

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 11 SEPTEMBER 1900

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PROPOSED ADJOURNMENT.

The POSTMASTER-GENERAL (Hon. J. G. Drake): Looking through the notice paper to-day I have come to the conclusion that there will be really very little business for the Council to go on with to-morrow. I understand that an important Bill is likely to reach us to-day in time to be read a first time, and that Bill the Council will no doubt desire to go on with at an early period, although probably they will not be ready to consider the second reading so early as to-morrow. The Dental Bill, the second reading of which is down for to-day, should not, I think, occupy very much time; but there seems to be a general opinion amongst hon. gentlemen that some interval should elapse between its second reading and its consideration in committee. Then there is the Building Bill, which I do not propose to go on with in committee this afternoon in consonance with the expressed wish of hon. gentlemen that plenty of time should be allowed for its consideration. But I presume it would be agreeable to the wish of the Council to take the second reading of the Bill I mentioned just now as coming from another place next Tuesday, and I propose, therefore, to move, just before the conclusion of this sitting, that the Council, at its rising, do adjourn until Tuesday next.

QUESTIONS.

RIGHT OF APPEAL UNDER THE COMMONWEALTH ACT.

HON. A. H. BARLOW asked the Postmaster-General—

1. Has the Government received any reliable information as to the amendments made by the Imperial Parliament in Part III. of the Commonwealth Act relating to appeals to Her Majesty in Council against decisions of the Federal Supreme Court?

2. Is the right of appeal under any circumstances absolutely denied; and, if so, under what circumstances?

The POSTMASTER-GENERAL replied—

1. An Act passed by the Imperial Parliament to constitute the Commonwealth of Australia received Her Majesty's assent on the 9th July ultimo, and will be published in the *Queensland Government Gazette*.

2. The restriction on the present right of appeal is contained in clause 74 of that Act.

SALARIES OF CERTAIN OFFICIALS UNDER FEDERATION.

HON. A. H. BARLOW asked the Postmaster-General—

Whether, in view of the near approach of federation and loss of control over a considerable part of the consolidated revenue, it is the intention of the Government to introduce legislation in this session of Parliament to bring the salaries of various officials and of their successors, "provided in schedule or" into nearer conformity with the altered circumstances of the colony, so far as such nearer conformity can be legally accomplished, having regard especially to the enactments of 56 Vic. No. 32, 60 Vic. No. 3, and 60 Vic. No. 5?

The POSTMASTER-GENERAL replied—

The intention of the Government will be disclosed in due time.

PAPERS.

The following papers, laid on the table, were ordered to be printed:—

- (1) Despatch respecting conclusion of mission of Australian Federal Delegates in London.
- (2) Report of trustees of Queensland National Art Gallery for year ending 30th June, 1900.
- (3) Report of the officer in charge, Government Labour Bureau and Relief, for 1899.
- (4) Report of the Inspector of Hospitals for the Insane for 1899.

LEGISLATIVE COUNCIL.

TUESDAY, 11 SEPTEMBER, 1900.

The PRESIDENT took the chair at half-past 3 o'clock.

SAVINGS BANK SECURITIES IN LONDON.

The PRESIDENT read a letter from the Agent-General, dated 30th July, 1900, informing the Legislative Council that the Savings Bank securities held in London had that day been duly examined, counted, and audited, and found correct.

Ordered to be printed.

AUDITOR-GENERAL'S REPORT.

The PRESIDENT announced that he had received the annual report of the Auditor-General for the year ended 30th June, 1900.

Ordered to be printed.

- (5) Statistics of the colony of Queensland for the year 1899.
- (6) Report of the Public Service Board on charges preferred by the Department of Public Works against Mr. William Taylor Jack, Inspector of Works.

DENTAL BILL.
SECOND READING.

