Legislative Assembly,

Thursday, 8th September, 1910.

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

QUESTIONS (2)—RAILWAY SUBURBAN PASSENGER TRAFFIC.

Increased Service.

Mr. BATH asked the Minister for Railways: In view of the increase in passenger traffic on the metropolitan-suburban railway system, is it the intention of the railway authorities to provide a more frequent service?

The MINISTER FOR RAILWAYS replied: Six additional trains per day have been provided to cope with the temporarily increased traffic. These will be increased or decreased as circumstances require.

Line on South side of Swan River.

Mr. ANGWIN asked the Premier: Before deciding on any expenditure of money for any alterations to the existing railway between Midland Junction and Fremantle to provide for increased traffic, will the Government take into consideration the advisability of constructing a railway from Fremantle to Midland Junction on the south side of the Swan River to relieve the existing railway of the heavy goods traffic and remove the difficulties of traffic which, it is stated, now exist?

The PREMIER replied: An expenditure for re-grading or otherwise improving the railway system between Fremantle and Midland Junction will be necessary whether the suggested railway be constructed or not.

QUESTION — CONCILIATION AND ARBITRATION ACT, AMENDMENT.

Mr. SCADDAN asked the Premier: Is it the intention of the Government to introduce this session an amending Arbitration Bill to make the existing measure adequate for the purpose of settling industrial disputes?

The PREMIER replied: The question is now being seriously considered, and a more definite statement will be made as soon as I have the opportunity of further discussing the subject in Cabinet.

QUESTION — POSTAL FACILITIES AT PARLIAMENT HOUSE.

Mr. SWAN (for Mr. Horan) asked the Premier: 1, Will he place himself in communication with the Federal authorities with the end to establish a post and telegraph office on the premises of Parliament House in common with all the Australian Parliaments? 2, Would it not be considered advisable that the present post and telegraph office at West Perth be located at Parliament House and that a room therein should be gratuitously offered to the Postal Department?

The PREMIER replied (1 and 2): If the members of the House Committee would express an opinion on the matter the Government would be in a position to know if the facilities referred to are necessary.

QUESTION — ASSEMBLY OFFICERS.

Mr. SWAN (for Mr. Horan) asked the Premier: 1, On whose recommendation are the various officers of this House engaged? 2, Are they subjected to any examination for their fitness for the positions?

The PREMIER replied: 1. All the officers of Parliament are under the control of the Speaker and President respectively, and, with the exception of the messengers, who are appointed by the President or the Speaker on his own authority, are appointed by Executive Council on their recommendation. 2,

There is no set examination, but careful inquiries are made with regard to applicants.

QUESTION—ASIATICS EMPLOYED AT WELD CLUB.

Mr. SWAN (for Mr. Horan) asked the Premier: 1, Is it within the knowledge of the Crown Law Department that the Weld Club is now evading both the Commonwealth and State laws in the employment of Asiatics? 2, Will he convey to the Colonial Secretary the necessity of complying with the law and tell the Inspector of Factories to inspect the Weld Club in accordance with law? 3, If the Weld Club is not now registered under the Factories Act, why not?

The PREMIER replied: 1, No. 2 and 3, I am not aware that the institution referred to is failing to observe the law, nor that it is a factory within the meaning of the Factories Act.

QUESTION—MEMBERS' CORRESPONDENCE, POSTAGES.

Mr. SWAN (for Mr. Horan) asked the Premier: Having regard to the fact that every Australian State pays the public postages of members of Parliament, will he place a sum on the Estimates to cover the amount of Parliamentary and public correspondence between members and their constituents.

The PREMIER replied: Provision will be made with the object of relieving hon. members to some extent in this direction.

QUESTION — EDUCATIONAL APPOINTMENTS.

Mr. DAGLISH asked the Minister for Education: 1, Is it true that two teachers of domestic management have just been brought from England by the Education Department? 2, What were the terms of engagement of the persons imported, *i.e.* salary, period of engagement, and amount of passage money, if any? 3, Were applications called for locally beforehand; and, if so, what salaries were offered? 4, Are there no competent persons on the staff here? 5, If not, is not the head of that branch as competent to instruct teachers as if she were discharging similar duties in an English service?

The MINISTER FOR EDUCATION replied: 1, Yes. 2, They are bound to serve for three years. The salaries are £130, rising to £150. Second class fares were given. 3, Applications were twice called for locally beforehand, but only one candidate came forward. Salaries are fixed by regulations, as follows:—Instructress—first class, £150—£170; second class, £130—£150; third class, £90—£130. 4, Not available, all competent teachers in these subjects being already fully engaged. 5, Yes. Applicants have now come forward, and are to be trained during the first half of next year for future vacancies.

