

of the Statutes Compilation Act. It would be well when the Standing Orders Committee meet again that Standing Orders to meet the case should be drawn up. I have very much pleasure in supporting the Bill, and am glad to see that the Statutes Compilation Act, which has been allowed to stand somewhat in abeyance has at last been brought into operation.

Hon. D. G. GAWLER (Metropolitan-Suburban): Considering the circumstances under which this Bill has been introduced I should like to have seen copies of the Statutes Compilation Act put before members. I knew there was such an Act in existence but I had not looked it up, and should have liked to study its provisions before this Bill was introduced. In this case the Bill is merely one of putting in clauses where they are to be inserted, and the striking out of those which are unnecessary. I take it that members can be satisfied with the Attorney General's certificate. I should like the Colonial Secretary in a future case of this kind to distribute copies of the Compilation Act among members.

The Colonial Secretary: Why should this be done any more than distributing any other Acts? The Bill has been on the Notice Paper for a fortnight.

Hon. D. G. GAWLER: This is the first time the Statutes Compilation Act has been brought into force, and it would have been a good thing if copies had been provided for members so that we could see that all the formalities had been fulfilled.

The COLONIAL SECRETARY (in reply): I did not think it necessary to distribute copies of the Compilation Act any more than I would distribute copies of any other Act members were asked to amend. There is a set of the Statutes on the Table for the use of members if they desire to look up any Act, and this Bill has been on the Table for quite a fortnight. The measure has not been brought on unawares; members have had full time to look up the Compilation Act of 1905 if they so desired. If I thought members wished it, I would have got a number of

loose copies of the Act from the Government Printer and had them distributed.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 8.50 p.m.

Legislative Assembly,

Wednesday, 26th October, 1910.

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

PAPERS PRESENTED.

By the Minister for Works: 1, Estimates and Tenders for various Public Works, return (ordered on motion by Mr. Heitmann). 2, Plan of the proposed Railway from Katanning to Shannon's Soak. 3, Plan of the proposed Railway from Dumbleyung to Moulyinning.

By the Premier: 1, Report by the Superintendent of the Labour Bureau to 30th June, 1910. 2, By-laws of the municipality of Perth.

QUESTIONS (3)—LAND SELECTIONS.

Mr. Osborn's Applications.

Mr. PRICE (for Mr. Johnson) asked the Minister for Lands: 1, Did Mr.

Osborn apply to amend his application from Geetarning to Kumminin? or 2, Did he forfeit Geetarning and submit fresh applications for Kumminin? 3, If the latter, did he forfeit the application money paid on the Geetarning blocks secured by him?

The MINISTER FOR LANDS replied: 1, No. 2, Mr. Osborn asked to have his money transferred from Geetarning to Nunadjin about the 9th August, 1910, but he was unsuccessful before the land board in his application for this land. Before the board sat, Mr. Osborn applied for blocks at Kumminin, and lodged fresh application fees. 3, The fees paid on the Geetarning land have been refunded.

Mr. Wilkie's Holding.

Mr. COLLIER asked the Minister for Lands: 1, Did Mr. John Wilkie acquire blocks Nos. 6470/56 and 6471/56 contrary to Section 23 of "The Land Act Amendment Act of 1906"? 2, Did Mr. Wilkie make a sworn declaration that he was qualified to hold the land in question? 3, Was the declaration correct? 4, Did the Under Secretary for Lands inform Mr. Wilkie by letter that he had illegally acquired the lands? 5, Did he also point out to Mr. Wilkie that by transferring so many of his other holdings as would reduce his total area to the limit prescribed by the Lands Act he would be enabled to hold these blocks? 6, Does the Minister approve of the permanent head of his department advising large landholders of methods by which they may retain possession of lands illegally obtained? 7, Has the land been forfeited, and if not, does Mr. Wilkie still hold the lands so acquired?

The MINISTER FOR LANDS replied: 1, Yes. 2, Yes. 3, No. 4, Yes. 5, He informed Mr. Wilkie that he must either surrender these two blocks to the Crown or transfer some of his other holdings. (Mr. Wilkie subsequently transferred 5,000 acres.) 6, No; but the department was satisfied that these applications were made in error and under the circumstances the action taken was justifiable. 7, The land has not been for-

feited, but was transferred to Mr. C. E. Slee on 3rd June, 1909.

Mr. Robins's Holding.

Mr. SCADDAN asked the Minister for Lands: 1, What is the total area held by W. H. Robins and his wife under conditional purchase, either by original application in their own names, or by transfer from others? 2, Does it contain any land granted as homestead areas, and if so, how much? 3, Where are the holdings of each situated?

The MINISTER FOR LANDS replied: 1, 3,418 acres. This area was acquired by the parties before they were married, under the then existing Act. 2, No. 3, In the Avon district, east of Beverley.

QUESTION—LATIN PHRASES IN REPORT.

Mr. SCADDAN (for Mr. Underwood) asked the Minister for Education: Seeing that a large majority of the members of this House do not understand Latin, will he have the Latin words and phrases in the University Commission's report translated into English?

The MINISTER FOR EDUCATION replied: Yes, if the hon. member will supply a list of the words and phrases which he desires translated.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

Read a third time and transmitted to the Legislative Council.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

In Committee.

Mr. Brown in the Chair; Mr. Hudson in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of 1 and 2 Edwd. VII., No. 5, Section 2:

Mr. DRAPER opposed the clause. This clause contained the principle of the Bill. The first paragraph provided that the definitions "engineering work" and "factory" should be struck out,

but this was really consequential on the adoption of the paragraphs immediately following defining "injury" and "worker." The clause extended the meaning of "injury" to include injury to health or loss of life through diseases mentioned in the schedule or in any proclamation under the Act, the schedule specifically mentioning the disease known generally as miners' complaint and also poisoning due to the inhalation of gases. The member for Dundas in introducing a Bill of this kind, beyond informing members there was an Act in force in England which made provision for loss occasioned to a worker by reason of certain diseases mentioned therein, should have advanced arguments why the definition of "injury" should be extended in this way. There was no provision in any existing Act in the Australian States or in New Zealand which corresponded to this, and in the Acts of the Canadian Provinces no provision of this nature could be found.

Mr. Scaddan: That is no argument against it.

Mr. DRAPER: Quite so, but when an innovation of a somewhat startling character was put forward, and when it was found necessary within nine months after passing a similar provision in New Zealand to repeal it, members were entitled to have evidence put before them to clearly prove the innovation was desirable in the interests of the community as a whole. The evidence from both sides, employers and workers, practically concurred that the Bill in its present form was unworkable, that the employer could not protect himself by insurance, and that, although there was serious reason for protecting miners from the consequences of this disease, yet that remedy was not found in the Bill but was something that could be better dealt with by State insurance. In considering this disease we had to bear in mind that every mining company was not a wealthy corporation, but that there were many companies carrying on a struggling existence, and that there were many miners, although employing others under

them, who were possibly making a bare living; yet we sought to impose upon them the duty of insuring and increasing their present rates of insurance by about 150 per cent.

Mr. Collier: A witness said 50 per cent.

Mr. DRAPER: In his evidence Mr. Black stated that the premium would amount to 150 per cent.

Mr. Collier: Mr. Hamilton said 50 per cent.

Mr. DRAPER: The point that should be made was that there would be a substantial increase over the rates of insurance which employers would be able to bear. Mr. Sullivan, in giving evidence, said that it was the experience in New Zealand that the insurance companies refused to issue policies covering the disease mentioned in the Bill. Further on the same witness said that if the disease was included the employee could not be insured. Then, in answer to a further question, he represented that companies in New Zealand absolutely declined to issue a policy covering this disease, and that the Government there were going to cover, but the miners declined to undergo an examination. Mr. Murray also gave evidence which put the position of New Zealand very clearly. The Committee should remember that both Mr. Sullivan and Mr. Murray were not witnesses who were likely to give incorrect information, because they were totally uninterested; if anything their evidence was against their own interests, because it naturally would be to their interests that everyone should be brought under the Bill. The statements of the witnesses, therefore, were undoubtedly worthy of a great deal of consideration at the hands of the Committee. In reply to a question as to his opinion of Clause 7, Mr. Murray went on to explain the matter in detail, and gave the position as it was in New Zealand in January, 1909, by submitting an extract from the *Australasian Insurance and Banking Record*.

Mr. HUDSON: On a point of order; the Bill having passed its second reading, and the principles of the Bill having been accepted, the member for West

Perth was now again dealing with the principle involved in the Bill. The hon. member had no right to continue in that direction; moreover he was dealing with Clause 7, while the Committee were considering Clause 2.

The CHAIRMAN: The hon. member was keeping within the rules.

Mr. Scaddan: A perusal of the copy of the evidence would show that the member for West Perth was dealing with Clause 7.

The CHAIRMAN: Clause 2, which the hon. member for West Perth was speaking on, dealt with diseases.

Mr. Scaddan: Clause 2 deals with interpretation.

Mr. DRAPER: The mine owners were quite agreeable to bear the extra insurance, provided that they could get insured with the companies, but the insurance companies insisted before granting policies that the miners themselves should undergo medical examination. The miners refused to do that, and consequently the mine owners were unable to insure. If one looked at the evidence closely it would be found that one of the witnesses spoke of it as being derogatory to a man to have to undergo medical examination, while other witnesses spoke of the impossibility of examining men who were changing their occupation from time to time. It was obvious from the evidence called that it would be practically impossible to trace these men and maintain a proper supervision as to what they were or had been suffering from. Further than that the mine owners, in whose employment a man had become incapacitated, were responsible to the worker no matter whether the disease had arisen in their employment or not. There were three things which would have to be considered; firstly, the value of the medical evidence or the amount of reliance that could be placed upon it, secondly the probability of any man who thought he was affected with disease submitting to medical examination, and thirdly that even if we could get that, it would be practically impossible for the mine owners to have recourse upon those in whose employment the disease was

contracted, because it would be necessary to prove that the disease was contracted in the employment of that other person.

Mr. Hudson: We do not know that on this clause. Surely the hon. member is out of order.

The CHAIRMAN: I think the hon. member is in order.

Mr. DRAPER: In the evidence it would be found that Dr. Cumpston pointed out that miners' complaint was not contagious, and he drew a distinction between what was known as miners' complaint and tuberculosis. According to Dr. Cumpston tuberculosis was contagious, whilst miners' complaint was not. The miners themselves in their evidence had declared that the disease was caused by dust and that the dust was preventable by ventilation or by water jets. If the disease was preventable and could be remedied then there was no necessity whatever for including it in the definition of the word "injury," because it was a matter for which Parliament had already provided in the Mines Regulation Act. The whole subject could be dealt with in the Mines Regulation Act. He would ask that the member for Murchison be made to withdraw his remark.

The CHAIRMAN: I did not hear it.

Mr. DRAPER: The hon. member had made a series of offensive remarks, the general insinuation being that when he (Mr. Draper), moved for the appointment of the select committee he had been impelled by ulterior motives—had in fact been briefed to do so.

Mr. BATH: As a matter of fact the member for Claremont had remarked, "Try to learn as much," whereupon the member for Murchison had further remarked, "Try to earn as much." Nothing whatever had been said of anybody being briefed.

The CHAIRMAN: Members would have to refrain from interjecting so frequently.

Mr. DRAPER: Mr. Watson, the secretary of the A.W.A., in his evidence before the committee had candidly admitted that he did not know how the Bill was going to work. Could any

stronger evidence be wanted to show that with the inclusion of diseases in the schedule the Bill would be unworkable? Mr. Salmon and other witnesses had confirmed this view, pointing to the fact that the employer could not be protected. The only actual guide the Committee had was the experience of New Zealand, where the section relating to the disease had been repealed nine months after its passing. It was unfortunate that the definition inserted by the member for Dundas went as far as it did, seeing that many members of the House would be prepared to extend the Workers' Compensation Act to a number of employees who were not included in it at the present time. The definition was almost entirely the same as that in the English Act. There were certain exceptions in the English Act which were not included in the Bill.

Mr. Hudson: What are they?

Mr. DRAPER: "Outworkers" was one. There was not one State in the British dominions which had adopted the provisions of the English Act. The principle of our own Act was dangerous employment, and in New Zealand this principle had been extended to cover all employments in a trade. In this respect the Queensland Act was similar.

Mr. Hudson: Would you be prepared to accept either of these?

Mr. DRAPER: Certainly they were worthy of serious consideration. The South Australian Act confined the principle to dangerous employment, as did also the New South Wales Act. While he admitted it would be desirable to extend the employment to which our existing Act applied, he could not go to the extent of adopting the definition in the Bill.

Mr. O'Loughlen: The Victorian Parliament included domestic servants in their Bill last week.

Mr. DRAPER: There could be no reason for extending the compensation beyond the two principles of dangerous employment and employments in a trade. Dangerous employment was the original basis on which the Act was founded in the old country.

Mr. Holman: Does not the fact of an accident happening prove the employment dangerous?

Mr. DRAPER: Not necessarily. It had been found almost impossible to prove serious and wilful misconduct.

Mr. Heitmann: It had been proved several times.

Mr. DRAPER: Very seldom. He did not propose to delay the Committee any longer, but in his opinion it would not be desirable to extend the definition of worker in the way proposed. He would vote against the clause.

Mr. HUDSON: It was satisfactory to hear the member for West Perth state that he did not wish to delay the Committee any longer. It was evident that the lengthy speech he had just made was one that he had prepared, but had failed to deliver, for the second reading debate. Members had not much to thank either the member for West Perth or the Government for in regard to the time that had been lost in the consideration of the measure. On the consideration of the definition of the clause alone the hon. member had been granted three-quarters of an hour to discuss the principles of a Bill which had been accepted on two occasions. One member, who was now a member of the Government, the member for Subiaco, supported the principles of the Bill and voted for them last session. That member was now in a Government who were doing nothing to assist in the consideration of the Bill. The same thing applied last year. He did not propose to deal extensively with the objections raised by the member for West Perth. The deliberations of the select committee had proved, as was expected, absolutely futile. The decision on nearly every clause, as could be seen by the report, rested upon the casting vote of the chairman, that chairman being the member for West Perth. The primary question raised by the member was whether disease should be regarded as an injury in employment. He (Mr. Hudson) had been twitted with having given no reason for the inclusion of diseases in the Bill. He had dealt with this

matter on the second reading last year, but for the hon. member's information he would refer them to the report made by Dr. Cumpston upon the prevalence in the State of the diseases included in the schedule of the Bill, diseases peculiar to the calling of the miner. The doctor had stated that the disease had been prevalent in the State for a number of years and had caused great mortality amongst the miners on the goldfields. In the majority of cases the disease had originated in the mines of Western Australia, owing to the peculiar conditions under which the miner worked. That was one reason why there was a necessity to deal with this particular complaint. Originally the Bill was introduced because of the number of accidents in dangerous occupations. The provisions had been extended in most parts of the British Empire to cover all dangerous callings, and in England it had been extended to include diseases, owing to the number of the population there who suffered in consequence of their employment. It was regarded in England as sound reasoning that the industry should pay for its killed and wounded, not that the worker or employer should suffer, but that the industry should pay for the result of its operations upon those engaged in it.

Mr. Walker: Upon its own victims.

Mr. HUDSON: That was the proper way to express it. It was necessary that diseases should be included in the definition clause. The anxiety shown by the member for West Perth was not on behalf of those who suffered from the disease, but in order to prevent the employer from having to pay for the results of the disease. The hon. member went beyond the definition clause and dealt at some considerable length with a subsequent clause which was purely machinery. The principle in the definition clause was whether or not disease should be included as an injury, and that was not affected by the machinery clause as to what the employer should pay or what evidence should be given of complaints. The question was whether or not the industry of mining

should pay for those injured in the performance of their occupations.

The Minister for Mines: You make the individual pay, not the industry.

Mr. HUDSON: It was the industry that in every instance was called upon to pay.

Mr. Draper: It is the individual man in the industry.

Mr. HUDSON: It was the machinery clause that affected the member for West Perth. That member was solicitous for the employer, but had not suggested any remedy or improvement in the measure. He had made no attempt to bring forward an amendment so as to put the Bill into what he might consider a better shape. All he did was to condemn the whole business because there was not sufficient protection for the employer. We were told that it was unnecessary to include a definition that might be wise in England, because the conditions were so different out here. The conditions in regard to miners' complaint were such as to warrant us including the provision in the Bill, even if there had never been such a section in the English Act as that relating to disease. So strongly was the efficacy of the Act realised in England that every year the number of diseases coming within its scope had been increased. It was left to the Secretary of State to say by proclamation what diseases should be declared, and the English Government had thought the Act so wise and the provisions of such advantage to the general community that they had added eighteen diseases by proclamation during the year 1907, the year after the publication of the Act. When dealing with insurance the member for West Perth had referred to the working of the Act in New Zealand. He omitted to state, however, that the conditions here were very different from those in the Dominion. He might have said that the climatic conditions were very different, and that the working of the mines was very very different there, but he had not done so. It was clear that there was a far greater necessity here to make provision for this disease than in New Zealand. In his report

Dr. Cumpston made comparisons between this and other States to show that Western Australia in this respect was worse than most other places.

The Premier: Dr. Cumpston cannot have compared with the Eastern States considering he has just gone over there to make inquiries.

Mr. HUDSON: The fact that he had gone showed how serious the matter was here. The climate in New Zealand was very different from what it was on our goldfields. Dr. Cumpston had made certain comparisons and had provided comparative tables which had been obtained, not from personal observation, but from information he had obtained from elsewhere. The point made before the Committee in regard to insurance was that if disease were included there would possibly be an increase in the rates of insurance. Naturally there would be an increase in accordance with the increase of responsibility. There had been nothing definite as to what the increase might be, although one mine manager had said it might mean an increase of fifty per cent. It had always been said that the Bill would ruin private enterprise and the industry, but that was absurd. Those who were opposed to the Bill stated that if the provision were to go through the State should do the insuring. With regard to the definition of worker that was almost word for word with the provisions of the English Act, and with the clause of the Bill now before the South Australian legislature. This Act was passed in England in 1906, and no attempt had been made to amend it. It appeared to be working satisfactorily, and the insurances seemed to be undertaken in England. With regard to the 28 diseases, and all the different employments, it was really a question of insurance. Were the danger slight, and the risk minimised, the premiums would be small, so that there was no hardship in occupations where there was little danger of accident. This provision worked out well in England, and we would be guided by the decisions there. Therefore the law ought to be acceptable in this State. It was

conceded on all hands by those who had dealt with Workers' Compensation Acts that it was a wise provision to have the definition of "worker" in the form in which it was presented in the Bill so as to extend it to other occupations.

Mr. BATH: The member for West Perth had quoted extensively from the report of the select committee, but if members examined the report carefully and read it through, they would find the report might be used with much better advantage as a means of examination into the evils of the present insurance system, or rather the evils that arise in private insurance. The member for West Perth, as chairman of the select committee, had collected overpowering evidence to show that under existing conditions the system of private control of insurance was an absolute evil, and that some drastic remedy was necessary. As to workers' compensation, extracts quoted had as little to do with that as "the flowers that bloom in the spring." The member had attempted to convince the Committee that the representatives of the insurance companies who gave evidence would be naturally more desirous of extending the scope of insurance. That was absurd, because by the operation of the "ring" they could secure the minimum rate, and it was to their interests to keep the number and variety of mishaps as low as possible. If the rates were apportioned to the risks involved, we might understand the argument of the member that the insurance representatives were interested in extending the risks under the Workers' Compensation Act.

Hon. A. Male (Honorary Minister): What about the extra volume of business?

Mr. BATH: If insurance companies could get the same rates with a lesser volume of business, they did not want it. It did not matter if the risks were reduced, they demanded the same rates. The member had conveniently blinded himself to the question of the necessity for compensation. What was the real position? The miners or workers in all employments were compelled to undergo unnecessary risks simply because of the prevailing opinion amongst employers

that they had the right under the old *laissez faire* idea to maim, and very often to kill employees in their industries without being under the necessity of taking into consideration the payment of compensation : that it was part of the system that they should have the right to work people in such a way that they had to meet accidents and be killed without any liability on the part of the employer. That idea had been destroyed, or met to a certain extent by the Workers' Compensation Act as it existed now ; but that Act was so limited that employers could still carry on their industries in such a way that a very large number of men were subject to diseases which gradually grew in intensity until at the age of from 35 to 45 men became so diseased as to be incapacitated from work, and were thrown on the charity of their friends, or the State. The employers said it was necessary in the interests of the industry that they should be able to do this, that the industry could not be carried on unless they were permitted to do this. They said in previous times that the industry could not be carried on if there was such a measure as the Workers' Compensation Act at all. But, having been defeated on that, when it was a question of extending the Act they repeated the old argument and said, "We are not responsible and it is wrong to propose in any Bill to make us responsible." That seemed to be the idea solely regarded in the report of the select committee. There were others beside employers to be considered. There were those who had the responsibility of the people as a whole. It was amusing to him that there were professional men, men of education, who regarded it as necessary to make themselves intellectual prostitutes to moneyed interests. We should remember that the employer was one, and the workers might be 100 or 1,000. No community that called itself civilised could turn hundreds or thousands of men on to the charity of their friends, or the Government, and this Bill was brought forward to prevent that.

The MINISTER FOR MINES : The hon. member used arguments to appeal

to the passions of the people. It was shown that the clause before the Committee was unworkable. It was not quite fair to say that the opposition to the measure was simply because of the increase in the insurance. That was not the reason of the opposition at all. The Bill was considered to be unworkable. There was a safeguard omitted from this Bill, that any disease should be proclaimed, and that the schedule of diseases would have to be passed by both Houses of Parliament first. The hon. member had pointed out that an industry should be made to pay compensation, but, would the industry have to pay ? The Government should have power to proclaim diseases for which compensation would have to be paid ; otherwise the whole responsibility was on the employer to prove that the person contracted the disease while in his employ. It was for the employer to prove that the person did not contract the disease while in his employment. If an employer could prove that the disease was contracted elsewhere, he could make that other person pay the compensation. But, take a disease like fibrosis, which was of very slow growth. It would be impossible to prove where the disease was contracted. It had been proved in New Zealand where the employers demanded a certificate showing that a workman was free from disease, that the workmen refused to be examined before being employed. If we passed this Bill it would be found that the employer would insist on a certificate that a man was free from fibrosis before employing him.

Mr. Bath : We will give you power to deal with fibrosis, and we will give you power to prevent if it you will take it.

The MINISTER FOR MINES : If the miners would agree to a small amendment to the Mines Regulation Act we could prevent any person suffering from tuberculosis working in or about a mine, and tuberculosis was more dangerous than anything else.

Mr. Angwin : It does not kill so many.

The MINISTER FOR MINES : We learned from Dr. Cumpston's report that inhaling dust particles shortened a man's

life by 3½ years. It would be agreed that some action should be taken.

Mr. Scaddan: That is about as far as you get.

The MINISTER FOR MINES: How could it be done? The Government wanted to do it in the proper way.

Mr. Scaddan: You should do it. What are you there for?

The MINISTER FOR MINES: The bakery trade was equally dangerous for contracting fibrosis. One of the worst places for contracting fibrosis was in connection with some sewerage works in Sydney.

Mr. Heitmann: The rock-chopper's disease.

The MINISTER FOR MINES: Those engaged in that work contracted it to a very alarming extent. But the question was not the prevention of fibrosis; the question was how we could best provide an insurance for those people who contracted the disease.

Mr. Hudson: This is one method of prevention.

The MINISTER FOR MINES: It was not prevention. The experience of New Zealand ought to be sufficient for hon. members. Without one word in the House of Representatives in the Dominion of New Zealand the first, second, and third readings of a Bill repealing pneumoconiosis from the Workers' Compensation Act were passed, showing there was danger a measure could prove unworkable. If this provision passed Parliament the employers would demand a clean bill of health from every person coming for employment.

Mr. Scaddan: That will draw attention to the prevalence of the disease and that is what you are frightened of.

The MINISTER FOR MINES: No, Dr. Cumpston was making a preliminary inquiry into the prevalence of the disease and had gone to the Eastern States to get further information as to the conditions prevailing there and as to what the Governments in the Eastern States proposed to do in regard to it. Again, the Government Analyst for the past nine months had made a special and exhaustive examination into the fumes resulting from the explosion of

dynamite and gelignite and was working in this direction in conjunction with the Transvaal Government. His instructions were to find out what caused the fumes and also to see if it was possible to insist on some other method of manufacture to prevent them. The Government were desirous of doing what they could properly do. If the Bill were passed in its present form it would do an injury to the mining industry. The proper principle to adopt was to try to bring forward some method by which all persons disabled by accident or sickness could be insured, and we need not necessarily confine ourselves to the mining industry. Mr. Hamilton, the president of the Chamber of Mines, had no objection to the amount of insurance being increased, or to a Bill that would give far greater security to employees generally, if it were the means of the whole industry paying the cost. In this Bill, however, the responsibility was placed direct upon the employer. If a man left his employment where he was insured and went to another employer and was found to be suffering from fibrosis, the responsibility would be on the previous employer, but that previous employer would not have the man insured.

Mr. Holman: The man would be insured at the time of contracting the disease.

The MINISTER FOR MINES: The policy would have lapsed and the insurance company would have nothing to do with the man. This Bill was opposed to the interests of small employers, and if this definition formed part of the measure it would do a serious injury to the mining industry.

Mr. HEITMANN: It came with bad grace from the Minister to charge the member for Brown Hill with appealing to the passions of members. There was nothing more worthy of an appeal to the passions than this definition. In times past the Minister for Mines had accused him (Mr. Heitmann) of playing to the gallery and appealing to the passions of men when recognition was sought for this disease, but if a stronger appeal was made to the humanity of

members a little more humane treatment might be obtained by the men who were suffering in this way. Members seemed to be turning from the real point of issue to the consideration of the insurance companies and the employers. The first object of this kind of legislation was to protect the workers in dangerous places, but it was desired to extend the scope of this, and though it might be difficult to bring in a workable measure and to locate the responsibility, all the same week after week hundreds of workers were becoming disabled, and the question to members of the Chamber was what were we going to do for them.

Mr. Harper : Put them on the land.

Mr. HEITMANN : The hon. member who interjected was the gentleman who, after making his fortune in mining, fouled his nest. It would be only too pleasing to have the miners put on the land. The mines might well be closed.—the injurious mines—if it was possible to place the workers in better occupations. But the question was how to locate the responsibility. The difficulty could be got over in regard to previous employers if the Government were sincere and were prepared to go further, so that if a man worked on the Fingall at one time and on the Hainault at another time both companies would be paying a premium into the one company, that would be the State. They would have their responsibility all the same, but it would be spread over the whole. Employers had no great concern as to whether a man was healthy or not, so long as they got a day's work out of him. They paid their premiums whether a man was healthy or not. If we had the one system of insurance dealing with the whole of the mines in the State there would be no difficulty in applying the provisions of the Bill. The fact that it had been tried in New Zealand and found unworkable was really no argument against its application here. If the Government were prepared to bring in a full scheme dealing with the question, including the examination of miners, the miners of Western Australia would be only too willing to accept it. In the Fingall mine recently there was not one

refusal on the part of the miners to submit themselves to an examination by Dr. Cumpston. In fact they were only too glad to be examined by him. In Day Dawn at the present time, so strongly had the position been brought home to the miners that they were seeking medical advice. In order to preserve the health of the community we should be prepared to ask the miners to submit themselves to a medical examination, and it was due to the Government, seeing that they were opposed to the Bill, to make some declaration as to what they intended to do with regard to the question of miners' disease. It would be useless to introduce a medical examination unless we were prepared to say what we should do with the miners if they were prevented from going underground. It should not be forgotten that many of them had responsibilities and they would prefer to continue to work even though they knew that they were working rapidly towards their death. The position was not how we were going to deal with the insurance companies or with the employers ; it was that we found hundreds suffering from a complaint which was preventable and what we were going to do with these men. Were we going to give them succour through insurance, or were the Government going to bring in a State insurance scheme and see that the life of every miner was insured ? If the Government were prepared to do that there would be no need to ask twice for authority to bring in such a measure.

Mr. FOULKES : Both sides of the House should insist upon doing a fair thing to the men who ran risks in the occupations they were engaged in. It seemed an extraordinary thing, but some labour members seemed to think that the whole solution of the difficulty was the question of paying hard cash to the men who were incapacitated. Members seemed to think that that settled the whole matter. If it were found that a disease was commencing to attack a working community Parliament and the people ought to decide what steps to take. It was no use saying to the men " go on working underground, you will be quite

happy; you will get compensation, or, your widows will be looked after." The point that had to be considered was that as soon as a doctor found out that the disease had commenced to attack a man that man should immediately be prevented from working, and when steps were taken to prevent that man from working he should be provided with some cash so that he might commence elsewhere. With regard to tuberculosis a man might work underground and spread the disease amongst his fellow workmen.

Hon. A. Male: Oh no!