The POSTMASTER-GENERAL: This measure is somewhat similar in character to the Bill which was recently considered by the Council with regard to medical practitioners. That measure was designed to protect the public from the operations of unskilful persons who claimed to practise as medical practitioners. This Bill is designed to protect the public from the operation of persons who pretend to practise as dentists, but who have not the requisite skill and ability to carry on that profession. The two measures are similar in several respects, but there are certain differences, to which I shall draw the attention of hon. gentlemen. The machinery is somewhat similar. A board of seven persons is to be appointed, as in the other Bill; a register is to be kept, and upon this register the names are to be inserted of persons who are qualified to practise as dentists. There are somewhat similar provisions also for erasing the names of men who, in consequence of what is described as "infamous conduct in a professional respect," or for other reasons, are deemed to be no longer fit persons to be allowed to practise under the Act. The constitution of the board, which I propose to refer to first—it is certainly a very important matter, and it takes a foremost place in the Bill—is somewhat similar to the board that is appointed to regulate the admission and regulation of medical practitioners. There is this difference, however, that the whole of the members of the first board are to be appointed by the Governor in Council. The board is to consist of seven persons, and the first members of the board will be appointed by the Governor in Council for one year. That is to say, the Act comes into operation on the 1st January, 1901, and they will remain in office until the 1st March, 1902. They will consist of two medical practitioners, and the remaining five will be persons who appear to be qualified to be registered as dentists. Of course the Act not being in operation at the time of their appointment—the machinery not being in working order—the Bill cannot provide that those five shall be dentists according to the provisions of the Act, but only persons who appear to be qualified as dentists. They will discharge the functions of the board for the first year. Then after that the board is constituted in this way: Four members of the board—two of them to be medical and two of them to be dentists under the Act—will be appointed by the Governor in Council for six years, with a provision, similar to the provision in the Medical Bill, that they will retire by rotation—that two out of the four will retire at the end of the third year, and subsequently they will be appointed in such a way that they will retire in rotation at the end of each third year. The other three members of the board are to be elected by the dentists who are registered under the Act. There are then provisions with regard to the operations of the board, meetings, notices of meeting, and so on, which may be denominated the machinery of the Act. They are similar to the corresponding clauses in the Bill we have recently passed, and I think will not require very much consideration. Then the 7th clause provides for the appointment of a registrar and such examiners and other officers as the board thinks necessary. That is similar to the clause in the corresponding Bill,

with the exception that there is no provision there for the appointment of examiners. The reason for that is that, whereas the Medical Bill simply provided for registering persons who have obtained diplomas in other parts of the world, this Act also provides for the examination of persons here in Queensland; so that persons who have gained their professional knowledge and skill in the colony will be examined by the examiners appointed by the board for that purpose. The 8th clause is very important, because it states the persons who may be registered as dentists under the Act. I ask hon. gentlemen to take notice that the 1st, 2nd, and 3rd subsections are connected together by the conjunction "and." The clause provides that every person, whether male or female, shall be entitled to be registered upon proving to the satisfaction of the board that such person—

- (i.) Has attained the age of twenty-one years; and
- (ii.) Is a person of good fame and character; and
- (iii.) Is registered in the United Kingdom in accordance with the laws for the time being in force therein as a dentist or medical practitioner, and is still entitled to practise his profession in that country; or
- (iv.) Is at the commencement of this Act *bonâ fide* engaged in Queensland in the practice of dentistry, either separately or in conjunction with the practice of medicine, surgery, or pharmacy; or
- (v.) Has obtained the prescribed certificate of fitness after the prescribed examination;
- (vi.) At least six months before the commencement of this Act, began a course of study in dentistry as a pupil with or apprentice of a person or persons who would, if this Act had been passed, have been entitled to be registered thereunder, and has since continuously pursued such course of study during a period of at least three years as a pupil with or apprentice of such person or persons or of a dentist or dentists registered under the provisions of this Act; or
- (vii.) Has practised dentistry for a period of not less than twelve months elsewhere than in Queensland, and holds a recognised certificate.

A provision follows, stating that a person who has been practising dentistry and desires registration under one of those sub-clauses, must make his application before the 1st July, 1901. That gives him six months after the Bill comes into operation in which to make his claim to be placed on the register, and it makes provision to place on the register the name of any man who has already practised dentistry in Queensland, or of any man who can prove to the examiners that he has the necessary qualifications to practise dentistry. There is a further provision enabling the board to require the attendance of persons in order to examine them and ascertain whether they are fit to be registered—that is, of course, if they have made application to be registered. The 10th clause provides for an appeal in case of a refusal to register. When the Medical Bill was going through, hon. gentlemen were very desirous that there should be an appeal provided in the case of a man being struck off the register. This Bill is on the same footing in that respect as the Medical Bill, in that no appeal is provided in such cases; but, as I pointed out before, a man has still his ordinary remedy by application to the Supreme Court by way of mandamus. The 10th clause of this Bill reads as follows:—

If the board refuses to register any person as a dentist, the board shall, if required by him, state in writing the reason for such refusal; and such person may thereupon appeal to the Minister, and the Minister may, after hearing such person and the board, dismiss the appeal or order the board to register such person, and such order shall be final and conclusive, and shall be obeyed.