QUESTIONS (2)—PERTH TRAMWAY COMPANY.

Members of Parliament and Free Shares.

Mr. WALKER asked the Premier: 1, Did any members of Parliament receive free shares in the Perth Tramway Company at the time of the company's formation or at any other time? 2, If so, how many members so received shares, and who were they?

The PREMIER replied: 1 and 2, The Government are not in possession of information which would enable the hon. member's question to be answered.

Filing of Accounts.

Mr. WALKER asked the Premier: 1, Have the Perth Tramway Company complied with the provisions of Section 32 of the Tramways Act, 1885, as to transmitting accounts, duly prepared, to the proper authorities? 2, If not, have the Crown taken any steps to enforce the penalties imposed by Section 32? 3, If not, will he take steps to recover the penalties?

The PREMIER replied: 1, Yes. 2 and 3, Answered by No. 1.

QUESTION—SECONDARY SCHOOL, HEADMASTER.

Mr. DAGLISH (without notice) asked the Minister for Education: 1, Is it true

that Mr. Jolly, who was appointed to take charge of the Secondary School, has now declined the position? 2, If so, will priority of consideration when he is replaced be given to the applications of local candidates?

The MINISTER FOR EDUCATION replied: 1, Mr. Jolly has asked to be relieved of the appointment, having been offered another appointment in South Australia, and he has been so relieved. 2, Consideration will be given to local applicants as has always been done.

PAPERS PRESENTED.

By the MINISTER FOR MINES: 1, Return showing mining exemptions granted during the year ended 30th June, 1910. 2, Report on the working of the Government Railways for the year ended 30th June, 1910.

BILL—HEALTH.

Second Reading.

Debate resumed from 25th August.

Mr. MURPHY (Fremantle): Any measure that is introduced to this House which has for its object the protection of public health and the regulation of matters in connection with public health I take it will be hailed with pleasure by all sections. I think one of the principal functions of the Parliament of the State is to devise means by which the public health may be best protected. From the little experience I have had as chairman of a local board of health, I am not altogether in favour of too much authority being given to the Central Board of Health. From what I can understand from the Bill before the House, it seems to me that while it is necessary that the central board shall be the supreme body, there is not sufficient power given to the local boards to carry out those health matters in their own districts that local boards should undoubtedly possess. If this Bill will tend to introduce a better state of things than that which existed previously, I do not in any wish to be the fly in the ointment to bring about difficulties between the central board and the local bodies, but while I think that the central board in all matters should be supreme, their interference with local boards should not arise on every trival occasion; it should only be in connection with some very important matter. With regard to the Bill perhaps the Minister in charge will pardon me if I say that there are one or two matters in it that I do not understand. For instance, in several clauses I find that the word "officer" occurs. In the interpretation clause there is no interpretation of the word "officer." Whether the interpretation is included in the word "inspector" or not I do not know, but I think that when a term like that is used, for future smooth sailing it would be as well if we were told in the interpretation what "officer" means. I find also that the words "licensed victualler" appear. There is no interpretation of "licensed victualler" and I would point out that there is no such person licensed under the laws of Western Australia. We have various persons who are licensed to sell wines and spirituous liquors, but there is no one known in the law as a "licensed victualler," and unless an interpretation is given, it might be found difficult to administer the Act in the future. There appears to me to be a grave omission in this Bill and that is the non-inclusion of some regulation to restrict or supervise second-hand clothing shops. I am told by the medical profession and by our health officer at Fremantle, and I think also this will be borne out by the chairman of the Central Board of Health, that if there is one source of infection more dangerous than any other it is the second-hand clothing shops. Yet no provision is made by which our health inspectors can have supervision over them. These shops may buy clothing from plague infected houses or from a small-pox area and it may be exposed for sale without disinfection, and our inspectors have no control over it. I hope that when the Bill is in Committee some provision will be made whereby it will be possible to give the officers of the health department some control in this direction. I find that the local authorities are given power to make by-laws to prohibit or regulate or prescribe certain things, but

while they are empowered to make these by-laws for which a penalty is provided if certain things are not done, all that can be done by this Bill is to compel a person to pay the penalty. There is no power in the Bill to compel a person to remedy the existing state of affairs. A person may be fined for having an objectionable drain on his premises, and though it will be possible to continue to fine him for perpetuating the nuisance, there is no power to compel him to clean out the drain. When the Bill is in Committee it is my intention to move a number of amendments.

