice and go somewhere else to practice, or perhaps go away for a holiday, leaving the responsibility of conducting his business and the care and safety of the public in the hands of his apprentice. It means that any dental operation must be carried out under the immediate supervision of a registered dentist. In view of my knowledge of dentistry in this State, it is absolutely necessary that Parliament should embrace this opportunity to pass up-to-date legislation, having for its objective the protection of the public generally. Unfortunately people are only too ignorant of the necessity for that protection.

Mr. Sampson: Will the passage of the Bill remove instances of unfairness regarding those qualified to practice?

Mr. LAMBERT: If the hon. member reads the Bill, he will see that it contains some drastic provisions governing the general conduct of the dental profession. The principal Act to-day, which was modelled on legislation passed in Victoria in 1878, contains no provision dealing with the general conduct of dentists. The proviso to Subclause 1, which I have partly quoted, also contains the following:—

Nor shall any such apprentice be deemed to be prohibited from representing that he is entitled to practise dentistry to the extent authorised by this proviso; and provided further that this section shall not apply to any person who in case of emergency may extract teeth at any place more than fifteen miles from the place of business of the nearest practising dentist.

Under existing conditions, dentists in the metropolitan area can leave their business and whether registered or not—many unregistered men do this—visit country centres. They previously advertise in the local Press that Mr. So and so, registered dentist, will be in the township on a certain day.

Mr. Latham: You do not believe that is being done.

Mr. LAMBERT: I know it is done.

Mr. Latham: Do you mean that unregistered men are saying that they are registered?

Mr. LAMBERT: I do not desire to mention any firm, but let us say that anyone owning a dental parlour—

Mr. Latham: You mean that they send out substitutes?

Mr. LAMBERT: Yes. Any registered dentist can advertise that he may be consulted at a certain country town on a specific date, but he need not go there himself. He can send an unregistered and unqualified person. That is being done.

Mr. Sampson: But it cannot be done legally.

Mr. LAMBERT: Of course it can be done.

Mr. Latham: Not if a dentist is practising in the township.

Mr. LAMBERT: Under the principal Act, any person can extract teeth so long as the extraction is done 10 miles away from the place of business of a registered

dentist. There are no registered dentists carrying on business in most of the agricultural and mining districts. In those circumstances, people from the metropolitan area put up sign-boards outside hotel premises or some other convenient spot notifying that they will be in attendance for consultation. Sometimes registered men go to country towns, and sometimes unqualified men are sent, probably most inefficient individuals. They extract teeth, although they have no idea whatever of the practice of dentistry as it should be conducted. A man or a woman may have two or three decayed teeth and yet these unqualified persons may say, "You require a full upper or lower denture." They then proceed to extract the whole of the teeth, irrespective of whether those decayed could be treated or not. That represents a distinct weakness in the present Act. For that reason, I make provision in the latter part of the proviso that only emergency extractions may be carried out at distances more than 15 miles from the place of business of the nearest practising dentist. I am perfectly aware that some registered dentists, who are excellent at their profession, pay regular visits to the country areas, but the Act allows any person to do this work, even members of Parliament.

Mr. Marshall: They are better at pulling legs than teeth.

Mr. LAMBERT: The hon. member can speak for himself. However dangerous it may be to the public safety, so long as the operation is carried out more than 10 miles from the nearest business place of a dentist, the Act permits these persons to go joyfully ahead with a pair of forceps, to take out as many teeth from the jaws of as many people as they can collect. It is a public danger, and the sooner Parliament recognises the necessity for bringing our dental legislation up to date, the better it will be for the people generally.

Mr. Latham: We will make it apply outside the metropolitan area—to assist you.

Mr. LAMBERT: As I elaborate some of the clauses, the hon. member will recognise the necessity for the application of the legislation in its strictest form in the metropolitan area. The penalty for a first offence is set out at not less than £5 nor more than £50, and for any subsequent offence, it will be not less than £10, nor more than £100. Subclause 2 provides that the performance of a single act or operation of dentistry

shall be deemed to be practising dentistry. If another appeal is made to the Full Court—I hope there is one—I trust it will be as unsuccessful as a former appeal was successful. There will be no doubt about the intentions of the legislature. Subclause 3 reads—

Where an act or operation in dentistry is performed by an employee or agent of any person, both the employee or agent and the principal shall be deemed to have practised dentistry, and the principal shall be deemed to have full knowledge of the act or operation performed by his employee or agent.