Then provision is made enabling the board to hold examinations, and they are bound to admit to examination all persons desirous of being

examined, who have attained the age of twenty-one years, and have fulfilled all the conditions prescribed. The board are given power to prescribe the subjects and scope of the examinations. Then there are the usual provisions with regard to the keeping of the register, and of rectifying it in the case of any error, and with regard to the entry of names, and the erasure of names in certain cases. Clause 16 is one which will probably require considerable attention, because it provides for the striking off the register of the name of any person who has been guilty of certain offences, or of infamous conduct in a professional respect. Any name so erased may, of course, be restored by the board. Then we have a provision for the protection of the public from the operations of unskilful and unqualified persons who may endeavour to trap the public by using such titles as "dentist," "dental practitioner," "dental surgeon," or "surgeon dentist." The clause says that no person who is not registered under this Bill, and no company or association which does not consist wholly of registered dentists—

Shall take or use or by inference adopt the name, title, word, letters, addition, or description of "dentist" or "dental practitioner" or "dental surgeon" or "surgeon dentist," or use or have attached to or exhibited at his or its place of business or residence, either alone or in combination with any other word or words or letters, the words "dental company" or "dental institute" or "dental hospital" or "dental college" or "college or school of dentistry" or "mechanical dentist," or any name, title, word, letters, addition, or description implying or tending to the belief that he or such company or association is registered under the provisions of this Act, or is qualified to practise dentistry, or is carrying on the practice of dentistry, or is entitled to or to use such name, title, words, letters, addition, or description.

It is unnecessary for me to inform hon. gentlemen that that provision, with its most careful phraseology, is designed to prevent people who have absolutely no qualifications to practise as dentists from imposing on the credulity of the public. The penalty to be inflicted in case of any violation of that section is a fine not exceeding £20, and a further penalty not exceeding £5 for every day during which such contravention is continued. The 19th clause provides that persons who are not qualified and registered as dentists shall not be entitled to sue for fees for any work they may do, and there is this safeguard, which I think hon. gentlemen will be glad to see, that—

Provided that a person who practises as an extractor of teeth only shall not be deemed to be performing dental operations within the meaning of this section.

If hon. gentlemen will refer to the 3rd paragraph in the interpretation clause they will see under the heading of "dentistry" that there is a proviso that—

A person who practises, or who, prior to the commencement of this Act, has practised, as an extractor of teeth only shall not be deemed to be, or to have been, engaged in the practice of dentistry.

The object of inserting that provision in the Bill will be apparent to hon. gentlemen. There are in this colony, and I have no doubt in every country, a number of men in outlying parts, where there is, perhaps, no person who has received any education or previous instruction in the art of dentistry—there are in such places a number of persons who are perfectly able in an emergency to pull out teeth, and there is nothing in this Bill to prevent them performing that very useful service for their fellow-men. The only other important clause in the Bill is the provision with regard to by-laws. By-laws may be made by the board, subject to the approval of the Governor in Council, regulating the meetings and proceedings of the board; regulating the manner of keeping the re-

gister; prescribing the course of study, professional practice, and training and examination of persons desirous of obtaining certificates of fitness entitling them to practise dentistry; prescribing what certificates, diplomas, memberships, degrees, licenses, letters testimonial, or other titles, status, or documents, will be recognised by the board as qualifying persons holding them or any of them to be registered as dentists; prescribing a scale of fees to be charged and paid in respect of any application, examination, certificate, inspection, or other proceeding, act, or thing, provided or required under the provisions of the Bill; regulating the conduct of proceedings in connection with complaint or charges against dentists alleged to be guilty of infamous conduct in a professional respect; and generally for carrying into effect the objects of the Bill. Penalties for breaches of the by-laws are recoverable in the ordinary way. The subject matter of this Bill is one which has engaged the attention of former Governments. I do not know whether a measure of this character has ever been before the Council previously, but I know that for some years past efforts have been made to pass a measure which would place dentistry on a satisfactory footing, and be a protection to the public. This Bill is an effort to achieve that object without doing any injustice to anyone. While the Bill is probably less stringent than the Medical Bill, which we recently passed, I think it is a measure which will go a great deal in the way of protecting the public from unqualified practitioners. I beg to move that the Bill be now read a second time.

HON. A. H. BARLOW: I have risen to prevent the question being put and [4 p.m.] passed without discussion, and not in the slightest degree intending to forestall my hon. friend, Mr. Gregory, or any other senior member of the House. If I did not know that the Postmaster-General was not a gentleman given to joking, even in answering questions that I put to him, I should have supposed that this Bill was a joke, because I find that the greatest jaw-breaker of the whole lot, the man who may extract teeth, does not come under the provisions of the Bill. I understood that the principal danger in going to a dentist was that the man might break a jaw or some portion of the jaw in which the teeth are inserted. This measure reminds me of a Bill which was before the legislature of New Zealand, and which was known as the "Washerwoman's Bill." It was nearly read a second time in the House of Assembly in that colony. After a long interpretation clause, that Bill went on to provide for the registration of washerwomen, and it stated that when any linen was sent to be washed four copies of the list were to be made out—one to be deposited with the registrar of washerwomen, one to be filed in the office of the Supreme Court, one to be retained by the sender of the linen, and another to be sent to the registered washerwoman. If anything happened to the articles—if buttons were knocked off, or anything of that sort happened—the registrar was to endeavour to accommodate the parties and bring them to an agreement. If he did not succeed in doing that, the matter was to go before a Supreme Court judge in chambers, and if the judge did not succeed in bringing them to an agreement he was to adjourn the matter to the court and summon two registered washerwomen to sit with him as assessors.