Mr. George: Give us some more information.

Mr. MURPHY: If I had known the member for Murray was present I should not have presumed to give any information at all. I do not intend to make any further remarks at the present stage, but in Committee with the assistance of the member for Murray, I shall do my utmost to improve the Bill.

Mr. ANGWIN (East Fremantle): It is not my intention to take up much time in debating the second reading of this Bill. I regret that the Minister when preparing the measure did not provide for the Ministerial control of the Department of Public Health. It has been shown clearly that the administration of health matters in the past has not been satisfactory. This Bill provides not only for local boards of health, for a central board of health, for registration boards and for advisory boards, but it also provides that the Minister shall have certain powers. I am of opinion that when it falls back upon the Minister in the long run it would be just as well to provide for direct Ministerial control. The Minister in introducing the measure pointed out that he had made an alteration in the constitution of the central board, and as a sop for those who have opposed the nominative system for so long, he declared that two of the members would be elected. The other day we had the election of a member to the Fire Brigades Board and most of us know now that the system which was adopted on that occasion and which has been provided for in this Bill has not given satisfaction throughout the State. We can only come to the conclusion that by electing two members to the Central Board of Health a large area of Western Australia will be in the same position, and satisfaction will not be given to every portion of the State. During the past few years one or two municipalities in the State have been favoured by being permitted to elect a representative on the Central Board of Health, namely, the Boulder and Kalgoorlie roads board and I believe the municipality of Coolgardie. These were the only bodies which were privileged to have representatives on the Central Board of Health, and yet from time to time dissatisfaction has existed with the administration of health matters even in those centres. On more than one occasion when this question has been brought forward by representatives of the various local bodies and particularly the municipalities, in conference assembled, disapproval of the manner in which the Central Board of Health had carried on its administration has been expressed. These bodies affirmed the principle of Ministerial control by a large majority. In my opinion the local authority in this Bill will be a nonentity, for they will have no power whatever. The local authority is elected by the people, and instead of provision being made to throw the onus of looking after the public health of the State on those persons elected by the people, we find in clause after clause throughout the Bill, that they shall only be compelled to do certain things, if it is in the wisdom of the Central Board of Health that such things should be carried out. I maintain it would be far better, not only in the interests of public health, but also in the interests of the local authority, to give Ministerial control, appoint efficient inspectors, and lay down definitely in the Health Bill what duties the local authority shall carry out, and that the inspectors shall see that the duties of the board are carried into effect. There is nothing in the English Health Act which states the

local board "may" or "shall, if required by the Local Government Board," but we know there are periodical inspections by the local Government inspector, and that he takes good care that these local boards, who are elected to preserve the public health, carry out the duties required of them. If that were done here it would be far better; it would allow local boards to take greater interest in their work, and would give them greater responsibility. Another matter I wish to refer to is the providing for medical inspection of school children. The Bill does not state where or how the cost of such medical inspection is to be borne, whether it is to be borne by the local board or by the State. I believe in other places the system of medical examination of school children has been carried out successfully. As far as this State is concerned it has been started by the Government, and no doubt if the Government continue this out of funds voted by Parliament it will be a success. But if it is to be left to the central board to say when it shall be done, and if no provision be made for the payment of the costs, the examination will be of such a nature that it will be hardly worth while making. I also note that the local authority is to have borrowing power. But there is a qualification; they will have to get the consent of the central board. Here is a body elected by those who have to pay increased taxation because of the loan raised, and this body have to submit their decision, and the wishes of those who elected them, to an almost entirely nominated board who have no knowledge whatever of the wishes of the electors.

Mr. Daglish: No knowledge of finance, either.

Mr. ANGWIN: In the past they have had no knowledge of anything. I contend this Clause 49 should be eliminated. "Every local authority may, on the recommendation of the Central Board of Health." Why! to-day the municipal councils have power to borrow a very large amount; but when such a council, without closing their meeting resolve themselves into a board of health, the power they possess under the Municipalities Act will under the Bill no longer be theirs without the consent of five persons who know nothing about their business. This is a new departure and I think we should wipe it out. The submitting of plans for buildings is made compulsory. We have a Building Act, and where this Building Act is in force, there only is it necessary that people should go to the expense of preparing plans and specifications for submission to a board. Why put people to such expense, when they could by other means explain to the board their intention? Some local authorities, of course, would not accept the plan unless it be properly drawn; still, there are many men who could draw a sketch of a proposed building and explain what they intended to do in connection with the erection of that building, without going to the expense of preparing proper plans and specifications as will be required under the Bill.