That is to say if a registered dentist deliberately employs someone who is not a registered apprentice and allows that person to perform a dental operation of any description whatever, he is equally liable to a heavy penalty. Clause 6 provides—

No person shall hold any appointment (whether honorary or for remuneration) as a dentist, dental practitioner, or dental surgeon in any public or private institution except while he is registered as a dentist under this Act, or is a legally qualified medical practitioner. Penalty: Ten pounds.

Clause 7 reads—

7. (1.) If any person shall in a complaint to the Board allege that any registered dentist or apprentice has been guilty of unprofessional conduct, or of infamous conduct in a professional respect, or is a habitual drunkard or drug addict, the Board may investigate the matter of the complaint in the prescribed manner, and if the allegation is proved to the satisfaction of the Board, may impose all or any of the following penalties on the person complained against, that is to say—

(a) It may order him to pay the complainant's and/or the Board's costs and expenses of inquiring into the matter alleged against him, including witness fees, and may suspend him from practice as a dentist, or from acting as an apprentice, until such costs and expenses are paid.

(b) It may require him to give such undertaking as the Board thinks fit to abstain from conduct similar to that complained of in the future.

(c) It may censure him.

(d) It may suspend his registration as a dentist or prohibit him from acting as an apprentice, or being registered as a dentist, either conditionally or absolutely, for a period not longer than five years.

(e) It may (if the case is adjudged by the Board to be of a very serious character) deregister him, or in the case of an apprentice, cancel his articles, and prohibit him, until the further order of the Board, from becoming registered as a dentist.

Mr. Latham: You really ought to hang them.

Mr. LAMBERT: I do not know about that. If we are going to have proper regard for the status of the profession, provision of this kind is necessary. I do not wish to mention names—

Mr. Latham: Be careful where you look.

Mr. LAMBERT: I shall look at the Leader of the Opposition. Generally speaking, the dental profession occupies a high plane. Most of the dentists desire that the conduct of those in the profession should be of the highest standard.

Mr. Stubbs: Are you seriously telling the House that a majority of the dentists want this Bill?

Mr. LAMBERT: If they do not want the Bill, they do not deserve to be registered as dentists. They should not be registered if they desire an antiquated Act dating from 1878 without regard to the evolution of the profession—passed in the days when the village blacksmith or hairdresser used a pair of forceps to take out or knock out an aching tooth. If members seriously read the parent Act and consider Sir Walter James's remarks, they will realise that existing legislation was taken from a Victorian statute of 1878 and will see that it is not in keeping with the growing importance of the profession.

Mr. Latham: I am afraid you will make a very close preserve for dentists.

Mr. LAMBERT: There will be no close preserve.

Mr. Stubbs: You will open the door wide?

Mr. LAMBERT: When legislation was introduced in 1920, there were 40 or 45 registered apprentices in this State, and although a Dental Hospital has since been established, there are only 18 registered apprentices at present. If a man has passed an examination in dentistry in this State, he is merely entitled to practice in Western Australia.

Hon. W. D. Johnson: Your Bill will not remedy that.

Mr. LAMBERT: That is a matter for the Dental Board.

Mr. Latham: Surely the Dental Board will attend to that!

Mr. LAMBERT: The Dental Board should show their interest in reciprocal legislation, so that those who become qualified here may be entitled to practice in any State of the Commonwealth.

Hon. W. D. Johnson: How will your Bill help that?

Mr. LAMBERT: I cannot make provision to override dental legislation in other States. The Dental Board must move in that matter. They know our disabilities; they know that every person who becomes a registered dentist in the Eastern States is a graduate of a university or of a college associated with the university. When those dentists come here, they are automatically registered. Our University is squandering a considerable sum of money to allow people to study law, thus adding a lot of mediocres to an already overcrowded profession. They are squandering part of the State subsidy of £30,000 a year on mediocres who would be better employed at Southern Cross tilling the soil.

Miss Holman: The Government grant has been reduced to £24,000.

Mr. LAMBERT: And if I have any say in the matter, it will be further reduced.