The POSTMASTER-GENERAL: You must have got that from a comic paper.

HON. A. H. BARLOW: The Bill was introduced by Mr. Buckland, member for the Thames Gold Field, was read a first time, and very nearly read a second time. Is this measure, like that Bill, one of those bits of delicious nonsense? I

do not wish to be in the slightest degree offensive, but I believe a Veterinary Bill is looming in the distance, and I should like to know how many more of these documents we are going to have. I see that medical men are to be exempt from the operation of this Bill. I wonder whether hon. members have read of the case of the Rev. T. Mozley, the well-known English clergyman who wrote several books of reminiscences, going to a village practitioner to have a tooth drawn. The reverend gentleman was suffering terribly from neuralgia, and went to the doctor to have a tooth extracted. The doctor said, "Mr. Mozley, would you have any objection to lie down on your back? I have never drawn a tooth from a living man, but I have from a dead subject." And the tooth was drawn in that manner. I do not know where this kind of thing is going to stop. The public outside are getting very sick of it. While I go to the fullest extent with my friends in the medical profession in sitting as hard as they can, and stamping with both feet on the unprincipled quack, I really think this Bill goes too far. We shall have to ask the Postmaster-General in committee to insert a clause providing for an appeal by way of rehearing from the registrar, and also to define "infamous conduct." I am sure the hon. gentleman will take what I say in the way it is meant. If a Bill of this sort provides a little merriment, it has fulfilled one of the purposes of its existence, but I certainly cannot support this thing. I think it goes too far, and that in country places it will press very hardly on the public.

The POSTMASTER-GENERAL: No.

HON. A. H. BARLOW: It will create a close corporation, and when we have the horses, poor creatures, handed over to a corporation created for their benefit, I suppose we shall have something else of the same character.

HON. W. F. TAYLOR: I think the Government are to be commended for introducing a measure of this sort. This is not the first time a Dental Bill has been before the Council. I have had the honour of introducing two such measures here, and they passed this House without much difficulty. Hon. gentlemen must recognise the fact that dentistry is a most useful profession, and that the persons practising it should be qualified. We go to a dentist, and place ourselves in his hand, and if he is a skilful man he does us a lot of good, cures our toothache and preserves our teeth, while, on the other hand, if he is an unskilful man, he does the reverse. We have all heard of many people who have suffered severely at the hands of unskilful dentists. It is not long ago since I heard of a young man who fell into the hands of an unskilful dentist, with the result that after he had travelled through America and Europe, he contracted necrosis, necessitating a very serious operation, and he was injured to a certain extent for life. This is not a laughing matter, although the Hon. A. H. Barlow has referred to it in a jocular mood. Probably he has escaped falling into the hands of unskilful dentists, and knows nothing about them, but if that has been his good fortune, others have suffered very severely. If any profession or trade requires regulating, and its practitioners require to be qualified, dentistry is one of those professions. There is not the slightest doubt that a great deal of mischief is done by unqualified dentists, not only in extracting teeth and filling teeth, but also in making plates which do not fit, and which cause trouble, annoyance, and expense. People go to a dentist to get false teeth, and very often get a set which is not only useless, but which also injures the teeth which they have. That kind of thing should be stopped. At the present time a blacksmith, or

anybody else, may call himself a dentist in Queensland. As a matter of fact the profession is a sort of refuge for those people who fail in other occupations. A barman may become a dentist, and continue to practise as such until his bad work becomes well known, and he has to clear out. I think this Bill is necessary, and that it will do a great deal of good. Dentistry is a branch of surgery, and in Great Britain it is considered so necessary that a dentist should be thoroughly educated in his profession that he is required to undergo a course of study in anatomy, physiology, a certain amount of *materna medica*, chemistry, and pathology. Many medical men in Great Britain, members of the Royal College of Surgeons, practise dentistry, and do not think it *infra dig.* to do so. There persons practising dentistry have to study for a period of four years, and then to pass a stringent examination. It is a branch of surgery which requires special training in order to protect the public from being injured by unqualified practitioners, and a Bill of this kind certainly ought not to be a subject for ridicule in this Chamber. Coming to the Bill itself, I see little in it to find fault with, excepting that the composition of the board is not what I should like it to be. I should like to see the term of six years for which members are appointed by the Government reduced to four, so as to make it in accordance with the Medical Bill. I think six years is too long for any person to be appointed to a position of this sort. Then, again, some restriction should be placed on those who extract teeth. Those people do a great amount of injury. We have them coming along here by torchlight and with brass bands playing, and calling themselves electric dentists, extracting teeth in a most rapid manner. How are those teeth extracted? By simply nipping them off, and leaving the fangs affected to decay, and give rise to necrosis of the jaw. Certainly there ought to be some restriction on the practice of that sort of people. In committee we ought to make a distinction between such persons and those who may, up the country, be called upon to perform the work of extracting teeth. There is no doubt a lot of permanent damage has been done in this way. I trust hon. gentlemen will take this matter seriously. The Bill cannot possibly do harm, and in my opinion it will do a great amount of good. Whoever may suffer, the public at large will be the gainers. I am not aware that the dentists are particularly anxious for the Bill, but I can assure hon. gentlemen, speaking from the experience of years, that the public require a measure of this sort to protect them and to place them in the hands of persons properly qualified to do the work. I trust, therefore, that the Bill will pass.