Mr. FOULKES: As soon as a man working underground was found to be suffering from tuberculosis he should not be allowed to continue working with other people. What was it proposed to do with all these people who were prevented from carrying on their avocation? It was no argument to say everything would be all right and that they should go on working. The member for Cue stated that in his district certain miners were prepared to undergo examination. He was the only labour member who had made such a statement and it was to be hoped that others who would address themselves to the question would have a similar statement to make. What struck one was that in New Zealand a large body of men had distinctly refused to undergo medical examination. It should be realised that it was for their own benefit that they were asked to submit themselves to such an examination. It was better for a man to know whether or not a disease was beginning to make its appearance, and if all mining bodies in the State undertook to address themselves to this question and endeavoured to induce the men to submit themselves to examination, the results would be far more satisfactory, and there would then be no reason why the industry should not compensate the sufferers as soon as the disease presented itself. It was too late to pay compensation when a man was incapacitated.

Sitting suspended from 6.15 to p.m.

(Mr. Taylor took the Chair.)

Mr. FOULKES: No doubt a difficulty would arise in recovering compensation,

owing to the fact that some of the employers would not have sufficient funds to pay the amount of compensation awarded by the Court. There would be the further difficulty employees would have in determining definitely which employer was liable to pay the compensation. This might easily result in an ill-advised action against the wrong employer, the end of which would be the mauling of the employee in heavy costs.

Mr. Hudson: He gets his compensation from his employer for the time being, and that employer recovers from the previous employer.

Mr. FOULKES: The unfortunate employee would then find it necessary to take action against another employer.

Mr. Hudson: No.

Mr. Collier: He would recover against the employer in whose employ he was when he contracted the disease.

Mr. FOULKES: Having failed in the one action the employee might be successful in recovering compensation from the second employer, but from that compensation would be deducted the costs of the first action. There was nothing in the Bill to ensure that the compensation would be paid. Not all employers had the means to pay compensation.

Mr. Hudson: That is not an argument against the proposal.

Mr. Collier: In that respect the Bill is precisely the same as the existing Act.

Mr. FOULKES: The Bill did not meet the difficulty at all, inasmuch as there was no guarantee that the compensation would be forthcoming. Under a system of State insurance the State would not sit down and allow mine owners to employ men who were not in a fit state of health to be employed. It would be found necessary to prevent men suffering from tuberculosis and fibrosis carrying on mining work after contracting those diseases. It was to be hoped the Minister for Mines would realise the necessity for Parliament to take steps to compel mine owners to see that their employees worked under healthy conditions. Dr. Cumpston had declared that without dust in a mine there would be no fibrosis. It was not creditable to Parliament that the mining industry

should be carried on year after year under conditions the effect of which was to decimate the ranks of the miners by the ravages of disease, without Parliament doing anything to put a stop to that state of affairs. To say that a man should receive compensation when he was incapacitated was to put the cart before the horse. It was clear that the Bill would not meet the difficulty. He hoped steps would be taken to enforce an improvement of the conditions under which the miners worked.

Mr. WALKER: It was interesting to hear the member for Claremont declaring the necessity for improving the conditions under which the miners worked. When the Mines Regulation Bill was before the Committee, members of the Opposition had aimed at the very points the member for Claremont was endeavouring to make to-night in providing healthy conditions for the workers; but on that occasion the member for Claremont had voted with the Minister for Mines against those trying to secure improved conditions. There could be no earnestness in the objections raised by an hon. member who had based an argument on the claim that there was no guarantee in the Bill that employers would be able to pay the compensation. Were we to stop all trading relations because the men we traded with might possibly become bankrupt? The same argument could be adduced against the Employers' Liability Act, and against the Workers' Compensation Acts already law in practically every part of the British Empire. Like the Minister for Mines, the hon. member had pretended to be anxious to protect the worker against the danger that would arise if workers had to undergo a medical examination. Inferentially the member for West Perth had used the same argument, namely, that once a miner had contracted the disease work would be refused him if the fact became known. It had been alleged that in New Zealand the miners were afraid to be examined because they feared that as a result of that examination they would not get employment in the mines, where the disease was likely to be intensified and accelerated. Recourse to such an argu-

ment was a striking commentary on the powerlessness of the Government and their lack of humanity. If we had a system of State insurance insuring all engaged in the employment it would matter little where the victim first got the germs of the disease; for, the disease having been contracted in the employment, the employment would compensate for the disease. Surely we were not going to admit our impotence to deal with a fact so transparent as was made evident by the report of Dr. Cumpston, who clearly showed that the disease known as miners' complaint was the result of mining under unhealthy conditions and that to work in certain of the West Australian mines was to contract that disease. It was a disease caused by that kind of work in that kind of mine, and the Minister for Mines had said we must be helpless in that case, we must not seek to give that man any sort of compensation, we must not consider it as an injury arising from that work, we must allow the employers to escape with impunity. The argument was absurd. The Minister for Mines admitted that the disease the Bill dealt with was the result of working in the mines. Dr. Cumpston declared to the world that the disease could be prevented if the mines regulations were such as to ensure good ventilation, the absence of dust and something like an evenness of temperature; yet the Minister was opposing the passing of a Bill that would give compensation to those who had got the disease from working under such conditions. The present Minister for Mines had occupied the position for years and had taken no steps to prevent the disease; but, when a Bill came in to give compensation to the victims, he said the existing evil must be allowed to grow, men must be allowed to die here and be sent abroad to die. One could not compute the deaths from the disease, as scores of men had left the fields to go elsewhere to perish, but their death sentence was passed in our gold mines. It was scandalous that the Bill should be opposed by one having charge of the department, one who had administered the regulations for years. Because of the prevalence of the disease, because em-

ployers would be so heartless as not to give work where there was the slightest suspicion of this disease existing, it was argued by the Minister that the state of affairs should be allowed to continue, that more deaths should occur. The disease had become almost universal on the fields, and yet we must not make an effort to remedy it. It was feared there would be a revolt of workers against examination. That might be so while the mines were managed as they now were, while we had these impure conditions prevailing, because men having wives and children depending on them, even when they knew death was knocking at their chests, dared not cease work, though they knew death was hastening every hour they worked under such conditions. It was a commentary on the callousness of the Mines Department and the Minister. He could only conceive opposition to the measure and to the inclusion of this clause to be either in the interests of the insurance companies, who wished to escape from risk, or of the big mining companies. Were we to be impotent in the presence of these personages who had no other basis of morality than pounds shillings and pence? Surely humanity was a greater consideration. If the companies would not take the risk, if the Bill became law, then it would be the duty of the Government to step in with State insurance, have compulsory insurance, and deal with all these dangerous employments on an equal basis.

The Minister for Mines: What will you do with men now suffering, if examination is insisted upon.

Mr. WALKER: It was the duty of the Ministry and all members to deal with matters of that kind. If a man broke a leg or an arm he was taken care of. If a man were mad he was taken care of, and so he should be in this case.

The Minister for Mines: These men can work.

Mr. WALKER: Yes, and hasten to the grave owing to it. Were the Government incapable of providing for men injured in that manner? The Minister always criticised in a carping spirit measures brought down to meet a genuine evil that

existed. Let us deal with the question while there was a chance, make a law to deal with it and, if new measures were requisite in order to give effect to that law, it would be the duty of the Government to provide them.

Mr. McDOWALL: The member for Claremont seemed to press too far the question of the examination of miners. The Coolgardie Miners' Union, consisting of something like three hundred members, some time ago appointed a sub-committee in connection with this Bill. Instead of there being any objection to the examination of miners this was, in effect, what they decided, "That medical men be appointed by the Government to examine miners and those working underground as to their state of health; that the appointments for this purpose be independent of all other medical men at present in practice on the fields, and the certificate of health issued be accepted by the parties concerned." This was the decision of a very important branch of the miners' union and it did away entirely with the arguments of the member for Claremont and others that miners would not submit to examination. The Minister had frequently thrown at us the experience in New Zealand, where there was some trouble in connection with the examination of miners. The resolution of the Coolgardie union proved that a change was gradually taking place in the minds of miners in connection with this important matter. There should be an effort made to pass legislation in the interests of so large a number of the people in the community. Instead of throwing obstacles in the way there should be an endeavour to pass the measure practically as it stood, and when difficulties arose to meet them. There was no difficulty in connection with the Bill that could not be surmounted. We were told that insurance companies would put up their rates; if they did, what would it mean? Merely that the industry would eventually pay the premiums. What did that mean? That the people at the bottom of the industry, the workers themselves, would have to pay it. There was nothing serious in grappling with the difficulties. If the insurance

companies did not deal fairly with the people there was nothing to prevent the provision of State insurance. Surely it would be easy to devise means to provide for this compensation. If an examination deprived a number of men of their livelihood, some other means of getting a living for them must be found, and who was to provide it? We were spending thousands of pounds in bringing immigrants here and we described them as a valuable asset. Was it not equally important for us to foster the lives of the people already here, who were the best immigrants that could be obtained? It was more important that we should study matters of this kind than that we should strive to bring people here from outside. Our first duty was to the people who lived within the State or within the Commonwealth. If we found men were incapable of continuing their employment in consequence of contracting one of the diseases mentioned, something should be done by the State to find them other congenial employment. The employees' union had decided something to the effect, that when a man was deprived of following the vocation of mining by reason of contracting a disease mentioned in the schedule other congenial employment be provided for him by the Government. It might seem to be going a little ahead of the time for the Government to find employment, but there was nothing unreasonable in the proposition. A man who was dying of consumption and whose lungs were affected and was not in good health, but was capable of doing good work on the surface might easily be employed on the lands of the State and be a valuable asset to the State, and it would cure him at the same time. He trusted that further consideration would be given to the measure believing it to be in the interests of humanity and the people who rightly deserved being protected in every possible manner.

Clause put and division taken with the following result:—

Ayes	..	..	..	18
Noes	..	..	..	23

Majority against .. 5

AYES.

Mr. Angwin
Mr. Bath
Mr. Bolton
Mr. Collier
Mr. Gill
Mr. Heitmann
Mr. Holman
Mr. Hudson
Mr. Johnson
Mr. McDowall

Mr. O'Loughlin
Mr. Scaddan
Mr. Swan
Mr. Troy
Mr. Underwood
Mr. Walker
Mr. Ware
Mr. Gourley
(Teller).

NOES.

Mr. Brown
Mr. Butcher
Mr. Carson
Mr. Cowcher
Mr. Daglish
Mr. Davies
Mr. Draper
Mr. Foulkes
Mr. George
Mr. Gordon
Mr. Gregory
Mr. Harper

Mr. Jacoby
Mr. Male
Mr. Mitchell
Mr. Monger
Mr. S. F. Moore
Mr. Murphy
Mr. Nanson
Mr. Osborn
Mr. Plesse
Mr. F. Wilson
Mr. Layman
(Teller).

Clause thus negatived.

Clause 3—Liability of employers to pay compensation:

Mr. HUDSON: In consequence of the division just taken it would be necessary to consider further amendments to the Bill.

Progress reported.

BILL—LICENSING

In Committee.

Resumed from the previous day: Mr. Taylor in the Chair, the Attorney General in charge of the Bill.

Clause 110—Licensed premises not to be opened before or after certain hours:

[An amendment had been proposed by Mr. Keenan that all the words after "premises," in line five, be struck out, and the following inserted in lieu:—"At any time other than the hours fixed for sale of such liquor by the licensing bench for the district, and as set out in the license granted to the licensee. Provided that such hours on any day except Sunday shall be continuous, and shall not exceed seventeen hours in any twenty-four hours. Penalty for the first offence, fifty pounds; and for any subsequent offence, one hundred pounds."]

Mr. KEENAN: The reasons for the amendment had been given, and until he heard arguments against the proposal it was unnecessary for him to say anything further.

The ATTORNEY GENERAL: Although one must admit that the proposal was not to be condemned on account of its novelty, when a proposal was novel and unknown in licensing legislation in other countries, the effect required to be closely scrutinised. The general contention of the Bill in the eyes of most people was that it should be a measure to assist in the promotion of temperance. Should the amendment be carried the Bill would, in that particular, rather assist in the promotion of intemperance. If statistical information could be obtained as to the amount of drinking done in public houses during the hours those houses were open, it would be found that by far the greater proportion was done in the evening hours when men were free from work and engaged in social intercourse. If the amendment were carried we would have in the different districts throughout the State, not one hour for closing hotels, but hotels closing at one hour in one district and at another hour in a district perhaps immediately adjoining, so we would not be sure of any actual uniformity of hours as everything would depend upon the will of the licensing bench of the licensing district. The member for Kalgoorlie would recollect that when he was Attorney General the Chief Justice addressed a letter to him pointing out how, in the Chief Justice's opinion, serious crimes had been caused owing to the late hour to which public houses were allowed to remain open at Kalgoorlie and Boulder, and how in two instances serious crimes which resulted in loss of life were attributed to the fact.

Mr. Angwin: Is that the reason why you increased the time in the Bill?

The ATTORNEY GENERAL: Certainly not. In this matter we had to walk the path of compromise. He would like to see public houses closed at 10 o'clock; but in endeavouring to pilot a measure of this kind through the difficulties with which it would have to contend, he had to consider not only the temperance feeling, but the feeling of people who were certainly not enthusiastic advocates of temperance; and so he endeavoured to strike to some extent

the happy medium. He was anxious to get the Bill through, and recognised that legislation of this kind could not be a success if it ran to extremes in one direction or the other. On more than one occasion in Committee he found himself opposing the temperance party, and at other times opposing those who more particularly advocated the claims of those persons who could not be regarded as the advocates of temperance. He stood in an impartial position in regard to the Bill. The amendment moved by the member for Kalgoorlie was a retrograde step which would allow public houses to remain open until the small hours of the morning, and which would probably lead to an increase in crime, and would certainly necessitate a considerable enlargement of the police force.

Mr. Scaddan. The same argument will logically apply to the extra half-hour.

The ATTORNEY GENERAL: If everything was argued to its logical issue it generally ended in bringing things to an absurd conclusion. The whole art of politics and successful legislation was compromise, and one's ideas of logic must be tempered by common sense. In a perfect state of society it might be advisable to have public houses closing at sundown, but we were not in a perfect state of society, and human nature was not quite as perfect as the member for Ivanhoe would wish it to be, so that we must adapt ourselves to the existing conditions. The main argument of the member for Kalgoorlie was that a large number of employees in the mines at Kalgoorlie left their work after midnight, and that instead of going to their homes to obtain refreshment, they should be permitted to go to the public house and have a refresher. Could it be argued this was a desirable state of affairs? After working a long shift was it desirable to sit in a public house longer than might be good for one? It could scarcely be in the best interests of the wage earners that an inducement should be offered to them to go to the public houses in the small hours of the morning or about midnight and begin drinking. If there were any merit in

the argument of the member for Kalgoorlie, at least one public house might be allowed to remain open in Perth for the special benefit of the compositors of the morning newspaper. In that portion of London, in Fleet-street, where the newspapers mostly congregated, places existed for the special benefit of the newspaper workers, and remain open the whole of the night, but no one had ever suggested in England—where the beer industry was entrenched in a way we had no conception of in Australia—that the public houses should be kept open the whole of the night in order to cater for the very large number of workers whose avocations compelled them to work late at night or in the small hours of the morning. In London tram cars ran all through the night for the benefit of workers, and restaurant and coffee shops kept open; but no reformer, not even a publican, had suggested that public houses should be open at these hours for the benefit of workers. That was a kind of social reform that was reserved for the member for Kalgoorlie. One could not with any sincerity congratulate the hon. member upon it.

Mr. ANGWIN: The amendment proposed that the licensing court should have power to deal with each license separately, so there was a possibility of one house keeping open during the day, and another during the night, rendering the sale of liquor possible through the whole 24 hours. There was, however, one point in the amendment strongly in its favour. With the system of elective licensing courts there was a possibility of the people of a district electing members to the licensing court in favour of closing hotels at a certain hour. The districts would probably be separated so that if one district favoured closing at an early hour and another district favoured closing at a late hour, it would not have the effect to the large degree the Attorney General made out. Apparently the present Attorney General took very little notice of the letter from the Chief Justice, because the closing hour in the Bill was extended. If the Minister wanted to avoid crimes being

committed, there was no reason why the closing hour should not be fixed at 8 o'clock instead of 11.30. The amendment should be made to read that the decision of the licensing court should not apply to separate licenses, but to the district as a whole. This would give power to the electors in a district to say through the election of the licensing bench whether the closing hour should be made earlier or not.

Mr. KEENAN: The Attorney General opposed the amendment on two lines, firstly that it was novel, and therefore did not appeal to him, and secondly because it was not in force in other countries; and from these two premises the hon. member drew many conclusions. But because something was novel it did not mean it was to be rejected. In fact it was something that recommended it. Were we ever to tread the beaten path and simply because something was done before persist in doing it now? The precedent of other countries was of no use when applied to a young State such as ours with a population so widely scattered. Legislators must learn that the conditions of the State varied to such an extent that it was almost impossible to frame legislation that would not in some portions of the State be not only irksome but unjust. If there was a desirable element that should be introduced into the legislation, it should be to make it capable of fitting the various wants of this great and wide State. Apparently what would appeal most to the Attorney General was the hard and fast rule that would suit possibly the conditions which he was better acquainted with. What he did not really concern himself about, however, was whether it would or would not suit the requirements of more out-standing parts. It was said that this amendment would assist intemperance. As long as a man did not drink to excess after his work had finished that man should not be deprived of the right of drinking. With regard to the observation of the Chief Justice that certain forms of crime were fostered and encouraged by public-houses remaining open as late as 11.30 at night, it was more likely that crime was asso-

ciated with the dark hours of the night after the public-houses were closed. The cure was not to deprive the general public of the conveniences that they were entitled to, but to see that the criminals were removed from our streets and to educate people to abstain from crime. The Attorney General should be congratulated on occupying a middle seat between advocates of temperance and advocates of the liquor traffic. He (Mr. Keenan) was not concerned with either party. If he did hope to represent anything it was reforms for the general public, which were forgotten in the turmoil, and it was about time that the wants of the general public were voiced in the House. An instance might be given of the district with which he was best acquainted on the goldfields. A thousand men might come off duty at night under conditions that might be conducive to drinking and those men would insist upon getting a drink and no law could prevent them from getting it. That kind of thing should be controlled. The member for East Fremantle had suggested the necessity for an amendment but it was not necessary that all houses in a district should be licensed to remain open at certain hours. It might well be that the requirements of the public would not demand that. Again he was thinking of the district that he was best acquainted with, and there only a portion of that district would meet the requirements of the working public. There seemed to be an assumption, too, that the licensing bench to be elected would consist of individuals who would be hostile both to public morality and to public interests. That seemed to be the assumption of the Attorney General. But what reason was there for it? More than 80 per cent. of the public were absolutely temperate and the great mass did not belong to the temperance body or to the drinking body. The bench to be elected would therefore represent temperate men and women and such a bench would not adopt an attitude hostile to public morality or public interests.

Mr. BATH: The amendment moved by the Attorney General at first sight appeared to be an ingenious attempt to get

over what was undoubtedly an awkward problem. At first sight it ought to commend itself to members of the executive because it would mean transferring the responsibility with regard to the administration of the present licensing law as far as the hours of closing were concerned from the shoulders of the authorities to the licensing court and through the licensing court to the respective elements which made up the liquor interests on the one hand and the temperance reformers on the other. It was premature on the part of the member for Kalgoorlie and others who looked at it from the same point of view to argue that the present law could not be administered and to argue that because it was broken that was proof that the authorities could not administer it. Before the Committee adopted a final proposal and made vital alterations in the law with respect to the hours of closing we should first see whether the present law could not be administered. There had been too much tinkering and winking owing to the influence of the powerful vested interests which controlled the liquor trade. If a proper attempt were made by the authorities to administer the licensing law there would be no difficulty encountered. There was no agitation amongst the public in favour of extending the hours of closing shops; there was no agitation that they should be allowed to remain open until 11 o'clock or 1 o'clock in the morning. The people had shown by their acquiescence that they readily approved of the closing of shops at the hour of 6 in the evening, for half a day on one day of the week and all day on Sunday. He had always failed to understand why we should be asked to pass special legislation in regard to licensed victuallers, which we were not prepared to give to other sections of the trading community. He would oppose the motion. If a courageous attempt made to administer the present law were to prove abortive then we could consider other means of reaching the desired thing.

Mr. HARPER: It would be degrading on the part of members to allow hotels to be opened after 11.30 p.m.

Mr. Murphy: What about clubs?

Mr. HARPER: The same argument might be used in respect to the closing of clubs at 11.30 p.m. The wives of the miners would strongly object to their husbands being induced to go to hotels at unearthly hours in the morning, and they should be supported in that objection.

Mr. COLLIER: Surely the member for Beverley was labouring under a misapprehension when he argued that it was undesirable to extend the closing hour later into the night than at present obtained. The amendment did not propose any such thing. It might even be that under the amendment many of the hotels would be forced to close as early as 9 o'clock: for the amendment declared that, through the licensing bench, the people should decide at what hour the hotels should close. If the hon. member desired to see the hotels closing earlier than at present, he could not do better than vote for the amendment. What objections could there be to the principle of allowing local people to decide for themselves what time the hotels in their districts should be closed.

The Attorney General: This will allow them to remain open until 3 o'clock in the morning.

Mr. Sealdan: But they cannot be open more than 17 hours in the 24.

Mr. COLLIER: Whatever the hour of closing might be, it would be decided by the licensing bench, the direct representatives of the people.

Mr. OSBORN: The amendment was one which he certainly could not support; indeed, he had not yet arrived at its precise meaning. He had been surprised to hear the member for East Fremantle supporting such an amendment, if, indeed, that hon. member had been sincere in his remarks. He (Mr. Osborn) had previously understood that the object of the Bill was the control of the liquor traffic. Now, however, it had been discovered that it was desirable not to in any way restrict the traffic, but rather to give people increased facilities for drinking; and, further, that certain hotels should have special advantages afforded them by the licensing benches. The people would have no voice in this matter, because it would

be wholly in the hands of the licensing bench.

Mr. Collier: According to that, the people have no say in the legislation we, as their representatives, pass.

Mr. OSBORN: The people were not having much say in the framing of this Bill. He hoped the amendment would not be carried, but that we would endeavour to control the liquor traffic, and not make it easier for workers to become intoxicated on emerging from the mines in the early hours of the morning. Clearly the wives of these miners would be only too willing to remain up and prepare coffee or beef tea for their husbands when they came from work in the early hours of the morning, rather than have them go to the hotels. It was the clear duty of Parliament to protect those wives from the evil effects of hotels being kept open all night.

Mr. WALKER: The hon. member ought to read a work on logic. What species of reasoning was that which made drink a good thing up to a certain hour and, five minutes later, an evil? Up to 11 o'clock the member for Roebourne was with the Government, but immediately that hour was reached there was something wrong in having a glass. Again, if the hon. member wished to be consistent he should carry local option to its logical conclusion. Local option meant the option of the locality. In all matters of Government we had too much centralisation, too much direction from Perth. If we were to govern the country according to local requirements, we must have local government in this matter as in all others. The object of the Bill was to give the people of the districts full and complete control of the liquor traffic. For that reason he supported the amendment, because it gave every locality the right to manage completely its liquor consumption. It did not increase the hours.

Mr. Osborn: Certainly it does.

Mr. WALKER: If the hon. member wanted to show his ignorance he should go back among the savages from whence he came. It could not increase the hours, because the Bill fixed the limit at 17 hours

during the 24. The Minister could not logically oppose local option in this matter. Another ground on which the amendment could be supported was that it would do away with the hypocrisy at present existing. If the police made a raid on the chief hotels in the City they would find drinking taking place after closing hours. We now allowed the evil, and added hypocrisy and law-breaking to it. There was always a chance of reform if the evil was under the eye of the public, but as it was at present we had the doors closed at the tick of the clock and the law apparently respected, while drinking went on to the small hours of the morning behind the closed doors, and certain hotels were more greatly favoured in this respect than others. Was it a crime to drink a minute after the clock passed the closing hour?

The Attorney General: It is not a crime in a moral sense; it is simply a bad habit.

Mr. WALKER: Each district should be left to look after its own affairs in this respect, modifying the hours according to its particular habits. It was the application of the local option principle all round and in every district.

Mr. OSBORN: The amendment would allow one hotel to remain open from 6 in the morning until 11.30 at night, and another hotel to remain open all night, so there was a possibility of hotels in a district being open all night, and people could pass from one house that was closing to the other that was privileged to remain open all night.

Mr. Murphy rose to speak.

Mr. Bolton: The hon. member was not speaking from his place.

The CHAIRMAN: The hon. member must speak from his place.

Mr. MURPHY knew no Standing Order which compelled him to do so, but would obey the Chair. He supported the amendment. If we decided public houses could remain open for seventeen and a half hours in the twenty-four we should allow some form of local option to say what those seventeen and a half hours should be in each district. Personally he had seen less drinking in towns where

hotels remained open all night than in places where the closing time was fixed. Why should those who had to labour into the small hours of the morning be not entitled to get a pint of beer without breaking the law? If it was not a crime to drink until 11.30 it was no crime, nor would it make a man any more a drunkard, to get drink at 12.30 in the morning. Generally speaking those men who had a drink going home in the early hours of the morning after knocking off work were not drunkards. In a large State with a scattered population, we should decide on a certain number of hours during the 24 in which intoxicating liquors could be sold, but it would be absurd to say that those hours should be between any particular hours of the clock, and that they should apply to the whole State. It might be well that they should close at 11.30 p.m. in Perth and Fremantle, but it might be wrong that they should close at that time elsewhere. So far as hours were concerned, that should be left to the decision of the licensing courts, seeing that we were adopting the principle of local option. If the courts in Perth and Fremantle decided that the hotels should close at 9 o'clock at night then why not obey. Certainly we would not like it, but if the people decided that, decided it through their representatives on the courts, we must bow to their will. If we had local option we should let the people decide what hours the hotels should be open.

The CHAIRMAN: The member for Fremantle had asked a question with regard to a member speaking from some other seat in the Chamber than his own. His attention might be drawn to Standing Order 111, which said—

Every member desiring to speak shall rise in his place uncovered and address himself to the Speaker and may, if he thinks fit, advance then to the Table for the purpose of continuing his address.

That was the Standing Order dealing with the question.

Mr. Murphy: On some future occasion he would ask the Chairman to interpret the meaning of the words "in his place."

The ATTORNEY GENERAL : The amendment was sought for mainly on the ground that a peculiar condition of affairs had arisen in Kalgoorlie. The condition of things at that town was the same, however, as that at any other great industrial community where mining or ironworking was carried on. In all places in which hundreds and thousands of men were employed in European cities the shift system was adopted, work being continued for the 24 hours. We were now asked to give the licensing courts a power given to such courts in no civilised country of the world. It was a novel suggestion, and the member for Kalgoorlie and others had said that it should not be thrown out merely for that reason. It was because it was novel that it should be subjected to very close scrutiny, and we should be guided by the experience of other countries. Those members who advocated temperance views should be warned that if they were led away to vote for an amendment of this kind they would go perilously near the breaking point in regard to the Bill. The Government had responsibility in this matter. Although the local authorities might provide that the hotels should be open at all hours of the night and in the small hours of the morning, the responsibility for maintaining public peace, law, and order in the district rested with the Government. He had no doubt that if it should happen that in a mining or in any other industrial district public houses were open until the small hours of the morning, it was a certainty that police protection in that district would have to be increased. Where there was a public house there must be police protection, and the more public houses, as a general rule, the more police required. In countries where there was prohibition, whatever might be the general effect of drinking habits, there were fewer crimes of violence than in places where public houses flourished. It would be hard to find a member of the judicial bench who had not stated on more than one occasion that the great proportion of the crimes by violence brought before them was due to the abuse of strong liquor. It was impossible for any member, no matter how

great his powers of argument might be, to blind us and the public to the fact that if power were given to continue the opening of public houses to the small hours of the morning there would be a step taken not in the direction of greater sobriety, but a step in precisely the opposite direction. If this amendment were carried it would be possible for a licensing court in a district where the temperance feeling was almost non-existent, and where the liquor interest was exceedingly strong, to provide that public houses should remain open from 10 o'clock in the morning until 3 o'clock the following morning. Indeed, there might be one set of hours laid down for one public house in a district and another set for another public house in the same district. By the amendment a tremendous power would be given to the courts and he was not prepared to grant that power. As he had already said, if members, more particularly those who represented temperance aspirations, were prepared to give those powers to the board they would go very far towards wrecking the Bill. The amendment was the most dangerous that had been brought forward during the somewhat perilous passage of the measure.

Amendment put, and a division taken with the following result:—

Ayes	..	..	..	11
Noes	..	..	..	29
Majority against				18

AYES.

Mr. Angwin	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Keenan	Mr. Walker
Mr. McDowall	Mr. Ware
Mr. Murphy	Mr. Hudson
Mr. O'Loughlin	(Teller)

NOES.

