

Legislative Assembly.

Wednesday, 20th September, 1933.

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

QUESTION—EGGS, EXPORT.

Mr. SAMPSON asked the Minister for Agriculture: 1, In view of the growing importance of the egg export industry and the necessity of ensuring that the quality of eggs exported is up to the standard required, will he state whether inspection is efficiently carried out, and, if not, whether it would be possible for a recommendation on the subject to be submitted to the Federal Government? 2, Does he propose to give to the industry the support of a control board, and thus place it on the same basis as enjoyed by the industry in certain other States?

The MINISTER FOR AGRICULTURE replied: 1, Inspection is efficiently carried out. 2, It is not the practice to indicate Government policy in reply to questions.

BILL—WILUNA WATER BOARD LOAN GUARANTEE.

Introduced by the Minister for Works, and read a first time.

BILLS (2)—THIRD READING.

- 1, Goldfields Allotments Revestment. Transmitted to the Council.
- 2, Government Tramways Act Amendment.

Passed.

MOTION—HEALTH ACT.

To Disallow By-law.

Debate resumed from the 6th September, on the following motion by Mr. Thorn—

That the new By-law No. 16a, made in Part VII. of the Model By-laws under "The Health Act, 1911-1926," published in the "Government Gazette" on 3rd February, 1933, and laid upon the Table of the House on the 2nd and 23rd August, 1933, and adopted by the municipalities of Collic, Geraldton, Northam, Boulder, and North Fremantle; and the road districts of Armadale-Kelmscott, Gosnells, South Perth, Kellerberin, Bruce Rock, Murray, Westonia, Yilgarn, Harvey, Beverley, Rockingham, Wickepin, Bridgetown, Wyalkatchem, Dowerin, Wiluna; and the Moora Local Board of Health, be and are hereby disallowed.

MR. FERGUSON (Irwin-Moore) [4.37]:

I support the motion, and in doing so assure hon. members that I am not unmindful of the health of the general community, which should be conserved in every possible way. However, when the mover was speaking on behalf of the producers, the member for Canning (Mr. Cross) made an interjection to the effect that the hon. member would sooner see the consumers poisoned than the producers inconvenienced. I do not wish such an unfair charge to be levelled at me, or at any other member on this side of the House. The remark was uncalled-for, and such as the member for Northam (Mr. Hawke) would term ungenerous. If we on this side thought that the by-law in question, which places such hardship on the shoulders of the vegetable and fruit producers of this State, would be likely to do as much good to the health of the community as harm to the producers, we would not be moving or supporting this motion. It is a fact that right down the ages it has been the practice in those countries where vegetables and fruit are grown and where insect pests exist, to use sprays or dusts of solutions to overcome the pests. I believe that in every such country the standard spray is arsenate of lead. Here it has been used on the advice of the Agricultural Department, and our producers have become so accustomed to employing it that they are of opinion that no other remedy is suitable.

Mr. Griffiths: And that there is no better remedy.

The Minister for Health: One would think we were debarring the producers from using it.

Mr. FERGUSON: The regulation, which I shall read presently, will prevent them from using it during certain periods of the growth of vegetables, at any rate. The Minister for Health, in my opinion, has done wonderful work in the interests of public well-being, and deserves credit and commendation from members of this Chamber and from the people; but in his usual emphatic way he stated, while debating the motion which you, Mr. Speaker, ruled on: of order, that not much harm had resulted in Queensland from the enforcement of a similar regulation, and that therefore not much harm should result in Western Australia. When the Minister argues from wrong premises his deductions are astray, and that emphasis of his which we all admire is then somewhat misplaced. He told us in reference to the worst case of this nature that had ever happened in Western Australia as the result of the use of arsenate of lead on vegetables, the very worst case that had come under the notice of the authorities, some cabbages discovered at the metropolitan markets and seized by the inspectors had been condemned as unfit for human consumption. The Minister told us the arsenical contents of some portion of those cabbages. He told us that the outside leaves contained .56 grains of arsenic per pound; and I understood that then he went on to state that a lethal dose was 1-64th of a grain. In that he absolutely, though quite unintentionally, misled the House. The Minister led members to believe that a lethal dose of arsenic was 1-64th of a grain.

The Minister for Health: I did not say that, nor did I intend to lead the House to believe that.

Mr. FERGUSON: I am quite prepared to believe that the Minister had not any such intention.

The Minister for Health: I did not say that, either.

Mr. FERGUSON: I am certain the Minister did say it. He stated that a dose was 1-64th of a grain. Now, 1-64th of a grain is recommended every day of the week by members of the medical profession as a dose suitable for human beings to take. Arsenic in small quantities is not harmful to human beings, or to stock either, but acts as a tonic. The Minister, being a

practical stockman, knows that is so. I repeat, 1-64th of a grain is continually being recommended by doctors for human beings to take.

Mr. Thorn: And then you have to pay for the arsenic, whereas on the leaves of cabbages you get it for nothing.

The Minister for Health: You can have my share.

Mr. FERGUSON: A 64th of a grain is not anything like enough to kill a man.

The Minister for Health: That statement is wide of the mark.

Mr. FERGUSON: It is a positive fact. If the Minister wants verification of the statement, he can apply to the Principal Medical Officer. In reply to an inquiry Dr. Atkinson stated that two grains of arsenic are a lethal dose for a human being.

Mr. Marshall: How much was given to Phar Lap in America?

Mr. FERGUSON: I have gone to a good deal of trouble to collect detailed information on this subject. I secured the services of a man who has had a lifelong experience of the growing and marketing of vegetables. To-day he is not associated in any way with the growing of them, but in another capacity he has more to do than any other man with the vegetables that come into the metropolitan markets. With the assistance of this man I ascertained that the average weight of a cabbage that comes into the metropolitan markets to-day is 3½ lbs. The Minister stated that the outside leaves of a cabbage contained .56 of a grain of arsenic per pound. This man and I took the outside leaves off a number of cabbages to arrive at the average weight of the outside leaves of an average cabbage weighing 3½ lbs. We found that the outside leaves weighed, on the average, three-quarters of a pound. My complaint against the Minister is that whilst he told us that the outside leaves of a cabbage contained .56 of a grain of arsenic to the pound, and said that a person eating those outside leaves would eat enough poison on them to kill him, he did not tell us the arsenic contents of the whole cabbage. The inside leaves, the heart, which constitutes the other 2¾ lbs. of an average cabbage, contained in this case .00018 grains of arsenic per lb; and it takes two grains to kill a person.

The Minister for Health: I would not like to chance the dose.

Mr. FERGUSON: It is not likely that anyone would get a feed of the outside leaves. In most instances those leaves are taken off and thrown away. The Minister said that in some restaurants that might not be done. I agree with that. But in every case the cabbage is cut up and boiled, and it would be a physical impossibility in any restaurant for any one customer to get a feed of the outside leaves.

Mr. Sleeman: They do not all boil the cabbages; some people eat cabbage raw.