HON. B. D. MOREHEAD: I do not intend to oppose the second reading of this Bill, but it appears to me that no very good case has been made out in its favour. We all know that those learned professions—and very grand professions—are very jealous of any interference with their rights or *quasi* rights. I therefore would accept *cum grano salis* at any rate any strictures passed upon a measure of this sort from any individual in this Council who may be to a certain extent professionally interested. I do not mean professional in any offensive way, but who feels possibly that people in his profession may be interfered with by such a measure passing. It is quite possible, and more than probable, that there may be a section of highly educated men who have devoted more of their time to the practice of this particular surgical operation than an ordinary medical man. Therefore, I think a measure of this sort, before it is passed into law, should be subjected to very close criticism on our part.

We have in this matter to deal with a very close corporation, and, I think I am right in saying, a very jealous corporation.

HON. C. F. MARKS: Like the Medical Bill which we recently passed, the object of this measure is to provide that the health and welfare of the general public shall be protected—that no man shall be allowed to say he is competent to do the work until he has definitely proved himself able to do it; his mere word must not be taken. In just the same way, no man is allowed to take charge of a steamer with valuable lives and property on board until he has proved his competency to do so. This Bill deals with a branch of surgery, and a very important branch. Many persons know the interminable misery of indigestion and dyspepsia which attends decaying teeth. An incompetent man will make that worse. A competent man may cure it altogether. I am quite in favour of the Bill, because it will ensure that dental treatment shall be competent; but a few amendments will require to be made in committee. For instance, in the last subsection of clause 7, which provides that a person who holds a recognised certificate must have practised dentistry for twelve months elsewhere than in Queensland. It may happen, as is indeed often the case, that a Queensland youth has been to America and qualified in some university or dental school there, yet if he comes straight back he apparently is not entitled to practise here unless he has been in practice somewhere else for twelve months. I should also like to see inserted some provisions similar to that in the Medical Bill, that dentists may be registered who hold diplomas from such recognised bodies as the Governor in Council may, on the recommendation of the board, bring under the provisions of the Act; although that may be partly met by the 9th subsection of clause 23, which provides that by-laws may be made prescribing what certificates, diplomas, and so on will be recognised by the board as qualifying persons holding them to be registered as dentists, it would be better to make the Bill a little more elastic.

HON. J. COWLISHAW: This Bill may be called a second edition of the Medical Bill. If we look at clause 4 we find that the board is to consist of seven members, of whom five may be medical men who may never have drawn a tooth in their lives and have no idea how to stop a tooth. Yet they may constitute the board to work the Act. If that is to stand, it seems a very strange thing that a Dental Act should be worked by men who may know very little about dentistry. Then clause 8 describes the persons who are entitled to be registered. It will hardly be denied that at the present time in Brisbane are men who have taken their degrees in America. Under clause 8 those men would be disqualified on returning to the colony, because they have not practised dentistry for twelve months elsewhere than in Queensland. They may have been going through the college studies, but I presume that would not be considered as practising. Then mechanical dentists are excluded. Of course, a mechanical dentist, ordinarily speaking, knows nothing about drawing or stopping teeth. He simply makes plates for artificial teeth, and sets the teeth in the plates. But if they are excluded from the Act, how are the dentists to get their mechanical work done? Clause 19, which provides that persons who only extract teeth shall not be deemed to be performing dental operations within the meaning of the Act, has been referred to by previous speakers. They are not to be debarred from that; yet we know that those persons who extract teeth inject cocaine or administer gas, and, as was said by the Hon. Mr. Barlow, they sometimes break your jaw. More

injury will be done by those persons who attempt to extract teeth than by those who put in artificial teeth. I think, if we are going to have this Bill at all, it will require amending in the points I have briefly indicated.

HON. C. H. BUZACOTT: I confess I regard this Bill at first sight most unfavourably. I want to know where this principle of the incorporation of professions by statute is to end? We have got the Medical Bill through. We had a Medical Act before, and the Medical Bill is an amendment and extension of that Act. I am not going to discuss that now; still, I think that the fact that this House has affirmed the principle of the Medical Bill must not be taken as a general affirmation of the desirableness of incorporating the different professions and occupations. There is another reason why I object to the Bill. We are now on the very eve of federation, yet there seems to be a feverish anxiety in the legislatures of Australia to hurriedly pass Bills which really ought to be passed, if at all, by the Parliament of the Commonwealth.