Miss Holman: You should be ashamed to own it.

Mr. LAMBERT: I am not.

Mr. Latham: You should be ashamed to argue with a lady.

Mr. LAMBERT: Being a married man, I sometimes find it necessary.

Mr. Raphael: And you are always defeated.

Mr. Marshall: Anyway, the ladies get the last word.

Mr. LAMBERT: That is more than anyone can say who argues with the hon. member. The Bill provides that no person appointed to act as an examiner at any examination shall act as a coach or teacher to any intending candidate.

Mr. Sampson: Do not you think the Bill is unnecessarily ferocious in parts?

Mr. LAMBERT: If it is as ferocious as the hon. member sometimes looks, it must be. The Bill provides that no dentist shall act as examiner at any examination at which an apprentice bound to himself or to any person in partnership with him is a candidate. Members of the Dental Board have had registered apprentices, and it has been notorious that some people have suggested an apprentice should have his articles registered with such-and-such a dentist because he is on the board and is one of the examiners. Thus he would examine his own apprentices.

Mr. Mann: That is unjust.

Mr. J. MacCallum Smith: You know more about it than anyone else.

Mr. Latham: Why not become serious.

Mr. LAMBERT: I am serious.

Mr. Sampson: The position would be serious if it were so.

Mr. LAMBERT: I do not accept the Leader of the Opposition as serious because he has just arrived from the York Show banquet.

The DEPUTY SPEAKER: We are not discussing the York Show.

Mr. LAMBERT: Our legislative machinery needs to be tightened up. It is wrong that a dentist should be one of the examiners of his own apprentice. Most of the provisions of the Bill find a place in the up-to-date legislation of other parts of the Commonwealth.

Mr. Sampson: It contains everything except capital punishment.

Mr. Raphael: And that would probably be included if it applied to the member for Swan.

Mr. LAMBERT: Provision is made to give the board definite powers. To determine any application for registration, any charge or complaint, or make any inquiry, the board may by summons require the attendance of any person and by notice in writing compel the production of any books, papers or documents. The board may inspect such books or papers and retain them for a reasonable period, and make copies or extracts relevant to the matter being inquired into. The board may examine witnesses on oath, affirmation or declaration. Any person who has been summoned to attend before the board, and whose reasonable expenses have been paid or tendered to him and who neglects to attend or wilfully insults the board, or misbehaves himself before the board, or interrupts the proceedings of the board, or refuses to be sworn or to affirm or declare, or refuses or neglects to produce any books or documents, or to answer any lawful question, shall be liable to a penalty not exceeding £50. Any person who wilfully and corruptly gives false evidence before the board shall be guilty of perjury and liable to imprisonment for a term not exceeding four years.

Mr. Raphael: That would not apply to any who has appeared already?

Mr. LAMBERT: I do not propose to make it retrospective. It is for me to throw the veil of charity over the past.

Mr. F. C. L. Smith: You do not stipulate the constitution of the board.

Mr. LAMBERT: That is set forth in the parent Act. I will read it, if members so desire.

Mr. Latham: I think you had better keep to the offspring. We have had enough of the parent.

Mr. LAMBERT: This is an offspring of a thoroughbred. Clause 14 proposes to repeal Section 17 of the principal Act and Section 6 of the amending Act. Members will appreciate the necessity for those repeals because other provisions have been substituted for those sections. Then I provide that there shall be an appeal. In the original Act there was an appeal to the Minister: I think it was the Minister for Works who controlled dentistry. That was the position of dentistry as it was practised in this State at that period. I am reminded of one dentist who was practising under the parent Act. Considering it an awful waste of time that he should call in a medical practitioner to give an anaesthetic, he bought an ordinary mask and a bottle of chloroform and decided to administer the chloroform himself. For some days he waited patiently for a patient to arrive, someone on whom he could practise. This happened not far from Perth. Eventually a poor old inoffensive Chinaman came along. Here was the dentist's chance! The Chinaman wanted a couple of teeth extracted and the dentist put the mask over the mouth, told the patient to breathe heavily and consistently. To assist him the dentist pushed his chest in and out and then gave him an overdose of chloroform. I mention this to show the type of dentist who was registered in those days. The dentist extracted the Chinaman's teeth, but the trouble was that the Chinaman did not show any signs of animation. The dentist waited until it was time to close his place of business, and as the Chinaman had not revived, he dragged him out by the heels and left him in the back yard, where he thought the boy would discover him in the morning.