Mr. FERGUSON: I have not come into contact with them. I also ascertained that the average quantity of cabbage consumed by a grown man at a sitting is $\frac{1}{4}$ lb. Not many of us can eat that much, but I am told that constitutes a fair feed for a grown man. If a man ate $\frac{1}{4}$ lb. of cabbage, and got the whole of that $\frac{1}{4}$ lb. from the outside leaves, in this particular case it would have meant that he got .42 grains of arsenic in his feed.

Mr. Cross: That is from any part of the cabbage?

Mr. FERGUSON: No, that is from the outside leaves.

The Minister for Health: Why do the regulations prescribe that there shall not be more than a one-hundredth part of a grain?

Mr. FERGUSON: Because the regulations always have to be on the conservative side. If a person were given the outside leaves of this particular cabbage, he would be required to eat $3\frac{1}{4}$ lbs. of the cabbage to get sufficient arsenic to kill him; that is, if none of the arsenic were washed off. But if the whole of the cabbage, outside and inside leaves, were mixed together, it would require $16\frac{1}{2}$ lbs. of cabbage to be eaten at one meal to kill that man—the equivalent of 66 average meals each of $\frac{1}{4}$ lb. of cabbage. If the outside leaves were thrown away and the inside leaves alone used, it would require about three times as much. The position that obtains in practically every household in Western Australia is that the outside leaves are taken off and thrown away, and the rest of the cabbage is washed. But I am prepared to allow that some of those outside leaves might be left on. When they are washed, the bulk of the arsenate of lead is washed off, and then the balance is boiled. Now take the reports of analysts. I approached the Government Analyst, and he advised me that he had no

special knowledge of the matter, because he had not gone closely into it; but he referred me to the reports of the Queensland Government Analyst who, he said, had done more work of this nature than anybody in Western Australia. The report of that analyst indicated that the amount of arsenic boiled out in the cooking process varied with the amount of soda put into the cabbage; and if no soda were put into the cabbage, the amount of arsenic boiled out was about 50 per cent. So if any soda is added, more than 50 per cent. of the arsenic is boiled out. That being so, it means that to get a lethal dose of two grains of arsenic from cabbage which has been first washed and then boiled, and with 50 per cent. of the arsenic washed out—and that is what it means in 99 per cent. of cases—one would require to eat 1,111 lbs. of cabbage at one meal! So surely the Minister cannot say that these regulations, which are calculated to do such a tremendous amount of injury to the cabbage growers of this country, are worth while. I should like someone having a scientific knowledge, such as the member for Yilgarn-Coolgardie, to take up this matter, and endeavour to convince the Minister of the error of these regulations.

Mr. Lambert: Are these model by-laws?

Mr. FERGUSON: The Minister mentioned the other night that some restaurants put in the whole of the cabbage, and that it did not always get washed. To give additional proof of the error of that statement, I want to point out that all the cabbages grown in the vicinity of Perth are grown on a sandy or loamy soil, and that whenever it rains a certain amount of soil is washed up on to the cabbage. And alternatively, where the cabbages are watered artificially, the same applies. No vegetable which grows so near to the ground as does the cabbage is fit for human consumption until it is washed. Members are aware that nothing is more objectionable when eating cabbage than to get some grit in one's teeth. If only because of that, and because restaurant keepers are not anxious to lose any of their customers, I say they are not likely to cook cabbage without first washing it. So, if in the washing process half the arsenic is washed off, and in the boiling process the other half disappears, then by the time the food is ready to be placed on the table there is mighty little of the arsenic left in it.

The Minister for Health: Quite a few men have died of arsenical poisoning in Wiluna, men who have never tasted one grain of arsenic.

Mr. FERGUSON: Neither in Western Australia nor in any other country in the world have men died from arsenical poisoning as the result of eating cabbage.

The Minister for Health: Why, a girl died from arsenical poisoning through eating an apple!

Mr. FERGUSON: There has never been a case of injury to any individual as the result of arsenical poisoning through eating any vegetable. Very grave objections have been raised to these regulations all over the vegetable-growing areas in the State.

The Minister for Health: And in many other areas they have been adopted.

Mr. FERGUSON: In the electorate represented by the Minister for Agriculture the Osborne Park authorities have carried resolutions condemning the regulations, and so too have the Wanneroo Road Board. Vegetable growers in this country are only carrying out the advice tendered to them by the expert officers of the Department of Agriculture, namely, that if they want to control the cabbage moth and other pests of the Brassica family they have to control them by means of arsenate of lead spray. In carrying out that advice, the growers have felt that they were not likely to do any harm to the health of the community. During the time I was at the Department of Agriculture, discussions took place between the officers of that department and the officers of the Health Department, and the danger of these regulations was pointed out. The decision arrived at as a result of those discussions was that the matter should be allowed to drop. So I was very much surprised when I saw these regulations placed upon the Table of the House, as a result of which, had they not been challenged, they would have become law.

The Minister for Health: How could it be prevented, when your own Government put them through Executive Council?

Mr. FERGUSON: I accept no responsibility for that, because I believe these regulations were framed by the Health Department, and were put through by the Minister without realisation of the damage they were likely to do.

Mr. Lambert: Who was responsible for their framing?

Mr. FERGUSON: I do not care. They were put through by the Government of which I was a member, and I am opposing them because I think they are very injurious to the growers of vegetables. It is immaterial which Government were responsible for them. If the hon. member were on this side of the House and they were put through by the Government, he would be opposing them. Here is the point I want to make: arsenate of lead is the only cheap economical spray for controlling these pests. It costs 1s. a lb., and 1 lb. makes 25 gallons of spray. The next cheapest solution which would be reasonably effective is a proprietary line costing 11s. per gallon, and that also makes 25 gallons of spray, at a cost to the producers of 11 times as much as the cost of the arsenate of lead spray. That is going to make the growing of vegetables of the Brassica family practically impossible in Western Australia. The Minister referred to the case of the boy—it was not a girl—in Victoria who was poisoned as the result of eating an apple. I want to stress this, because in the prevention of diseases met with in the growing of apples—which is of vital importance to Western Australia—the use of arsenate of lead is essential. I thought it was rather remarkable that a child should have been poisoned by eating an apple, so I sent a wire to the Minister for Agriculture in Victoria, asking for the details of the case, which is the only case on record of any individual dying as the result of eating fruit sprayed with arsenate of lead. Here is the letter I received from the Minister for Agriculture of Victoria—

Adverting to your telegram of the 28th August and my reply of the 29th idem reading:—“Kindly wire me coroner’s verdict death of child reported caused through eating apples sprayed arsenate lead your State,” I now desire to advise you that, from inquiries made, it appears that the child, aged three years, was given a whole apple to eat, and actually ate practically all the skin portion by nibbling around the outside of the apple. Various organs from the child were analysed and found to contain traces of arsenic varying from 1/400 to 1/100 grain of arsenic trioxide (As_2O_3). Two complete apples from the same lot as that given to the child had white patches on the skin and were found to contain 1/60 and 1/80 of a grain of arsenic respectively. The arsenic content of these apples in grains per lb. would therefore be much in excess of the maximum of 1/100

grain per lb. allowed by existing regulations, as approximately three of these apples would represent 1 lb. I understand that there was some diversity of opinion as to whether the amount of arsenic on one of these apples was sufficient to kill this child, even allowing for the fact that it was not in a normal state of health.