Mr. George: Do not the municipalities submit plans to the boards of health?

Mr. ANGWIN: They are the boards of health. Under the clause dealing with the protection of life, I notice no provision is made for the safeguarding of midwives who are at present carrying out that work. In the past these nurses have been very useful, and I think it is necessary that after midwives have been practising for a considerable time, so long as they can show to the satisfaction of the board or the Minister that they are qualified to carry out their duties, they should be mentioned in the Bill and provided for.

The Minister for Mines: So they will be.

Mr. ANGWIN: Then why not have them in the Bill? There is no provision for them whatever, unless they can show they have obtained a certificate of midwifery from some hospital or from the Obstetrical Society, or other authority approved by the board. The English Act adds, "Or produce evidence satisfactory to the board that at the passing of this Act she had been for one year bona fide practising as a midwife." It is my

intention to try to amend the clause in Committee. At Fremantle, a few weeks ago they started a class for the purpose of training midwives. I know of instances where midwives who were pretty well on in years made application to be allowed to attend that class, but they were told that no person over the age of 44 years would be admitted to the class; therefore, they could not undertake a course of training for the certificate which they anticipated would be provided for under the Bill. Seeing that such cases exist I think it is necessary we should endeavour to protect these women so long as they can prove to the board that their work in the past has been satisfactory. Then, again, there is no provision in the Bill for appeals by nurses upon whom injustice may have been laid. In the earlier clauses of the Bill, provision is made that aganist any action of a local authority appeal may be made to the central board, and from there to the Minister. But there is no provision under which a nurse, feeling herself agrieved by any action of the Nurses' Registration Board, may appeal against such decision. Seeing that the action to be complained of might have the effect of depriving a nurse of her livelihood, I think provision for an appeal should be made in the Bill. This measure has been before us for several years past, and I hope this time it will become law. One clause which appears to me very indefinite is that dealing with compensation. On more than one occasion we have discussed the question of compensation for the destruction of cattle declared to be suffering from a disease inimical to public health. The Bill provides that the compensation to be paid for any animal so destroyed shall be up to the market value of the animal. It will be a very difficult task to determine the marketable value of an animal suffering from a disease necessitating its destruction. In my opinion, such marketable value would be nil, or at least it would be just what the skin is worth: and it would take the value of the skin to kill the beast. I think this provision should be made more definite. If it is intended to pay compensation let us say how the value of that compensation is to be arrived at. When we say, "marketable value" the clause becomes a delusion to those whose animals may be destroyed. As I have already said, I trust the Bill will become law this session.

On motion by Mr. Scaddan, debate adjourned.

BILL—LICENSING.

In Committee.

Resumed from 1st September.

Mr. Daglish in the Chair; the Attorney General in charge of the Bill.

Clause 9—Tenure of office:

The ATTORNEY GENERAL moved—

That all the words after "court," in line 1, be struck out, and the following inserted in lieu:—"elected at the first election shall come into office on his election, and shall hold office until the thirtieth day of November in the third year after his election. (2) Every member of a Licensing Court elected at any subsequent triennial election shall come into office on the first day of December next following his election, and shall, subject as hereinafter provided, hold office for three years. (3) A member retiring at the end of his term of office shall be eligible for re-election."

The amendment was necessitated by the decision arrived at to make the licensing courts partly elective bodies. As a promise had been given that the machinery necessary to give effect to the amendment previously carried would be brought down, several amendments with this object appeared on the Notice Paper and further additions would be made when the time arrived to deal with new clauses.

Mr. SCADDAN: The clause provided that every member of the licensing court should be by virtue of his office a Justice of the Peace for the State, but the amendment now proposed to strike out this provision, apparently because the members of the licensing courts were to be elected. Why did the Attorney General desire this?

The ATTORNEY GENERAL: The system of electing justices of the peace had not been adopted in Western Australia. True, a mayor after election became ex officio a justice of the peace, but the Government had a right of veto. The point was that the work the members of the licensing courts would be called upon to perform could be equally as well done if the members of the court were not justices of the peace as if they were.

Mr. WALKER: If it was right to make a man nominated by the Crown to be a member of a licensing court a justice of the peace, it was equally right to do the same when a man was elected to be a member of a licensing court. It was a position of trust, and the man elected should have the status of a justice of the peace. A man's election should be sufficient recommendation as to his fitness to be a justice of the peace.