The POSTMASTER-GENERAL: They have no power, under the Constitution, to deal with these matters.

HON. C. H. BUZACOTT: Under federation there should be no justification whatever for requiring a certain standard for dentists in Queensland and a different standard in New South Wales. I hold that if any profession be incorporated at all, and given such special privileges as dentists would receive under this Act, it ought not to be incorporated unless as a federal measure. Is it not preposterous that a man may practise as a dentist at Tenterfield and if he comes over the border to Wallangarra or Stanthorpe and commences business he is liable to a penalty of £20? When we are dealing with these matters—the whole of Australia being under one Government—why on earth should we place professional men under disabilities if they want to move from one colony to another? I hold that legislation of this sort should be federal, if required at all. But, as I said, I want to know where you are going to stop. We might have a Bill to incorporate the farriers. An improperly shod horse might not be a fit subject for legislation, still the fact that a horse was improperly shod might endanger human life; and I do not see why we should not be protected against incompetent farriers as well as against incompetent doctors and dentists. As has been remarked, the most serious matter of all in connection with dentistry is the extraction of teeth. I have had a little personal experience in this matter, and I would much rather be under the hands of an incompetent dentist than I would an incompetent extractor. I am reminded of the old story of the man who went to a professional dentist to get a tooth drawn. The dentist easily drew the tooth, and charged him half-a-guinea. "Why," he said, "the last time I had a tooth drawn I was pulled all over the shop for half-a-crown." I think the danger really is in the extraction, and to exclude the man who extracts from the operations of this Bill is surely inconsistent. Another defect in the Bill is this: I do not see how a man is to be prevented from practising—he may fill as many teeth as he pleases, and put in as many artificial teeth as he pleases, so long as he does not call himself, or profess to be, a dentist. He can practise dentistry in defiance of the Act. There is another thing. I do not see any provision made for paying fees to the members of the board.

HON. W. F. TAYLOR: They do not require fees.

HON. C. H. BUZACOTT: That is a good thing, but there will certainly be some expense, and I do not see how it is to be defrayed.

Hon. W. F. TAYLOR: From registration fees.

HON. C. H. BUZACOTT: There will be a fund created, I suppose, from that source. Then, with regard to clause 16, it occurs to me, who is to define "infamous conduct"? I believe that is an expression that is found in the Medical Bill, but there it is justified. This board is entitled to erase a name from the register. It is also entitled to restore the name if it thinks fit. That might be all right if it were only for "infamous conduct in a professional respect," but it may also re-register a convicted criminal if it likes. It is only provided that a man may be removed. It is not bound to remove him, but if a man is removed it can restore him at any time it thinks fit. I shall not discuss the Bill in detail, because, if it gets into committee, ample opportunity will be afforded there; but I think we are taking a step that is very undesirable. Why should not there be a Bill for the incorporation of journalists? Who is so capable of doing harm as a dishonest, incompetent journalist? Why should we not have a measure for the incorporation of bread bakers. It

[4:30 p.m.] appears to me that these matters are all matters for trade unions.

Let the dentists form their union outside this House, and not come to Parliament and ask them to give them statutory authority to protect themselves by a corporation which shall have certain privileges under an Act of Parliament. If the Bill goes to a division, I shall most certainly be found among the "Not-contents," but otherwise I shall not call for a division. If the measure goes into committee, I certainly think it is necessary that it should be amended in several respects, as at present it infringes on the liberty of the subject in a way that in my opinion is totally unjustifiable.

HON. W. G. POWER: I sympathise with this Bill to a very great extent. No doubt there are provisions in it which require amendment, but it will be very difficult to deal with the extractor of teeth in a satisfactory manner, because up-country people who are suffering from toothache are very glad to have almost anyone pull out the tooth which causes the trouble. Possibly a man may rake a few jaws before he gets experience and skill, just as a doctor kills a few men before he gets experience, and a lawyer loses a few cases before he gets experience. The chief difficulty, it appears to me, will be in dealing with extractors of teeth, because a provision which is applicable to towns will not be applicable to the country.