Mr. Bath	Mr. Jacoby
Mr. Bolton	Mr. Johnson
Mr. Brown	Mr. Layman
Mr. Carson	Mr. Male
Mr. Cowcher	Mr. Mitchell
Mr. Daglish	Mr. Monger
Mr. Davies	Mr. S. F. Moore
Mr. Foulkes	Mr. Nanson
Mr. Gill	Mr. Osborn
Mr. Gourley	Mr. Piesse
Mr. Gregory	Mr. Troy
Mr. Hardwick	Mr. Underwood
Mr. Harper	Mr. F. Wilson
Mr. Heitmann	Mr. Gordon
Mr. Holman	(Teller)

Amendment thus negatived.

Mr. FOULKES: It was his intention to move an amendment to strike out certain words in the clause.

The CHAIRMAN: The member was not in order in moving to strike out words now. He would be in order in adding words to the clause, but not in striking any out.

Mr. FOULKES: The amendment he had desired to move was to provide that the hotels should close at 10 o'clock.

The CHAIRMAN: That amendment could not now be put.

Mr. FOULKES moved a further amendment—

That the following be added to stand as a new subclause:—"Provided also that no licensee shall sell to any woman in any house licensed under a publican's general or wayside-house license any liquor at any time before ten o'clock in the morning nor after eight o'clock at night unless she is a bona fide lodger or inmate of the house so licensed."

A large section of the community recognised that a great deal of drinking took place among women, particularly in the large towns. Frequently some of these unfortunate women were dragged before the police courts and their convictions numbered sometimes 70 and 80. There were some women who were so addicted to drink that they haunted the public-houses as soon as they were opened. It was the duty of the Committee to minimise the temptation.

The Attorney General: Put those women on the prohibited list.

Mr. FOULKES: Why did not the Attorney General instruct the police to see that that was done?

The Attorney General: I do not control the trade.

Mr. FOULKES: Then who did control the trade? To a recent deputation to the Colonial Secretary on the subject of Sunday drinking that Minister declared that he did not control the trade, and that the matter was in the hands of the licensing bench.

Amendment negatived.

Clause put and passed.

Clause 111—No liquor to be sold on Sundays and certain other days:

Mr. SCADDAN moved an amendment—

That Subclause 2 be struck out.

The subclause provided that the sale of liquor on Sunday, Good Friday, or Christmas Day should not be prohibited so far as bona fide travellers or lodgers were concerned. If the Committee agreed to the amendment it was his intention to move in the direction of providing that the licensing court might under certain conditions allow licensed premises to be opened for the sale of liquor on Sunday during prescribed hours. This amendment would be introduced by him in his capacity as a private member. Of course there would be some opposition to it from members of the Opposition but he hoped to be able to convince them that if they were desirous of preventing so much drunkenness and consumption of liquor on Sunday and also causing people to tell deliberate falsehoods in order to obtain liquor on Sunday, they should support the proposed amendment. At present a similar amendment was in operation in the old country and in the last Licensing Bill introduced to the House of Commons on the 27th February, 1908, the following clause appeared:—

Premises in which intoxicating liquors are sold by retail shall be closed during the whole of Sunday except for one hour between noon and three p.m. and for any two hours between six and ten p.m., those hours to be fixed as respects any licensing district by the licensing justices of the district.

The amendment to be submitted to the Committee would differ to the extent that while it would permit the licensing bench in each district to fix the hours during which hotels might be open with such restrictions as they liked to impose, it would not make a hard and fast rule that the hotels should be opened. It would also provide that the district bench might impose such restrictions as they thought necessary, such as that the front door leading to the bar should not be opened but that entrance might be gained by a side door. At the present time, many people, particularly those who claimed to

be temperance reformers, were under the impression that under the Licensing Act hotels were closed on Sundays to all except bona fide travellers. There were many instances of hotels existing entirely on their Sunday operations and it was doubtful whether they could continue to keep open but for that Sunday trade during the summer months, especially in the electorate represented by the member for Claremont. A hotel-keeper in the metropolitan district had told him (Mr. Scaddan) that if the clause which compelled a man to travel six miles before he became a bona fide customer were passed he would have to close his hotel. Simply because the temperance reformer did not go near hotels on Sunday, it was imagined that everything was all right. A protest should be entered against the continual utterances of members and the Treasurer, made publicly and in the House, to the effect that Sunday trading was rampant on the goldfields, and making it appear that it did not exist on the coast. There could be found as much Sunday trading on the coast as on the goldfields. Although he (Mr. Scaddan) had been a teetotaler all his life, he had never objected to going into a hotel on Sunday and taking ginger ale with anyone who wanted a glass of beer, but his eyes had not been closed to what had been going on. He had gone to hotels purposely on Sunday in order to find out the extent to which drinking was taking place. In one of the hotels that he went into there were two men going as hard as they could all the afternoon to provide liquor to all and sundry without interference on the part of the police. That too was in the electorate of the member for Claremont. An objectionable thing about the bona fide clause was that once a person became a bona fide traveller there was no restriction as to what quantity of liquor he could have. If it was necessary to have a bona fide clause in the Act, it should also be provided that this person should get a drink and leave the hotel; otherwise the bona fide clause was a farce.

Mr. Bath: That is a good plan.

Mr. SCADDAN: It was a straightforward plan. Whether or not the amend-

ment were carried he desired that the bona fide traveller clause should go out of the Bill. Some of the churches had said it would be a retrograde step to allow the hotels to open for certain hours on Sundays; but in granting this privilege he would require such restrictions to be placed upon the licensees outside those hours that it would not pay them to break the law. In a measure his object was to give the licensee and his employees opportunity to leave the premises during certain hours of the Sabbath. Under existing conditions they were at work all day. There was competition in the liquor trade as in all other trades, and if the licensee on one side of the street kept open on Sunday the man on the opposite side had to do the same.

Mr. Heitmann: The Railway hotel does not do that.

Mr. SCADDAN: All licensees were not in the fortunate position of the licensee of the Railway Hotel. The amendment was not being moved in the interests of the trade. If he thought it would benefit the trade he would not go on with it. He was sincerely of opinion that if the hotels were allowed to open during limited hours on Sundays, and at the same time the bona fide traveller clause were deleted from the Bill there would be less Sunday drinking than there was to-day. To show that it was not in the interests of the trade he would quote the following opinion issued by the Licensed Victuallers' Association in respect to his amendment as it had appeared on last session's Notice Paper—

Regarding Mr. Scaddan's proposed amendment in this connection, that the matter of Sunday opening shall be dependent on the taking or carrying of a local option poll on the question, the association is of opinion that it would be preferable to have the principle established straight out in the Bill as suggested by Mr. Keenan.

Then it went on to say—

Regarding Mr. Scaddan's proposed Clause 112, the provisions and restrictions which he proposes are altogether too drastic and suggest that a licensee

should be treated as though he was a criminal and his house a prison.

It was not easy to follow the trade in their opposition to the amendment. If there was one man in the community who ought to be able to express an opinion it was Mr. Police Magistrate Roe. In regard to this he (Mr. Scaddan) had received the following from some unknown quarter—

Mr. A. S. Roe, P.M., as chairman of the licensing bench and police magistrate for the City is in, perhaps, a better position than any other individual to have a complete grasp of the liquor problem—to coin a term—therefore, his opinion should be worthy of consideration.

Mr. Heitmann: He judges from a court standpoint alone.

Mr. SCADDAN: Mr. Roe's experience warranted him in expressing an opinion.

Mr. Heitmann: He may not have the capacity to grasp the question.

Mr. SCADDAN: It would be idle to go into that. The anonymous leaflet continued—

Speaking on the occasion of a recent Sunday trading case, Mr. Roe delivered himself in a manner which showed at least that in the discharge of the functions of his office he is no respecter of persons. By some persons in the trade the police magistrate's remarks anent his inclination rather to punish the publican than the mala fide drinker may be resented, but those very remarks will serve to prove that his subsequent remark was not an expression of opinion by a trade partisan. Following on his denunciation of the publican who illegally serves a customer on Sunday, Mr. Roe expressed concurrence with the principle of partial opening on the Sabbath. Fortified with this impartial opinion held by one competent to speak with authority on the subject, it is to be hoped that when the Licensing Bill finally becomes the law it will contain some provision for partial Sunday opening, and thus do away with the present bona fide traveller farce, which is the detestation of every publican anxious to conduct his business in con-

formity with the law. Despite Mr. Roe's inferred denunciation of city hotelkeepers, we venture the opinion that publicans are more often imposed upon under the bona fide racket than in any other way. At any rate, the trade would join with Mr. Roe in welcoming an amendment of the Act in the direction of doing away with the necessity for perjury on the part of honest drinkers.

Only recently he had consulted with ministers of religion and with hotelkeepers, and with one exception they had agreed with the amendment. In accepting the amendment the Committee would be taking, not a retrograde step but a step in the interests of the community generally. When at Guildford he had lived alongside a hotel, and certain of his friends coming from Subiaco to see him on the Sunday were able to get drinks without restrictions while he could not have one.

Mr. Collier: The journey made them thirsty.

Mr. SCADDAN: It ought to be not a question of distance, but rather of the mode of travelling. Thus a man humping his swag through the bush for a couple of miles had a far better claim to get a drink than a man who went a railway journey of half a dozen miles. Let the Committee give this amendment a trial, and they would find that so long as the penalties were made severe enough the licensee would be content to confine himself to the prescribed hours.

The ATTORNEY GENERAL: The whole trend of modern temperance legislation was towards limiting the hours during which intoxicating liquors might be sold. But if the amendment were carried we would be going back to an old system discredited by the majority of people, and we would be the only State in Australasia to affirm the system of Sunday trading, which had been abolished in Scotland, and which it was proposed to abolish in Wales.

Mr. Scaddan: They have the bona fide traveller clauses there still.

The ATTORNEY GENERAL: For his part he would be prepared to oppose the abolition of the bona fide traveller

clause, for it was a recognition of human weakness, of the fact that people got thirsty on Sundays as on other days, and that if they went to the trouble of travelling several miles they earned their drink. In the existing law the distance to be travelled was three miles, but in the Bill it was proposed to double the distance. Perhaps the day would come when, in the light of higher education on this question the distance would be set at 12 miles or more. To open public houses on Sundays would undoubtedly be a retrograde step. He was not altogether able to follow the reasons actuating the hon. member in advancing the proposition that if the public houses were open on Sundays there would be less drinking than there was under the present system, under which one could only obtain a drink either by breaking the law or becoming a bona fide traveller. One would naturally assume that the more facilities provided for obtaining drink the more drinking there would be. If that was not so, if it was the other way about, we were all absolutely on the wrong track and had better introduce another measure. There might be some licensees not as strict as they should be in regard to bona fide travellers, but one could not believe that the law was broken to the extent some hon. members would indicate. It was the Colonial Secretary who was in charge of the Police Department, and if hon. members would specify cases brought under their notice the Minister would be only too pleased to see that the law was observed, but the Government were not in a position to place a police constable on duty at every hotel to see that no one had drink.

Mr. Seaddan : The police constables were not allowed to go to a hotel to get a conviction under the bona fide clause without instructions from their superior officers. If they did so they were sent to the North-West.

The ATTORNEY GENERAL: A note would be taken of the hon. member's remark, and it would be inquired into.

Mr. BATH: The hon. member for Ivanhoe was going about his object in

rather an illogical way. We could not legislate for the man who was irresponsible at certain hours of the Sunday, and responsible at other hours; nor should we legislate for the person whose desire for liquor was so great on the Sunday that he took a journey to Fremantle or across the river to gratify it. The member for Ivanhoe would prescribe severe penalties to prevent hotels being open after the limited hours proposed in the amendment, but if the law was broken now it would still be broken under the provision proposed by the hon. member. Any prohibition the hon. member would impose would be impossible of administration. What was necessary was a courageous and continuous attempt to administer the law of Sunday closing. If that failed, then it would be time to prescribe some other provision. One could support the proposal to strike out the bona fide proviso, but could not support the proposal to insert in lieu a provision for opening the hotels during limited hours on Sundays.

Mr. HEITMANN: No serious attempt was made in Perth to control Sunday trading. It was almost impossible to get a drink on Sunday in Melbourne, and the same condition of affairs should exist in Perth. The amendment proposed to give five hours for drinking in addition to the hours in which the law was already broken. If it would be possible to prevent drinking during the prohibited hours under the amendment, it should be possible to prohibit it altogether on Sunday. We certainly should do away with the bona fide proviso.

Mr. OSBORN: There was no necessity for the bona fide provision; he would support striking it out; but he must oppose the words suggested to be inserted in lieu; because if we opened hotels on Sundays for certain hours, it would be impossible for hotel keepers to get rid of the people from their premises and escape the heavy liability suggested by the hon. member.

Mr. SCADDAN: If the Committee were prepared to close hotels altogether on Sundays, and strike out the bona fide provision as well, that position could be

accepted, but many members would not go that far. We should be consistent. If people did not want drink on Sundays we should prevent the sale of drink altogether on Sundays and strike out the bona fide clause; but if drink was necessary on Sundays it should be allowed at certain hours. It was not fair to say the goldfields people did the drinking on Sundays. They were just as temperate in their habits as the people on the coast. There was just as much Sunday drinking in the coastal districts as on the goldfields. We should modify that evil, and the amendment would do it. In regard to a man controlling himself during certain hours, it had to be done all day on Sunday at present unless a man broke the law. The Attorney General should certainly make inquiries in the direction of the instructions to the police. In many matters a constable could not do anything outside the orders received before going out on duty, otherwise he would be transferred to the North-West quick and lively. One constable, who made himself a bit obnoxious to his superiors by persisting that a certain licensee should keep within the four corners of the law, was ordered to go to Turkey Creek. That man was fourteen and a-half stone in weight, and was sent to do mounted duty at Turkey Creek. Protest was made to the Colonial Secretary by him (Mr. Scaddan), and the constable was immediately afterwards called before the Commissioner of Police and seriously reprimanded for daring to approach a member of Parliament. He had then accused the Colonial Secretary of having informed the Commissioner of Police that he had seen him about the case. The Colonial Secretary became quite indignant, rang up the Commissioner of Police, and the latter said it was through some other member he had obtained the information, that member having rung him up from a hotel. No other member knew anything about it, but the fact was that the Colonial Secretary could not keep a confidence but went grovelling to the Commissioner. The result of the affair was that the constable was sent to Broome. The hotel in question was a favourite one with some of the

higher officials of the police in Perth. If the Attorney General held an inquiry he would find that the ordinary constable only did what he was directed to. That was why abuses went on without any notice being taken of them. A constable had to do his beat on the footpath, and was not allowed to leave it, being spied upon by the corporals and sergeants. The amendment was a fair proposition, as it would bring about some control for the sale of liquor on Sundays.

Mr. BROWN: Sunday drinking had been going on for years, and everyone knew it well. Very little attempt had been made to stop it. If the hotels were open for certain hours on Sunday there would not be the drunkenness now existing on that day. The House had already decided to recognise Sunday drinking on the steamboats on the river. He would support the amendment.

Mr. HARPER: It was evidently impossible to carry out the law as it stood at present, and it would be well for the amendment to be carried. If a man said he was a bona fide traveller how could a hotelkeeper repudiate the statement and refuse to give him drink. Either strike out the bona fide traveller provision altogether or else carry the amendment.

Amendment (that the subclause be struck out) put, and a division taken with the following result:—

Ayes	..	..	26
Noes	..	..	14

Majority for 12

AYES.

Mr. Angwin	Mr. Johnson
Mr. Bath	Mr. Keenan
Mr. Bolton	Mr. McDowall
Mr. Brown	Mr. Monger
Mr. Collier	Mr. Murphy
Mr. Draper	Mr. O'Loughlin
Mr. Foulkes	Mr. Osborn
Mr. Gill	Mr. Scaddan
Mr. Gordon	Mr. Swan
Mr. Gourley	Mr. Walker
Mr. Harper	Mr. Ware
Mr. Heifmann	Mr. Carson
Mr. Holman	(Teller).
Mr. Hudson	

NOES.

Mr. Cowher	Mr. S. F. Moore
Mr. Doolish	Mr. Nanson
Mr. Davison	Mr. Pierson
Mr. Gregory	Mr. Troy
Mr. Jacoby	Mr. P. Wilson
Mr. Layman	Mr. Underwood
Mr. Mole	(Teller).
Mr. Mitchell	

Amendment thus passed.

Mr. SCADDAN moved a further amendment—

That the following be inserted to stand as Subclause 2:—"Provided also that the Licensing Court may, in its discretion, and subject to such restrictions and conditions as the court may think fit to impose, allow licensed premises for which publicans' general licenses or way-side house licenses are held to be opened for the sale of liquor on Sunday during prescribed hours, but such prescribed hours shall not exceed five hours in the aggregate."

The ATTORNEY GENERAL: The recent division had shown that bona fide travellers had not a very large number of friends in the House. It was to be hoped, however, that the division was not an indication that a large number of members were in favour of the Sunday opening of public houses. If there were to be a provision in that respect it should be made uniform throughout the State. The amendment had a defect, the same as that in the amendment moved earlier in the evening by the member for Kalgoorlie, in that it left the discretion in the matter to the licensing court. The result of that might be that some hotels would be open for certain hours in one district, and that another set of regulations would apply to another hotel in the same district. It was to be hoped that the Committee, following the trend of temperance legislation in all English-speaking countries, would set its face against the opening of public houses on Sundays.

Mr. TROY: Did he understand a division was now to be taken on the question of Sunday opening? If that were so he would oppose it for there was no reason for it, and it would not assist the object members had in view. It had been held by some that the Sunday opening would prevent people from lying and from doing an illegal action, and it presupposed the idea that if a person could drink in prescribed hours he would not look for liquor during the hours that the hotels were supposed to be closed. A person wanting to drink

during prescribed hours would return to the hotel after those hours had passed.

Mr. UNDERWOOD: The manner that members had adopted was to be regretted, but still a man who was boarding at a hotel should be able to get a drink on Sunday. To avoid breaking the law it should be made such that people would be able to keep it.

Mr. WALKER: The Committee should trust the people thoroughly or not at all; the people were to be trusted in this instance. The bench should have the right to say whether houses should be opened or not.

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

Ayes	..	..	..	16
Noes	..	..	..	25

Majority against .. 9

AYES.

Mr. Brown	Mr. O'Loughlen
Mr. Gourley	Mr. Scaddan
Mr. Harper	Mr. Swan
Mr. Holman	Mr. Underwood
Mr. Hudson	Mr. Walker
Mr. Jacoby	Mr. Ware
Mr. Keenan	Mr. Gordon
Mr. McDowall	(Teller).
Mr. Monger	

NOES.

Mr. Angwin	Mr. Hellmann
Mr. Bath	Mr. Johnson
Mr. Bolton	Mr. Male
Mr. Butcher	Mr. Mitchell
Mr. Carson	Mr. S. F. Moore
Mr. Collier	Mr. Murphy
Mr. Cowcher	Mr. Nanson
Mr. Daglish	Mr. Osborn
Mr. Davies	Mr. Plesse
Mr. Draper	Mr. Troy
Mr. Foulkes	Mr. F. Wilson
Mr. Gill	Mr. Layman
Mr. Gregory	(Teller).

Amendment thus negatived; the clause as amended agreed to.

Clause 112—(Person found drinking liquor on premises during prohibited time) — consequentially amended and agreed to.

Clause 113 (consequential) — struck out.

Clause 114—Penalty for obtaining liquor by false representation:

Mr. HOLMAN: The Attorney General ought to report progress and redraft a lot of the clauses.

The ATTORNEY GENERAL: The Committee had decided that no bona fide traveller or bona fide lodger should have the privilege of obtaining a drink in a public house either on Sunday, Good Friday, or on Christmas Day. Clause 114 provided that a person who by falsely representing himself to be a bona fide traveller, lodger, or inmate, bought or attempted to buy or obtained at any licensed premises, liquor, during Sunday, Good Friday, or Christmas Day, committed an offence against the Act. That of course would go out consequentially.

Clause—(consequential)—struck out.

Clauses 115 and 116—(consequential)—struck out.

Clause 117—Licensees not to be compelled to supply liquor on Sundays, etc.:

Mr. FOULKES: There were cases where men were addicted to drink, but who were not in a drunken state, who should not be served with liquor, and though the publican disliked serving them he was compelled to do so. The onus should be put on the publican so that he should not shelter himself behind the Act. He moved an amendment—

That the words "On Sunday, Christmas Day, Good Friday, or between the hours of ten o'clock at night and six o'clock in the morning" be struck out.

The ATTORNEY GENERAL: It was provided by Clause 107 that the licensee should be entitled to refuse to supply drink, provided he had reasonable cause for so refusing; therefore there could be no reason for the amendment on that score. The amendment would enable the licensed victualler to act in a most arbitrary manner if he felt so disposed.

Mr. KEENAN: Seeing that the Committee had passed Clause 107, was the amendment in order? Because the effect of the amendment would be to repeal that part of Clause 107 which made it compulsory on the licensee to supply liquor.

Mr. FOULKES: Clause 117 was in itself contradictory to Clause 107, and the amendment was even more so.

Mr. KEENAN: Clause 117 was not contradictory to Clause 107, but was merely a proviso to that clause. The amendment was to remove the obligation

entirely and was an entire repeal of Clause 107.

The CHAIRMAN: The hon. member would not be in order in moving to strike out from the clause words which would alter the wish expressed by the Committee in Clause 107. The point of order raised by the member for Kalgoorlie was upheld, and the amendment could not be accepted.

Mr. SCADDAN: The striking out of the words was largely consequential, because Clause 110 made provision for bona fide travellers. We still required the definition of bona fide travellers on prescribed days other than Sundays.

Clause put and passed.

Clauses 118 and 119—agreed to.

Clause 120—Penalty on keeper of eating, boarding or lodging-house selling contrary to license:

The ATTORNEY GENERAL moved an amendment—

That all the words after "No" in line 1 down to and including "license" in line 4 to be struck out and the following inserted in lieu:—"Holder of a boarding house, lodging house, or eating house license shall supply or cause to be supplied any liquor to any boarder, lodger, or person taking a meal, in such house, unless his action in so doing is authorised by the terms of such license or of some other license held by him."

The object of the amendment was the improvement of the clause in the direction of making it clearer. The clause as drawn assumed that every keeper of a lodging, eating or boarding-house must have a license under the Bill, which was not the case. If the keeper of such a house sold liquor without having a license he would be subject to a heavy penalty under Clause 118. It was not necessary to penalise the supply of liquor to any person as the clause did. Hon. members would see that the amendment introduced no new principle.

Amendment passed; the clause as amended agreed to.

Clauses 121 and 122—agreed to.

Clause 123—No action for price of less than one gallon of liquor:

Mr. KEENAN: The effect of the clause would be that the holder of a general

publican's license could not sell a single bottle. Why should the holder of such a license be debarred from recovering the price of a single bottle? If a general publican were allowed to sell liquor in single bottles it was absurd to say that he should not be permitted to recover, that, in other words, he could not give credit. There might be occasions when a publican would give credit to some person who was ill, and who desired to take a single bottle of brandy. It would be interesting to hear from the Attorney General the reasons why we should take from a publican the right to recover the price of stock sold.

The ATTORNEY GENERAL: It was an old provision, and was justified by public policy. In all retail business it was a good rule to pay cash, and particularly was it a good rule in regard to this particular trade.

Clause put and passed.

Clause 124—agreed to

Clause 125—Penalty for selling liquor to intoxicated persons:

Mr. FOULKES moved an amendment—

That the following stand as a new subclause:—“(2.) If any person is arrested for and convicted of being drunk in a public place, every licensee who has supplied such person with liquor within three hours before such arrest shall be deemed to have supplied such liquor to such person when he was in a state of intoxication, unless such licensee shall prove the contrary.

There was no intention that the provisions of the clause should ever be carried out, and if the amendment were carried it would not be effective. His reason for moving it was that very often men were brought into the police court for being drunk, and it was shown that they had been served with liquor when in a drunken state, yet no action was brought against the publican who had so served them. Although it could not be hoped that the amendment would ever be effective, still, it would do no harm.

Amendment put and negatived.

Clause put and passed.

Clause 126—agreed to.

Clause 127—Licensed persons to receive payment in money only:

Mr. SCADDAN: The penalty of twenty pounds was too small. In the hills men who went into a certain public house asked for chit for 2s. 6d., and shouted for all hands. It really was a breach of the Truck Act, and in some cases left the men with nothing to draw from the company at the end of the week. He moved an amendment—

That after “twenty pounds” the words “for the first offence; fifty pounds for any subsequent offence” be inserted.

The ATTORNEY GENERAL agreed to the amendment.

Mr. COLLIER: It was about time we fixed a minimum as well as a maximum penalty.

The Attorney General: Clause 6 provided that the minimum should not be less than one-tenth of the penalty.

Mr. COLLIER: As a rule the justices inflicted the minimum fine, and what was the use of a fine of two pounds in the case mentioned by the hon. member?

Mr. FOULKES: It was a farce securing convictions in many cases, men being fined a pound only for Sunday trading. It was the fact of having seen some of the magistrates, stipendiary as well as honorary, frequenting public houses and being on most amicable terms with publicans that had influenced him greatly in voting for elective licensing benches. It made one lose confidence in licensing magistrates.

Mr. SCADDAN: In order to make the minimum penalty sufficiently high, it would be necessary to raise the maximum. He altered his amendment to read—

That after “penalty” the words “twenty pounds” be struck out, and “for the first offence fifty pounds, for any subsequent offence one hundred pounds” inserted in lieu.

Amendment put and passed; the clause as amended agreed to.

Clause 128—agreed to.

Clause 129—Exclusion of children from bars of licensed premises:

Mr. FOULKES: The penalty should be raised in this case also to a maximum of £20 and a minimum of £10.

The Attorney General: It was not possible to do so.

Mr. FOULKES moved an amendment—

That in Subclause 1, after "penalty," the words "ten pounds" be struck out, and "for the first offence twenty pounds, for any subsequent offence fifty pounds" inserted in lieu.

The ATTORNEY GENERAL: Was it the intention to deal with all the penalties in the same way? It would be as well to consider the effect of making the penalties too severe, because it was more difficult to obtain convictions if the penalties were made too severe. This was a provision taken from the English Act passed two years ago. Conditions in Australia were different from those in England. In England it was a great abuse the way in which children were taken into bars, but here it was an exception to see children in hotel bars, and it might be argued that the clause was scarcely needed. The penalty provided was at any rate sufficiently severe. If it was found the law was being broken, it was always easy to increase the penalty at a later stage.

Mr. FOULKES: We could get over the difficulty in regard to the penalties by providing that nothing contained in Clause 6 should apply to those clauses imposing penalties after Clause 128.

The Attorney General: I will oppose that; we have already decided on Clause 6.

Mr. FOULKES: Then it would be necessary to increase the penalties. Magistrates were loth to convict, and we should compel them to impose reasonable penalties. Some of the magistrates should be compelled to impose reasonable penalties.

Mr. ANGWIN: This was a trivial offence. Let a heavy penalty be inflicted in serious matters but not in one of this nature.

Mr. OSBORN: The portion of the clause desired to be amended prohibited a child from being taken into a hotel by its father. Surely that was not a serious offence.

Amendment put and negatived.

Clause put and passed.

Clause 130—Penalty for supplying liquor to children:

Mr. ANGWIN: Children were often sent to hotels to purchase liquor but as they knew the licensee would not serve them, they waited for someone else to come along and got him to buy the liquor for them. Provision should be made for dealing with cases of that kind. He moved an amendment—

That in line 3, after the word "licensee" there be inserted "or other person."

The ATTORNEY GENERAL: The reason for the clause was to prevent children from going into hotels to purchase liquor. The amendment, however, went so far as to prevent a parent from supplying his sick child with liquor at his home.

Mr. ANGWIN: It was not intended that the amendment should apply when liquor was given to a child as medicine. He would, however, withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clause 131—agreed to.

Clause 132—Aborigines not to loiter about public houses:

Mr. COLLIER moved an amendment—

That Subclause 2 be struck out.

Amendment put and negatived.

Clause put and passed.

Clause 133—Definition of aboriginal native:

Mr. PIESSE: The clause was an excellent one but the proviso exempting half-castes who were not associating or living with natives should be struck out. In many cases half-castes, who were not living or associating with natives, made a practice of purchasing liquor for natives. This should not be permitted. He moved an amendment—

That in lines 2 and 3 the words "such half-caste or child habitually associating and living with aboriginal natives" be struck out.

The ATTORNEY GENERAL: If a half-caste were in the habit of obtaining drink for full-blooded natives it could be

easily proved that he associated with them. Many half-castes were respectable settlers with families, and in some cases it would hardly be known that they were not whites. If the words were struck out they would be classed as aborigines and would be unable to obtain liquor from a hotel. The qualifying words were necessary.