Mr. BOLTON: The proposal to take from elected members of licensing courts the right to be justices of the peace was most remarkable. Another point to be considered was the fact that in all of the States, with the exception of Western Australia, members of Parliament were made justices of the peace. It should be looked upon as a right, and not as a gift. On one occasion a gentleman representing East Fremantle was appointed a justice of the peace, but the fact was so hurled at that gentleman that he returned the commission. It should be the right of all members of Parliament, and more especially should it be the right of those elected as members of these licensing courts.

Mr. MURPHY: Members of licensing courts were to be elected under a special Act for a special purpose to administer the sections of the Act, but members wanted to go further and to confer greater powers upon the members of these courts. If it was right that elected members of these courts should be created full justices of the peace for all matters of police court jurisdiction, why should not justices of the peace be also elected? The hon. member was wrong in saying that in all other States members of Parliament were made justices of the peace.

Mr. Hudson: Ministers are.

Mr. Scaddan: And all the Federal members.

Mr. MURPHY: Certainly if a man stood sufficiently high in the estimation of his fellow men as to be elected to administer the Licensing Act, it was sufficient guarantee as to his fitness to be a justice of the peace.

Mr. KEENAN: One could not see how the fact of being on licensing courts, nominated or elected, affected the positions of men as justices of the peace. There was no need for the words in the clause; and if their omission had not been included in the amendment moved by the Attorney General, he (Mr. Keenan) would have moved to strike them out. Justices of the peace were appointed for other purposes. Prosecutions for offences under the Licensing Act must go to the police court, and it would not be right for the members of the licensing court to follow those cases to the police court. There was no provision by which members of the Licenses Reduction Board were to be justices of the peace; and now we had adopted the principle of electing members of licensing courts, we should not persevere in the desire to give to them an unnecessary and wholly inappropriate office.

Mr. WALKER: The chairman of the licensing court was to be a magistrate who could adjourn from the licensing court to the police court, but could not take the other members of the court with him. So the member for Kalgoorlie was inconsistent. It was also inconsistent to argue that while persons nominated should be honoured with the dignity of being justices of the peace, persons elected as members of the licensing courts should be degraded by not being made justices of the peace. How could the member for Fremantle reconcile the inconsistency of that? Generally speaking, we could trust the people to make a wise choice, better than we could trust the Government to do so. Judging from some of the experiences of the past the selection of the Government of justices of the peace was not always wise, or in the interests of the public; sometimes it had

been exceedingly partial. The people of the district knew the character of those living in their locality, and could be trusted to choose the right man. When it was known that elections to the licensing bench also meant appointment to the position of a justice of the peace, better men would be nominated.

Mr. DRAPER: Whether the clause as is stood was right or not depended, according to the arguments put forward, upon what was the position of a justice of the peace. Was the position a barren social honour or was it an appointment for any particular purpose. If so, what was the purpose? The only recognised purpose was that the gentlemen appointed should exercise some judicial function. The Government of the day in making the appointment bore in mind the fitness of the person to exercise the duties of his office.

Mr. Scaddan: They never consider fitness from that standpoint.

Mr. DRAPER: Any Government doing their duty would adopt that course, and he felt sure that when the leader of the Opposition was on the Government side of the House that principle would guide him. Was it right that a man appointed by the votes of an extreme section in this particular district to sit on the licensing bench should be a justice of the peace? Could it be contended that in such circumstances he would carry out his duties with a perfectly unbiassed mind? Those elected to the licensing bench would be chosen because they advocated strong temperance views, or because they were strongly in favour of the Licensed Victuallers' Association. The elections to the bench would turn upon that point. It was to be hoped the Government would retain the clause as it stood.

Mr. COLLIER: It was an extraordinary argument that because a man held strong views on the liquor traffic, either in support of it or in support of total abstinence, he should be disqualified from exercising judicial functions as a justice of the peace. Numerous hotelkeepers were to-day acting as justices of the peace.

Mr. Bolton: Who made them?

The Premier: Not this Government.

Mr. COLLIER: There were men sitting on the bench who had equally strong views on the temperance side. It would surely be a good qualification for a man to act as a justice of the peace that he had been able to obtain the votes of his fellow citizens appointing him to a position on the licensing bench. There were at present men holding the positions of justices of the peace who would not obtain ten votes if they went up for election before those who knew them well.