From that I take it that a weak, sickly child, three years of age, nibbled the peel off an apple and then died. There is nothing conclusive about that case, and in my opinion the Minister has no right to continue to quote it as a case of someone having been poisoned through eating apples which had been sprayed with arsenate of lead. I should say that if a weak, sickly child, three years of age, ate the peel off an apple, that alone would be sufficient to kill it, quite apart from the presence of any arsenate of lead. I do not think that any apple could contain sufficient arsenate of lead to kill a child. The spray is applied in a thin solution and not much of it would adhere to the smooth skin of an apple. In this case one-sixtieth and one-eightieth of a grain were found on apples from the same lot as the one eaten by the child, but we know that one-sixty-fourth of a grain is the ordinary medicinal dose for a human being. I do not believe that that child was killed by the arsenate of lead on the apple.

The Minister for Health: By whom are we to be guided—Dr. Atkinson and the evidence at the inquiry, or by you and your statement?

Mr. FERGUSON: I admit that the verdict at the inquiry was that the child had died from arsenate of lead poisoning, but the Minister must consider the fact that the child was not in a normal state of health and that a very small quantity of arsenic might have been sufficient to kill it. There was only one-sixtieth to one-eightieth of a grain on the apples similar to the one eaten by the child. The quantity provided for in the British Pharmacopoeia and in all the trade regulations of the Old Country is one-hundredth of a grain, and that has been fixed, not because there is any danger in one-hundredth of a grain, but because some quantity had to be specified, and naturally those controlling the fruit trade in the Old Country would not run any risk by permitting fruit to contain a large quantity of arsenate of lead. The question of spraying apples is of vast importance to Western Australia. We in this State are fortunate

in that we have no codlin moth, but there is quite a lot of it in the Eastern States. There it is the most dreaded scourge the apple growers have, and they spray their apples with arsenate of lead six or eight times every year. In spite of that, this is the only case of any human being having suffered any harm, and it was a weak, sickly child three years of age. The officers of our Department of Agriculture some time ago made investigations to ascertain whether there was sufficient arsenate of lead on apples to cause any injury to the consumer. They sprayed a number of apples with a solution double the strength of that used all over the world, and found it would be necessary for a person to eat no fewer than 75 lbs. of apples at one sitting to get enough arsenate of lead to kill him. The Minister said that some of the vegetable growers could not speak English and might be careless to the point of using too strong a solution for spraying. There is no ground for that contention. Many of the vegetable growers in the metropolitan area who came from European countries were growing vegetables and knew very well how to mix arsenate of lead for spraying long before they settled here. In fact, foreigners engaged in vegetable growing are most economical in their use of arsenate of lead. If they used a little more, they might suffer less from the ravages of the cabbage moth. There is another aspect of the matter that I wish to bring before members and that is the tremendous difficulty the by-law will impose on tomato growers. Tomato growing is developing considerably in Western Australia, and during the early portion of the season we have almost captured the Melbourne trade. In the districts represented by the Minister for Agriculture, the Minister for Railways and the members for Toodyay, Swan and Canning, a large quantity of tomatoes is grown every year. The land on which they are grown is a natural harbour for certain plant pests, and unless growers can use some economical spray over the whole period, they will not be able to market a clean palatable fruit. Tomatoes commence to ripen in June and July in some of the earlier districts and fruit from then on for six months, and growers have to spray the tomatoes periodically during the ripening period. Some of the fruit receives the arsenate of lead when in the green state and some when in the ripe state, just before picking, and it would be an

impossibility for any grower to place his tomatoes on the market without a small percentage of arsenate of lead adhering to them. The by-law states that the tomatoes must not be sprayed within four weeks of marketing. I defy the Minister for Health or the ablest scientist in the land to say whether arsenate of lead has been sprayed on vegetables one, two, three or four weeks previous to inspection.

Mr. Lambert: Except with an army of inspectors.

Mr. FERGUSON: All the inspectors in the world could not decide at what time the spray had been applied to the tomatoes. Unless growers are allowed to market their tomatoes with a small percentage of arsenate of lead adhering—a percentage not likely to do any harm—we shall impose a great hardship on them. I should like to read a letter written by the secretary of the Geraldton Tomato Growers' Association, a copy of which, I understand, has been sent to the Minister for Agriculture, the Minister for Railways and the Minister for Health. He states—

I to-day wired you as follows:—"Understand amendment to Health Act reference spraying material adhering to fruit before Parliament now. Members of Tomato Growers' Association this district state requirements Health Department regarding tomatoes in view of circumstances are unreasonable and unnecessary and will entail heavy expense to industry. Ask your co-operation in combating this measure. Writing details." At a representative meeting of our association members held at Bluff Point yesterday evening the above matter was discussed at length. I was eventually instructed to wire you, which I have already done. I may not be as clear on this matter as I should be, but I have information to the effect that legislation is now on the Table of the House affecting the tomato industry. I understand that there will be a debate on the amendment to the Health Act whereby every trace of spraying material will have to be removed from each single tomato. Now, growers have of necessity to use arsenical and other sprays to check insect pests and diseases in their fruit, as advised by departmental fruit inspectors. Before marketing, the growers of course remove most of the dust which is then adhering to the tomatoes, but it is nearly impossible to remove every trace of a spray material without great labour and expense. Certainly, certain vegetables such as cabbages, etc., may carry quantities of spray material which may possibly prove deleterious to consumers, but a tomato will not readily hold the spray in quantities sufficient to be dangerous to the public. Furthermore, the poisons which are used by the growers in

their industry are broken down in a proportion of 4 to 50. The whole position is one which should be inquired into very carefully as it is debatable whether the Health Department requirements in this direction will serve any good purpose. Tomato growers have, I understand, used sprays for upwards of twenty years in the past, and there has been no cause for complaint in regard to the sale of tomatoes. I trust that you will watch this very carefully on the growers' behalf. I have also written in the above strain to the Minister for Health and J. C. Willcock, Esq.

Mr. Marshall: No more of their tomatoes.