Mr. FOULKES: The amendment was a good one. It was well known that many half-castes made a business of obtaining liquor for natives. They made money out of it and caused great trouble to the police.

Amendment put and negatived.

Clause put and passed.

Clauses 134 to 142—agreed to.

Clause 143—Penalty for employing females beyond certain hours:

Mr. SCADDAN: It was quite a usual thing at hotels to employ barmaids until 2 or 3 o'clock in the morning, and they were worked for more than 48 hours a week. This should be stopped. If barmaids were to be employed they should not be employed for more than 48 hours a week and not after hours at night.

The Minister for Mines: There is a heavy penalty provided.

Mr. SCADDAN: Yes; but the minimum penalty is only £5. If it were made £50 without a minimum it would be a different thing. The Act at the present time was being evaded in every instance. When the police were on their beats and they noticed a light in a bar through the bar windows they should take it for granted that the sale of liquor was going on. He moved an amendment—

That in line 10 "£50" be struck out and "First offence £100, and subsequent offence loss of license" be inserted in lieu.

The ATTORNEY GENERAL: Under the existing law barmaids were not to be employed for more than 48 hours a week nor after 12 o'clock. The Bill proposed to reduce the period by half an hour, and the penalty which was provided went far enough.

Amendment put and negatived.

Mr. HOLMAN moved—

That progress be reported.

[45]

Motion put, and a division taken with the following result:—

Ayes	16
Noes	18

Majority against	..	2
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AYES.

Mr. Bath
Mr. Collier
Mr. Foulkes
Mr. Gill
Mr. Gourley
Mr. Holman
Mr. Johnson
Mr. Keenan
Mr. McDowall

Mr. O'Loghlen
Mr. Scaddan
Mr. Swan
Mr. Troy
Mr. Underwood
Mr. Ware
Mr. Heitmann

(Teller).

NOES.

Mr. Brown
Mr. Butcher
Mr. Carson
Mr. Daglish
Mr. Draper
Mr. Gregory
Mr. Hardwick
Mr. Harper
Mr. Layman
Mr. Male

Mr. Mitchell
Mr. Monger
Mr. Murphy
Mr. Nanson
Mr. Osborn
Mr. Plesse
Mr. F. Wilson
Mr. Gordon

(Teller).

Motion thus negatived.

Mr. HOLMAN had an amendment to move in respect to the penalties provided.

The CHAIRMAN: Seeing that the clause had already been dealt with the hon. member would be out of order in moving any such amendment.

Mr. Underwood: Has this clause been passed?

The CHAIRMAN: As far as the clause went it had been agreed to, and the member for Claremont was now about to move to add a new subclause.

Mr. HOLMAN: With all respect he submitted that he would be in order in adding words to the end of the clause.

The CHAIRMAN: The hon. member could add words but could not strike out anything from the clause.

Mr. HOLMAN moved an amendment—

That after the word "pounds" in line 10 the words "for the first offence; and for any subsequent offence loss of license" be added.

It was necessary to prevent barmaids being employed after hours. Even if members could not protect themselves from being worked after hours they should do what they could to protect barmaids from being treated in a similar

manner. Again, the keeping of barmaids at work after hours was a strong incentive to men to remain in the bar long after the time when they should have gone home. Under the existing practice a girl could be employed in a bar from 8 o'clock in the morning till 1 o'clock next morning with short intervals off duty. If girls were allowed to serve in bars at all they should be properly protected. What had the Attorney General done to see that these girls were not employed after hours, and what guarantee had we that the provision would be carried out? If the penalty were made severe the licensee would take care that the laws were not broken in this respect. If it were held that the provision did not extend to the wife and daughter of the licensee it was his intention to move a further amendment to rectify that omission. In the meantime he would draw the attention of the Chairman to the state of the House.

Bells rung and a quorum formed.

12 o'clock, midnight.

Mr. TROY moved—

That progress be reported.

Motion put, and a division taken with the following result:—

Ayes	15
Noes	18

Majority against	..	3
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AYES.

Mr. Bath
Mr. Collier
Mr. Gill
Mr. Holman
Mr. Johnson
Mr. Keenan
Mr. McDowall
Mr. O'Loughlen

Mr. Price
Mr. Scaddan
Mr. Swan
Mr. Troy
Mr. Underwood
Mr. Ware
Mr. Gourley
(Teller).

NOES.

Mr. Brown
Mr. Butcher
Mr. Daglish
Mr. Draper
Mr. Foulkes
Mr. Gordon
Mr. Gregory
Mr. Hardwick
Mr. Harper
Mr. Male

Mr. Mitchell
Mr. Monger
Mr. Murphy
Mr. Nanson
Mr. Osborn
Mr. Plesse
Mr. F. Wilson
Mr. Layman
(Teller).

Motion thus negatived.

The MINISTER FOR WORKS: In regard to the division he and the member

for Cue had not intended to vote, but he had entered the Chamber under the impression that the bells were ringing for a quorum, and before he could again leave the Chamber the order was given for the doors to be locked. Thus he had voted purely accidentally.

Mr. UNDERWOOD: It was a fact that many holders of licenses paid considerable sums for the right of ingoing so that we should earnestly consider any amendment which would take away licenses. To employ a barmaid for a few minutes after 11.30 o'clock should not carry so severe a penalty for the second offence. The amendment might be altered to provide a penalty of £100 for the second offence, and then possibly loss of the license for the third offence. Provision should also be made where the licensee left his wife to manage the hotel during his absence. Again, the licensee might be a female.

Mr. Holman: I have several provisoes to cover that.

Mr. GILL: A penalty of £50 was not sufficient in the case of a publican who compelled a barmaid to remain in the bar after hours. It would not affect the man genuinely desirous of carrying out the law. Provision should be made that bar-men also should not be employed more than 48 hours in a week. The amendment of the member for Murchison should be altered in the direction suggested by the member for Pilbara. It would have more chance of acceptance.

Mr. PRICE: It was necessary to fix a penalty which was just and fair. It was necessary to prohibit unscrupulous hotel-keepers from unduly working their barmaids. The question was as to the penalty to be inflicted on an employer who asked a female employee in the bar to work for more than 48 hours a week. All employees in a hotel should be included in the proviso.

Mr. Gill called attention to the state of the House.

The CHAIRMAN: I am satisfied there is a quorum within the precincts of the House.

Mr. O'LOGHLEN: It was not desirable that these important matters should be discussed with only four or five members listening.

The CHAIRMAN: I have already said I am satisfied there is a quorum within the precincts of the House.

Mr. PRICE: If the Chairman were satisfied that members could judge the merits of the case from outside the Chamber, then those members and the Chairman should decide the question.

The PREMIER: That is a reflection on the Chair.

Mr. PRICE: If it were so it could not be helped. There was a very important matter before the Committee and no man had a right to decide upon it without having heard the discussion. Members opposite were driven in at the crack of the party whip, and had to vote as the Ministry decided. The penalty of £50 as a maximum for a first offence was on the side of leniency. There should be a subclause inserted to protect the publican in the case when his wife or daughter was called upon to aid him in conducting the business.

Mr. TROY moved —

That progress be reported.

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

Ayes	..	..	..	15
Noes	..	..	..	19

Majority against .. 4

AYES.

Mr. Bath	Mr. Price
Mr. Collier	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Gourley	Mr. Troy
Mr. Holman	Mr. Underwood
Mr. Johnson	Mr. Ware
Mr. McDowall	Mr. Heitmann
Mr. O'Loghlen	(Teller).

NOES.

Mr. Brown	Mr. Male
Mr. Butcher	Mr. Mitchell
Mr. Carson	Mr. Monger
Mr. Daglish	Mr. Murphy
Mr. Draper	Mr. Nanson
Mr. Foulkes	Mr. Osborn
Mr. Gordon	Mr. Plesse
Mr. Gregory	Mr. F. Wilson
Mr. Hardwick	Mr. Layman
Mr. Harper	(Teller).

Motion thus negatived.

Mr. HOLMAN: With regard to the penalty it should be doubled for the second offence, and then for a subsequent offence the license should be forfeited.

[Interjection.]

Mr. Underwood: Was the hon. member for Fremantle in order in interjecting out of his place in the Chamber?

The CHAIRMAN: The hon. member was out of order in interjecting from his own or any other seat in the Chamber.

Mr. Scaddan: It was understood that interjections should only be made by members from their own seats so that *Hansard* would not make any error in the way of attributing them to other members.

The CHAIRMAN: Interjections were highly disorderly from any seat in the Chamber. The Standing Orders laid down that an hon. member was distinctly out of order in interjecting.

Mr. Murphy had been sitting in the one place for the last ten minutes, and the interjections which were made were not made by him. The voice might have been similar to his.

Mr. Underwood: Interjections were made in every Parliament which was carried on in the English language, and if that was so why should every other Parliament except this one allow interjections to be made.

The CHAIRMAN: The hon. member was not in order in reflecting on the Standing Orders. It was laid down that interjections were disorderly and that interruptions were disorderly.

Mr. Underwood: With all due respect, he would like to know what Standing Order that was. He would like to say he was not reflecting on the Standing Orders; he was doubting the interpretation.

The CHAIRMAN: The hon. member was not in order in reflecting on the Chair.

Mr. Underwood was not reflecting on the Chair. He might have erred. It was human to err.

The CHAIRMAN: What was the point of order?

Mr. Underwood: It was that the ruling that interjections were out of order was

incorrect and not in accordance with the general usages of Parliament.

The CHAIRMAN: The hon. member must resume his seat.

Mr. HOLMAN: It might be advisable to withdraw the amendment for the purpose of substituting another. Having often travelled by the late train, which arrived in Perth from the Murchison at a late hour, the opportunity had been afforded him of seeing barmaids employed in hotels later than 11.30 p.m. The Attorney General should give an opinion on the question, which might be of assistance to hon. members, as to whether in the event of a licensee's wife serving in a bar that would render the licensee liable to prosecution.

The CHAIRMAN: The hon. member is repeating himself.

Mr. HOLMAN: There was no occasion for the Clerk of the House to tell the Chairman what to do.

The CHAIRMAN: The hon. member was not in order in referring to the Clerk.

Mr. HOLMAN: Surely it was only right that he should draw attention to what he had seen done time after time.

The CHAIRMAN: The hon. member had not seen it done at all.

Mr. HOLMAN: Hon. members could even hear it. An amendment of such importance should receive the consideration of the Minister in charge of the Bill. It was not desired to inflict hardship on any licensee. If the offence was serious the penalty should also be serious but, on the other hand, if the offence was not serious there was no occasion to make the penalty serious. He desired to know from the Minister—

The Attorney General: I have already told you no.

Mr. HOLMAN: It does not refer to the wife of the licensee, or his daughter?

The Attorney General: No.

Mr. HOLMAN: It would be necessary to make that clear. However, there was no necessity to dwell any longer on that now that the Attorney General had wakened up. He (Mr. Holman) would ask leave to withdraw the latter part of

the amendment, namely, the words "loss of license for any subsequent offence."

Leave not given.

Mr. UNDERWOOD moved an amendment on the amendment—

That after the word "offence" the words "for the second offence £100" be inserted.

After these words would come the concluding words of the amendment, "and loss of license for any subsequent offence." He knew of several licensees who in the agricultural districts had paid large sums as ingoings, and he held that it would be inequitable to take away from them their licenses for anything in the nature of a minor offence. Still in dealing with licenses we could not be expected to go to the length of forgiving seventy times seven, as directed in the Scriptures.

The Minister for Works: Scripture is as hard to remember as Latin.

Mr. UNDERWOOD: As he was not acquainted with Latin he could not say, but his experience was that those who professed to know Latin remembered least about it. It was easily possible that there might be a rush of business just at closing time, and, not being able to deal with it himself, the proprietor might by a mistake keep some female employed serving drinks a few minutes over the prescribed time. For that offence he (Mr. Underwood) would be prepared to caution the proprietor to the extent of fining him £50, with £100 for the second offence. After the second offence the proprietor should certainly be deprived of his license.

Mr. COLLIER: It was surprising that the Government should have refused leave to withdraw the concluding portion of the amendment. The Attorney General ought to realise that the penalty proposed in the amendment was out of all proportion with the penalties provided elsewhere in the Bill. It might be that in keeping a girl on duty after the closing hour the licensee was no more than a victim of circumstances. He hoped the Committee would agree to the amendment moved by the member for Pilbara.

1 o'clock a.m.

Mr. SWAN moved—

That progress be reported.

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

Ayes	14
Noes	20

Majority against	..	6
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AYES.

Mr. Bath	Mr. O'Loughlen
Mr. Collier	Mr. Price
Mr. Gill	Mr. Swan
Mr. Gourley	Mr. Troy
Mr. Heitmann	Mr. Ware
Mr. Holman	Mr. Underwood
Mr. Keenan	(Teller).
Mr. McDowall	

NOES.

Mr. Brown	Mr. Male
Mr. Butcher	Mr. Mitchell
Mr. Carson	Mr. Monger
Mr. Daglish	Mr. Murphy
Mr. Draper	Mr. Nanson
Mr. Foulkes	Mr. Osborn
Mr. Gregory	Mr. Plesse
Mr. Hardwick	Mr. Scaddan
Mr. Harper	Mr. F. Wilson
Mr. Layman	Mr. Gordon
	(Teller).

Motion thus negatived.

Mr. GILL: In the event of a license being cancelled it would be fair to make provision that the owner of the premises could apply at the end of, say, three years for the reinstatement of the license. He intended to move in this direction, because injustice might be done to landlords by unscrupulous and careless tenants.

The CHAIRMAN: The hon. member would be in order in discussing the point when he moved in the direction indicated.

Mr. COLLIER: Could an amendment be moved on the amendment on the amendment to provide "such forfeiture shall not affect the owner of the premises for which the license is granted?"

The CHAIRMAN: The proper time to move would be after the amendments now before the Committee were dealt with. Members should not try to complicate the question.

Mr. McDOWALL: It was extraordinary members on the Government side did not allow the member for Murchison to withdraw the latter portion of the amendment. The whole proceedings were extraordinary, keeping members in the Chamber all night when they had business

to attend to during the day without giving them an inkling of it. It was nonsensical the way members were talking on both sides. If the members on the Government side were not doing any talking, actions spoke louder than words.

The CHAIRMAN: The hon. member must confine himself to the question.

Mr. McDOWALL: It was time one was out of order, listening to such nonsense. It was necessary to be indignant.

Mr. Underwood: I hope the hon. member does not insinuate I have been talking nonsense.

Mr. McDOWALL: Everybody has been talking nonsense.

The CHAIRMAN: The hon. member is not in order in reflecting on hon. members.

Mr. McDOWALL withdrew. It was simply absurd, with the minimum penalty for the first offence at £5, to talk about making the second offence loss of the license. It was altogether ridiculous and there was every justification for talking of talking nonsense.

The CHAIRMAN: The member must confine himself to the amendment to insert the words "second offence, £100."

Mr. McDOWALL: Latitude should be allowed to illustrate matters. So much time had been wasted that he might just as well waste a little more. He intended to support the amendment to make the penalty £100.

Mr. UNDERWOOD: As to the remarks of the member for Boulder, it was only right that the owner of licensed premises should be protected. He was put to considerable expense in erecting a building—

The CHAIRMAN: The hon. member must confine himself to the amendment.

Mr. UNDERWOOD: Would the Attorney General inform the Committee how, in the event of the amendment as proposed to be amended being carried, it would be possible to protect the owner of the premises.

Mr. HOLMAN: The Attorney General should be courteous enough to answer the question. As he had said the position with regard to the clause was—

The CHAIRMAN: Members must not be guilty of repetition in the course of their remarks. They must confine their attention to the amendment.

Mr. HOLMAN: If the amendment to make the penalty £100 were defeated would it be possible to move that the sum be £75?

The CHAIRMAN: While he had no desire to take drastic steps, members must remember that they must confine themselves to the amendment.

Mr. TROY: All the member for Murchison wanted to know was whether, if the £100 penalty were defeated, there could be an amendment to make the sum £75.

The CHAIRMAN: That could be done.

Mr. TROY: The penalty of £100 for a second offence was too high.

Amendment (Mr. Underwood's) on amendment put and negatived.

Mr. HOLMAN: Would the Attorney General agree to have the sum fixed at £75?

The Attorney General: We will adhere to the penalty in the clause as it stands.

Mr. COLLIER moved a further amendment on the amendment—

That the following words be added to the amendment "but such forfeiture shall not affect the owner of the premises for which the license is granted."

The Attorney General: That is fully provided for in Clause 55.

Amendment (Mr. Collier's) on amendment by leave withdrawn.

Amendment (Mr. Holman's) put and negatived.

Mr. HOLMAN: If the wife or daughter of a licensee assisted or served in or about the bar a risk would be incurred and the licensee would be brought under the penalty clauses. In order to obviate any possibility of such a thing occurring he moved a further amendment—

That the following proviso be added:—"Provided that this section shall not apply to the wife or daughter of a licensee who may be absent from home or is sick and unable to attend to his business or to any female who may be the holder of a license."

That amendment would prevent an in-

justice being done. If, however, the Attorney General gave an assurance that the clause would not affect the people who were referred to there would not be any necessity to move the amendment.

The ATTORNEY GENERAL: The hon. member need not have any anxiety about these females.

Mr. GILL: Would the Attorney General inform the Committee where there was a provision in the Bill to protect these people? The clause would undoubtedly inflict a hardship on someone.

The Attorney General: I am perfectly satisfied it would not be possible to obtain a conviction.

Mr. GILL: The Bill should be framed without loopholes advantage of which might be taken by an official in order to test the position in the law courts. It was the duty of the Committee to clear the matter up.

Mr. PRICE: Clearly the clause applied to any female who might be employed on licensed premises, not excepting the wife or daughter of the licensee. He was desirous of protecting the wife or daughter of the licensee against the operation of the clause. The contention that they worked late of their own volition would not be accepted in any court of law. It ought to be made clear that the clause did not embrace the wife or daughter of the licensee except where the licensee was the manager of the hotel. It was to be hoped the Minister would accept the amendment.

The ATTORNEY GENERAL: The amendment was unnecessary. The clause was not a new one. It had been in existence for more than ten years and no hardship had been inflicted under it. There was no danger of the penalty being exacted, but if it was proposed that the licensee should have power to keep his daughter on duty for an unlimited number of hours he (the Minister) would steadfastly resist it.

Mr. TROY: It was by no means the intention of the mover of the amendment that the licensee should be permitted to employ his daughter for an unduly long period.

The Attorney General: I am sure of that. I merely meant that such advant-

age might be taken of the amendment if it were carried.

Mr. TROY: It was gratifying to have the Minister's assurance on that point. A man who would work his own kith and kin unduly long hours was not fitted to be entrusted with a license. All that the amendment asked was that the members of the licensee's family should be entitled to assist.

The ATTORNEY GENERAL: It was not believed that the hon. member suggested that the licensee's wife or daughter should work unduly long hours. The idea that the wife of the licensee could be fined for merely going into the bar to get a glass was absurd.

Mr. PRICE: The Attorney General had said that the clause had been in operation for ten years and that it did not apply to the wife or daughter of the licensee.

The Attorney General: No, I did not say that.

Mr. PRICE: The Minister had said that the clause had never been applied to the licensee's wife or daughter.

The Attorney General: I say there has never been a case under it.

Mr. PRICE: Was that not evidence that the law had never been administered? The Minister seemed to think the amendment asked that the licensee should be allowed to work his wife and children night and day and that those members supporting the amendment desired to see that state of things.

Mr. Murphy: So you do.

2 o'clock a.m.

Mr. TROY: Was the hon. member in order in interjecting from the particular chair in which he was sitting?

The CHAIRMAN: No member was in order in interjecting at all.

Mr. PRICE: It was to be hoped the Minister would favourably consider the clause.

Mr. GILL moved—

That progress be reported.

Motion put, and a division taken with the following result:—

Ayes	..	..	..	14
Noes	..	..	..	18

Majority against .. 4

AYES.

Mr. Bath	Mr. Price
Mr. Collier	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Gourley	Mr. Troy
Mr. Heltmann	Mr. Ware
Mr. Holman	Mr. Underwood
Mr. McDowall	(Teller).
Mr. O'Loghlen	

NOES.

Mr. Brown	Mr. Mitchell
Mr. Butcher	Mr. Monger
Mr. Carson	Mr. Murphy
Mr. Daglish	Mr. Nanson
Mr. Foulkes	Mr. Osborn
Mr. Gordon	Mr. Piesse
Mr. Gregory	Mr. F. Wilson
Mr. Hardwick	Mr. Layman
Mr. Harper	(Teller).
Mr. Male	

Motion thus negatived.

Mr. COLLIER: The Attorney General had given two opinions, saying the clause did and did not apply to wives and daughters of licensees.

The ATTORNEY GENERAL: The hon. member was misquoting. The clause was satisfactory, and the Government were not prepared to accept the amendment of the member for Murchison. The clause had been in existence for over ten years, and there had been no hardships under it. The point raised by members was nothing more nor less than a mare's nest. At the same time it was necessary to have some protection against over-working women, and there was no reason why an employee who happened to be a relative of the licensee should be worked a longer number of hours than an employee who was not related to the licensee.

Mr. COLLIER: At the commencement of the discussion the Attorney General said the clause would work no hardship on the wife or the daughters of a licensee, or in other words that the clause did not apply to them.

The Attorney General: I did not say that; surely the hon. member is not in order?

The CHAIRMAN: The hon. member was not in order in putting words into the mouth of the Attorney General.

Mr. COLLIER: The interpretation put upon the Attorney General's observations was that the licensee would be permitted to work his wife and daughters as many hours as he chose. He moved an amendment on Mr. Holman's further amendment—

That all the words of the amendment after "licensee" be struck out.

The further amendment would then read: "Provided that this section shall not apply to the wife or daughter of any licensee." We were interfering in a family affair which we were not justified in doing, as we were not called upon to lay down the conditions and hours for the employment of the licensee's wife or daughters.

Mr. HOLMAN: The amendment on the amendment provided that at any time the licensee could employ his wife or daughter about the licensed premises. He had no objection to raise to that.

Amendment (Mr. Collier's) on amendment put and passed.

Amendment as amended put and negatived.

Mr. SWAN moved a further amendment—

That the following words be added:—

It is further provided that the foregoing clauses shall apply to any male person employed to assist or serve in or about any bar or in or about the sale of liquor on the licensed premises.

So far no attempt had been made to improve the condition of the male employees who at times were very badly sweated.

Mr. FOULKES: There was an amendment on the Notice Paper in his name which should be taken first.

The CHAIRMAN: The amendment of the member for North Perth had priority.

Mr. GORDON: I move that the question—

Mr. FOULKES: While agreeing that perhaps the amendment of the member for North Perth should be taken first he wanted a guarantee from the Attorney General that the closure should not be applied to the clause until he had been

given an opportunity to move his amendment.

The ATTORNEY GENERAL: No such guarantee could be given. If a subject were discussed *ad nauseam* the Standing Orders provided a remedy for any member. If such action were taken members on the Government side could not be blamed. Certainly he would like to protect the hon. member.

Amendment put, and a division taken with the following result:—

Ayes	..	..	..	15
Noes	..	..	..	17
Majority against				2

AYES.

Mr. Bath	Mr. O'Loughlin
Mr. Collier	Mr. Price
Mr. Foulkes	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Gourley	Mr. Troy
Mr. Heltmann	Mr. Ware
Mr. Holman	Mr. Underwood
Mr. McDowall	(Teller).

NOES.

Mr. Brown	Mr. Mitchell
Mr. Butcher	Mr. Monger
Mr. Carson	Mr. Murphy
Mr. Dagllsb	Mr. Nanson
Mr. Gordon	Mr. Osborn
Mr. Gregory	Mr. Please
Mr. Hardwick	Mr. F. Wilson
Mr. Harper	Mr. Layman
Mr. Male	(Teller).

Amendment thus negatived.

Mr. HOLMAN moved a further amendment—

That the following words be added:—

(1) The licensee shall at all times keep a record book wherein shall be entered a correct record showing the time worked by all females employed by him to serve in the bar; (2) the record book shall at all times be open for inspection to any person appointed under the Act; (3) such person so appointed shall at all times require the licensee to verify the entries in such record book in such a manner as may be prescribed.

It was necessary to have a provision of this character to show that barmaids were not employed for more than 48 hours. It was useless passing a clause saying that a person should not be employed more than a certain period unless it was

insisted that a record of the hours worked should be kept in a record book provided for the purpose. Unless that was done the protection the Committee were endeavouring to afford females would be thrown away. The book should be open for inspection by the police. If any doubt arose as to the accuracy of the records there should be power given to the person appointed under the Act to compel the licensee to verify the statements set down in the book.

The Minister for Mines: Does not the Factories Act provide for what you are asking?

Mr. HOLMAN: A hotel was not a factory.

The Minister for Mines: They have to keep a record of all persons they employ and the hours worked.

(Mr. Brown took the Chair.)

Mr. HOLMAN: There was no such provision for barmaids. Even if there were such a provision the penalties provided in the Factories Act would not adequately meet the case. No harm would be done in expressly laying down the obligations and responsibilities of the licensee. The Attorney General should accept the amendment, which was simply providing a safeguard.

Mr. BATH: In reply to the Minister for Mines it should be pointed out that there was no provision in the Factories Act requiring the keeping of records which could be applied to this measure. In the Early Closing Act of 1904 it was provided that no person should employ a barman or waiter for a longer period than 56 hours; but that made no provision for barmaids who were provided for in this Bill. Seeing that the record was considered necessary in the Early Closing Act it was only reasonable that it should be inserted in the Licensing Bill.

The ATTORNEY GENERAL: There was no objection to be offered to the amendment so far as paragraphs 1 and 2 were concerned. Paragraph 3, however, was undesirable. If it was claimed that there were false entries in the book the onus would be on the licensee to prove that they were not false.

Mr. HOLMAN: If the Attorney General was satisfied with the two first paragraphs it would be sufficient.

The Attorney General: If you withdraw the third paragraph I will agree to the first and second.

(Mr. Taylor resumed the Chair.)

Paragraph 3 of the amendment by leave withdrawn.

Mr. TROY: Who were the inspectors who would be responsible for making the necessary inquiries?

The Attorney General: Clause 149 provides for the inspectors.

Mr. TROY: There was nothing in Clause 149 giving the police power to inspect the record books or take action in regard to them. It had been suggested that the Early Closing inspector should attend to these duties. That would be of no value whatever, for, notoriously, that inspector visited the places already under his control only once a year or even once in two years. There were some things not to the credit of one of these gentlemen. There was no use putting in a provision in the measure unless it was carried out. The proposal was a step in the right direction.

3 o'clock a.m.

Amendment (Mr. Holman's) as altered put and passed.

Mr. FOULKES moved a further amendment—

That the following be added as a sub-clause—(2) No licensee licensed under a publican's general license or person managing or conducting any premises licensed under such a license shall, after the end of the year 1910, employ any female, or suffer any female to assist or serve in or about any bar, or in or about the sale of liquor on any such premises, unless such female shall have been so employed or suffered to assist in some such premises in Western Australia at some time during the year 1910. Penalty—Fifty pounds.

Mr. UNDERWOOD: The proposal did not meet the case so well as certain new clauses he proposed to move.

Mr. COLLIER suggested that the amendment be withdrawn so that the de-

cision on the proposed new clauses to be moved by the member for Pilbara might not be prejudiced. It was an important question that could not adequately be dealt with at this early hour of the morning.

Mr. FOULKES: The proposal of the member for Pilbara was copied from the Transvaal Ordinance of 1902, and as the provisions of that measure covered the registration of barmaids while the amendment simply dealt with the principle of the employment of barmaids he would withdraw the amendment and let the issue be decided upon the proposed new clauses.

Amendment by leave withdrawn.

Clause, as amended, put and passed.

Clause 144—Penalty for permitting disorderly conduct:

Mr. BATH moved an amendment—

That in line 1, after "drunkenness," the word "gambling" be inserted.

This would make it also a penalty for permitting gambling to take place on licensed premises. A great deal of the opposition and resentment shown to the saloon interests was because of the objectionable practices allowed to exist in saloons which, like those in America, were purely used to purvey drink. The occupiers of these saloons resorted to all kinds of practices in order to encourage people to go to the saloons and drink. We should encourage the legitimate house but no practice should be forbidden more strongly in connection with a licensed house than that of gambling.

Mr. TROY moved—

That progress be reported.

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

Ayes	..	..	..	13
Noes	..	..	..	17

Majority against .. 4

AYES.

Mr. Bath	Mr. Price
Mr. Collier	Mr. Swan
Mr. Oll	Mr. Troy
Mr. Gurnley	Mr. Underwood
Mr. Holman	Mr. Ware
Mr. McDowall	Mr. Heltmann
Mr. O'Loughlen	(Teller).

NOES.