Mr. Stubbs: Did that happen at Victoria Park?

Mr. LAMBERT: In the morning—quite unusually for the boy—he went out to smoke a cigarette after cleaning up the surgery and the front of the premises, but did not go out into the yard. The dentist went to the hotel opposite and got two or three stiff whiskies and returned to his surgery prepared for the worst. Then he went out

to the yard but the Chinaman had vanished. The Chinaman was never seen again. This is an instance of a number that I could quote to show the type of dentist that was practising some years ago. I have no wish to be offensive, nor do I desire to injure any person; however, all this is by the way. In contradistinction to the provisions of the 1894 Act, I make provision in the Bill that in any case where a person considers that an order or a direction of the board given or made or exercised under the proposed Bill, is not right, an appeal can be made to a judge of the Supreme Court in Chambers within one month of the giving of the order, and the judge may hear the appeal and do one of many things. He can affirm, quash or vary the decision, order or direction appeared against, or substitute or make or give any decision, order or direction which ought to have been made or given in the first instance; or he can remit the subject matter of the appeal to the board for further consideration or further hearing; or he can mitigate any penalty imposed by the board or special committee; or he can make any further or other order as to costs or otherwise which the case requires. Then the Bill provides that the judge may make rules of court regulating the practice and procedure on such appeals. That, too, is very necessary as a safeguard because it may sometimes be alleged that bias has been exercised by the Dental Board, and if the board in the exercise of their authority are doing what they think is right, and they have made a legitimate mistake, the only person to rectify that mistake is the judge of the Supreme Court. The Dental Board to-day, of course, possesses powers as to registration etc., and whilst I admit they should have the right legitimately to conduct their own affairs, members, knowing the trend of legislation and our methods here will concede it is only proper that there should be the right of appeal. There is one omission, and it is only slight. It is in respect of the Dental Hospital. Fortunately we have established in Western Australia a dental hospital that is performing a very fine service. It is in charge of a capable officer, and I only hope the time will arrive when we can so develop the dental profession in Western Australia to have it affiliated with the University of Western Australia. In other parts of the world dental hospitals are affiliated with the universities in their particular countries. When the Bill

is in Committee, I propose to move for the insertion of an additional clause to provide that the balance sheet of the Dental Board shall be published in the "Government Gazette" or any other publication in which it may be thought advisable for it to appear. There is also a clause which provides that "person" includes females. The member for Forrest will at least very sweetly concede that this is a concession to her sex. That brings me to the end of my story. I hope members will keep in mind that up to now the dentists have been working under ancient legislation, and it is essential in the public interests that we should bring that legislation up to date. It may be said that those who are operating to-day under the judgment given by the Full Court of Western Australia in the case of *Blitz v. the Crown*, will be deprived of their living. I do not wish to contrast the provisions of the Bill with the provisions of the Bill which became an Act in 1920. Possibly the less said about the legislation of that period the better. At all events, at this juncture I do not intend to say anything about it. If it is absolutely necessary for me to draw a sharp contrast between the provisions of the present Bill and the provisions of the Bill of 1920, I will have the opportunity to do so when I reply. I hope members will realise the necessity for legislation of this description, legislation which is on advanced lines. While the ethics of the dental profession are all-important, and we should encourage the profession to reach a stage that it has arrived at in other parts of the world, side by side with that we must make provision to ensure proper conduct on the part of dentists so that the public may be protected. When a lady friend comes to you and says, "I consulted a dentist the other day and he was rather pressing in his affections after making a cursory examination of my mouth," it is time that we amended the law in the direction of protecting the public. I shall not elaborate this aspect. But if it is necessary to do so, and if the Dental Board are not seized with the necessity for legislation which will stop infamous conduct and improper practices, it may be necessary to give instances and names which will make this branch of the Legislature realise the all-important need not only for regulating the practice of dentistry in Western Australia, but the conduct of some

of those who practice dentistry, and removing the possibility of any unregistered person, no matter who he may be or for whom he works. I move—

That the Bill be now read a second time.