Mr. FERGUSON: Members will now appreciate how the by-law would affect cabbage growers, apple growers and tomato growers. The importation of apples into Western Australia is prohibited, but as a result of people bringing an apple or two in their pockets occasionally, codlin moth has been introduced. There have been 11 outbreaks of codlin moth in our apple-growing districts, and in every instance the outbreak has been checked and stamped out wholly and solely by the use of arsenate of lead. If we obtained the opinion of the Superintendent of Horticulture, I am sure he would say that if we had an outbreak of codlin moth to-morrow and he was prohibited from using arsenate of lead, it would be doubtful whether the outbreak could be checked. Then our apple orchards, which are so valuable to us, would in all probability be devastated. In addition we have had outbreaks of black spot and scab in apples. Those outbreaks have been eliminated by the use of Bordeaux mixture, which consists of blue-stone and quick-lime. If growers are not allowed to use blue-stone and quick-lime and we have an outbreak of black spot or scab, I venture to say it will be almost impossible to stamp out the disease. Under the by-law no one would be allowed to use any deleterious matter—those are the words used—and I venture to say that blue-stone or quick-lime would be regarded as deleterious matter, and the grower marketing apples with any trace of either of those materials adhering would be breaking the law. The same thing applies to what is known as black spot in pears; that disease has been kept in check by the use of Bordeaux mixture. The same applies to brown rot in citrus orchards. If the growers in districts where oranges and lemons are produced in large quantities are not allowed to use those commodities, which

are used the world over to combat pests, I do not know what their position will be. It is not fair to the growers to place this additional burden on them, and the only result of it, in my opinion, will be increased prices for all the commodities mentioned. I believe the Minister will find that in the long run, instead of having done good to the consumers of fruit and vegetables he will have done considerable harm by making it impossible for the poorer sections of the community to purchase those commodities. We always have to take some risk. We cannot legislate for every class of risk. I read in the paper that the Commissioner of Police said there had been something like 69 people killed in Western Australia as a result of motor accidents during the last 12 months. No one has suggested prohibiting the use of motor cars because so many people have been killed. Why should we prohibit the use of arsenate of lead when there is no risk whatever in using it? It would be absurd to say that because someone was killed by a motor, we would have to walk wherever we wanted to go. Occasionally a boy is shot through a rifle being carelessly handled, or a kangaroo shooter is accidentally wounded by a gun, but no one suggests we should prohibit the use of firearms because of those occurrences. Occasionally on the goldfields a man is hurt in a blasting accident, or that sort of thing happens in the agricultural areas, but no one suggests we should prohibit the use of fractureur because of those things. There is no justification for prohibiting the use of a commodity that has been used carefully by our growers for a great many years without any harm whatever occurring to anyone.

The Minister for Health: The regulations do not prohibit the use of them. The growers can use a ton of these things if they like to wash them off before the commodities are offered for sale.

Mr. FERGUSON: I doubt if the Minister has read the regulation.

The Minister for Health: I have.

Mr. FERGUSON: It says that no person shall apply arsenate of lead, either as a spray or a powder.

The Minister for Health: Go on.

Mr. FERGUSON: Or in any other form whatsoever to cabbages, cauliflowers or any other plant belonging to the Brassica family within four weeks of cutting for sale.

The Minister for Health: That does not prohibit people from using it.

Mr. FERGUSON: It is not practicable. No one can tell whether cabbages have been sprayed within four weeks or four days. It is utterly absurd to put such a regulation into force in one district and not in another. It has been in force in the Osborne Park district, and not in the Wanneroo district. I venture to say that cabbages grown in Osborne Park will be sent from Wanneroo, and neither the Minister nor his inspectors will know whence they have come. In the growing of our wheat crops we have smut and bunt, diseases which badly affect the yield every year. To prevent these diseases, we use copper carbonate. That is deleterious to human beings if carelessly used. The man who used copper carbonate with his seed wheat prior to placing it in the seed bed would be taking considerable risk unless he was careful. He is calculated to suffer more damage than the consumers of cabbages would suffer by the use of arsenate of lead, and yet we do not prohibit the use of copper carbonate, because we know it is essential to our wheat crops. There is nothing reasonable, sensible or fair about the regulation, and I hope the House will disallow it. The Minister, with a flourish of trumpets, said that the regulation had been in force in Queensland for two years, and no injury had been done to anyone. Why did not the Minister tell the House the position in the other States? He took the case that suited himself, and said nothing about the other States. I have ascertained what the regulations are in every State. In New South Wales there is nothing to prohibit the use of arsenate of lead, but the sale of fruit and vegetables is prohibited if they are found to contain more than one-tenth of a grain, not one-hundredth of a grain.

The Minister for Health: I did not say that. I was not reported as saying it, and I did not say it.

Mr. FERGUSON: On more than one occasion the Minister has said that the maximum allowed was one-hundredth part of a grain.

The Minister for Health: It is in the Food and Drugs Regulations, and that applies in New South Wales as well as here. There is uniformity throughout the Commonwealth.

Mr. FERGUSON: I have here a telegram signed by the Minister for Agriculture of New South Wales.

The Minister for Health: I do not care who signed it. Get a copy of the Food and Drugs Regulations.

Mr. FERGUSON: No, the Minister does not care.

Mr. Marshall: None of us cares.

The Minister for Health: I can produce the regulations from every State. All of them refer to one-hundredth part of a grain.

Mr. FERGUSON: The telegram from the Minister for Agriculture of New South Wales is as follows:—

No regulations this State prohibiting use arsenical sprays but board health prohibits sale fruit and vegetables containing over one-tenth grain arsenic per pound produce.

The Minister for Agriculture in Queensland telegraphed as follows:—

Your wire Queensland health regulations do not prohibit use arsenical sprays except in case of cabbages and cauliflowers after they show signs of hearting. Regulations prohibit sale of fruit and vegetables with deleterious substances adhering to them.

The Minister for Health: That is the same as this regulation.

Mr. FERGUSON: Here is a telegram from the Minister for Agriculture in Victoria—

Victorian health regulations do not prohibit growers spraying with arsenic but sale of any foodstuffs including fruit and vegetables showing any trace of arsenic not allowed.

These regulations say that the use of this chemical is not prohibited. It is no use the Minister trying to bluff me like that, because I am not going to be bluffed.

The Minister for Health: You are not sticking to the truth.

Mr. FERGUSON: I have read telegrams sent to me by Ministers for Agriculture in the various States. The Minister can accuse them of telling lies if he likes, but should not accuse me.

The Minister for Health: I have had communications from them too

Mr. FERGUSON: These were sent in reply to my inquiries. Victoria was the State where it was said a child was poisoned through eating apples that had been sprayed with arsenate of lead. The Minister for Agriculture in that State says—

Victorian health regulations do not prohibit growers spraying with arsenic but sale

of any foodstuffs including fruit and vegetables showing any trace of arsenic not allowed.

The Minister for Agriculture in Tasmania has telegraphed—

Health regulations do not prohibit spraying fruit and vegetables arsenical sprays.

The Minister for Agriculture in South Australia says—

No regulations to prevent spraying fruit and vegetables but an offence to contain more than one hundredth grain arsenic per pound.

Mr. Marshall: Have you a telegram from the Minister for Agriculture of this State?