Mr. Brown	Mr. Mitchell
Mr. Butcher	Mr. Monger
Mr. Carson	Mr. Murphy
Mr. Daglish	Mr. Nanson
Mr. Gordon	Mr. Osborn
Mr. Gregory	Mr. Piesse
Mr. Hardwick	Mr. F. Wilson
Mr. Harper	Mr. Layman
Mr. Male	(Teller).

Motion thus negatived.

The ATTORNEY GENERAL: The amendment was unnecessary. If Clause 152 were referred to it would be seen that no licensee was allowed to permit his premises to be used as a common gaming house. The sections of the Police Act also prohibited it. However, if the amendment were found to be necessary he would have it inserted in another place.

Mr. BATH: On that assurance he would not press the amendment.

Amendment by leave withdrawn.

Mr. TROY moved an amendment—

That in line 2 the words "or disorderly" be struck out.

Mr. O'LOGHLEN: Too much power was placed by the clause in the hands of an officious policeman who would be put in a position almost to ruin the publican. It was possible that a reputed prostitute or thief might be on the premises without the publican knowing that they were persons of evil fame.

Mr. UNDERWOOD: The Attorney General should give to the Committee a definition of the two persons mentioned in the clause.

Mr. GILL: The character of the licensee and also of his house were endangered by the clause, especially when it was read in conjunction with the clause which followed, wherein it was stated that the presence of any reputed prostitute or thief should be prima facie evidence that the licensee permitted such persons to be present with the knowledge that such persons were reputed prostitutes or thieves. The Committee should hesitate before passing the clause.

Mr. HOLMAN: Such a provision as that contained in the clause was placing a big disability on a publican. The member for Claremont had stated that the clause would be inoperative. If that was

the case why burden the statute-book with it? As with drunkenness there were many degrees of disorderliness, and both these conditions should be strictly defined in the clause. Again, how could the licensee be expected to recognise every person of evil fame who entered upon the premises?

The CHAIRMAN: The hon. member would see that the amendment was to strike out the words "or disorderly."

Mr. HOLMAN: A disorderly person should not be classed with thieves and prostitutes. He knew of a case in Perth—

The CHAIRMAN: The hon. member was only repeating the arguments and illustrations used by other hon. members. The members for Forrest, for Mt. Magnet, and for Balkatta had used precisely the same arguments.

Mr. Holman: The repetition of an argument only went to show its strength.

The CHAIRMAN: The hon. member would not be allowed to indulge in tedious repetition.

Mr. HOLMAN: There was no intention of so doing. Surely he was entitled to ask for an explanation of the clause. The Attorney General had gone to sleep again and—

The Attorney General: I am not asleep.

Mr. HOLMAN: When the division bells rang all the sleepers would be awakened and would vote without having heard the arguments adduced. Another case of which he had heard was that of a man in Perth—

The CHAIRMAN: The hon. member was repeating illustrations already used by the members for Mount Magnet and for Forrest—cases which those hon. members were in a position to speak about while the hon. member was merely repeating what the Committee had already heard.

Mr. UNDERWOOD: In the event of the amendment being negatived could the succeeding words be struck out?

The CHAIRMAN: In such event the hon. member would be able to deal with the remainder of the clause.

Mr. O'LOGHLEN: It was desired to draw attention to the lack of definition

in the clause. Why should the Committee place in the hands of any policeman the powers provided in the clause.

The ATTORNEY GENERAL: The clause was to be found in almost every Licensing Act in force in the various parts of the British dominions. Hon. members knew perfectly well that they would not be taking exception to a clause of this nature were they not determined—as he had heard the member for Murchison say earlier in the sitting—that no more business was to be done to-night.

Mr. HOLMAN: No such statement had been made by him. He would ask for a withdrawal.

The Attorney General: If the hon. member denies it I will withdraw.

Mr. O'LOGHLEN: Until five minutes ago he had not spoken. When he had risen it was with the object of asking the Attorney General if the whole of the clause was to apply and whether we were to place in the hands of a policeman the power asked for. He had in mind the case of a town in the South. A regulation passed in 1882 provided that no licensed victualler in that town should allow a soldier to be on the premises after 8 o'clock at night. There was an instance in which a policeman could use this power and practically ruin a respectable citizen.

The ATTORNEY GENERAL: It was not proposed to modify the clause in the slightest particular. The clause was to be found in all measures dealing with licensed premises. It was a misfortune that the general public had not an opportunity of hearing the class of assertions indulged in by hon. members when criticising a clause of this nature. Hon. members had better say outright that licensed houses should be allowed to be the resort of persons of bad character. The object of the clause was to prevent this, and if hon. members objected to it they ought to say so, and let it be clearly understood.

Mr. TROY: The Attorney General would not be allowed to make insinuations with regard to his (Mr. Troy's) intentions in moving the amendment. An action instituted in which he had been personally concerned had decided him that in future, so far as he could give a direction to legislation, disorderly conduct

should be something more serious than that with which he had been charged. It was absurd to provide a penalty of £20. The Attorney General should not indulge in recriminations or make insinuations regarding the attitude of members of the Opposition.

Mr. SWAN: Notwithstanding the remarks of the Attorney General he (Mr. Swan) had no scruples about accepting responsibility for this amendment. It was outrageous to suggest that the hotel-keeper should be liable to a penalty of £20 for some slight disorderly conduct that might take place on his premises and be beyond his power to prevent.

1 o'clock a.m.

Mr. HOLMAN moved—

That progress be reported.

Motion put, and a division taken with the following result:—

Ayes	12
Noes	17

Majority against	..	5
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AYES.

Mr. Bath	Mr. W. Price
Mr. Collier	Mr. Swan
Mr. Gill	Mr. Troy
Mr. Gourley	Mr. Ware
Mr. Holman	Mr. Underwood
Mr. McDowall	(Teller).
Mr. O'Loghlen	

NOES.

Mr. Brown	Mr. Mitchell
Mr. Butcher	Mr. Monger
Mr. Carson	Mr. Murphy
Mr. Daglish	Mr. Nanson
Mr. Gordon	Mr. Osborn
Mr. Gregory	Mr. Plesce
Mr. Hardwick	Mr. F. Wilson
Mr. Layman	Mr. Harper
Mr. Male	(Teller).

Motion thus negatived.

Mr. COLLIER: We provided a greater penalty for disorderly conduct than was provided in other Statutes. Clause 6 made the fine at least £2, whereas a fine of five or ten shillings was usually imposed for slight cases of disorderly conduct.

Amendment (Mr. Troy's) put and negatived.

Mr. TROY moved a further amendment—

That in Subclause 2, line 1, the words "or thief" be struck out.

Mr. PRICE: Some definition of "reputed prostitute" should be put on record.

The ATTORNEY GENERAL: It was a matter of fact to be determined on the evidence whether a person was a notorious prostitute. If it was a matter of common notoriety and it could be proved the licensee permitted a woman of that character to go on his premises and remain there a conviction would follow.

Mr. PRICE: The next clause provided that the presence of any reputed prostitute or thief upon licensed premises was to be taken as prima facie evidence that the licensee permitted her to be present with knowledge that such person was a reputed prostitute. But there might be no such knowledge on the part of the licensee.

The ATTORNEY GENERAL: In that case the licensee could prove he did not know it. The burden of proof was on the publican.

Mr. UNDERWOOD: It was impossible for the publican to say definitely that any woman was a reputed prostitute. The clause should be rendered easily understood, and so that the publican should not suffer unless he was knowingly guilty of an offence.

Mr. BATH: The provisions of the clause were absolutely necessary for the proper conduct of licensed premises. Administration of these laws erred on the side of laxity rather than on the side of severity. Without a provision of this kind it would be possible for licensed premises to be the harbour for objectionable characters. The powers in the clause would not be found excessive.

Amendment put and negatived.

Clause put and passed.

Clause 145—Evidence of permission of disorderly conduct:

Mr. HOLMAN: Subclause 2 meant that if any reputed thief or prostitute were found on licensed premises the publican should be, as it were, put on his trial and be deemed guilty of harbouring them until he could establish his innocence. That was not just.

The ATTORNEY GENERAL: It would be a very simple matter for a publican to show he had not knowingly per-

mitted a reputed prostitute on his premises. Such persons were generally pretty well known especially in a small community.

(Mr. Brown took the Chair.)

Mr. PRICE: There should be a proviso that there should not be a conviction under the clause against the publican unless he had been notified of the character of the particular person referred to. The clause provided a chance of placing in the hands of a vindictive policeman a power he might use unjustly to vent personal spleen against a publican.

Mr. GILL: It was most unfair that publicans should be expected to know every reputed bad character in the City, and for that reason members should strongly oppose the provision calling upon a publican to suffer a penalty because he was ignorant of the character of persons such as those referred to in the clause.

Clause put and passed.

Clause 146—Certain games not to be played in public-houses after 11.30 o'clock except by bona fide lodgers:

Mr. FOULKES moved an amendment—

That in line 2 the words "half-past eleven" be struck out and "ten" inserted in lieu.

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

Ayes	5
Noes	25

Majority against	..	20
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Amendment thus negatived.

Mr. PRICE moved a further amendment—

That the words "other than bona fide lodgers, except under the authority of an occasional license" be struck out.

Mr. UNDERWOOD: The amendment was deserving of support. If it was desirable to close the ordinary billiard saloon at 11.30 p.m. it was undesirable to provide for occasional licenses for saloons to remain open after that hour.

Mr. GILL: Surely the Attorney General would accept the amendment.

The ATTORNEY GENERAL: There was no reason why people should not play billiards until half-past eleven o'clock at night, and so far as bona fide lodgers were concerned surely there was no harm in their playing on after that hour. The occasional license was of an exceedingly limited character, for it only allowed the hours to be extended on special occasions, and then only for one night under each license.

Mr. FOULKES: It was a pity the Attorney General could not see his way clear to agreeing to the amendment. The clause would give rise to a lot of trouble.

The Premier: There has been no trouble since 1880.

Mr. FOULKES: That was the Act hon. members had been complaining of as being hopelessly out of date. With regard to the occasional licenses he had always complained of the loose manner in which they were granted. Some of the hotels became very noisy on those nights when the billiard room was opened under an occasional license.

Mr. COLLIER: It was because the clause had been in existence for over 30 years that its provisions had endeared themselves to the Attorney General. In the opinion of the Attorney General what was good enough for the sandalwood days of Western Australia was good enough for the State to-day. Why should we permit games to be played after closing hours?

The Attorney General: They are not permitted to the general public.

AYES.

Mr. Foulkes	Mr. Scaddan
Mr. Gill	Mr. Bath
Mr. Holman	(Teller).

NOES.

Mr. Butcher	Mr. Murphy
Mr. Carson	Mr. Nanson
Mr. Collier	Mr. O'Loghlen
Mr. Daglish	Mr. Osborn
Mr. Gordon	Mr. Piesse
Mr. Gourley	Mr. Price
Mr. Gregory	Mr. Swan
Mr. Hardwick	Mr. Troy
Mr. Layman	Mr. Underwood
Mr. Male	Mr. Ware
Mr. McDowall	Mr. F. Wilson
Mr. Mitchell	Mr. Harper
Mr. Monger	(Teller).

Mr. COLLIER: The lodger might be merely a casual visitor who had paid for a bed for the night, and who in consequence would be permitted to play billiards till dawn.

The ATTORNEY GENERAL: It would not be permitted if the licensee chose to close up the room.

Mr. COLLIER: Not one in a hundred publicans would refuse to allow the lodgers to play all night if they so desired.

5 o'clock a.m.

Mr. GILL: The principal objection was to the granting of the occasional licenses. It was abused under the existing law.

The ATTORNEY GENERAL: There were no occasional licenses under the existing law. Magistrates had wide powers to extend the hours, but that would vanish with the passing of this Bill.

Mr. GILL: There was a system of getting special licenses, and the clause under discussion would be interpreted in very much the same way. He supported the amendment.

Mr. FOULKES: There were many complaints in Perth against the system of occasional licenses. This permission should not be granted in connection with the playing of billiards.

Amendment put, and a division taken with the following result:—

Ayes	..	..	..	14
Noes	..	..	..	16

Majority against .. 2

AYES.

Mr. Bath	Mr. Price
Mr. Collier	Mr. Scaddan
Mr. Foulkes	Mr. Swan
Mr. Gill	Mr. Troy
Mr. Gourley	Mr. Ware
Mr. Holman	Mr. Underwood
Mr. McDowall	(Teller.)
Mr. O'Loghlen	

NOES.

Mr. Butcher	Mr. Monger
Mr. Carson	Mr. Murphy
Mr. English	Mr. Nanson
Mr. Gregory	Mr. Osborn
Mr. Hardwick	Mr. Piesse
Mr. Harper	Mr. F. Wilson
Mr. Layman	Mr. Gordon
Mr. Male	(Teller.)
Mr. Mitchell	

Amendment thus negatived.

Clause put and passed.

Clause 147—Power to exclude or expel certain persons from licensed premises:

Mr. GILL moved an amendment—

That in line 3 the words "or disorderly" be struck out.

The reason he had for moving the amendment was that the word "disorderly" was not defined.

Amendment put and negatived.

Clause put and passed.

Clause 148—agreed to.

Clause 149—Power to enter licensed premises:

Mr. SCADDAN: The clause contained a provision that an ordinary constable on duty could not demand entrance to licensed premises unless he was authorised in writing by his superior officer to do so. Could there be anything more absurd?

The ATTORNEY GENERAL: A constable can go on to licensed premises in ordinary hours, but not after hours, without authority from his superior officer.

Mr. SCADDAN: A constable could enter in ordinary hours when all was quiet, but could not do so without permission when there was a riot or a row going on after hours. He moved an amendment—

That all the words after "force," in line 1, to "way," in line 4, be struck out.

The ATTORNEY GENERAL: It was provided by Subclause 4 either that authority might be given for specific cases, or that general authority might be given. Was it advisable to give a constable, without reference to his superior officer, the right to enter licensed houses in the small hours of the morning, for instance? If the hon. member could give cases where a superior officer had tried to screen publicans it was his duty to make them known.

Mr. BATH: If the members of the police force were to be entrusted with the administration of the law surely they should have power to enforce it on licensed premises. There was no possibility

of their doing that if, before they could examine suspected premises, they had to get authority from a superior officer. By the time such authority could be obtained the licensee would have fixed everything up. Take the case of gaming on licensed premises. Conviction depended upon the promptitude exhibited by the constable. If the policeman had to go for his superior officer, and perhaps dig him up from a private bar, it would be too late. If there were members of the force who could not be entrusted with the power to administer the law, they should not be entrusted with the duties of a constable.

Mr. FOULKES: There should be no objection to the amendment. In country districts a constable's superior officer was sometimes 20 or 30 miles away, and it would take a couple of days to get the permission; the constables should be trusted to carry out their duties.

Mr. HARPER: A superior officer of the police force should be entrusted with a duty such as that proposed in the clause. He (Mr. Harper) did not look upon everyone as suspicious characters but the members of the police force were not always paid a very high salary and one could not possibly expect to find a high standard of character in the Police Department. There was a large number employed in the police force and for that reason it would be a menace to hotel-keepers to give all policemen the right to enter a hotel at any time of the night and wake up the boarders. If a hotel was suspected of carrying on a trade contrary to the Act or during prohibited hours it would be easy enough for the members of the police force to get written authority to enter the house. The clause should be allowed to remain as it stood.

Mr. COLLIER: The Attorney General ought to defend the officers of the Police Department against the reflections cast by the hon. member for Beverley. The hon. member told the Committee that a number of the members of the police force were not of good character.

Mr. Harper: I said nothing of the kind.

Mr. COLLIER: And consequently could not be trusted.

Mr. Harper: I said you could not expect to find the highest standard of character in the police force.

The CHAIRMAN: The member for Beverley refutes the statement and it must therefore be withdrawn.

Mr. COLLIER: There was no doubt about what the hon. member for Beverley said and if he did not use those words the argument was in the same direction, namely that the police force could not be trusted.

Mr. Harper: I said there were exceptions.

Mr. COLLIER: The member for Beverley declared that there were exceptions and that it was only those exceptions that could be trusted. What the Committee should know was why a policeman was entrusted with the administration of other Acts and was permitted to enter a warehouse or other premises if the law was being broken there, and was not permitted to enter a public house if he saw that the law was being broken. There were special men who were told off for licensing duty while the rank and file were not permitted to interfere. The Attorney General should justify the condition of things which permitted a policeman to pass by a hotel where he knew the law was being broken. One might as well arm a policeman with written authority to interfere when he saw a burglar at work. Why was such a provision made in the Licensing Bill alone? It was absurd.

The Attorney General: This clause is much more liberal than the old clause. Previously a policeman had to get authority from two justices of the peace.

Mr. SCADDAN: If the written instructions were made general then they were not worth anything. Only recently in a police court case the magistrate was surprised at the lack of duty on the part of a constable and when questioned this constable said that he dared not do otherwise until he had received written instructions. Every man was put on duty and it seemed that he had not to exceed that duty. The reason why so many complaints were heard about breaches of the licensing law was that the police only

went to licensed premises when specially instructed to do so. A constable should be able to enter licensed premises at all times and if he carried out his duties in such a fashion as to be a menace to the hotelkeeper then he could be dealt with by his superior officers.

(*Mr. Taylor resumed the Chair.*)

Mr. GILL: It seemed that because the law had been on the statute-book for a great number of years that that was the reason for its continuance. The law which applied to all should apply to those engaged in the liquor traffic and there should be some authority to deal with the people engaged in this traffic just as it existed in connection with others. It was ridiculous that the drink traffic should be protected in such a way. The Attorney General should give some substantial reason why this special instruction should be issued or why special persons should be told off to see that the law was carried out. It was making a law for a special class of persons not deserving of special consideration.

Amendment put and a division called for.

Mr. Bath: The vote of the member for Fremantle would have to be given on the side of the Opposition; for although the decision of the Chair had been given for the side on which the member for Fremantle sat, that hon. member had called "divide," and therefore his vote must go with the Opposition.

Mr. Murphy: I gave my vote for the "noes."

The Chairman: If the hon. member for Fremantle had voted with the "noes" and called for a division, he would have to record his vote with the "ayes," unless indeed he had called by mistake. If the hon. member had called for a division he must vote for the "ayes."

Mr. Murphy: I deny having called for a division.

Mr. Bath: When the leader of the Opposition accused the Attorney General of calling for a division the member for Fremantle had at once admitted that it was he who called for the division.

Mr. Foulkes: When the leader of the Opposition accused the Attorney General of calling for a division, the Attorney General denied it and the member for Fremantle deliberately said, "It was I who called for a division."

The Chairman: The decision on the voices had been given in favour of the "noes," whereupon the leader of the Opposition called for a division. There had then been some exchanges between the Attorney General and hon. members as to who had called for the division. He (the Chairman) did not hear the member for Fremantle call for a division, but the member for Brown Hill had now claimed the vote of the member for Fremantle on the score that the member for Fremantle had called for a division. The member for Fremantle had denied that he called for a division, and the member for Brown Hill would have to accept the denial.

Mr. Bath: Although the member for Fremantle had denied calling for a division, more than one member, when the Attorney General was accused of having called for a division, heard the member for Fremantle say that he, and not the Attorney General, had called for the division.

The Chairman: The member for Brown Hill knew that he must accept the denial of the member for Fremantle. When an hon. member denied having said anything, that denial had to be accepted.

Mr. Bath: Surely the Committee were not asked to accept a denial if the denial constituted a lie.

The Chairman: The hon. member was scarcely in order in putting that view forward.

Mr. Bath: It was used merely in a general sense. He (Mr. Bath) had asked for a ruling as to whether members were expected to accept a denial which could be proved to be a lie.

The Chairman: The procedure adopted was that when a statement was made by an hon. member against another, who denied the statement, the denial was accepted. The member for Fremantle had denied having called for a division, and the denial must be accepted. The mem-

ber for Fremantle would be guided by the dictates of his own conscience as to the justification for such denial.

Mr. McDowall: When, on the Attorney General denying having called for a division the leader of the Opposition had cried to the Attorney General, "Wet your finger," the member for Fremantle immediately said, "I called."

Mr. Harper: At whose request had the Chairman ordered the division? Was it not at the request of the leader of the Opposition? The member for Fremantle may have called for a division, but he (Mr. Harper) understood that the Chairman had ordered the division on the call of the leader of the Opposition.

The Chairman: The division had been called for and he immediately rang the bell in the ordinary course and turned the sand-glass. No further discussion could take place on the question. Hon. members knew that when an hon. member denied a statement the denial must be accepted. It was not his (the Chairman's) law; it was the custom, and was provided for under the Standing Orders.

Mr. Holman: An occasion would be remembered when an hon. member had denied having made a statement, and subsequently it was proved by the production of *Hansard* that the statement had been made.

Mr. Underwood: Mr. Taylor!

The Chairman: Order!

Mr. Underwood: Order you!

The Chairman: The hon. member would have to withdraw that.

Mr. Underwood: I withdraw.

The Chairman: It was not his intention to call for any record by *Hansard* to decide this point. In his opinion it was not necessary. He would proceed to put the question.

Mr. Scaddan: It was his desire to have it recorded that, prior to the division bells ceasing to ring he had drawn the attention of the Chairman to the fact that the member for Fremantle had called "divide." In the first instance he (Mr. Scaddan) had accused the Attorney General of calling for the division, whereupon the member for Fremantle had distinctly stated that it was he who had called

"divide," and not the Attorney General. The Attorney General could not but admit that he had heard the member for Fremantle call "divide."

The Chairman: The hon. member had denied it and hon. members must accept that denial. He would proceed to put the question.

Division resulted as follows:—

Ayes	..	..	..	16
Noes	..	..	..	16
				—
A tie	..	..	..	0
				—

AYES.

Mr. Bath	Mr. O'Loughlen
Mr. Collier	Mr. Price
Mr. Foulkes	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Gourley	Mr. Troy
Mr. Heitmann	Mr. Underwood
Mr. Holman	Mr. Carson
Mr. Johnson	(Teller).
Mr. McDowall	

NOES.

Mr. Brown	Mr. Monger
Mr. Butcher	Mr. Murphy
Mr. Daglish	Mr. Nanson
Mr. Gregory	Mr. Osborn
Mr. Hardwick	Mr. Plesse
Mr. Harper	Mr. Frank Wilson
Mr. Layman	Mr. Gordon
Mr. Male	(Teller).
Mr. Mitchell	

The CHAIRMAN: The casting vote would be given with the "Noes" in order that opportunity might be afforded for further consideration.

Amendment thus negatived.

Mr. COLLIER: Subclause 4 needed explanation. Would the Attorney General explain why it should be necessary to have all these limitations to the authority of the constable? It was well known that there were in the City and suburbs some hotels practically exempt from the provisions of the Licensing Act, hotels that were pets with the Commissioner or the Superintendent. If a constable did bring a case against certain hotels visited by his superior officers he was speedily shifted to some remote district. A constable vested with authority to visit one hotel would be unable to visit another hotel that might need attention. The authority should not be limited, but should be general.

6 o'clock a.m.

The ATTORNEY GENERAL: The subclause provided that the authority might be either specific or general. What more was needed? Did the hon. member doubt the honesty of the inspectors and superior officers of the police force, or contend that they were not to be trusted to carry out their duty and that sergeants and inspectors were in league with licensed victuallers to prevent the law being carried out?

Mr. Collier: Some of them, yes.

The ATTORNEY GENERAL: The officers of the police force were quite as honourable as the hon. member. Having that confidence in them he did not purpose to give any further explanation.

Mr. SCADDAN: The clause showed the Attorney General evidently had no confidence in the police constables. They were not to be permitted without special written authority to enter licensed premises. Members who had supported the Government in ignorance of the effect of the vote would learn its effect at the next general elections. This clause lay at the root of the whole trouble in regard to the administration of the licensing laws. It was well known that constables dare not enter the premises of some of the favoured publicans. A constable had been shifted in the manner indicated by the member for Boulder for daring to interfere as mentioned previously. The officers might be honourable, but it was human nature in the police force to tyrannise over the constables. Officers hid in by-lanes to catch a constable who might speak to some of his friends. The Attorney General should make the promised inquiry to see whether it was not a fact that constables could not enter premises because they had not the written authority to do so.

The Attorney General: They have to get authority from a justice of the peace.

Mr. SCADDAN: That showed the injustice of it. A constable dared not move off the footpath because he had not the authority of a justice of the peace. That was why crimes were permitted and could not be prevented, because constables were bound down by Acts of Parliament

and the tyranny of their superior officers to keep just on the footpath, or be reprimanded or dismissed from the force. The Attorney General ought to feel proud of himself.

Mr. FOULKES: At many public meetings abuse was levelled at the Commissioner of Police for not putting a stop to breaches of the licensing laws. The Commissioner of Police of course could not write to the newspapers to defend himself, but persons had written to the Commissioner challenging him to explain why certain public houses were exempt, and no reply was forthcoming. This clause showed how the constables had been hampered. The Minister for Works had attended these public meetings.

The Minister for Works had never heard statements of that sort or he would have brought them under the notice of the Minister.

Mr. FOULKES: The Minister for Works had not attended some of the recent meetings. To deputations the Colonial Secretary promised that inquiries would be made, but nothing more was heard of them. The provision in the Bill was drawn from English Statutes over fifty years old. However, with local option the restrictions would soon be got rid of. There would be continuous agitation for amendment.

Mr. COLLIER: The manner adopted by the Attorney General was a convenient way of disposing of the question. The Minister was getting arrogant because of the victories won during the night, but it was really because of his ignorance of the clause that the hon. member would not explain why this authority to the constable should be limited. He moved an amendment—

That in line 2 of Subclause 4 after the word "section" the words "may be limited to one or more specified occasions, or one or more specified localities, or one or more specified premises, or" be struck out.

Many of the constables were honourable men, but in certain cases they should not be given the powers conferred by the clause. He knew an inspector in the force who on one occasion had been drink-

ing for four hours with a publican in the latter's private room. Would the Attorney General say that publican would not be exempt from the provisions of the measure? It was common knowledge that one man well up in the force in Perth had more than one favourite hotel. It was notorious that the officer spent nearly all his time, day and night, in one or two particular hotels. The whole value of the Bill would go for nought owing to provisions of this kind which would enable publicans to escape the law.

Mr. BROWN: It was most regrettable to hear the police force traduced in such a manner.

Mr. Collier: Not the police force, some members of it.

Mr. BROWN: In certain cases, as provided by the Bill, police constables should receive the authority of their superior officer to enter public houses.

Mr. HOLMAN: Some of the highest officials in the force in Perth were habitual visitors to licensed premises. He had seen them on some occasions when they could not walk, at all events not a chalked line. Those were the persons in whom authority was placed. The member for Claremont had said that officers of the Service could not reply through the Press. The department the Attorney General administered was absolutely rotten in that respect. Private information of all kinds was given to the Press from that department.

The CHAIRMAN: The Attorney General's department is not under consideration.

Mr. HOLMAN: The administration both of that department and the police force was rotten. If a constable were given the right to visit one licensed house he should be able to visit all. No distinction should be made. There had been too much of one superintendent rolling about drinking at other people's expense in every licensed and unlicensed premises in the City.

Mr. SWAN: It was pitiable to see the innocence of certain prominent men as to the ways of the police force. The Attorney General and the member for Perth seemed horrified at the charges made by

the member for Boulder against certain officers. Those charges were supported by him (Mr. Swan). He knew of his own knowledge that officers of the force in Perth levied toll on publicans for whisky and cigars and showed discrimination in their treatment of the various hotels. As a general thing the least wealthy of the publicans came in for the worst deal and we could only assume that it was because they were less able to square the inspector or whoever the official might be. Probably there would be those who would try to twist his words, but when he knew a thing was a fact he would not scruple about saying it. He knew these things from his own knowledge and that there were officers who had acted in the way he had described. If the Attorney General did not know it, the reason was that he was not concerned about it. The Attorney General should get a better practical knowledge of these matters, or the country should get a better Attorney General.

Mr. MURPHY was prepared to stand behind the member for North Perth in the direct charges he had made against the Police Department if that member were prepared to go on and prove what he had said. No member should make charges such as the hon. member had done unless he was prepared to support them. That member had said he knew of his own personal knowledge that certain members of the force had accepted bribes in cigars and drinks.

Mr. Swan: This is the twisting of words I referred to.

Mr. MURPHY: If the hon. member were prepared to push those matters to an issue he would stand behind him, but if not he had no right to make such statements.

Mr. SCADDAN: Threats such as those heard from the Attorney General, the Premier, the member for Fremantle, and others would not intimidate members of the Opposition, who would criticise individual members of the Cabinet, members supporting the Government and public servants generally when they thought that such was in the best interests of the public.

The Premier: Is that criticism? It is a direct charge.