MOTION—DOUGLAS CREDIT PROPOSALS.

Debate resumed from the 27th September on the following motion by Mr. North, as amended:—

That this House urges the Government to inquire into the mechanism of the economic system in order to discover whether our present trouble is due, as Major Douglas asserts, to a discrepancy between the price of goods and the purchasing power issued against them or to the unequal distribution of income.

THE MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle) [8.43]: If I judge the view of the House correctly, it is that an investigation of this question be made under the authority of someone who will have the power to give effect to whatever finding may be agreed upon. We all know that this Parliament has no jurisdiction over banking and currency, that that is a Commonwealth function, and therefore it is not much good the Government of this State conducting an inquiry and then finding itself without power to give effect to whatever recommendations might be made. The general opinion last week was that the motion should be amended so that it might be passed on to the Commonwealth, with the request that the Commonwealth Government should conduct the inquiry. Under our Standing Orders it is impossible for us to amend the motion; we cannot go back at this stage, and I suggest, therefore, that the motion be redrafted and that the member for Claremont should accept the redrafted motion in substitution for the one he has submitted. If that be agreed to the Government will be prepared to act at once. I suggest that the motion be worded as follows:—

The control of banking and currency being under Commonwealth jurisdiction, this House urges the Commonwealth Government to institute an inquiry into the operation of the existing economic system and to report whether the prevailing depression is due, as asserted by Major Douglas, to a discrepancy between the price of goods and the purchasing power issued against them, or to the unequal distribution of income, or to a combination of these factors;

and that the State Government be requested to convey this resolution to the Prime Minister.

If that be agreed to, the Government will be prepared to act on it. But I cannot submit it as an amendment. It would be for the member for Claremont to accept this in substitution of his motion.

Mr. NORTH: Shall I be in order in moving to withdraw my motion now, or shall I wait for the member for North-East Fremantle to withdraw his amendment, which was agreed to?

The DEPUTY SPEAKER: It is now a composite motion, and the member for North-East Fremantle moved the greater part of it as it now stands. I think the member for North-East Fremantle had better withdraw his part of it.

Mr. TONKIN: In deference to the suggestion of the Minister, I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. NORTH: In deference to the wishes of the Minister, I withdraw my motion.

Motion, by leave, withdrawn.

The MINISTER FOR WORKS: I move—

The control of banking and currency being under Commonwealth jurisdiction, this House urges the Commonwealth Government to institute an inquiry into the operation of the existing economic system, and to report whether the prevailing depression is due, as asserted by Major Douglas, to a discrepancy between the price of goods and the purchasing power issued against them, or to the unequal distribution of income, or to a combination of these factors; and that the State Government be requested to convey this resolution to the Prime Minister.

Question put and passed.

BILL—WILUNA WATER BOARD LOAN GUARANTEE.

Returned from the Council without amendment.

House adjourned at 8.48 p.m.

Legislative Council,

Thursday, 5th October, 1933.

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

BILL—TENANTS, PURCHASERS, AND MORTGAGORS' RELIEF ACT AMENDMENT.

Report of Committee adopted.

BILL—MINE WORKERS' RELIEF ACT AMENDMENT.

Second Reading.

Debate resumed from the 3rd October.

THE HONORARY MINISTER (Hon. W. H. Kitson—West—in reply) [4.36]: Several members have asked for information regarding one or two clauses of the Bill, and I took a note of the particulars desired. Both Mr. Harris and Mr. Seddon raised the question of those miners who accepted lump sum payment compensation instead of taking their compensation by weekly payments until the maximum amount had become exhausted. I am advised the the miner who applies for lump sum compensation may decide to accept, say, £650 instead of the £750 to which the Act entitles him. If he spends this amount, he cannot come on the Mine Workers' Relief Fund for their schedule rates until he has exhausted a sum equal to £750 at a rate not exceeding £3 10s. per week, which means roughly a period of four years. It has to be remembered that he voluntarily accepted the lump sum. Whatever percentage of the full amount of £750 he accepted in order to get the lump sum has nothing to do with the fund. Then there is the man who does not ask for a lump sum settlement, but who at the instigation of his employer is compelled to take a lump sum settlement. When he has exhausted the amount that he is compelled to take, say