Mr. FERGUSON: If he would tell me what he thought about it, he would say he had no time for the regulation, and that it ought to be passed out. A few years ago there occurred a scare similar to the one from which the Minister is now suffering. This arose through some people who were handling in London, apples that had been imported from America. An investigation was made, and it was ascertained that there was no risk whatever from the chemicals used in the treatment of apples. I happened to drop across an article in the "Journal of Agriculture of Western Australia," written by G. L. Sutton, Director of Agriculture, and dated June, 1926. This is what he wrote—

In view of the millions of bushels of sprayed apples which have been eaten without injurious effect, it would indeed be surprising at the present time for anyone, much less a well-informed medical officer, to raise anything like a scare in connection with the possible dangers accruing from the residual remains of arsenical or other sprays. Many years ago in the early days of spraying history, scares regarding the danger from eating American apples sprayed for codlin moth or canker worm were raised. These reports have led to many chemical examinations of sprayed fruit, and only in rare cases has even a trace of arsenic been found. It is only when very late applications are made, such as are utterly useless, that any of the poison is found upon the fruit, and then the quantities are so minute that they could in no way cause injury to the consumer. But even though all the poison sprayed upon the apples in making necessary treatments should remain there undisturbed, a person would be obliged to eat at one meal eight or ten barrels of the fruit in order to consume enough arsenic to cause any injury.

The Minister for Health: That is a reasonable statement for Mr. Sutton to make.

Mr. FERGUSON: It is not possible for the sprayed arsenic to adhere to the smooth skin of fruit such as apples. The risk that is run is absolutely negligible. There is no reason why our growers should be called upon to put up with the hardship that will be imposed upon them. As a result of the three years I spent in the Department of Agriculture I obtained a pretty fair idea of the views held by the scientific officers of the department. I intended to give the House what I thought were some of their views. Through the courtesy of the Minister for Agriculture, however, I was enabled to study the file, and instead of using my own language to convey the views of the officers I knew, I have been allowed to take some extracts from the file, and would like to give them to the House. The first one is signed by J. L. Newman, entomologist of the department. After dealing with the spraying of vegetables, he goes on to say—

When, however, it comes to protecting a crop like tomatoes against climbing and other cut-worms, caterpillars, etc., it is essential to protect the fruit up to the time of turning colour. As this crop ripens irregularly, it means that there are always green and colouring fruits present at the same time; hence it is impossible to determine the latest period for dusting or spraying, the growers being guided by the need or otherwise of treatment.

The dusts or sprays generally used are composed of arsenate of lead and bluestone. Even if such substances as nicotine sulphate or tobacco dust and lime were used, these would all come under the heading "deleterious," to which the regulation would apply. Then we have the very important question of fruit fly control. The chief method employed, and which is enforced by regulation under the Plant Diseases Act, is the application of a fruit juice, molasses, and arsenate of lead foliage bait.

Here we have the Department of Agriculture, in their endeavour to eradicate fruit fly, insisting, under the Plant Diseases Act, that certain measures of control should be adopted, and if they are adopted, they will come under the regulation, and no one can use them. If these things are used, it will be impossible to prevent some of them from adhering to the fruit, and they will be classed as deleterious. It will be impossible to carry out both the Plant Diseases Act and this by-law.

The Minister for Health: I have read that. I have had a conference with that officer since, and he admits the statement is wrong.

Mr. FERGUSON: I do not believe Mr. Newman would put anything on paper and afterwards declare it was wrong. He goes on to say—

The present regulation, if enforced, will supersede the one under the Plant Diseases Act, thus leaving the department without its chief method of controlling this most serious fruit pest.

That is very important, leaving the department without the use of its standard remedy to control the most serious fruit pest in Western Australia, the fruit fly. He continues—

We also have to face the annual danger of an outbreak of codlin moth. All previous outbreaks have been successfully stamped out by the use of arsenate of lead as the poisoning medium. This is the standard spray throughout the world against this pip fruit pest.

And yet we want to stop this in Western Australia.

The Minister for Health: We are not going to stop it.

Mr. FERGUSON: Mr. Newman continues—

The application of the present by-law would make it impossible to dispose of our apples on the local market owing to the fact that they would have been sprayed several times with arsenate of lead, the sellers being held liable to prosecution. In Eastern Australia they apply six to eight sprayings with arsenate of lead to their pip fruit crops annually.

There are other serious pests which are largely controlled by the use of poison sprays or dusts. If the use of same is prohibited, it will mean that growers will be left largely without means of protecting their crops, resulting in enormous economic loss and hence great increase in cost to the consumer. From the point of view of danger to the consumer of produce sprayed with arsenate of lead, a local test was made in 1926. Apples were sprayed at a strength of 6 lbs. and up to 12 lbs. of arsenate of lead per 100 gallons, this being considerably more than was the standard recommended. The Government Analyst (Dr. Simpson) tested the fruits for arsenic and proved that the largest quantity found per lb. of fruit was considerably less than the amount permitted by the Imperial authorities, namely, 1/100th part of a grain of arsenic.

That indicates that a solution, of infinitely greater strength than any practical grower would use, was availed of in the test, and the result of the examination disclosed less than 1/100th part of a grain of arsenic. It takes two grains to do an injury to a man. The report proceeds—

Dr. Cobb, Department of Agriculture, New South Wales, states that to obtain sufficient

arsenic to kill a human being from fruit sprayed at the strength advised for killing cod-lin moth larvae, it would be necessary for the consumer to eat more than a bushel of apples at a sitting.

In another instance, cited in the "Journal of Economic Entomology" there appeared comments on the results of five applications (4 lbs. to 150 gallons) of sprayed material on apples, in which it was stated—

It was found that apples sprayed this season contained arsenic in amounts considerably below the limit adopted by the Royal Commission on Arsenical Poisoning in 1930. The amount of arsenic found in cider and jelly made from these same apples was even less than that found in the original apples.

That gives the point of view of the entomologist. Next I will quote the views of Mr. H. A. Pittman, the Plant Pathologist. He reported in connection with the new regulations under discussion—

I have sighted the minute put up by the Government Entomologist, dated the 1st June, 1933, and wish to state that I am in accord with his contention that if the regulations are enforced in their present form, they must inevitably result in an almost entire, or entire, cessation of the production of many vegetable garden and fruit products, or, alternatively, an enormous increase in cost to the consumer. For example, it is absolutely essential to spray or dust tomato plants during the growing period with copper-containing dusts or sprays to prevent such fungal diseases of the foliage and/or fruit as "Septoria leaf spot," "Target spot," "Irish blight," "Phoma fruit rot," and so on. Owing to the fact that the tomato crop does not all ripen at once, but is produced over a long period of time during which fruit at all stages of growth and maturation are present on the vines together, it is absolutely impossible to prevent a certain amount of the spray or dusting material adhering to some of the fruits which are almost ready to pick. It seems, therefore, that either the onus of removing this material must be placed on the purchaser, or the industry must virtually cease. The only other possibility is that tomatoes would be produced under such difficult conditions that the scarcity and price of the product would render it obtainable only by the very rich.

"Brown rot" of citrus fruits necessitates spraying with Bordeaux mixture containing four or five lbs. copper sulphate per 50 gallons of spray in the autumn and again in the early spring. As a matter of fact, I have just prepared a Press paragraph advising all who have not yet done so to lose no time spraying their trees with Bordeaux mixture. Failure to do this, frequently results in a loss of 50 or more per cent. of a crop together with up to 100 per cent. of the foliage. In such a case, the subsequent crops are greatly reduced for several years afterwards.