The ATTORNEY GENERAL: The clause as originally drafted contained the provision for members of the bench to be justices of the peace as a guide to, and check on, the Executive in making the appointments to the benches. It was very necessary that the Executive should have some sort of indication as to the kind of person to be appointed, and the fact that he must be a justice of the peace provided a clear indication that he must possess certain qualifications necessary for the position. Hitherto, and at the present time, it was the practice to appoint members of the licensing court from the magisterial bench. At present it was only necessary that the member of the court should be a justice of the particular magisterial district, but under the clause as drafted the restriction was made more severe, as it was necessary for the man appointed to be a justice of the peace for the State. Now, however, that the elective system had been adopted, there was no need to impose any restriction. No higher honour could be attained by a member of the community than being elected to a responsible position by the votes of his fellow citizens. That honour having been conferred upon a member of the licensing court there was no necessity to duplicate it by electing him also to the position of justice of the peace for the State. Judging from the manner in which the work of the licensing courts had been conducted, very great care had been taken in selecting the gentlemen who comprised them.

Mr. GEORGE: The initial mistake was in inserting the provision as to justices of the peace. No member of a licensing

court should sit upon the bench to adjudicate upon an offence committed against the licensing laws.

Mr. Walker: How about the chairman?

Mr. GEORGE: He need not sit on those cases.

Mr. Bolton: Neither need the others.

Mr. GEORGE: They would probably do so. It would be far better to have those cases tried by persons who were not bigots on either side.

Mr. SCADDAN: In the event of the words being struck out at this stage, would it be possible, subsequently, to insert a new clause making members of the licensing benches justices of the peace, either for the State or for a magisterial district?

The CHAIRMAN: There was nothing to prevent a new clause of that nature being proposed.

Amendment passed; the clause as amended agreed to.

Clause 10—Disqualification:

Mr. MURPHY moved an amendment—

That the following words be added to Subclause 1:—"or who is a member of any abstinence societies registered in Western Australia."

In the administration of the measure we wanted a bench that was perfectly without bias. Under the existing law any person either directly or indirectly interested could not sit on the bench. The member for North Fremantle would not deny that there was in the Fremantle district some members of temperance societies who were extremely biassed when they sat on the bench in the capacity of justices of the peace. The Committee should agree that no person interested in the liquor trade or a member of a registered temperance society should be qualified to be a member of the licensing bench.

The PREMIER: The member for Fremantle was going too far in making such a stipulation. There was no reason why the existing Act, which provided that "being an officer or agent for any society interested in preventing the sale of liquor" should not be copied.

Mr. Murphy: If an officer why not a member?

The PREMIER: It would be much easier to identify an officer than an ordinary member.

Mr. GEORGE: To make the Bill carry out what was wanted the Committee should add the words, "no person who takes at any time any quantity, large or small, of any intoxicating liquor."

Mr. Bolton: Or teetotal drinks.

Mr. BATH: If the member for Fremantle carried out his idea to a logical conclusion he should apply the restriction he was endeavouring to impose upon those who desired to become members of Parliament. It could not be said in connection with members of total abstinence societies that an element of personal gain entered into their views.

Mr. MURPHY: Why did not the member for Brown Hill raise his voice in protest against what was already the law of the State in regard to those who sat on licensing benches? There was a disqualification against any person directly interested in the liquor traffic being a licensing magistrate, and there was a further disqualification the hon. member did not protest against, and that was being an officer or agent of a society interested in preventing the sale of liquor.

Mr. Bath: It was removed from the Bill introduced in 1905.

Mr. MURPHY: What he was endeavouring to do was to carry out the principle which existed in a restricted form in the present Act. Certain members of temperance societies were prohibited from sitting on the licensing bench and it could not be said he was taking an extreme stand when he attempted to carry out the disqualification to a wider degree.

The ATTORNEY GENERAL: The amendment would not provide a very effective check. After all the matter was one which would be dealt with by the electors.

Mr. UNDERWOOD: The amendment suggested was too sweeping, and the clause was also too sweeping. The clause would prevent such a person as the member for Roebourne standing for the position of magistrate, as any man who was a manufacturer of lemonade which was

sold in licensed premises, would be barred from holding office.

The Attorney General: The definition states that "liquor" means "intoxicating liquor."

Mr. UNDERWOOD: There were many people who could do good work on a licensing bench who would be prevented from acting under the clause as it stood. A man might have a few shares in a brewery but that would not mean that he would be biassed to any extent, and certainly not as much as if he belonged to a society on the other side. A man who was a paid secretary of a Christian Endeavour organisation or whatever such things were called—he was not too well versed in these matters—would be most decidedly interested in the prevention of the sale of liquor and he should be barred just as much as the man who was interested in the sale of liquor.