Mr. SCADDAN: For years past a Royal Commission into the police force had been asked for but had never been granted. An inquiry was still badly needed and, if one were held, startling information would be given before a Commission which was given a free hand. We did not want a hole-and-corner Commission. Information could easily be obtained as to the tyranny shown towards constables by certain officers. The member for Fremantle need not think he could intimidate Opposition members. Members of Parliament had the right to criticise public servants and intended to exercise it. They were not frightened; the member for Fremantle had struck the wrong crowd for that. No member of the Committee could object to the amendment. Once a constable obtained written authority he should not be confined to any single locality.

Mr. HOLMAN: One of the highest officials in the police force had been looked upon as the official for public houses. In almost every licensed house in and around Perth one could see drink being sold after hours. That kind of thing proved the rottenness of the police force amounting almost to corruption. This had been the state of affairs for a considerable number of years. There were only one or two exceptions in Perth where liquor could not be obtained after hours.

Mr. MURPHY: There was no intention on his part to deny the statements made either by the member for North Perth or the member for Murchison. The statements made by these hon. members were made so emphatically that some inquiry should be instituted. He (Mr. Murphy) would stand behind the hon. members to get that inquiry.

Mr. JOHNSON: Although a number of charges had been made it was known to be a fact that in a large number of districts special publicans had special privileges. In Kalgoorlie it was well known that if one wanted a drink on Sunday it could be obtained by going to "So and so." That was due to the fact that the officers only gave the constables the right to visit and devote special attention to certain hotels. When the Labour Gov-

ernment took office the law was enforced and there were many convictions against publicans who had never been before the court previously. An agitation was set on foot and the Government were censured for permitting the police to apply the law generally, and so strong was the feeling that it absolutely decided the election in 1905. It was well known that the present member for Kalgoorlie was returned on two questions, one being that of refusing to permit charges at football matches on Sundays and the other the closing of hotels on Sundays. Every publican combined to provide the sinews of war to return Mr. Keenan. It had been said that the Opposition had cast a reflection on the police force. The Government, however, were casting a reflection on a majority of the officers. The Government declared that the officers could do no wrong but that the police constable could do nothing.

The Attorney General: The police constable might be lacking in discretion.

Mr. JOHNSON: Why should he be lacking in discretion any more than the officer? The guiding factor was that the Government had confidence in the officers and not the constables. The want of confidence in the police was not on the part of the Opposition but of the Government. The Opposition wanted it to be said that the police constables on getting the authority should be permitted to apply it generally.

Mr. HOLMAN: Time after time the Opposition tried to get an inquiry into the administration of the police force, and a select committee and even a Royal Commission had been moved for. He was sorry to say that members on that side of the House had blindly voted against the Opposition. He had himself seen the laws broken every night. The law should be administered fairly to all, but under this system it would be impossible to do that. All licensed premises should be treated alike.

The PREMIER: This question could be settled by voting, without descending to personal abuse, or the charging of hon. members with voting blindly. A good many members on both sides had been

absent during the debate, but that did not at all prove that they were voting blindly, because it was clear that they understood the amendment. The clause had been drafted on South Australian legislation, so it could be claimed that a pretty good precedent was being followed. If it was very bad surely some notice would have been taken of such a provision in the South Australian Act.

Mr. Holman: The administration is different there.

The PREMIER: That was scarcely to be accepted. The existing Act was very much more stringent in this respect than was the present measure which the Attorney General proposed to pass into law. The existing Act provided that it should be lawful for any justice of the peace, or any constable with special authority in writing signed by two justices of the peace, to enter upon the premises; so it would be seen that under the existing law a constable must have the written authority of two justices of the peace.

Mr. Swan: That is one of the abuses we complain of.

The PREMIER: The Bill liberalised that to a very great extent. If the Bill were passed a constable would only have to get the authority of his superior officer when he would be able to enter into a licensed house; so it would be seen that the clause was very much wider than the existing law. Hon. members who thought there should be greater freedom still; who believed, as did the member for Brown Hill, that the general members of the force were to be trusted while the superior officers were to be condemned and would have to be dug out from private bars before this authority could be obtained—

The CHAIRMAN: The member for Brown Hill had not said that.

The PREMIER: Then an apology was due to the member for Brown Hill. At any rate, one member had said it. Perhaps it was the member for Mt. Magnet who had said that the superior officer would have to be dug out from a private bar.

Mr. Troy had not spoken on this. The Premier should withdraw and set a

good example rather than make these wild statements.

The CHAIRMAN: When the Premier mentioned the name of the member for Brown Hill in this connection he (the Chairman) had drawn the Premier's attention to the fact that the member for Brown Hill had not addressed himself to the clause, and the Premier had at once accepted it. As the member for Mt. Magnet now took exception also, it would be necessary for the Premier again to withdraw.

The PREMIER: The reference to the member for Mt. Magnet had been rather in the nature of a query as to whether or not that hon. member had made the statement. Certainly some hon. member had said that superior officers would have to be dug out from private bars to give the required authority. If the member for Brown Hill denied having said it, he (the Premier) was prepared to accept the denial. But in a debate on a previous clause this statement had been made by someone.

Mr. BATH: The statement had been made in reference to an interjection by the member for Gascoyne. He (Mr. Bath) had said that the constable would have to run to his superior officer to get the permit; and the member for Gascoyne interjected that he would have to go into the private bar to get it, whereupon he (Mr. Bath) had remarked that possibly the officer would have to be dug out of the private bar.

The PREMIER: It was a satisfactory explanation. He desired to point out that it was absolutely unjust to reflect on the superior officers, declaring that they were not to be entrusted with the giving of this authority, and that the general members of the force should have full liberty to enter any licensed house at any time. Of course, they could enter any licensed house during the day time, but it was during the night time that it was sometimes desirable they should have authority to enter. It was only reasonable that they should have instructions and permission to take such action. If hon. members had to put up with that

sort of thing themselves they would be the first to cry out. It was much too wide a power to place in the hands of an ordinary constable, and it was a very easy matter for that constable to get permission from his superior officer to take such drastic action when the necessity arose. It appeared to him (the Premier) that we are not going to get any satisfactory result by abusing officers.

Mr. Swan: We might get a more satisfactory result by kicking them out of the force.

The PREMIER: That was very unfair. It was difficult to see what the hon. member would do with the rank and file if all the officers were kicked out. It was a senseless sort of suggestion to make, because the whole force would become a disorganised rabble without their officers. He took exception to these constant charges flung broadcast in the Chamber, accusing departmental officers of corruption and that sort of thing. If the member for North Perth had any information with regard to wrongdoing so far as officers were concerned, he had only to drop a note to the Minister in charge, or to him (the Premier) and the case would be seriously inquired into.

Mr. Seaddan: What, to Connolly!

The PREMIER: Yes.

Mr. Seaddan: Go on.

The PREMIER: That was the sort of comment and criticism which was coming to be expected from the leader of the Opposition, who, losing his head, made wild declarations of defiance against the Government. That was not going to tend to a solution of the question before the Committee. If hon. members had this information it was their duty to place it before him as head of the Government, whereupon he would take care to find out whether the charges were true or otherwise.

Mr. Swan: I asked for a select committee.

The PREMIER: Select committees never did much good.

Mr. Seaddan: Yet you allowed the Workers' Compensation Bill to go to a select committee.

The PREMIER: Surely the hon. member would not compare the two. He would repeat that if any hon. member having charges to make made them to him in writing he would see that a proper inquiry was held.

Mr. Holman: Here is a charge—the official Crown Law documents must have been used to give this information to the Press. It is a rotten state of affairs.

The PREMIER: All this heat was not going to assist the Committee in solving the question under consideration. The question was as to whether to give full power to the constables, or whether to restrict it in a moderate way, although giving very much wider powers than were given under the existing Act. He thought the clause as printed gave sufficiently wide power. He did not see why the Committee should be forced into giving this well-nigh unlimited power to every constable.

Mr. Collier: It is not proposed to give it to every constable, but when special constables are selected for the purpose they should have general powers.

The PREMIER: The power was already in the clause. A discretionary power must be left to the superior officers; somebody must decide as to whether it was to be power for a single house, for a street, or for a district. He was not going to stand in his place and hear these officers maligned in the way they had been. He believed they were doing their duty well. Possibly they might do it even better, but there were only a few public officers of whom it could be said that their duty could not be done in a stricter way than they were doing it at the present time. He did not think that relieving the head of the police force and his assistants of their responsibilities would bring about a better administration of the law. He cared little how members voted on the question, but he hoped the Committee would go to a division and settle it.

7 o'clock a.m.

Mr. SWAN: It would not be proper to give constables a free hand to enter hotels at any hour of the night, but no discrimination should be shown. That was why he supported the amendment. If the Premier's interpretation of a proper in-

quiry was the same as his (Mr. Swan's) it would be one's duty to ask for it, but there was absolutely no hope of getting a fair and square inquiry from the present Administration. It would be a white-washing institution the same as pretty well every commission or committee appointed by them. Therefore it was no use wasting time in attempting to get an inquiry. The only hope was to get a new Administration.

Mr. BATH: We should liberalise the proposal in the Bill so that constables supposed to be in charge of the administration of the law would have sufficient power granted to them, because it was one of their duties that daily came within their purview, and because they could not fulfil their duties without being entrusted with this power. If there were constables in the force to whom, through unfitness, it was not desirable to extend this power, it was the plain duty of the Administration to deal with them; it was no argument against entrusting officers of the law with what they should certainly be called upon to enforce if the law was to be properly administered. There were grounds for complaint against the heads of the force. When the Sandstone railway was being opened and the present Premier was there, a matter was brought under his (Mr. Bath's) notice showing there were grounds for complaint against the head of this administration. At the hotel where he (Mr. Bath) was billeted the police officer who would, under this clause, have the right to issue an authority, and the police officer under his control remained at the door on the Sunday, and were making inquiries and compelling the administration of the law; but the spectators from the football match were permitted to go further up the street and go openly into the hotel where the Premier was staying.

The Premier: You do not connect the two circumstances?

Mr. BATH: No; but it was evidence that there was favouritism in the administration. Further, the licensee and others who were responsible citizens of Sandstone informed him that there were other instances where similar favouritism had

been shown, and that the matter had been respectfully brought under the notice of the Commissioner of Police, yet no action was taken. It was evidence some change was needed. We could only secure effective administration by giving to some of the officers of the law that general power which the Bill sought to confer upon them.

Mr. FOULKES: How many police constables were there in the Perth magisterial district authorised to enter public houses?

The Attorney General: The information is not available.

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

Ayes	..	..	..	15
Noes	..	..	..	17

Majority against .. 2

AYES.

Mr. Bath	Mr. O'Loughlen
Mr. Collier	Mr. Price
Mr. Foulkes	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Gourley	Mr. Troy
Mr. Holman	Mr. Underwood
Mr. Johnson	Mr. Heltmann
Mr. McDowall	

(Teller).

NOES.

Mr. Brown	Mr. Mitchell
Mr. Butcher	Mr. Mongor
Mr. Daglish	Mr. Murphy
Mr. Gregory	Mr. Nanson
Mr. Hardwick	Mr. Osborn
Mr. Harper	Mr. Plesse
Mr. Jacoby	Mr. F. Wilson
Mr. Layman	Mr. Gordon
Mr. Male	

(Teller).

Amendment thus negatived.

Clause put and passed.

Clauses 150 and 151—agreed to.

Clause 152—Forfeiture of licenses after repeated convictions:

Mr. BATH moved an amendment—

That in line 10 of Subclause 1 the words "if they think fit" be struck out. The effect would be to make it mandatory on the magistrates to forfeit the license of a publican convicted for the second time for keeping a common gaming house on licensed premises. In the interests of the clean conduct of licensed premises no discretion should be permitted in this respect.

The ATTORNEY GENERAL: This clause not only dealt with the question of gambling, but also with convictions under Clauses 110, 111, 119, and others. It was possible, although not probable, that there might be extenuating circumstances, and there was really no reason why the justices should not be given a certain discretion. Magistrates and justices administered justice throughout the State very satisfactorily, and such legislation as this should be left in their hands. We were too prone to consider that these persons placed in responsible positions, who were carefully chosen to administer justice, should be deprived of all discretionary powers. It would be wise to leave this matter in the hands of the magistrates or justices.

Mr. BATH: In Sydney there was an effective Sunday-closing law. There the hotels were absolutely closed on Sunday, and the law was not broken in the same way it was here. The reason the authorities had been able to enforce the law and compel absolute Sunday-closing was that for a second offence against the Act there was compulsory forfeiture without any discretion. There was a period of five years during which it was impossible for the licensee found guilty of an offence being able to obtain another license. The publicans there realised that it was essential that they should keep their premises in accordance with the law. If the amendment were carried better administration of the measure would be ensured as licensees would, in their own interests, observe the provisions of the measure.

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

Ayes	..	..	15
Noes	..	..	19

Majority against .. 4

AYES.

Mr. Bath	Mr. McDowall
Mr. Collier	Mr. O'Loughlin
Mr. Foulkes	Mr. Price
Mr. Gill	Mr. Scaddan
Mr. Gourley	Mr. Swan
Mr. Heilmann	Mr. Troy
Mr. Holman	Mr. Underwood
Mr. Johnson	(Teller).

NOES.

Mr. Brown	Mr. Male
Mr. Butcher	Mr. Mitchell
Mr. Carson	Mr. Monger
Mr. Daglish	Mr. Murphy
Mr. George	Mr. Nanson
Mr. Gregory	Mr. Osborn
Mr. Hardwick	Mr. Plesse
Mr. Harper	Mr. F. Wilson
Mr. Jacoby	Mr. Gordon
Mr. Layman	(Teller).

Amendment thus negatived.

Clause put and passed.

Clause 153—agreed to.

Clause 154—Forfeiture of license in certain cases:

Mr. HOLMAN: Paragraph (d) of the clause provided that if the licensee allowed his premises to become ruinous or dilapidated, upon complaint thereof and proof before two justices of the peace, such justices might declare such license to be forfeited. A similar provision appeared in the existing Act, and he would like to know what had been done in the past to see that it was carried out. His experience in travelling through the various districts of the State was that the accommodation at many of these licensed houses was disgraceful. Unless the provision were to be carried out it was no use inserting the clause in the Bill. The question was to be settled by two justices; were they to be gentlemen of the type of Nicholson, or Click, or Click, or whatever his name was? It would be absurd for justices like that to deal with the question.

Mr. Johnson: What about Grenike?

Mr. HOLMAN: Considering the justices there were in the State there should be some better safeguard than the necessity to have cases, such as were provided for under the clause, brought before two justices. Time after time the Government had refused to appoint justices who were direct representatives of the people in various centres, and did so in order to appoint men for their own purposes.

The CHAIRMAN: This clause did not deal with the appointment of justices of the peace.

Mr. HOLMAN: The offenders against the clause had to be tried before justices of the peace, and surely he could criticise the persons before whom such applications

were to be made. Justices like Glick or Click—

Mr. Brown: Or J. W. Croft.

Mr. HOLMAN: Or H. Brown and a few others. In all probability if it came to a question of measure by the bushel that of Mr. Croft would show a far better measure than that of H. Brown. It would be unfair to members opposite to mention other justices for the whole of the State. Instead of having the provisions in the clause decided before justices they should be taken before the licensing court. No complaints could be made about the majority of the justices of the peace, but there were some who were not desirable by any means.

The CHAIRMAN: The clause under discussion was not the appointment of justices of the peace; it dealt with the forfeiture of licenses after repeated convictions.

Mr. HOLMAN: It provided that two justices of the peace might forfeit a license, and a member was in order in saying that they should go before more responsible people than justices of the peace appointed in the way we knew they were appointed. Surely that was a legitimate argument.

The CHAIRMAN: The hon. member could advance an argument as to why he should go to the higher authority, but there should be no criticism of justices of peace and the method of appointments.

Mr. HOLMAN: There was justification in saying that justices appointed as they had been appointed were not competent to adjudicate on these cases; they had neither legal knowledge nor training. It seemed that every time he (Mr. Holman) rose, the Chairman called him to order, while the member for Perth was allowed to criticise even an hon. member's private house.

The CHAIRMAN: The hon. member was not in order in criticising what had taken place.

Mr. HOLMAN: Then he would deal with the question of justices, and say that justices of the peace, or some of them, owing to the fact that their appointments were made in an underhand manner were not the proper people to

adjudicate. If two justices were going to be placed in the position to declare whether a license had to become forfeited the licensee should have the power of appealing to some one else. Why was it that the justices were selected to adjudicate in matters of this kind and why had the licensing bench been left out? As attention had been drawn to the matter it was to be hoped it would receive consideration. A system such as that might have served well years ago when no licensing courts existed and everything was virtually controlled by justices of the peace, but it would not do at the present time.

The ATTORNEY GENERAL: The greatest possible care had been taken in drafting the clause, and it had not been taken holus bolus from an old Act, as had been suggested. It was precisely the same provision as was to be found in the most recent Licensing Act passed in South Australia in 1908 when the Labour Government were in power.

Mr. Holman: All your Acts are made up by scissors and paste.

The ATTORNEY GENERAL: The hon. member made it difficult to meet him, because if one were to give way on this question and refer the matter to the licensing bench and not to justices of the peace, that too would be criticised, because it would be said that the justices could not be trusted. The justices in Western Australia were fully equal to the justices in the Eastern States. This provision had been in force formerly and had not proved objectionable, and that might be taken as showing that justices had exercised the jurisdiction conferred upon them wisely when cases had come before them. One would imagine from the manner in which the member for Murchison spoke of the powers of justices that they had no powers other than those given under the clause in question. The very widest powers were given to justices of the peace under the Justices Act, and if they could be trusted under the Justices Act surely they could be trusted to administer the law in this particular. If the hon. member knew of cases where justices had not administered the law as it should

have been administered he should bring them forward and they could be inquired into.

Mr. FOULKES: The clause gave power to justices to deal with the question of renewal of licenses in the event of the premises not being in a satisfactory condition. Up to the present time the licensing magistrate had had that power, and the Bill took the power away from the magistrate and conferred it upon two justices. These justices, however, practically had the power to lay down the standard of management with regard to public houses. We would have two jurisdictions dealing with this question. The Attorney General had said that this was taken from the South Australian Act. It was to be remembered that that Act had been passed under conditions very different from ours. Paragraphs (d) and (c) were almost in contradiction one of the other; moreover there was no standard laid down in the Bill as referred to in paragraph (c).

Mr. HOLMAN: The whole foundation of the South Australian Act, from which this provision had been taken, was on a basis entirely different from ours. It was this piecemeal business of fixing up a Bill with scissors and paste that had ruined the Arbitration Act. When dealing with a consolidating measure we should guard against the inclusion of mistakes which might upset the usefulness of the Bill. It was almost certain that the clause taken from the South Australian measure would not suit our conditions. There was no reason why two justices should be placed in a position to say that a license should be forfeited. This power should be in the hands of the licensing bench, who alone knew what standard was required. Under the proposed system the licensing bench would set up one standard, and the two justices another. And if two justices of Perth happened to remove down to say, Katanning, they would, in all probability, require in Katanning the standard they had been accustomed to in Perth. The Attorney General was not seized of the importance of the point or he would never have brought down

such an inane suggestion as that contained in the clause.

The CHAIRMAN: The hon. member was not in order in using that adjective.

Mr. HOLMAN: Then it would be withdrawn. Responsibility should not be placed on the shoulders of two justices, seeing that the licensing bench was the proper body to carry it. Some provision should be made that if the justices declared a license void the licensee should have the right of appeal to a higher court.

Mr. GEORGE: There was a good deal of weight in the complaint of the member for Murchison as to the two justices. Seeing that the Bill provided for a duly constituted court to deal with licenses he could conceive of no adequate reason why the question of dealing with dilapidated premises should be taken from the jurisdiction of that court. It was hopeless to expect good work from divided authority. He desired to move an amendment to strike out the words "any two justices of the peace" in line 2 of paragraph (d) with a view of substituting "licensing court."

8 o'clock a.m.

Mr. PRICE: Paragraph (c) stated that if the holder of a publican's license "failed to maintain such premises and accommodation at the standard required," and (d) said, "Allowed such premises to become ruinous and dilapidated." What was the standard?

The Attorney General: Clause 49 provided the standard. The hon. member did not know the Bill.

Mr. PRICE: Clause 49 provided that certain accommodation should be provided for travellers. The Bill did not explain what the standard required meant. On going through the Bill clause by clause one could glean a general knowledge of what was required, but that was not the standard.

Mr. FOULKES: A standard was required by the Act. There was a standard laid down by Clause 49, but that standard was framed in 1880 in Western Australia, and was a suitable standard at that time. It required two sitting rooms and two sleeping rooms. Although

that might have been good enough in 1880 it was not good enough to-day.

The Attorney General: We had passed the standard in Clause 49; why criticise it now?

Mr. FOULKES: The licensing magistrates were very doubtful as to what powers they had under the Act. They did not know if they could refuse to renew licenses if sufficient accommodation was not provided by the licensee.

Mr. GEORGE: It was open to members to state what they required as the standard. Clause 49 gave a standard and if that was not sufficient members should indicate to the Attorney General what was required, and probably he would recommit the clause later on.

Mr. COLLIER: Why was not the usual practice being followed in connection with all-night sittings; for the Chairman to leave the Chair for breakfast.

Mr. SCADDAN: It had been arranged that the Chairman should leave the Chair at a quarter past eight until half past nine.

Mr. COLLIER: It was not a matter of arrangement; the usual practice should be followed.

Mr. UNDERWOOD: In that case he would move that progress be reported.

The PREMIER moved—

That the sitting of the Committee be suspended until 9.30 a.m.

Motion put and passed.

Sitting suspended from 8.12 to 9.30 a.m.

Mr. FOULKES moved an amendment—

That in Paragraph (c) the words "thereof at the standard required by this Act," be struck out and "required by the licensing bench," be inserted in lieu.

Mr. COLLIER: The amendment was not a wise one. If it was correct that the standard was provided by Clause 49, which he believed was so, it would be better for the Committee to fix the standard than that it should be left to the discretion of the licensing court. In Clause 49 there was a definite instruction to the court as to what accommodation should be provided, while the

amendment gave the bench a discretion. The amendment was contrary to Sub-clause 1 of Clause 49.

The Premier: Clause 49 provided all that was required.

Mr. HOLMAN: Clause 49 provided the least possible standard of accommodation that was required and the licensing bench could not go below that. The accommodation of an hotel would be provided according to the needs of the locality.

Mr. JACOBY: The amendment was hardly in order because it would override the minimum set out in Clause 49.

The CHAIRMAN: The amendment before the Chair was that certain words be struck out with the object of inserting other words.

Mr. Holman: The amendment was an improvement on the clause.

Mr. WALKER: Notwithstanding that the amendment was an improvement the licensing bench was only human while the Act was definite. The standard was fixed by Clause 49 and that standard the licensing bench could not go below. The bench might in some cases go below the standard if discretion were allowed and then the Bill would be contradictory because in one part we would fix a standard and in another place we would allow a variation of it. In all our modern legislation he had a decided objection to leave matters in the hands of persons to do as they liked. Some licensing benches would be open to inducements and representations of those who wished to start an hotel perhaps in some uncivilised part without having the accommodation that was necessary.

Mr. HOLMAN: The idea of the member for Claremont was that the standard to be set by the licensing bench should not be below the standard in the Bill, and the standard in a populated district would be higher than that in a sparsely populated place.

Mr. JOHNSON: The amendment was absolutely necessary. No standard was laid down in the Bill. Clause 49 said that at least there must be two sitting rooms and two sleeping rooms; that was a standard of accommodation, but there was no standard of maintenance of that

accommodation. The rooms might be allowed to become dilapidated after having been provided. Unless we placed the responsibility on the licensing bench paragraph (c) would mean nothing.

Mr. BOLTON: If a license was issued for premises with 12 rooms, that accommodation was endorsed on the certificate; but if in the course of time the accommodation was increased to 18 rooms, by the amendment the court would have the right to ask for the maintenance of the 18 rooms; otherwise, by the clause as printed, the standard need only be maintained at 12 rooms.

Mr. WALKER: What was asked for was provided in the Bill. Clause 49 fixed a minimum standard, which could be added to but could not be decreased. Authority was given to the licensing court to add to the standard, and fix conditions, and insert those conditions in the certificate. Then Clause 154, which the Committee were dealing with, absolutely compelled the continuance of the standard fixed. If we withdrew the standard and made it at the discretion of the licensing court, the standard disappeared, and Clauses 49 and 154 would be consistent. Once additions were made they would have to be maintained; otherwise, according to the penalty in paragraph (d) of Clause 154, the license would be voided. Nothing could be more specific.

10 o'clock a.m.

Mr. JOHNSON: There was a difference between the two clauses, which was made clear by the fact that penalties were provided under each. Clause 49 was self-contained, consequently where there was another clause dealing with another penalty it was evident that the latter dealt with another matter altogether. If the standard of Clause 49 were not carried out there was a penalty provided, therefore that clause was done with. Clause 154 provided another phase of the case altogether. To overcome the difficulty the member for Claremont desired to provide that the licensing bench should deal again with the question under Clause 154. It should be

provided that the licensing bench should see that the standard was maintained.

The ATTORNEY GENERAL: Clause 154 conferred a jurisdiction exercised by justices, Clause 49 conferred a jurisdiction exercised by the licensing bench. In Clause 49 the penalty was that until the licensing bench were satisfied with the conditions imposed by the measure they could suspend the license.

Mr. JOHNSON: The clause also dealt with the question of maintaining.

The ATTORNEY GENERAL: There was an additional power that justices might condemn. If it were desired to take speedy action when the licensing court were not sitting—for they only met once in six months—then there was recourse to justices. The term "standard required by this Act," meant the minimum standard, plus the additional conditions imposed in respect to such licenses by the licensing court by the authority of and under the Bill. The Court derived their power from the Act, therefore, the standard taken by the licensing court was the standard required by the Act.

Mr. HOLMAN: What was the standard required by the Bill? There must be at least two sitting rooms and two bedrooms.

The Attorney General: Plus the conditions imposed by the licensing court?

Mr. HOLMAN: If the justices provided for in Clause 154 were replaced by the licensing court, as provided in Clause 49, his requirements would be met.

Amendment put and negatived.

Mr. JOHNSON moved a further amendment—

That in line 1 of Paragraph (d) the word "ruinous" be struck out and "unsuitable" inserted in lieu.

The word ruinous was too broad, for premises should not have a license for a long time before it reached the stage of ruination.

Mr. GEORGE: Subclause 3 of Clause 49 said—

If any such licensed house shall cease to be provided with the accommodation required by this section or

by the conditions inserted in the certificate, the licensing court, upon proof thereof to its satisfaction, may suspend the license until such accommodation is provided.

The meaning of that was that the accommodation, as based upon which the licenses were granted, should be maintained at a comfortable and decent standard. The provision for bringing that about was contained in Clause 49. If the premises became dilapidated or were not kept in order, the licensing bench would say the building should be put into proper repair or the license would be suspended. If that work was not properly done they could come along with the penalty and that penalty was that the license would be declared void.

Mr. Johnson: What does "ruinous" mean?

The Attorney General: In a state of ruin.

Mr. WALKER: The member for Guildford was substituting one vague word for another.

The Attorney General: More vague than the other.

Mr. WALKER: That was so.

Mr. Johnson: Suggest a word.

Mr. WALKER: A word should be suggested that had a definite meaning, not one that was elastic like "suitable." The hon. member should not insist upon taking out the word "ruinous."

Mr. JOHNSON: Could a building maintain its license with safety to the public before it became ruinous? It should lose its license before becoming ruinous. His desire was that the building should lose the license before it became ruinous.

Mr. Walker: The definition of "ruinous" was ruin or tending to cause ruin.

Mr. BOLTON: The difficulty would be overcome by leaving in the word "ruinous" and adding "unsuitable." Perhaps the member for Guildford would withdraw his amendment in favour of that suggestion.

Mr. UNDERWOOD: The amendment should not be withdrawn. The Committee should endeavour to state what was wanted and not supply a continuous run of synonyms. The licensing court

would have to determine whether the premises were unsuitable for the purpose for which they were licensed, therefore "unsuitable" was the best word. "Suitable" meant suitable for the purpose for which the buildings were licensed. Some people considered the building in which members were was not suitable for a Parliament House while there were some people who considered it was suitable for—

Mr. George: A lunatic asylum.

Mr. UNDERWOOD: And some people considered that the people in it would make suitable inmates. There were some people who considered Government House would be suitable as a university, yet no one would argue that Government House was ruinous. The word proposed by the member for Guildford was positively the best obtainable for the purpose; in fact it was "suitable."

Amendment put and negatived.

Mr. GEORGE moved a further amendment—

That in line 2 of paragraph (d) the words "any two justices of the peace" be struck out.

The best people to deal with these matters would be the licensing court who had created the licenses.

The ATTORNEY GENERAL: The paragraph as it stood allowed any member of the public to complain, and apply to have the license forfeited; and if such complainant could substantiate the case the power would lie with the justices to give effect to the clause. That was one jurisdiction. Supposing nobody come forward to lay a complaint, there was the jurisdiction of the licensing board, which would meet once a quarter; and if that board knew of its own knowledge that the conditions had not been complied with it could declare the license to be forfeited. It was a double precaution. The procedure had been in force for something like 30 years, and so far as he knew there had been no complaint. It was a fairly good assumption that it was a satisfactory system.