HON. A. C. GREGORY: This Bill proposes to do what is becoming a fashion at the present time. We have medical men as a close corporation, we have lawyers as a close corporation, and we have almost every profession as a close corporation, as far as they can be corporations. In fact, in almost every trade or profession, unless you have been admitted to the right society or syndicate, or whatever the term is, you are not recognised; and I expect shortly to find the smallgoods man going round selling his mutton hams proclaiming himself as a member of the Mutton Pie Society. There is one clause in the Bill which renders the measure innocuous, and that is the clause which provides that anybody can pull out teeth with impunity. That is a very useful provision, because very often during the hours between work you will see a few boys at work using their fists, and if one boy was to knock out another boy's teeth, he would, without that provision, be liable to all the pains and penalties imposed by the Bill for practising as an unregistered dentist. Nevertheless I do not think we can do better than retain that clause, because it takes the sting out

of the tail of the Bill. Another part of the Bill proposes to leave it to the board to prescribe what salaries shall be paid their officers. Clause 7 provides that—

The board may appoint a registrar and such examiners and other officers as the board thinks necessary for giving effect to the provisions of this Act and the by-laws, and may pay to such officers such salary and allowances as the board thinks fit.

Possibly the amount of those salaries may be regulated by the sum at the disposal of the board from fees, otherwise the board may fix a charge upon the consolidated revenue before such charge is authorised by Parliament. As regards the alleged reason for the Bill, no doubt there are unregistered persons, or uncertificated persons, who do not understand their business as dentists, and yet practise and do a great deal of mischief, but there are also uncertificated persons who do understand their business, and who do no more mischief than certificated practitioners. The Bill as a whole is in accordance with the general idea that we should form ourselves into a close corporation. It will probably do very little harm, but I am afraid that it will not result in much good.

HON. F. T. BRENTNALL: This is one of those Bills on both sides of which a great deal can be said. It is an easy thing to be facetious about a Bill of this kind, but it is not at all a nice thing to have your jaw injured by an incompetent dentist. There is no joking about that, and I shall not attempt to be facetious. I look upon the serious aspect of this question as I looked upon the serious aspect of the Medical Bill. I do not approve of these very close corporations. I very much object to any corporation being formed which will have the effect of binding together any profession to the financial injury of the public, but if it be for the protection of the public health, if it be for the comfort and convenience of the suffering members of the public, then I do not see that there is any great harm done in approving of such measures. Indeed, Parliament has gone so far in this direction now that it is difficult to say where a stop will take place. The Hon. C. H. Buzacott asked, why we did not provide some protection for the public against bakers and journalists? Well, I take it that the Act passed by this Parliament in the year 1892, the Bread Regulation Act, to protect the public against any nefarious practices on the part of bakers and millers, meets the suggestion made by the hon. gentleman in that respect. And I think the public are fairly well protected against any misconduct on the part of journalists by the Defamation Act. Journalists have to be very careful indeed what they put in their papers; before every editor sitting in his editorial chair there is always the ghost of a libel action, and he has to be exceedingly careful. There has been, as we all know, a great deal of injury inflicted by unskilful teeth extractors and dentists, and if anything can be done to prevent injury of that kind, I really do not see why it should not be done. There is nothing about fees in this measure. We are not called upon, in passing a measure like this, to help a corporation to inflict heavy charges upon the public. The members of that corporation will regulate their own charges, because the competition will pretty well do that. But I believe that at the present time there are people practising dentistry in the city of Brisbane who ought not to be doing it, and who probably would not be doing it if an Act like this were in existence. It is just as necessary to protect the public against incompetent dentists as it is to protect them against incompetent doctors, and we agree, I think, that it is necessary in the latter case to afford such protection

as is provided in the Medical Bill. It has been already stated by one hon. gentleman that a Bill of this character has been before this branch of the legislature on one or two occasions. On one occasion, I think, it was passed, so that the principle is admitted. At the present time, whichever way you look, and whichever way you go, you will find that professions and trades are more or less protected. We have in Brisbane an architects' institute, and an accountants' institute, and the lawyers take care of themselves. Whether they are incorporated or have an institute or not, you cannot get away from their charges. And when you come down in the scale to the ordinary trades, is there a single trade of any extent in the colony which has not its own union for its own protection? And that union is a union under the Trades Union Act, a union incorporated under a statute, and its proceedings are regulated in conformity with that Act. I am satisfied that there is a great deal of incompetent dentistry going on in this colony, and it should be stopped if possible. I agree with what has been said by the Hon. J. Cowlshaw with regard to diplomas of the United States of America. I think it is a great mistake not to recognise diplomas coming from the United States, and that the Bill should certainly be amended in that respect in committee. There are quite as good opportunities for learning the science and art of dentistry in the United States of America, perhaps also in some countries in Europe, as there are in England. But in any case we should be unwise in passing a measure of this sort to exclude practitioners coming with diplomas from America. Probably a case of that kind would be met by a provision to the effect that if a man came fresh from his studies in America, he should, upon passing an examination before the board of examiners, be entered upon the register. There might perhaps be a little humiliation in that, but the only delay in getting registered would be that caused by his submitting himself to examination, and then if he proved himself capable he would be admitted to the register. I am not disposed, at this stage at any rate, to give my vote against the Bill. I think the Bill should be allowed to go into committee, and that we should then amend it, if possible. If it cannot be amended so as to make it a practical and workable measure, then it should be defeated.