Mr. Bolton: How is he interested?

Mr. UNDERWOOD: His salary depended upon it.

Mr. Bolton: It is quite true that you are not well versed on the matter.

Mr. SCADDAN: The argument of the member for Pilbara was difficult to follow when he compared a person holding shares in a brewery to a secretary of a temperance organisation. These people were affected differently. If a temperance organisation was successful in reducing the number of licenses the secretary did not get an increase in salary, but if a shareholder of a brewery was instrumental in increasing the trade he got increased dividends. The object of the one was the doing of good to the general community; but the shareholder of a brewery lost sight of that object. When he endeavoured to push trade, he did not care much what injury the liquor trade was doing to the individuals of the community so long as his profits were going up.

Mr. Murphy: Why disqualify anybody: why not give the people free choice?

Mr. SCADDAN: The one was a member of a temperance society because earnestly convinced that what the society was doing was in the best interests of the community, whereas the other was not; all he was interested in was his own pocket.

Mr. BOLTON: Too much time was being wasted on an unnecessary amendment. Prior to the recent by-election, when with one exception the Committee was constituted as at present, the clause was passed almost without discussion. The discussion went to show that the Licensed Victuallers' Association was being well served.

Mr. MURPHY: Even if it were a fact that the only difference in the Committee was that caused by the result of two by-elections—not one as the member for North Fremantle had stated—was that any reason why the clause should be passed without debate? In the earlier stages of the discussion much had been heard of the beauties of freedom of choice by the people, and hon. members had declared in favour of allowing the people to have their choice in the election of members of the licensing bench. If that was so, why put any disqualifications on any people whatever? If the principle were good, and the people of a particular district desired to elect a publican to a seat upon the bench, why should they not do so? If it could be said that the publican would not give a fair decision where the interests of the trade were concerned then it could be logically contended that the members of the various temperance societies would be just as biassed and as prone to giving unfair decisions as would be the publican. The member for South Fremantle knew of some glorious examples in Fremantle of the liberality and pure-mindedness of some of the local justices of the peace, prominent lights in the temperance organisations of the State, men who did not think it worth while to take a seat on the bench except on Monday mornings when opportunities occurred of punishing unfortunate drunks.

Mr. Angwin: That is not fair.

Mr. MURPHY: But it was absolutely true, and the hon. member knew it. These were the men who would be elected by their organisations to places on the licensing bench. Why then should

the publican be disqualified? Could any member say that the average publican was not far more broad-minded in his views than the average teetotaller?

Mr. Taylor: He is in his liquors anyhow.

Mr. MURPHY: With the consent of the Minister he would be prepared to withdraw his amendment if some member would move that the entire clause be struck out.

Mr. WALKER: Evidently the member for Fremantle did not grasp the reason for the Bill at all.

Mr. Murphy: I see no reason for it.

Mr. WALKER: The fact that we had a Bill of the kind was evidence that the drink traffic was considered by the Government to be an evil. The Government thought it to be an evil, the House thought it to be an evil, and the country knew it to be so; and if the hon. member looked into his heart of hearts he would admit that drinking was an evil. The purpose of the Bill was to give the people the right to regulate the evil. Every time a licensing bench sat it would be to put the evil on its trial. It would judge as to whether the evil were to be continued or discontinued.

Mr. Murphy: In the name of the people.

Mr. WALKER: Undoubtedly. But if a comparison were pardonable a criminal was one of the people; yet he was put in the dock and tried, nor would he be allowed to leave the dock and go on the bench to try himself. Every time the drink traffic came before the bench it would be in the position of the criminal in the dock.

Mr. Murphy: The same court does not try offences against the liquor law.

Mr. WALKER: It was the traffic that would be on trial. The mere offences against the law constituted an entirely different department. It was the liquor traffic that was on its trial all through the Bill.

Mr. Murphy: I say no.

Mr. WALKER: The hon. member had been given credit for more sense. The judgment of the bench would be as to whether there was too much of the traffic, too little of it or just enough. The positions of the temperance man and of one who was interested financially in the trial, would be entirely different. The man in the traffic would be one of the persons tried; his premises might be involved in the adjudication.

Mr. Underwood: What about new licenses?