Members will see, therefore, that failure to spray means the possible loss of 50 per cent. of a crop and 100 per cent. of the foliage, and that if the growers do spray so as to save their crops and foliage, they will have to break the regulations we are now discussing. The report of the Plant Pathologist continues—

The practice of preventive spraying necessarily means that some at least of the fruits come to market with traces of Bordeaux mixture and would therefore fall foul of the new regulations, even though orange and lemon skins are not eaten, and even though the copper compounds present do not appear to be very poisonous if consumed in small amounts. Grapes are sprayed with Bordeaux mixture against anthracnose, and dusted with sulphur against odium, and often come to market bearing traces of these materials, especially the latter. Celery is sprayed with Bordeaux mixture against early and late "blight," peas against "black spot," cabbage against "black leg," pears against "scab," apricots against "shot hole" and "green rot," and so on. Examples could be multiplied almost indefinitely. It is obvious, therefore, that the departmental attitude conflicts with the recently gazetted regulations of the Health Department.

There is ample scientific evidence to show that grapes, celery, etc., even when very obviously contaminated with Bordeaux mixture, would need to be eaten in enormous quantities before a fatal dose could be ingested.

Mr. Pittman cites, for example, the book "Fungi and Disease in Plants," written by Dr. E. J. Butler, Director of the Imperial Bureau of Mycology. Dr. Butler is one of the best known scientists in England and he has this to say about it—

Since many of the fungicides used are poisonous, it is natural that uneasiness has sometimes been felt in regard to their use on parts of plants intended for consumption. Numerous tests have shown that these fears are groundless. Thus, some years ago, there was a scare in New York owing to the large amount of grapes covered with Bordeaux mixture that were exposed for sale. Examinations of the worst samples obtainable, however, showed that it would be necessary to eat 3,000 lbs. (including the skins) to obtain a dose of copper that might be regarded as dangerous. So also, it was found in another experiment that sprayed celery, stripped and prepared for market in the usual way, could be consumed to the number of 66,400 heads before copper poisoning need be feared. With tea sprayed with Bordeaux mixture against blister blight in Darjeeling, it was found that copper could be detected in the manufactured leaf, but that one would have to consume some 140,000 cups, as ordinarily made, before the amount of copper, recognised as a dangerous daily dose, would be reached. From these experiments, it is

clear that the copper sprays are not likely to contaminate parts used for consumption to any appreciable extent. The other sprays are even less likely to be harmful.

The Minister for Health: That does not refer to arsenate of lead.

Mr. FERGUSON: It refers to a deleterious substance that must not be used if these regulations are agreed to.

The Minister for Health: Nonsense!

Mr. FERGUSON: It is not nonsense at all. The extract shows that, in the opinion of Dr. Butler, the position is as I have indicated. I should like to read one other extract which has an important bearing on this matter—

Black spot in pears is one of the most troublesome fruit diseases. An interesting development here is that Miss Joan Hearman, B.Sc., a graduate of the University, co-operating with Mr. Pittman, recently carried out control experiments on a large scale at Mt. Barker, which have been eminently successful. These were conducted at Sounness Bros.' orchard, which includes 20 acres of pears, from which they had been obtaining comparatively little revenue since the war, when the trees were more or less neglected. The owners took the view that they might almost as well uproot the trees. However, the experiments were made and took the form of early ploughing-under of the infected over-wintering leaves and four sprayings with Bordeaux mixture at the "bud-bursting," "pre-pink" to "pink," "petal-fall" and "ten days later" stages. Here is how this victory worked out. The total cost of material for the treatment was 3½d. a tree—say, the price of a lb. of pears—for a return of 85 per cent. of perfect fruit, representing an enormous increase in earning capacity of up to about £1 per tree.

There, is an instance of an orchard that was practically neglected and ruined because of the fruit diseases, and, which, as the result of the use of sprays it is now proposed to prohibit, was brought back to full bearing; and, in consequence of the work of Miss Joan Hearman, a graduate of the University of Western Australia, it now returns a crop of 85 per cent. perfect fruit. Should any member go to the Perth City Council offices and ask to be shown a copy of a letter written by the Town Clerk, Mr. Bold, to the Under Secretary for Agriculture, he will have no difficulty in perusing the document. These regulations now under discussion were brought before the City Council. There are no vegetable growers to speak of within the confines of the City of Perth, but when the regulations were placed before the City Council, members of

that body smelt a rat, because they realised that a handicap would be placed upon the suppliers of fruit and vegetables to the residents of Perth. The upshot was that the Town Clerk wrote the following letter to the Under Secretary for Agriculture—

A letter has been received by this council from the Medical Department enclosing copy of an amendment recently made to the model by-laws in connection with the prohibition of the sale of cabbages, etc., which have been sprayed with arsenic of lead or other deleterious substances, and suggesting that the by-law should be adopted by the council. The matter is at present under consideration by the Health Committee, who would be glad to have your opinion in connection with the proposal, before arriving at any definite decision in the matter. Copy of the by-law referred to is enclosed herewith, and I shall be glad to have your comments at your convenience.

The Minister for Health: What is the date of that letter?

Mr. FERGUSON: The 24th May, 1933. This is the reply that Mr. Sutton, the Director of Agriculture, addressed to the Town Clerk—

With reference to your letter dated the 24th May, covering a copy of an amendment recently made to the model by-laws in connection with the sale of cabbages, etc., I wish to inform you that since receipt of your letter, a deputation from the Fruit and Produce Auctioneers' Association waited on me and later on the Minister for Health, as they considered that the by-laws were impossible from their point of view. This department's viewpoint is that under the by-laws mentioned, fruit-growers and market gardeners will find it impossible to market their produce at a price that will enable the average citizen to purchase it. I understand, however, that, as the result of the deputation which waited on the Minister for Health, there is a possibility of the by-laws being amended.

Thus it will be seen that, in the opinion of the departmental officers, whose views I have quoted, there is unanimity on the point that if the regulations are applied in their entirety, the vegetable and fruit-growers of Western Australia will be tremendously handicapped, and it will be practically impossible for them to market their products at a price that will enable ordinary individuals to purchase them. Vegetables and fruit comprise a large proportion of our diet and we should encourage their consumption to an even greater extent than obtains to-day. The regulations will have a tendency to restrict the quantity that people, in their straitened circumstances of to-day, will be able to afford to purchase. We should not encour-

age that tendency, but rather should we do the reverse. We should make vegetables and fruit available to the consuming public in even greater and cheaper quantities than are available to-day. We should bring them more within their reach so that they will eat more than they do to-day. I say, definitely and emphatically, that the imposition of these regulations will inflict tremendous hardship on a section of the primary producers, and we should not permit them to pass unchallenged. Notwithstanding the interest and enthusiasm of the Minister for Health, and his belief that the regulations are in the interests of the consuming public, I urge him, even at this late stage, to re-model the regulations in such a way as to make them less harsh and more applicable to the conditions that obtain to-day. I urge him to do that so that the growers can produce their crops profitably and without suffering from the tremendous handicap that the present regulations will represent.