Mr. Foulkes: It is nothing of the sort.

The ATTORNEY GENERAL: It was a law to be found not only in Western

Australia, but in the other States of the Commonwealth, and, therefore, evidently it was one that had been found beneficial.

Mr JACOBY: The clause appeared to put too great power into the hands of the justices, who might, without just cause, forfeit a license and practically ruin the licensee. It would be wiser to leave the licensing bench to deal with the matter.

The ATTORNEY GENERAL: Since the principal Act had passed there had been some 12 amendments of the Wines, Beer, and Spirits Sale Act. In not one of these amendments had it been suggested that this particular amendment should be made.

Mr. Holman: We have never had such a bench before.

The ATTORNEY GENERAL: Some hon. members might be of opinion that an elective tribunal was likely to be more satisfactory than one appointed direct by the Crown. He did not think so. However, the matter was one which members might argue all day and still hold the same opinion upon.

Mr. GILL: It was to be hoped the amendment would be carried. The justices were practically irresponsible persons, and were appointed in a manner which did not always meet with the approval of members of the Committee. These justices were not public men in any sense of the term, and there was always the danger of their being used for a purpose not in the best interests of the people.

Mr. HUDSON: The amendment was deserving of support. Limiting the decision in matters of this kind to the jurisdiction of two justices was not in consonance with the rest of the Bill. Having established a court of elective members, with a police magistrate armed with a casting vote and wielding greater influence than the other members of the Court, it would be better to leave the decision to the licensing bench established under the Bill. A suggestion had been made that prosecutions of this nature might be made by a member of the general public. He had never heard of any such prosecutions under any similar Act.

The Attorney General: There was a case at Walkaway a little time ago.

Mr. HUDSON: Probably that case had been instituted on the report of an inspector. If the inspectors did their work a little better than was the practice, there would be more prosecutions, and consequently an improved class of hotels. He intended to support the amendment.

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

Ayes 19

Noes 16

Majority for .. 3

AYES.

Mr. Bath	Mr. Hudson
Mr. Bolton	Mr. Jacoby
Mr. Carson	Mr. Johnson
Mr. Collier	Mr. Murphy
Mr. Foulkes	Mr. O'Loughlen
Mr. George	Mr. Price
Mr. Gill	Mr. Scaddan
Mr. Harper	Mr. Troy
Mr. Heitmann	Mr. Swan
Mr. Holman	(Teller).

NOES.

Mr. Brown	Mr. Monger
Mr. Butcher	Mr. S. F. Moore
Mr. Cowcher	Mr. Nanson
Mr. Daglish	Mr. Osborn
Mr. Gregory	Mr. Plesse
Mr. Hardwick	Mr. F. Wilson
Mr. Layman	Mr. Gordon
Mr. Male	(Teller).
Mr. Mitchell	

Amendment thus passed.

Mr. GEORGE moved a further amendment—

That the words "licensing court" be inserted and all consequential alterations made.

Amendment passed.

Mr. HOLMAN: What was to be considered a reasonable time as provided in the clause?

The ATTORNEY GENERAL: If an earthquake were to strike the Palace Hotel time must be allowed for rebuilding.

Clause as previously amended put and passed.

Clause 155—(Clubs, Preliminary)—Interpretation:

Mr. HOLMAN: What was the difference between a registered club and an

unregistered club? Why should there be illegal bodies termed clubs.

The Attorney General: Unregistered clubs were those applying for registration or with certificates suspended.

Clause put and passed.

Clause 156—Registration of clubs:

Mr. BATH moved an amendment—

That the following stand as Subclause 2:—“No registration granted to a club under this part of the Act shall authorise the sale or supply of liquor during those hours or on such days as the sale of intoxicating liquors is prohibited under Sections 110 and 111 of this Act.”

Though the attempt to include clubs in the provision for a local option poll had failed, still we should impose on clubs the same conditions that applied to other purveyors of intoxicating liquors. The Bill was an effort to control the sale and consumption of intoxicating liquors, and if it was necessary to impose penalties on the premises of licensed victuallers which were in the light of day and were supposed to get effective supervision, was it not equally, if not more, necessary that similar conditions should apply to the sale of liquor in registered clubs where the sale of liquor was more secret? The amendment would enforce the same conditions and insist on the same prohibited hours so far as clubs were concerned as already applied to the premises of licensed victuallers.

The ATTORNEY GENERAL: The effect of the amendment was that no liquor should be sold in a club after 11.30 at night, and that no liquor should be drunk or consumed on club premises on any Sunday, Good Friday, or Christmas day. To be consistent the hon. member should have provided that liquor should not be consumed in private houses on those days. Clubs were co-operative concerns, that were not run for private profits, proprietary clubs being abolished by the Bill, and any profits made by them were devoted to improving the accommodation. The way to defeat the Bill was to try to drive clubs out of existence. There would be little chance of the Bill becoming

law if we applied to clubs the drastic provisions suggested. The provisions in the Bill were already drastic enough. A club could be deprived of its certificate if it was not conducted in good faith as a club, or was kept or habitually used for any unlawful purpose, or mainly for the supply of liquor, if there was frequent drunkenness in the club premises, if persons in a state of intoxication were frequently seen to leave the club premises, if the club was conducted in a disorderly manner, or if illegal sales of liquor took place in the club premises, and so on. Full powers of inspection of club premises by the police were provided, and generally clubs were under stricter supervision. What was in the Bill was a great advance on anything at present in force with regard to clubs in the State, but it would not be well to press restrictive conditions too far.

Mr. TROY: In other words, the Attorney General said, “Hands off clubs.” Would the Attorney General drop the Bill if the amendment were applied to clubs?

The Attorney General: No.

Mr. TROY: Did the Attorney General mean that the clubs had so much influence among members of this House or another place that they would rather prevent the Bill from passing than be interfered with?

The Attorney General: That is quite possible.

Mr. TROY: Then it was a condition of affairs not creditable to Parliament. What was the use of discussing a measure if members were to be influenced in such a manner?

The Attorney General: I assume the hon. member wants the Bill to become law.

Mr. TROY: Undoubtedly, but not if it was not an equitable and fair measure all round. No reason was advanced why clubs should not be treated similarly to other licensed premises. There was no reason why clubs should be kept open after 11.30 at night.

Mr. Butcher: Would you close private houses as well at 11.30?

Mr. TROY : Clubs were public houses. One could go into a club and get a drink at any time and those institutions should be treated the same as any other.

11 o'clock a.m.

Mr. HUDSON : There was a great difference between a public house and a club ; in the former place the business was to sell liquor, while in a club there was no such desire.

Mr. Angwin : In a club the member gets drunk and is put to bed, while in a hotel he gets drunk and gets run in.

Mr. HUDSON : That had not been his experience, whatever that of the hon. member might have been. The advantage provided by a club was that a man might have comfort without being forced to spend money at the bar. He had never known drunkenness in the clubs to which he belonged. The liquor reformers would be wise if, rather than fight against, they encouraged the establishing of clubs. That had been done in England and had been the best means of minimising the drink traffic. In what public house could a man go and spend an evening without being forced to drink ? He was opposed to the amendment.

Mr. BATH : The Attorney General had tried to draw a parallel between a club and a private house. The Minister had also said that there was no division of profits among members, as any profits obtained were devoted to the provision of other comforts and conveniences. Although there might be no division of profits in coin of the realm, there was a substantial division in the shape of additional comforts for the enjoyment of members. There was also the fact that in clubs meals and drink were able to be obtained at a more moderate price than elsewhere ; this was the result of the profits obtained. The attempt to draw a parallel between in a club and a private house was absurd. In the latter case a man who took liquor home was not able by its consumption to build himself a new wing to his house. A man could go into absolute seclusion in a club and was more likely to get drunk there, for he knew he would be put to bed, whereas if he consumed

liquor at a hotel he always had to keep the thought in his mind that if he took too much he might find difficulty in reaching home or might be met by a zealous policeman and run in. The member for Dundas had tried to assure the Committee that there was no desire to sell liquor in clubs. If there were not a desire to encourage the consumption of liquor, so far as the actual experience of the hon. member was concerned, anyhow the desire marched close on the heels of the sale of liquor at clubs. He spoke from personal observation, for he knew of one suburban club that had ruined business men in that suburb, and had necessitated periodical signing of pledges by public men we knew in this City. There was less opportunity of controlling the sale of liquor in a club than in a hotel.

Mr. BOLTON : The member for Dundas had said that the necessity for clubs existed partly because when one visited licensed premises to spend an evening he was forced to spend money. What percentage of members attending clubs did not spend more money on other things than on drink ? There was the money spent in gambling. It had also been said that the desire of the clubs was to discourage drinking ; if so why did the hon. member oppose the amendment which would enable him to have a club quiet and retired. Personally he would be quite prepared to allow clubs to remain open provided liquor was not sold there. If we did not apply local option to clubs it was not asking too much that there should be a provision as to the hours when liquor could be sold there. If a club were allowed to sell liquor on its premises till 11-30 p.m. surely the bar might then be closed. Evidently members of clubs had determined that they would allow no light to be thrown on their doings in the clubs and that there should be no supervision whatever. They did not intend to allow anyone to pry into their affairs.

Mr. Butcher : Would you like to pry into my private affairs and my home ?

Mr. Scaddan : There would be prying into it if it were a resort for gamblers.

Mr. BOLTON : The hon. member would not be very proud if the same things were to happen in his house as took place in some clubs in Perth. It was not too much to ask to apply the closing time to clubs. Why should people go to clubs on Sunday and take all their friends there as well ? There were clubs in which the goings-on were a positive disgrace.

Mr. Layman : Name them.

Mr. BOLTON : If the hon. member would mention the club to which he belonged—

Mr. Layman : The West Australian Club.

Mr. BOLTON : Then it was the West Australian Club. The Committee did not ask that the Clubs should close or that gambling should cease, but merely that liquor should not be sold after 11 o'clock at night or on Sundays, Christmas Day and Good Friday.

Mr. TROY : The statement had been made that a club was on all fours with a private house. No person who belonged to a club would say that there was any affinity between a club and a private house. There were people who were admitted to select clubs, not because they possessed a high moral character, but because they were possessed of wealth. How many scandals in aristocratic circles in the old country had originated in clubs ? The argument had been used that a man would not get drunk in a club ; indeed, that argument could be applied the other way about. It was beastly vulgar to get drunk in an hotel, but it was not bad form to get drunk in a club. Gambling occurred in clubs to a greater extent than in a public house ; besides, it was possible to gamble in a club, whereas it was difficult to do so in a public house.

The CHAIRMAN : The question of gambling had already been discussed. The hon. member was not in order in referring to it again.

Mr. TROY : All that he desired to add was that a club did not benefit society to the extent that we should give it consideration over and above a licensed victualler's institution.

Mr. JACOBY : The object of the Committee was to decrease intemperance, and as far as his experience of clubs was concerned he could not recollect ever having seen a man drunk in a club. In any well conducted club the committee would promptly expel any member who forgot himself to such an extent. Was it not better that people who desired to meet in the evening should do so at clubs rather than at hotels ? The question as to whether a club could be used as a home could be best answered by a reference to the Commercial Travellers Club. Many men made that club their home, and it would be hard for those who came in from all over the country late at night, and sometimes on Sunday, if they were not able to get some refreshment on their arrival. If there were intemperance associated with clubs there might be some justification for the suggested restriction.

Mr. SCADDAN : On but few occasions had he visited club premises, and then only as a guest. He did not agree altogether with some of the members on the Opposition side. He had no objection to these select clubs. If the elite of Perth liked to make fools of themselves drinking and gambling, let them do it, so long as they did not induce the working men to do likewise. It was the working man's club he objected to. The one the member for Brown Hill had in his mind was in a large measure a working man's club, although not known by that title ; and, as the member for Brown Hill had said, that club had undoubtedly ruined a number of small business men, in addition to causing a lot of trouble in domestic homes. Under the Bill we were abolishing all Sunday drinking in hotels, and surely the same could be made to apply to clubs.

Mr. Jacoby : What about men like commercial travellers, who made their homes in clubs ?

Mr. SCADDAN : Probably that class of man could be provided for. The man to be considered was the man who visited the club on Saturday afternoon and did not come out again until Monday morning. As he had said, we proposed to stop Sunday drinking in hotels altogether. Very much the same thing had happened

in New South Wales a few years ago ; and immediately following on this some of the clubs offered inducements to those people wanting to drink on Sundays to become members. One club he knew of had thus secured thousands of new members.

Mr. Jacoby : Is not that an exception ?

Mr. SCADDAN : The illustration was being used to show that it was under precisely similar circumstances we were bringing about this reform in respect to hotels, and that, consequently, it was only to be expected that club memberships here would go up by leaps and bounds. Subsequently in New South Wales the Act was amended in the direction of providing that clubs also should come under the limitation. Then the club to which he had referred lost its membership as fast as it had previously augmented it. Even the man who did not drink when in a club probably fell under the influence of bridge and, if there was in him any tendency to gambling, he was undone.

Mr. Jacoby : Do they ever get drunk ?

Mr. SCADDAN : Surely the question was unnecessary. He himself had seen several in that condition in clubs. He had known public men in this State go to a club to continue their drinking after they had become drunk in other places. The amendment did not propose to prevent clubs supplying members and their guests with drink ; all that it asked was that clubs should observe the same hours of closing bars as did hotels. It was absurd to close hotels on Sundays and expect the clubs not to increase their membership and so maintain the Sunday drinking habit.

Mr. ANGWIN : The Attorney General had hinted at the possibility of the Bill being defeated if the amendment were carried, seeing that certain hon. members were members of clubs. Surely this was a libel on those hon. members. The principal question to be decided was that brought forward by the member for Ivanhoe, namely, as to whether it would be just to allow clubs to remain open for the sale of intoxicating liquors on Sundays and after the hours of closing hotels. If any person desired to enjoy

club life surely he could continue to enjoy it after the club had been placed on the same footing as a hotel.

Mr. Jacoby : What about the man who lives there ?

Mr. ANGWIN : There were very few such men. Certainly the club offered an inducement to men to remain away from their real homes.

Mr. Bath : It is admittedly a discouragement of the home life.

Mr. ANGWIN : No member who had voted for the abolishing of the sale of liquor on Sunday could oppose the amendment. No doubt there were many club men of whom it could be said they did not go to their clubs for the purpose of drinking ; but, on the other hand, many went there for that purpose on days when hotels were closed.

Mr. George : That is mere assumption.

Mr. ANGWIN : It was nothing of the sort. He knew of certain clubs that did not sell liquors on Sunday or after 11 o'clock at night. Why, then, could others not observe the same rule ? If the Committee agreed to the amendment the Attorney General would find there was no member who would reject the Bill because some little luxury he now enjoyed would be interfered with. It was a libel to say that members would do any such thing. For his part he would like to go further than the amendment and abolish the sale of intoxicating liquors at Parliament House.

Mr. COLLIER : After having heard what awful places the clubs were he was inclined to think they should be done away with altogether. If the views expressed by some members were correct, then certainly clubs should be abolished. The debate had shown how keenly alive some hon. members were when the special privileges afforded them by their club membership were attacked. Under the Standing Orders those members keenly interested in the fate of the amendment should not vote. If the existence of clubs tended to diminish the consumption of liquor, then by limiting the days and hours on which liquor could be consumed in clubs we should still further diminish the consumption of liquor. Why should

members of clubs arriving from the country have the opportunity of obtaining drink at midnight when persons not members of clubs could not obtain drink at that hour?

Mr. George: Why are you not a member of a club?

Mr. COLLIER: Because I do not choose to be one.

Mr. George: Then why interfere with the liberty of others?

Mr. COLLIER: Why should members interfere with the liberty of those people outside clubs in the matter of getting drunk? The same principle applied. In visiting a club he had noticed a number of peculiarly-shaped tables he had never seen before, and these he was informed existed for the purpose of gambling.

The CHAIRMAN: Gambling was dealt with in a previous clause. There was nothing touching on gambling in the amendment.

Mr. COLLIER: If gambling took place after 11.30 o'clock, it was the strongest argument for prohibiting the sale of liquor in clubs after that hour so there might not be the same inducement to continue gambling. If the police could enter these clubs when they considered the law was being broken, and if clubs were not the exclusive corporations they were now, unlimited hours and opportunities for consuming liquor might be conceded, but there was not that opportunity for keeping a close supervision on clubs. The provisions in the Bill were not strict enough in this regard; but even if they were strict enough, it would be almost impossible to carry them out.

12 o'clock, noon.

Mr. GEORGE: As a member of a club for more than thirty years he had not seen any man the worse for liquor in any of the clubs with which he was connected. He used clubs as a matter of convenience and not for the purpose of drinking, and it passed comprehension why members should attempt to interfere with clubs in the way they were. Many hon. members seemed to think clubs consisted of a number of men joined

together to get drunk, and that certain people were able to get some privileges others were not able to get; but these men paid for these privileges. Applicants for membership had to satisfy the committees of the clubs that they were fit and proper persons to be members, and they had to abide by the rules to be of good behaviour and to conduct themselves as gentlemen. This applied all over the world in general business clubs. These clubs were not made a medium for people getting drunk. It was true of all assemblages that there were some people who would get drunk, but because of some black sheep in clubs were we to impose restrictions that would not be imposed on private families? He had never seen a game of cards played in a club. Cards were played in a club, he would admit, but he had not seen it. He was the type of a number of men who used clubs for their legitimate purpose, not for card-playing or drinking, but for business and social purposes. The great proportion of clubs was about the same.

Mr. Troy: We admit that.

Mr. GEORGE: Well, why condemn clubs, and endeavour to place penalties on them? If we were going to interfere in this way, why not go a step further and say there should be no drinking in private houses, and then, if the desire were to be sincere, go to the Customs House and prevent any liquor coming into the country. He knew of no club in Australia used simply for drinking purposes. To take the big proportion of members of clubs in Australia he would be safe to say that if they ascertained that their clubs were being turned into drinking dens they would either expel the offending members or resign themselves. It should not go out from this Chamber that members were of opinion that clubs, in this or any other State, were unfit and improper places for gentlemen to belong to. As to the question of non-club members, there were places those people could go to if they liked. There was not a club in this State which would knowingly admit as a member either a man of bad moral character, or one who was too much addicted to drinking. Of cours

there were black sheep in every fold, but it was not right that members, the majority of whom knew nothing about it, should condemn clubs in such a manner as had been the case during the debate.

Mr. WALKER: It was surprising to see the unanimity of those having the privilege of belonging to clubs. Club life had one of the most ancient of histories, and by a species of heredity the instinct leading to club associations, even in Perth, had continued from the days of our Saxon ancestors, even as far back as our old Scandinavian ancestors. Remarkable in the history of clubs had been this, that with all their development drinking habits had been intimately associated. Our modern clubs were literal descendants of those same old associations which dated from pagan times, when drinking was considered a sort of sacred thing. Some of the most respectable and foremost of our fellow citizens were members of clubs and were devoted to club life and preserved perfect sobriety, but that was not the question under discussion. The question for the consideration of the Committee was, should members of clubs be submitted to the same restrictions with regard to the purchase of liquor as were other citizens who were not members of clubs? The member for Swan had referred to the fact that some of the clubs were homes, but it was questionable whether that name should be applied even to those society clubs boasting refined and luxurious surroundings. It was a fact that hotels were homes to some people. He himself had lived in hotels for weeks at a time, and during the whole course of his experience had never seen a man the worse for liquor. We prevented the landlord of a hotel selling liquor at certain hours of the night and on certain days of the year, and hotels might be regarded as homes by some people just as much as clubs by others. But when one was at home it was not possible to purchase any liquor after 11 o'clock at night. There was no shadow of doubt that clubs were inimical to democracy. They had helped in some degree the civilisation of our ancestors, but in this respect they had served their purpose and in the

present age they spelt only privileges for a certain section of the community.

Mr. George: You can become one of that section if you want to.

Mr. WALKER: Supposing he did actually develop a desire to become a member of the Weld Club, at the first breath of the project the question would be asked "What is the candidate's social standing?" And, very possibly, as suggested by the member for Boulder, the answer would be, "He is a member of the Labour Party; we want none of that rabble here."

The CHAIRMAN: The amendment hardly dealt with the nomination of the hon. member as a member of the Weld Club.

Mr. WALKER: The Committee were dealing with the management of clubs in respect to the sale of liquor, and the need for its restraint, and everything incidental thereto and explanatory there was germane to the subject. The law said members of clubs should do what they liked in respect to the sale of wine, beer and spirits. It had been said there was no abuse of the privilege. That might be so, but the object of the law was to prevent the chance of abuse. Supposing the labour bodies who met at the trades hall and who very often held long meetings that passed the ordinary hours of sitting, wanted to establish a bar: why should they not have a refreshment room to which they could retire for the purpose of indulging in alcoholic liquors? It was hoped to bring even clubs into line with the outside institutions concerned with the sale of liquor. What wrong was there in that proposal? The members for Murray and for Swan would tell the Committee that there was perfect sobriety in these clubs and that therefore the amendment was unnecessary. But it should have occurred to those hon. members that sobriety was a question of degree and capable of several definitions. The amendment was to provide a respite for the drinking in clubs, a respite that was very needed. There was no justice in trying to make the poor sober by Act of Parliament while by Act of Parliament the rich were allowed full scope for

indulgence. It was sought to abolish the distinction between the select few and the common ordinary citizens of the State; not only on account of mere decorum, but because of the moral example that there was no distinction among men, and nothing that would give a fictitious advantage to any section of the public. Where the sale of liquor was permitted the law should have it always under its eyes. There should be no respecting of persons. We restricted the ordinary citizen from getting his drink after 11.30 o'clock, and so the member of the club, being but a citizen and coming under the power and scope of the law just as the ordinary citizen, could not divest himself of his citizenship when he entered the portals of his club. He carried with him his citizenship into the club, and not only this but the laws of the land followed him just as they would follow him to his home or into a hotel. Against equality of citizenship, the right of all to the burdens as well as the privileges of the law, no argument could be advanced. If the ordinary man was compelled to abstain after 11.30, why give this privilege to the club man to get all he needed? There was no justifiable reply except on the score of the privilege that was created. We were to aim at democratising the whole State and absolute equality of all men in the eyes of the law, and we must insist upon that equality and make the man who chose to reside at his club submit to what men were compelled to submit to who lived at hotels. Of course we could not prevent a man in his home keeping his cellar, nor could we prevent the club man having his liquor, but the sales should not take place after 11.30 o'clock. If we did not carry this amendment we would be leaving a great loophole for a possible increase of intemperance, because if the clubs were allowed to sell liquor on Sundays, on Christmas Day, and Good Friday, and all night, the stern restrictions of the Bill would be discounted, club membership must increase and new clubs start simply that people could indulge in drinking liquor during hours otherwise

prescribed. There were clubs started in the City with the main object of supplying Sunday liquor and evading the bona fide clause

The PREMIER moved—

That the sitting of the Committee be suspended until 2.30 p.m.

Motion passed.

Sitting suspended from 1 to 2.30 p.m.

Mr. WALKER: The amendment embraced a principle recognised in modern legislation, the right to prevent any abuses which were conducive to the life of any members of the community. In the olden days a law was passed that everyone should go to bed at a certain time, and that principle was still recognised, in the measure now being dealt with, by the closing up of hotels at a certain time. If it were good to close up those hotels then it was equally good to close up the bars of the clubs so that those who made their homes in a club might also go to bed at a respectable hour. Beyond all this there was another argument which seemed extremely plausible, and it was that there was no right to interfere unjustly and unwarrantedly with a monopoly out of which the State reaped a profit. Large funds were received from licenses of all kinds granted in the State for the sale of liquor. This was paid readily on the assumption that by the issuing of the license some measure of protection was afforded to the licensee. The monopoly thus granted was surrounded by all kinds of safeguards. While granting this monopoly on the one hand another monopoly which came into direct competition with the hotels was granted on the other hand. This was the club license, but the difference was that whereas there was close examination and supervision in connection with hotels, there was no supervision over the club. That was absolute injustice to the hotelkeepers. The position with regard to some of the clubs was that so soon as a distinguished visitor arrived in the State he was met and taken to the clubs, where he was entertained and received, with the result that a considerable sum of money which

otherwise would have been spent with the hotelkeepers went to the clubs. Special inducements were offered with this object in view. He supported the amendment, and more than all because it was a step towards diminishing, in some little degree, the trade in alcohol. It had been shown that when we in this Chamber dealt with a matter of this national importance we dealt with it in an open fair-minded way. We were considering only the evil itself and its effect upon the whole community. We were not doing it for the purpose of having restrictions on the one hand to one class and privileges on the other hand to the favoured few. On the score that it would be of great benefit to the whole community and would diminish the consumption of liquor he hoped the Committee would pass the amendment.

Mr. HUDSON: There was no injustice at all done to publicans by the granting of the club license. In coming to a conclusion with regard to clubs the measure as a whole had to be taken into consideration. When a license was granted to a publican it had this restriction, he had to conform to the rules made in the Bill in regard to his particular license. Belonging as he did to several clubs, his opinion was that rather than they should be retarded they should be increased. A great deal of good might be done by the extension of the system of associations of this kind. Why not protect the grocer against the co-operative store? That was a true simile because a club was a co-operative concern as against a private concern. The member for Kanowna could not have been sincere in his arguments against clubs because he was in favour of co-operation. The majority of hon. members had abused not only the clubs but the members of the clubs, and the inference to be drawn from the remarks of some hon. members was that the members of clubs were out soliciting young men in order to induce them to join the clubs and become gamblers.

Mr. Johnson: Will you deny that they gamble in the clubs?

Mr. HUDSON: It could not be denied that there was gambling either in clubs or in private houses. Gambling did occur and he was not prepared to say that it did not occur in hotels and in many private houses. The member for East Fremantle wanted to know what good arose from clubs. The hon. member admitted that he himself would do away with drink, but he admitted also that there were profits to be made. He would prefer, apparently, that the profits should go into the pockets of private individuals. How many hotels were there in Perth where a man could go and obtain literature and spend an afternoon in a comfortable reading room and have the benefit of magazines and the latest current scientific literature in the world? Did any public house in Western Australia cater for that sort of thing? Many clubs were in the nature of friendly societies in the sense that they assisted their members. The profits might not be divided directly as dividends, but they were expended in a way which was to the advantage of the poorer classes of their members. By co-operation they were able to supply the funds for the assistance of those of their members who might have become poor or suffered loss or distress. Many clubs in the State spent their funds in the direction of assisting charitable objects. The majority of those who were abusing clubs admitted that they had no knowledge of the subject and they displayed their ignorance so as to emphasise their own virtues. Surely if these abuses were actually occurring there must be concrete examples which might have been given to the Committee. The only example attempted to be given was that mentioned by the leader of the Opposition in regard to a club in another State. The member for Kanowna had declared it was unfair that a club should have to pay only a small amount by way of license fee. As a matter of fact, the Bill was going to make the clubs pay according to the business done. What more could the member for Kanowna ask for? It had been contended also that the Bill granted privileges to a few, was un-

democratic, and that it interfered with the liberties of non-members of clubs. What arguments could be more illogical than those? If a club was properly managed no harm could arise from it. For these reasons, and for those he had given earlier he was going to oppose the amendment.

3 o'clock p.m.

Mr. GILL: A good deal had been heard on both sides with regard to the continuance of clubs as under the existing state of affairs. The member for Dundas, as champion of the clubs, had attempted to reply to those who were alive to the evils of these institutions; but, like those Israelites who had been sent to make bricks with straw, he had found the task an impossible one. Having listened carefully to all that had been said on behalf of clubs he (Mr. Gill) concluded that the only real advantage offered by those institutions lay in the fact that literature, not wholly free from specimens of the Deadwood Dick class, was to be found in the club reading room. That seemed to be the one real ground upon which to base a claim for the concession of extraordinary privileges for clubs. There were other institutions in Perth which supplied periodicals and newspapers; in fact there was no occasion to go further than the everyday boardinghouse for such an example. Why, then, should not these everyday boardinghouses have the same rights and privileges as we extended to clubs, including the right to retail liquors to all and sundry? The whole of this division under the heading of "clubs" constituted a blot on the Bill. People had expected an honest Bill, but it was now found that there were restrictions in every line. That was not what had been promised to the people.

The CHAIRMAN: Was the hon. member discussing the amendment?

Mr. GILL: The subject under discussion was the registration of clubs.

The CHAIRMAN: The hon. member was not in order in pursuing any such discussion. There was an amendment before the Chair, and that, and nothing else, was open to discussion.

Mr. GILL: However, there had been great disappointment expressed throughout the community at the character of the Bill—

The CHAIRMAN: The question was the amendment to be added to the clause.