The POSTMASTER-GENERAL, in reply : I am sorry that this measure has raised a feeling of amusement among some hon. gentlemen. I hope the Council will allow the Bill to go into committee, and that hon. gentlemen will join to make it a good useful measure. No doubt it is capable of improvement. For instance, it has been pointed out that if a dentist who obtained his diploma in America did not practise there he would not be eligible to practise in Queensland under this Bill. I am quite prepared to accept an amendment providing that a diploma from a recognised American college shall be held to be sufficient to admit a man to be registered under the Bill. I do not think it would be right to expect those men, some of whom have no doubt obtained the very highest certificates from America and from other colonies, to undergo an examination. The argument of the Hon. C. H. Buzacott really falls to the ground entirely. The Hon. F. T. Brentnall has already dealt with that argument to a certain extent. The Hon. Mr. Buzacott said, why should we not protect the public against butchers and bakers? We do that already. In addition to the Acts referred to by the Hon. Mr. Brentnall we have the Weights and Measures Act, which is a protection to the public in respect of the quantity of any article supplied to them, and we have the Food and Drugs Act, which is

a protection against adulteration on the part of what are called ordinary tradesmen. But at the present time the public are not protected at all in the matter of dentistry. Then the hon. gentleman further said, why should we not defer dealing with this subject until we can have federal legislation on the subject? The hon. gentleman knows very well that this subject is not included among the subjects specified in the Commonwealth Bill, and that it would require an Imperial Act to introduce uniformity in the legislation of the Australian colonies with regard to dentistry. The hon. gentleman shakes his head, but I think he will find that I am right.

Hon. A. H. BARLOW : Quite right ; I have just looked it up.

The POSTMASTER-GENERAL : I am glad to have the Hon. Mr. Barlow's assistance, for with it I feel doubly strong in my position on that point. I think this is a matter which should be left for domestic legislation, and that the different States should vie with one another in putting this and other matters on a proper footing. We should not be backward in endeavouring to give a lead to the other States of Australia if we can in matters of this kind. Dentistry is a most important matter. In the presence of two medical gentlemen I do not like to dilate too much upon that aspect of the case, but I can hardly understand hon. gentlemen smiling at the importance of dentistry. I believe at the present time in the German army they recognise to such an extent the importance of the men having sound teeth, or having the best mechanical substitute for them, that dentists are appointed for no other purpose than to examine the teeth of every soldier in the army, and if any repairs or alterations are required they are done at the cost of the State. And hon. gentlemen may perhaps be aware that when our contingents were being sent out to South Africa, men were rejected over and over again for no other reason than that their teeth were unsound. I think enough has been said to justify the passing of a measure which will protect the public from the unscrupulous representations of persons who profess to do, with regard to unsound teeth, what they cannot do ; and I trust hon. gentlemen will allow the Bill to go into committee, in order that those matters that have been referred to during the course of the debate may be taken into consideration.

HON. C. H. BUZACOTT : With the permission of the Council, I should like to explain that I think subsection 37 of section 51 of the Commonwealth Bill provides for this matter.

The POSTMASTER-GENERAL : Quote it.

Hon. A. H. BARLOW : I did not think it was in that "forty stripes save one" section.

HON. C. H. BUZACOTT : The section provides that the Parliament shall, subject to the Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to—

37. Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliament the matter is referred, or who afterwards adopt the law.

The POSTMASTER-GENERAL : We should be no better off.

Hon. A. H. BARLOW : Would it be in order to move that this Bill be referred to the Federal Parliament?

Question—That the Bill be now read a second time—put and passed ; and the committal of the Bill made an Order of the Day for Tuesday next.

HEALTH BILL.

FIRST READING.

On the motion of the POSTMASTER-GENERAL, this Bill, received from the Assembly, was read a first time, and its second reading made an Order of the Day for Tuesday next.

LIFE ASSURANCE COMPANIES BILL.

REFERRED TO A SELECT COMMITTEE.

On the Order of the Day being called for the consideration of this Bill in committee,

The POSTMASTER-GENERAL moved—

1. That the order be discharged from the paper, and that the Life Assurance Companies Bill be referred to a select committee for consideration and report, consisting of six members, with power to send for persons and papers, and take evidence, and to sit during any adjournment of the Council.

2. That such committee consist of the following members, namely:—Mr. Gregory, Mr. Box, Mr. Cowlishaw, Mr. Power, Mr. Archibald, and the mover.

Question put and passed.

ADJOURNMENT.

The POSTMASTER-GENERAL: In accordance with the notice I gave earlier in the evening, I move that the Council, at its rising, adjourn until Tuesday next.

Question put and passed.

The Council adjourned at two minutes to 5 o'clock until Tuesday next.