MR. THORN (Toodyay—in reply) [5.45]: There is very little to say in reply because there has been really no opposition advanced. As I said previously, the regulation is not practical. It will irritate and, as the member for Irwin-Moore said, it will not be possible to put it into effect. I will defy anyone to say whether a cabbage has been sprayed a week or a month before marketing. The Minister tried to make it clear that any difficulty could be overcome by washing the vegetables. The point I would like to emphasise, however, is that the regulations set out that vegetables may not be sprayed within four weeks of the marketing of the vegetables. That is where the hardship comes in. This State to-day, like the other States, is overrun with insect pests, and they do most of their destructive work within the last month of growth. It is absolutely necessary, therefore, that spraying should be carried out at the stage just before marketing. I also said before that in the boiling of any of these vegetables the deleterious effect of the spraying is gradually reduced. That stands to reason. Even the cabbage sprayed with .56 grain of arsenate of lead, immediately it is placed in the water, the strength of the arsenate of lead is reduced. It disappears with the steam. It is a soluble poison and a great proportion evaporates in the boiling process. I should like to quote what Councillor Stevens, of Fremantle, had to say when

this question was discussed recently. He declared that no one had been killed by eating vegetables, and he was inclined to believe that the question of arsenic in vegetables was a hogey.

Mr. Sleeman: He is not a vegetarian.

Mr. THORN: I believe he is, and therefore ought to know. I assure the House that it is really a hogey, and I appeal to members to look at it in a practical manner and form their own opinions on it. I trust members will support the motion for disallowing the regulation.

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

Ayes	..	..	..	..	17
Noes	..	..	..	..	19

Majority against 2

AYES.

Mr. Brockman	Mr. North
Mr. Ferguson	Mr. Patrick
Mr. Griffiths	Mr. Piessse
Mr. Hawke	Mr. J. H. Smith
Mr. Keenan	Mr. J. M. Smith
Mr. Lambert	Mr. Thorn
Mr. McDonald	Mr. Welsh
Mr. McLarty	Mr. Doney
Mr. Marshall	

(Teller.)

NOES.

Mr. Clothier	Mr. Munsie
Mr. Collier	Mr. Rodoreda
Mr. Coverley	Mr. Sleeman
Mr. Cunningham	Mr. F. C. L. Smith
Mr. Hegney	Mr. Tonkin
Miss Holman	Mr. Wansbrough
Mr. Kenneally	Mr. Willcock
Mr. McCallum	Mr. Wise
Mr. Millington	Mr. Wilson
Mr. Moloney	

(Teller.)

PAIRS.

Mr. Latham	Mr. Troy
Mr. Seward	Mr. Needham

Question thus negatived.

BILLS (3) RETURNED.

- 1, Industries Assistance Act Continuance.
 - 2, Mortgagees' Rights Restriction Act Continuance.
 - 3, Reduction of Rents Act Continuance.
- Without amendment.

MOTION—LEGAL COSTS.

To Inquire by Select Committee.

Debate resumed from the 6th September on the following motion by Mr. Raphael:—

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

MR. SLEEMAN (Fremantle) [5.55]: I congratulate the member for West Perth on the manner in which he endeavoured to defend the legal practitioners. Unfortunately for him, however, he was most unconvincing. I do not blame him for that, because I contend he had no case, and even with the assistance of the whole of the Law Society behind him, acting as he did as their mouth-piece, he failed to make out a case against the arguments advanced by the member for Victoria Park (Mr. Raphael). We are aware that the Law Society held several meetings to discuss the motion. It seemed to have caused the legal fraternity some concern, since apparently they asked the member for West Perth to present their views in this House. I should like to read an extract from the monthly journal of the Law Society of Western Australia, dealing with the hon. member's attitude towards the motion. It says—

Through the prompt action of Mr. Ross McDonald the Council was apprised in good time of Mr. Raphael's recent motion for the appointment of a special committee to inquire into solicitor's costs, and the Legal Practitioners Act generally. The Council has had several meetings to consider what attitude it should take up in the matter. The matter is still under discussion but members may be assured that the Council will use its best endeavours to do all it can to protect the interests of the profession.

It is fortunate that there are members in this House whose desire it is to protect the interests of the public. We learn now that the Law Society desires to protect the interests of the profession, and they must have taken steps to do everything possible to make out a strong case against the holding of an inquiry. I contend that the case made out by the member for Victoria Park, together with the facts that I placed before members last year, justify an inquiry into legal costs and legal practitioners generally. Some people will say—and the member for West Perth has repeated it—that there has been no agitation for this inquiry, that everyone is satisfied, and therefore there is no reason to stir it up. With the aid of the bundle that I have on my desk before me, I hope to be able to prove that there is every need for an inquiry. Hardly had the ink dried on the result of the elections than I began to receive communications from different parts of the State, congratulating me on my return to Parliament and asking whether it was my intention to continue my efforts to secure the appointment of a select

committee to inquire into legal costs, etc. Amongst these letters was one that reached me only yesterday, and it is this that I desire to read—

I feel impelled to write congratulating you on your endeavour to bring about a measure of law reform by means of legislation. I am not a legal luminary in any sense of the word, but I am sufficiently conversant with some lawyers' tactics to know that an innocent citizen may be pounced upon, charged with some offence, and so entangled in the meshes of the law, that he becomes legally guilty, though morally perfectly innocent. In New South Wales it is proposed to introduce legislation for the protection of the public, and you may have seen a report which appeared in the Press recently where a Mr. Radford of South Australia gave the legal fraternity a malodorous reputation. I would not, however, contend for one moment that all lawyers are tarred with the one brush. Nevertheless, I am inclined to the opinion that if we waited for the legal members of our Legislature to introduce reforms in regard to some practices now in vogue, we would in all probability have to live longer than Methuselah. I infer from the reports as published in the Press that Mr. Raphael, of Victoria Park, is ably supporting you, and I trust that your combined efforts may be crowned with success, and that the present Government may be credited with the praiseworthy achievement. I consider it only right and just to our Parliamentary representatives to recognise their doings and encourage them in their efforts to effect reforms that are conducive to the betterment and welfare of the people.

That was a letter I received, and I thought I would include its contents in my remarks this evening. Let us call it exhibit "A." Like the writer of that letter, I refrain from saying that lawyers are dishonest, or are not decent and respectable citizens in the main. They are like every other section of the community—they include both good and bad. While there are some bad individuals amongst them, we must legislate to protect the public against those bad individuals. The Law Society and the Barristers' Board are doing very little to protect the public. In the interests of the people generally, there should be an inquiry. Now I come to what I will call exhibit "B." It is a cutting from the London "Mirror" of the 8th July, 1933, and was sent to me from the country. It is a skit representing a little boy and his mother standing by a grave, the tombstone of which is inscribed, "Here lies a lawyer and an honest man." The little boy says, "Mummy why did they bury two men in the one grave?" Hon. members will recollect some admissions made during last session by the then Attorney General, the late Mr.