Mr. GILL: That amendment had not come under his notice. He had not heard it yet.

The CHAIRMAN: The object of the amendment was to bring clubs into line with hotels in regard to closing hours.

Mr. GILL: The amendment sought to put clubs on the same footing as hotels in regard to retailing liquors. Restrictions on the sale of drink should not apply to the poorer section of the community only. There was nothing to prevent members of clubs keeping liquor in their lockers and drinking it after hours. It was said clubs were homes, but it was a peculiar kind of home where liquor was retailed. But even if they were homes, there was nothing to prevent club members getting a little refreshment after closing time provided they got it the same way as persons not members of clubs had to get it, by purchasing it before closing time. We should not legislate to give favouritism or special privileges to any section of the community. All should be treated alike, irrespective of purse or bank balance; and then it could not be thrown up against the Chamber that we had indulged in class legislation. Passing the clause as printed would lay members open to the imputation of giving special privileges to a certain section of the community.

Mr. BUTCHER: Certain members built up a state of affairs in connection with clubs which existed only in imagination. Those members did not belong to clubs and admitted they knew nothing about them. He, as a member of a club in Western Australia for 15 years, claimed to have some knowledge of the inner life of clubs, and knew that every bogey raised by members in connection with the management of clubs was absolutely without foundation and did not exist in fact. He had been in many clubs here and elsewhere, and had never seen any of the conditions or scenes members

tried to persuade us existed. It was strange how members opposite spoke now in opposition to one of their dearest principles, that of unionism and co-operation. A club was purely a union or a co-operation, where a number of members came together to create a home which probably could not be secured elsewhere. The club he was connected with was organised by a body of men who found they had no place to go to where they could make their homes, because their conditions of life took them away to a great extent from any permanent place of abode. They had no idea of making profits. There were no profits from this club on the sale of drinks or food stuffs, the club being entirely supported by the annual subscriptions. It was wrong to imagine the idea was to get cheap beds, cheap food, and cheap drinks. At the club he spoke of, higher prices were paid than were paid for similar articles in the City, but the drinks were of the purest and the best, and the food was of the best obtainable.

Mr. Bolton: And the waiters also.

Mr. BUTCHER: Probably the waiters were as good as the hon. member was, and that was not saying very much. At this club there were writing rooms and reading rooms where literature of the highest class and of a scientific nature could be perused.

Mr. Angwin: We do not object to that; we want to stop your having liquor on Sunday.

Mr. BUTCHER: When any abuse was seen he would join the hon. member in that endeavour. He had never seen a case of gambling, nor had he seen men under the influence of drink in the club. There were no evils in connection with the club. Its object was for good and not for evil; but because it was a close association into which some members, for some reason or other about which he was not concerned, could not get, the whole thing was opposed by members in a spirit of enmity and jealousy.

Mr. O'LOGHLEN: Though supporting the amendment he deprecated the language used by the leader of the Opposition and the member for North Fremantle

in regard to some of the clubs, more particularly in regard to the amount of gambling they said went on in some of them. He had been a member of a club for some time and it was not his experience that the gambling or drinking went on at clubs that had been alleged. There had been an exaggerated view taken by certain members on one side, while on the other the member for Dundas had exaggerated the view in reply. Clubs should be placed on the same footing as hotels, and it was because he thought this that he intended to support the amendment. There was no analogy as had been suggested between the private home and the club.

Mr. Hudson: What is the analogy between a public house and a club?

Mr. O'LOGHLEN: Every club existed to a large extent on the profits made by the bar trade: abolish that bar trade and the financial successes of the clubs in Perth would be nothing like what they were now. He had voted in favour of the opening of hotels, recognising that it was a logical attitude to adopt, but there was no hope of administering the Bill in that respect. However, as the provision had been inserted, clubs should be treated in the same way. If hotels were shut and clubs were open on Sunday privileges would be afforded to a few people which were denied to the thousand. Personally he did not think licensees would be stopped from selling liquor on Sunday. Hotels in the State would sell on Sunday in the future as they had done in the past. The clubs would do the same. All the police in the world would not make the people refrain from drinking on Sunday if they wanted liquor. When the Bill became law one result would be that the number of licenses would be reduced in some quarters and the only thing the advocates of the liquor traffic would be able to do was to open clubs in their place.

Mr. TROY: Clubs were not entitled to any more consideration than hotels for they offered no more advantages. It was proposed by the amendment that Clauses 110 and 111 in regard to hotels should also be applied to clubs. By this

it would be provided that clubs could be open from 6 in the morning until 11.30 at night. What more could anyone want. It was not fair to the employees in the clubs that the establishments should be kept open so late. There were very few clubs in Perth financial enough to pay separate day and night staffs. Were the members of the clubs to be looked upon as a specially privileged section of the community because they had a few more pounds than the next man?

The CHAIRMAN: The member was repeating arguments used ever since the question had been first discussed.

Mr. TROY: It was also asked that the clubs should be compelled to close on Sunday. Why should they be open on Sunday? They even wanted to be open on Christmas Day and on Good Friday.

Mr. PRICE: A club was, to a large extent, a domestic institution, and if it were in his power he would induce a larger number of men to form clubs, so that they might use them as residences, where they could secure many of the comforts of a home, and thus obviate having to reside in hotels. Members were told that because they were fighting for clubs they were doing something for the rich as against the poor, but a citizen could become a member of a club on the payment of two guineas. One of the objects of the amendment was to secure a diminution of the consumption of alcohol, and would members seriously ask the Committee to pass a clause which would provide for the police interfering with the consumption of alcohol in a private place, for, after all, that was what a club was. Members had also been told that clubs were a luxury and not a necessity. Unfortunately, under our present social conditions clubs were a necessity, but if every man had his home to go to the necessity would, to a large extent, be obviated. The difference between hotels and clubs was so vast that it would be ridiculous to attempt to apply the same set of conditions to the one as to the other.

1 o'clock p.m.

Mr. SCADDAN: Even if the amendment were carried a member of a club could, if he were a bona fide lodger at the

club, or a bona fide traveller, obtain liquor at his club at any time except Sundays, Christmas Day, and Good Friday. What objection, then, could anyone have to the amendment? There was no hardship imposed by the amendment upon either a bona fide lodger at a club or a bona fide traveller who was a member of a club.

Mr. GEORGE: The contention served to upset one of the strongest arguments put forth on the other side, because no matter how poor a man might be, provided he were a traveller he could get a drink at a hotel at any time of night.

Amendment put, and a division taken with the following result:—

Ayes	..	..	..	15
Noes	..	..	..	20

Majority against .. 5

AYES.

Mr. Bath	Mr. Johnson
Mr. Bolton	Mr. O'Loughlin
Mr. Collier	Mr. Scaddan
Mr. Cowcher	Mr. Swan
Mr. Gill	Mr. Troy
Mr. Harper	Mr. Walker
Mr. Heitmann	Mr. Murphy
Mr. Holman	(Teller).

NOES.

Mr. Brown	Mr. Mitchell
Mr. Butcher	Mr. S. F. Moore
Mr. Carson	Mr. Nanson
Mr. Daglish	Mr. Osborn
Mr. George	Mr. Piesse
Mr. Gregory	Mr. Price
Mr. Hardwick	Mr. Underwood
Mr. Hudson	Mr. F. Wilson
Mr. Jacoby	Mr. Gordon
Mr. Layman	(Teller).
Mr. Male	

Amendment thus negatived.

Clause put and passed.

Clause 157—agreed to.

Clause 158—Conditions as to clubs:

Mr. ANGWIN: Would the Attorney General define and explain paragraph (c) dealing with the accommodation to be provided?

The ATTORNEY GENERAL: The object of the paragraph was to see that the club should not be a proprietary club, that it should be for the benefit of the members and that none of the profits should be divided among the members of the club.

Mr. BOLTON: There surely was no necessity for the words "and other guests." Accommodation was supposed to be for the members of the club only. A man might be blackballed and still be admitted as a guest.

Mr. GEORGE: In the previous paragraph it was provided that a club could be an athletic club. These athletic bodies held carnivals and invited guests, and there must be some accommodation for the guests on those occasions. The clause had a wider scope than that attributed to it by the member for North Fremantle.

Mr. ANGWIN: In South Australia there was a similar provision but there was a proviso exempting athletic clubs by proclamation from the necessity to provide this accommodation.

The ATTORNEY GENERAL: The paragraph had been carefully drawn to knock out proprietary clubs and was adopted in New South Wales and South Australia. Later on would be found provisions dealing with honorary members and the introduction of guests. There were stringent regulations drawn up in this regard. One of the most difficult problems in connection with clubs was the abuse of honorary membership, but these difficulties were overcome in the Bill. The paragraph referred to only provided that the accommodation on the premises should be used for the accommodation of members and for such guests as members were allowed to have.

Mr. ANGWIN: If there was no necessity for the proviso of the South Australian Act, there was no need to move to add it to this Bill. The idea was to protect these athletic clubs.

The ATTORNEY GENERAL: These athletic clubs would be quite safe. The nature of the accommodation required was not specified. The bowling club always had some accommodation even if it be only a shed.

Mr. HOLMAN moved an amendment—

That the following be inserted as paragraph (f.) :—“No Asiatic alien or any person of Asiatic race claiming to be a British subject shall be employed on or about the premises of the club.”
The licensing court should be empowered

to refuse certificates to clubs employing Asiatics. The time had arrived to take this matter into serious consideration. One of the greatest blots on some of the clubs was the fact that the visitor was served with drink by a johnnie with a pigtail.

Mr. Butcher: Do you think they are all Chinamen?

Mr. HOLMAN: At the Weld Club the door-keeper and some of the stewards were not Chinamen. Personally he had strong objections to these people. Asiatics should not be permitted to be employed in clubs. We granted clubs certain privileges and the best we could do would be to see that they employed people of our own race. The member for Swan as a patriotic Australian should support the amendment.

Mr. O'LOGHLEN: It was to be hoped that the Committee would give some little consideration to the matter.

Mr. Holman: The Attorney General will support it.

The Attorney General: I have no intention of accepting it.

Mr. O'LOGHLEN guessed as much. The member for Murchison appealed to the patriotism of hon. members to carry the amendment. While reading the report of the Labour Bureau a little paragraph was noticed which would throw some light on this subject. The Labour Bureau, dealing with the people and their various occupations at Broome, had this comment to make—

There are no white domestic servants in Broome, and the whole of this labour has to be supplied from aboriginal natives, except a few cooks, Malays principally, and Japanese. If white domestic servants at a reasonable wage, say £1 a week, and keep could be obtained, I believe there would be a great demand.

Hon. A. Male: That is quite wrong.

Mr. O'LOGHLEN: This was the Government report presented to Parliament only a few days ago by the department in Perth.

Hon. A. Male: I pay more than that myself.

Mr. O'LOGHLEN: If there was any accuracy in this report it would be useless

to appeal to the patriotism of members of the Chamber.

Amendment put, and a division taken with the following result:—

Ayes	14
Noes	18

Majority against	..	4
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AYES.

Mr. Bath	Mr. Price
Mr. Bolton	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Gill	Mr. Troy
Mr. Holman	Mr. Walker
Mr. Johnson	Mr. Underwood
Mr. Murphy	(Teller).
Mr. O'Loghlen	

NOES.

Mr. Brown	Mr. Mitchell
Mr. Butcher	Mr. Monger
Mr. Cowcher	Mr. S. F. Moore
Mr. Draper	Mr. Nanson
Mr. Gordon	Mr. Osborn
Mr. Gregory	Mr. Piesse
Mr. Hardwick	Mr. P. Wilson
Mr. Harper	Mr. Layman
Mr. Jacoby	(Teller).
Mr. Male	

Amendment thus negatived.

Clause put and passed.

Clause 159—Provisions to be made in rules of clubs:

Mr. COLLIER: Under paragraph (k) it was possible to establish a club which would be devoted to athletics, and that would mean that boys of any age could become members of it. Although the club would be formed primarily for athletic purposes, there was a provision that no liquor should be sold to any person under 18 years of age. It would be possible for a club of this nature to have boys of 15 or 16 years of age as members. They would frequent the premises, and although not eligible to obtain liquor, the fact remained that the environment would be there. Did not the Attorney General think that the age should be above 18 years?

The Attorney General: The amendment would be moved at a later stage.

Mr. BUTCHER moved an amendment—

That in line 2 of paragraph (d) the words, "at a meeting or meetings duly convened" be struck out, and the

words "on a day to be notified" be inserted in lieu.

Amendment passed.

Mr. BUTCHER moved a further amendment—

That all the words after "members" in line 5 of paragraph (d) be struck out and "voting on such days" inserted in lieu.

Mr. BOLTON: The amendment was to strike out the provision that a record should be kept of the names of members present voting, and provide that the record should only be of the members voting. This would mean absentee voting.

Mr. BUTCHER: Absentee voting was necessary in some clubs where members found it impossible to attend a meeting to ballot for proposed members.

Mr. BROWN: The amendment would do no harm. Members of clubs had to deposit their ballot papers in the ballot boxes.

Amendment put and passed.

Mr. COLLIER: Would it not be well to amend the provision in paragraph (k), which allowed liquor to be sold in athletic clubs to a person 18 years of age? We made 21 years of age the qualification to be a member of other clubs.

The ATTORNEY GENERAL: In Clause 130 it was provided that liquor could be sold to young persons over 16 years of age. Athletic clubs were not started primarily for the consumption of liquor; that was very much a side issue.

Mr. JACOBY: Paragraph (l) as printed would prohibit messenger boys from being employed in a club. He moved a further amendment—

That the words "or are serving as messengers" be inserted after "waiters" in line 2 of paragraph (l).

Amendment passed.

Mr. BATH moved a further amendment—

That the following stand as paragraph (m):—That no steward, cook, or other employee of a registered club shall be employed for a longer period than is provided for persons employed in a public house, hotel, restaurant or coffee palace under Section 15 of the

Early Closing Act Amendment Act, 1904.

The authorities of clubs would be asked to conform to the same rules and restrictions on their employees as were imposed under the Early Closing Act upon hotels and such like with which clubs came into competition. Hon members who belonged to clubs were not desirous that employees of the clubs should be worked unduly long hours, but in some clubs the employees were worked unduly long hours and the wages were not commensurate. The provision in the Early Closing Act was that no person should be employed in a public house, hotel, restaurant, or coffee palace as barman or waiter for a longer period than 56 hours in any one week, or as a waitress or boy under the age of 16 years for a longer period than 52 hours in any one week, inclusive of such time as might be allowed for meals. This was accepted as a reasonable proposition in regard to these places of business, and it was reasonable to apply it to employees of registered clubs.

Amendment put and passed: the clause as amended agreed to.

5 o'clock p.m.

Clause 160—Honorary members:

Mr. BUTCHER: It was provided by paragraph (c) that the name of an honorary member should be posted for 10 hours before he could be admitted to a club. This might prove very inconvenient in the case of visitors arriving by mail steamer, and who would only be in the State for a few hours. These visitors would be prevented from being made honorary members if the clause became law.

The ATTORNEY GENERAL: The object of the paragraph was to prevent persons who should not be honorary members from being rushed into the club in the course of an hour or so. Clause 161 would meet the difficulty mentioned by the hon. member. It provided for extraordinary honorary members, and set out that the chairman, or two members, of the licensing court, could grant to any club a permit to admit to the premises extraordinary honorary members during

any time not exceeding seven consecutive hours. The visitor to whom the hon. member had referred would come under this clause.

Clause put and passed.

Clause 161—agreed to.

Clause 162—Strangers:

Mr. ANGWIN moved an amendment—

That in line 6 of Subclause 1 the words "twelve o'clock midnight" be struck out and "11.30 p.m." inserted in lieu."

The reason for the amendment was that men should not be allowed to leave an hotel at closing time, namely, 11.30 p.m., and go to the clubs.

Amendment put and passed: the clause as amended agreed to.

Clauses 163 to 174—agreed to.

Clause 175—Fees:

Mr. BATH: Under the system for collection of fees, as set out in the clause, would it not be possible for the full amount to be evaded? It appeared that there would be some difficulty in fixing the amount.

The ATTORNEY GENERAL: Originally it was proposed to introduce this system of fees with regard to hotel licenses, but on a calculation being made it was seen that revenue would be lost. On the other hand, as regards clubs there would be an increase in revenue by the adoption of this system. This was the method adopted in Victoria, and we were charging the same percentage. In South Australia there was a different system. Careful provision was made in estimating the amount. A statutory declaration was required from the applicant setting forth the gross quantity of liquor purchased in the preceding 12 months. In order that there should be no loss of revenue as compared with the present fees, it was provided that there should be a minimum of £5. The Government hoped to get more than that under the new system.

Clause put and passed.

Clause 176—agreed to.

Clause 177—Supplying or keeping liquor in unregistered club:

Mr. BATH: Here there was a provision with regard to the unlawful sale of liquor by an unregistered club, and a penalty was provided; but the penalty for the first offence of this character was higher than for the adulteration of liquor which he considered a much more serious offence. There should be a better sense of proportion exercised; this was not such a serious offence, yet it was visited on the occasion of the first offence with a penalty which was out of proportion to that to be imposed for adulteration.

Clause put and passed.

Clauses 178 to 185—agreed to.

Clause 186—Duties of inspectors:

Mr. BATH: The Attorney General promised to give some consideration to this clause in order to provide for carrying out the provision which the member for Murchison succeeded in adding to the Bill, with regard to keeping records concerning the employment of barmaids.

The ATTORNEY GENERAL: Owing to the continued sitting there had not been the opportunity of dealing with the matter. The duties of the inspectors, however, were defined in the clause, and the officer had to ascertain how licensed premises were being conducted, and he had to see that the provisions of the Act relating to the premises were duly observed. That ought to meet the position.

Mr. BATH: The Judges of the Supreme Court were very keen on adhering to the strict letter of the law and they would not accept vague interpretations. The matter, however, might be overcome by adding words to paragraph (b) of the clause. He moved an amendment—

That in line 2 of paragraph (b) after the word "premises" the words "and the licensees thereof" be added.

Amendment passed; the clause as amended agreed to.

Clauses 187 to 192—agreed to.

Clause 193—Sale or possession of adulterated liquor:

The ATTORNEY GENERAL moved an amendment—

That in line 1 after "person" the words "or any person authorised by

Subsection 1 of Section 44 to sell wine without a license" be inserted.

Amendment passed.

The ATTORNEY GENERAL moved a further amendment—

That in line 4 after "premises" the words "or on his premises, vineyard, or orchard, as the case may be," be inserted.

Amendment passed.

Mr. BATH: It was provided in the clause that certain penalties should be imposed where a person had on his licensed premises any liquor adulterated with water. He (Mr. Bath) could never understand this provision by which licensees could be prosecuted for having liquor adulterated with water. We should encourage the adulteration of spirituous liquors with pure water. While that might add profits to the hotelkeeper it was of considerable advantage to the customers of that hotelkeeper, and might save many individuals from a very unkind fate.

Mr. GEORGE: If the spirit were not broken down the chances were the people would drink a great deal more of it without finding out its strength.

Mr. UNDERWOOD: The member for Brown Hill had been in a peculiar train of thought when he declared that the retailer should have the right to adulterate whisky, or rather, decrease the value of it, with water. Would not the same argument hold good with regard to the milk supply; because there was nothing deleterious in milk and water?

Mr. BATH: No comparison could be drawn between the adulteration of whisky with water and the adulteration of milk. The adding of water to milk served to reduce the food value of the milk, whereas the adding of water to whisky served to reduce the evil effects of the spirit, and so should be regarded as a blessing in disguise.

Mr. PRICE: The penalty provided for the selling of adulterated whisky was only £50, whereas the penalty provided in Clause 177 for the illegal sale of good liquor was £100 for the first offence. Would it not be wise to raise the penalty

in respect to adulterated liquor to £100 also?

The ATTORNEY GENERAL: What would the hon. member suggest as a penalty for the second offence?

Mr. Price: Nothing less than the cancellation of the license.

The ATTORNEY GENERAL: It might happen that in some cases the licensee would be selling adulterated liquor in good faith, not knowing it to have been adulterated. He (the Minister) was inclined to think that £50 was sufficient as a penalty.

Mr. JACOBY: There was a good deal of danger in dealing with these penalties for adulteration and the selling of adulterated liquor, because it might be that some of the liquors had been adulterated by the oversea maker and imported bona fide by the retailer. Yet there would be no remedy for the retailer. The first duty of the State was to prevent the introduction of adulterated stuff. This would virtually safeguard the retailer, for the very fact of the commodity being allowed to enter the State would then stand as prima facie proof that the retailer had nothing to do with its adulteration, and so he would be relieved of responsibility. The intention of the Committee was to get at the man who knowingly sold adulterated liquor; but what was to be done with the man who was perfectly innocent in the matter? After a certain number of offences such a man might lose his license and yet have been absolutely innocent in each case.

Mr. FOULKES: There would not be much risk with regard to this. Retailers would be well protected if they would pay a reasonable price for their liquor. Only too frequently the article was selected by reason of its low price.

Mr. UNDERWOOD: The suggestion of the member for Albany would not meet the case. A better plan would be to adopt an amendment under which any man convicted of roguery in connection with the selling of liquor would not be allowed to sell any more liquor. With such an amendment there would not be

much necessity to set up a penalty in the shape of a fine at all.

The Attorney General: The offence might be committed innocently.

Mr. UNDERWOOD: The Minister was sometimes possessed of quaint ideas. He (Mr. Underwood) had yet to get a definition of "innocent roguery."

Mr. Jacoby: Suppose he sells an original packet unbroken?

Mr. UNDERWOOD: Possibly the amendment could be so framed that we would be able to get back to the original adulterater.

The Attorney General: He is away.

Mr. UNDERWOOD: In all probability the original adulterater would have a representative here.

Mr. Jacoby: Not necessarily.

Mr. UNDERWOOD: These were the pleas of commercial brigands. To sell as pure spirit something that would injure one's health was as bad as robbery with violence. It was absurd to allow a man fairly convicted of adulterating liquor with poisons to go on poisoning. Adulteration with water was not more than mere thieving, but a man who would adulterate with creosote, for instance, would commit murder. We should not license a man convicted of putting any of these poisons in liquor for human consumption, and the Attorney General should endeavour to meet the case of these adulterations injurious to the health of the consumer.

The ATTORNEY GENERAL was quite in accord with the hon. member that the person who actually performed the adulteration should be severely punished and deprived of his license as the most effective punishment which could be devised; but the difficulty was the actual seller had to be made responsible, or else we would rarely get convictions in the case of imported goods. The seller, however, might be perfectly innocent, and it would be going too far to deprive him of his license. For instance, imported lager beer might come under the clause, but it would be scarcely contended that the seller should first obtain an analysis. Certainly the seller should suffer a penalty, but that penalty, though severe, should

not be unduly severe. In another place it would be seen if it was possible to meet the wishes of the hon. member so far as direct adulteration was concerned.

Mr. COLLIER: There were several provisos in the Health Bill providing that if it was shown to the satisfaction of the court that the person convicted was the person effecting the adulteration, severer penalties were enforced; so the Attorney General should have no difficulty in meeting the wishes of the member for Pilbarn.

Clause also consequentially amended, and as amended agreed to.

Clauses 194 to 209—agreed to.

Clause 210—Costs on forfeiture of license:

Mr. PRICE: It was provided that a justice of the peace should act under this provision. Should it not be the licensing court? We already provided that the forfeiture of the license on the second conviction must be done by the licensing court.

The ATTORNEY GENERAL: It might happen that in some cases on a second offence tried before justices the licensee was likely to have his license cancelled.

Clause put and passed.

Clauses 211 to 216—agreed to.

Clause 217—Regulations:

Mr. GEORGE: As this was the last clause, the Attorney General might say whether it was intended to introduce a provision closing public houses on polling days for State and Commonwealth elections.

The Attorney General: I understand the hon. member is moving in that direction.

Mr. GEORGE: Such a clause should be provided. Perhaps the member for Claremont would move in that direction.

Clause put and passed.

Postponed Clauses 10 to 19—Constitution of licensing courts, disqualification, etcetera:

The ATTORNEY GENERAL: It was desired that these clauses be struck out with a view to inserting other clauses on recommitment.

Clauses put and negatived.

6 o'clock p.m.

Postponed Clause 99—Notice of intention to establish State hotels:

The ATTORNEY GENERAL moved an amendment—

That in line 1 all the words after "if" be struck out and "1. At any poll of the electors taken under Part V. of this Act resolution B is carried in any district and also the resolution that any new license shall be held by the State, the Minister may, with the approval of the Governor, but subject to the provisions of this Act—(a) Establish State hotels in the district; and (b) carry on, by his authorised agent, any such State hotel, the trade and business of a person holding a publican's general license: Provided that every such agent, before acting in that capacity in any such hotel, must duly apply for and obtain from the licensing court a publican's general license in respect of such hotel, but section forty-seven of this Act shall not apply: Provided, also, that an application for the transfer of such license may be made by the Minister without the concurrence of such agent. 2. Any State hotel shall be subject to the provisions of Part V. of this Act" inserted in lieu.

Part V. referred to in the new clause dealt with local option. Members would see that the State licensee was in exactly the same position as private licensees, for he had to go to the licensing court to get his license and had to fulfil all the conditions of the measure. With regard to the payment of the premium for new licenses, of course that was unnecessary in the case of a State hotel as it would be just taking the money out of one pocket and putting it into another.

Amendment put and passed; the clause as amended agreed to.

Postponed Clause 100—Power to establish State hotels:

The ATTORNEY GENERAL: Owing to the amendment made to the previous clause this was unnecessary.

Clause put and negatived.

New clauses—Females not to be employed in the sale of liquor unless registered barmaids. *Cf. Transvaal Ordinance 32, 1902, s. 50 (1):*

Mr. UNDERWOOD moved to insert six new clauses, dealing with the employment of barmaids, to stand as Clauses 149 to 155 (*vide Notes and Proceedings*, pp. 217 and 218).—The object aimed at was to do away with the employment of women in hotel bars. It was not an occupation suitable to women. He had known many very strong harmen whose health had completely broken down under the strain. This of itself showed how unsuitable the work was for a woman. There was no need for sentiment in connection with the question for we, as men and Australians, should say that the occupation of a barmaid was unsuitable for Australian women. There was a provision that those engaged in the business at present should be allowed to continue the work. The new clauses were taken from the Transvaal Act, a similar measure to which worked satisfactorily in South Australia.

The ATTORNEY GENERAL: Members apparently desired to take a division on the question at once so he did not propose to elaborate the point at issue. Personally he had always held that the tendency of the present day was to give perfect freedom of action to women as well as to men. They had equal political rights and there did not seem any good reason why they should not be allowed to judge on this matter for themselves.

New clauses put and a division taken with the following result:—

Ayes	..	..	..	14
Noes	..	..	..	17
				—
Majority against	..	..	..	3

AYES.

Mr. Angwin	Mr. Jacoby
Mr. Bath	Mr. O'Loughlin
Mr. Bolton	Mr. Underwood
Mr. Collier	Mr. Walker
Mr. Foulkes	Mr. Ware
Mr. Gill	Mr. Troy
Mr. Heltmann	(Teller).
Mr. Holman	

NOES.

Mr. Brown	Mr. Mitchell
Mr. Butcher	Mr. Monger
Mr. Cowcher	Mr. S. F. Moore
Mr. Davies	Mr. Murphy
Mr. Draper	Mr. Nanson
Mr. Gregory	Mr. Osborn
Mr. Harper	Mr. F. Wilson
Mr. McDowall	Mr. Gordon
Mr. Malo	(Teller).

New clauses thus negatived.

New clause:

Mr. FOULKES moved—

That the following new clause be inserted:—"No alcoholic liquor shall be sold in any district by any licensee on the day appointed for a Parliamentary election or local option poll: penalty £50."

Mr. ANGWIN: I suppose the word "licensee" also refers to those holding club licenses.

New clause put and negatived.

Schedules 1 to 27—agreed to.

Title—agreed to.

Bill reported with amendments.

PAPERS PRESENTED.

By the Premier: 1, Report of Chief Harbour Master for year ended 30th June, 1910. 2, Statement of refused applications for retiring allowances under the Superannuation Act, 1904 (ordered on motion by Mr. Swan).

By the Minister for Mines: Reports and returns in accordance with Sections 54 and 83 of the Government Railways Act, 1904, for the quarter ended 30th September, 1910.

BILLS (7)—FIRST READING.

1. Jury Act Amendment.
2. Cemeteries Act Amendment.
3. Fertilisers and Feeding Stuffs Amendment.
4. Leederville and Cottesloe Municipal Boundaries Alteration.
5. Pharmacy and Poisons Act Compilation.
6. Electoral Act Amendment.
7. Hospitals.

Received from the Legislative Council.

House adjourned at 6.25 p.m. (Thursday).

PAIRS.

Sir N. J. Moore	Mr. A. A. Wilson
Mr. Plesse	Mr. Scaddan