Davy. In speaking on the motion I had moved, Mr. Davy said that in many cases if a senior counsel dropped dead, the junior would have to ask for an adjournment because he knew nothing about the case. Mr. Davy also said that such juniors should be ashamed of themselves. Notwithstanding that declaration having been made by the officer in charge of the Crown Law Department about 12 months ago, the practice still continues. In my opinion as in the opinion of the then Attorney General, some junior counsel still go into court as dummies to all intents and purposes, though they are not dummies when the bills of costs come along. Mr. Davy also said that to demand a fee when asking for payment of a debt was not a proper thing. If so, why have not the Law Society and the Barristers' Board taken action to see that the legal practitioners of this country do the right thing and refrain from extracting money from numerous persons improperly? Last session I gave many instances of this practice, and the mover of the present motion has also adduced cases in point. A lawyer sends along a letter demanding payment of a debt, and concluding, "If this amount is not paid, together with my costs of 6s. 8d.," or "8s. 4d.," as the case may be, "legal proceedings will be taken without further notice." We are familiar with the argument that the demand for costs is made in order to safeguard the lawyer's client. I contend that the reason is nothing of the sort. In most instances the demand for costs comes about through a creditor going to a solicitor and saying, "I want to take action against Jones, but I am afraid he is not worth powder and shot. It is no use going to the trouble of summoning him and piling up costs against both myself and him when he cannot afford to pay them and I am not prepared to do so. Let us take a pot shot at him, and if he happens to be in a position to pay he will come to light." If the debtor is an unsophisticated member of the community—and probably the great majority of the public know very little about what is right and what is wrong on the part of the legal profession and are unable to keep themselves from falling into a frenzy at the sight of a lawyer's letter—he pays the 6s. 8d. or the 8s. 4d.; and frequently the solicitor gets that amount from the creditor as well. Thus he gets costs both ways. If that is a wrong thing to do, as the late Attorney General said, according to last

session's "Hansard," it is time the practice was abolished, and some action to that end taken. I have here a sample of a lawyer's letter which I do not suppose is frequently received. It shows the way in which some solicitors do their work. This particular letter was received by a resident of the electorate of the member for South Fremantle (Hon. A. McCallum), and it states—

We are instructed by Messrs. So-and-so, of such-and-such a street, Fremantle, to apply to you for payment of the sum of £ : : owing by you to , and we have to inform you that unless the above amount, together with 10s. 6d. costs of this application, be paid to us on or before Wednesday, the 29th day of October, 1931, at 10 o'clock in the forenoon, our instructions are to take legal proceedings against you without further notice or delay.

It is a remarkable fact that the letter does not tell the debtor how much he owes, or to whom the amount is owing. The solicitor, however, does not forget to mention that unless the amount is paid, together with 10s. 6d. costs, by a certain time, legal proceedings will be taken. That is another sample of how some solicitors do their work. As regards taking junior counsel into court in comparatively trivial cases, the member for West Perth (Mr. McDonald) went a little bit of the way with us. He approves of something being done. Nothing has been done as yet, and I fear that unless action is taken through this House nothing will be done. Lawyers go into court taking junior counsel with them in relatively trivial cases. Before I finish I shall indicate one or two cases in which junior counsel have been taken into court merely to pile up costs against the person concerned. In the first place, if in this country barristers and solicitors were not amalgamated, there would not be so much of this junior counsel business done. The jobs of barrister and solicitor seem two distinct jobs. One of our most eminent King's Counsel will not do solicitor's work or appear in the lower courts. In Western Australia barristers and solicitors are co-partners in the same business. That was so in a case that I mentioned here last session. A client whom I shall call Mr. Brown was represented in court by Mr. Smith, with whom was Mr. Smith Junior, instructed by Smith, Smith & Smith. Smith the father was the leading counsel, while Smith the son was junior counsel. Smith the solicitor got his fee, Smith, the father,

having pleaded the case, got 60 guineas. Smith the son, as junior counsel, was entitled to two-thirds of the amount paid to the senior counsel, that is to say 40 guineas. Then they have a clerk for whom a fee is also prescribed, although he may be on a very small salary, or perhaps in receipt of no salary whatever, having paid a fee to be articulated to the firm. If the legal profession were divided into barristers and solicitors here, as it is in some other countries, we would not see so much of junior counsel going into court; and that would be a relief to the public. The member for West Perth said he would agree that junior counsel should not be taken into court except with the permission of the judge. However, there are numerous cases in Western Australia of junior counsel being taken into court without the permission of the judge being obtained. Still, even that restriction might be a safeguard. Mr. Smith goes into court and says, "Your Honour, Mr. So-and-so appears with me as junior"; and dummy takes his seat. He sits there looking wise, and does nothing else until the case is concluded, when his fee is included in the bill of costs. The late Attorney General said that junior counsel often went into court knowing nothing about the case. In any other profession such conduct would be described as false pretences. In fact, I should say that a junior counsel who went into court simply for the purpose of drawing a fee was guilty of false pretences.

Mr. Marshall: He should be dealt with under Section 66 of the Police Act.

Mr. SJEEMAN: I do not think that section is severe enough to deal with a man who does that kind of thing. I think I remember the late Attorney General saying that such junior counsel should be ashamed of themselves. That remark came from the leader of the Western Australian Bar, and still nothing has been done to remedy the evil. I hope that the select committee will be appointed, and I feel sure that its labours will result in benefit to the public.

Mr. MARSHALL: Under Standing Order 159 I move—

That the member for Fremantle be further heard on Wednesday next, with pre-audience.

Motion put and passed.

On motion by Mr. Wilson, debate adjourned.

House adjourned at 6.15 p.m.

Legislative Council,

Thursday, 21st September, 1933.

	PAGE
Leave of absence	1009
Bill: Financial Emergency Tax, 2r.	1009

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

LEAVE OF ABSENCE.

On motion by Hon. C. H. Wittenoom, leave of absence for six consecutive sittings granted to the Hon. H. V. Piesse (South-East) on the ground of ill-health.

BILL—FINANCIAL EMERGENCY TAX.

Second Reading.

Debate resumed from the 19th September.

HON. C. H. WITTENOOM (South-East) [4.36]: The position regarding the two emergency tax Bills appears to be exactly the same as it was on Tuesday last. In perusing the Notice Paper I find that this Bill figures as item No. 2, whereas the message containing the Council's amendments to the Financial Emergency Tax Assessment Act Amendment Bill appears practically at the bottom of the Notice Paper in another place, to be precise, item No. 11. We are quite prepared to go on with our job, but apparently the members of another place are not prepared to go on with theirs. Evidently they wish to defer consideration of the Council's amendments to the assessment Bill until they get full information as to what is being done by the Council with regard to the tax Bill. The position is not at all satisfactory. Personally I think it would be useful if the Leader of the House could obtain a definite statement from the Premier as to the real position. I have not forgotten that some little time ago Ministers informed us of their wish to get the two Bills passed expeditiously. They went so far as to express the hope that the Bills would be passed in two or three sittings. Certainly that was the experience in another place. The Bills were introduced by the Premier in speeches extending over a very few minutes; supporters of the Government