Mr. WALKER: If the hon. member were the licensee of a public-house and the question was as to the granting of new licenses the hon. member would be biassed against such new licenses. He (Mr. Walker) knew the evils of the traffic, and he was prepared to protect his fellow men from those evils as far as he could. It was the duty of every hon. member to do the same. All the evidence that the world could find bearing upon this question was to the effect that drink was responsible for filling our gaols, for filling our cemeteries, for driving men to the mad-house, and for ruining the domestic happiness of thousands of homes. That being so was it only fair that the traffic should be put upon its trial.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. WALKER: It was desired to distinguish between those financially interested or interested in a business way, and that other large class who were in no way financially interested, but only interested as having opinions one way or the other. The member for Fremantle to be consistent should make his amendment read, that any person taking drink on principle, or for convenience, or any person opposed to taking drink and opposed to others taking drink either on principle or for convenience, ought to be excluded from sitting on licensing courts. But the few who would be excluded under the Bill as interested were indeed few. The vast body of the electors might be actually drunkards, or moderate drinkers, some unbigoted teetotallers, and others bigoted teetotallers, but neither the man who drank heavily nor the teetotaller could be said to be financially interested in the drink traffic, and there-

for they had the privilege to vote for members of the licensing courts. The sole reason for exclusion was a pecuniary interest in the drink trade, just as a person interested in contracts with the Government was not permitted to be a member of Parliament. In order that the hon. member might make some parallel to the one who was financially interested, he ought to exclude from being entitled to sit on licensing courts those financially interested in preventing the sale of intoxicants; and one could agree with the hon. member there. A rabid teetotaller might be interested in the drink traffic one way or the other and should be excluded. Whoever came under the category of having a pecuniary or business interest in preventing or furthering the drink traffic ought to be excluded from sitting upon these courts. There would be consistency in that, but there was no consistency in comparing opinion with pecuniary interest and putting it on the same footing. The hon. member's object was to keep temperance people off the benches. There would be some justification for attempting to prevent men who drank heavily from sitting on the benches, but men who drank moderately should have the right to submit themselves to election equally with those who immoderately tried to persuade others from drinking. The one sole test left in the Bill was, "Are you interested in a money sense in the liquor traffic? If you come within the category of being interested in a money sense in the furthering or prevention of the drink traffic you have no right to be a member of any licensing court."

Mr. MURPHY: It was an unfair comparison to compare the disqualification proposed as regards members of the licensing courts with the disqualification preventing persons taking a seat in Parliament. It was held thousands of times that shareholders in any particular company were not disqualified from taking a seat in Parliament, even though the company might be interested in government business. For instance, shareholders of a bank could vote on questions affecting their bank. But under this Bill a person who held one share in a brewery was disqualified from being a member of a licensing bench. The disqualification was much more lax in regard to Parliament, the court of courts so to speak, than as regarded a minor court. And seeing we applied this disqualification, one was entitled on the other side, in order to get a fair and unbiassed bench, to endeavour to prevent any member of a temperance society being elected thereto.

Mr. ANGWIN: One could understand the arguments of the hon. member if he proposed to strike out the whole clause.

Mr. Murphy: I am prepared to do that.

Mr. ANGWIN: But the hon. member pointed to an injustice and sought to extend it. The best person a temperance man could have on a licensing bench was a man already holding a license in the district. However, with local option polls the clause might very well be omitted. There was no discretion given to the bench in the event of the poll deciding that there should be no increase of licences, and those interested in the manufacture of liquor could not then use personal influence with those on the bench for the purpose of increasing licences. The only discretion given was when the poll decided there might be an increase of hotels, and in that case the best man the temperance party could have on the bench was the holder of an existing licence. One could not agree with the remarks of the member for Fremantle reflecting on some of the justices of the peace at Fremantle.

Mr. MURPHY: The rebuke was well deserved. He desired to withdraw those remarks and apologise for having made them. They were made on the spur of the moment. He had no right, directly or indirectly, in his position in Parliament to reflect on anybody outside.

Mr. ANGWIN: It was pleasing the hon. member had withdrawn the reflection. The majority of justices of the peace were not total abstainers; but if a total abstainer got on the bench and enforced the law in what he considered a fair and justifiable manner, he had often, because he belonged to a temperance society, to put up with sneers and insults from those

given to taking intoxicating liquors. The gentleman who was said to go to the court at Fremantle on Monday mornings went there, he (Mr. Angwin) believed, for the express purpose of carrying out his duties on the bench fairly to all persons concerned. That portion of the amendment referring to members of total abstinence societies could only affect two societies, both of which were benefit societies which had to register under the Friendly Societies Act. The proviso would only affect one member of Parliament, if the amendment were carried, while outside of Parliament the percentage of those affected would be far less. There was therefore no necessity for the amendment, especially seeing that there would be a local option vote.

Mr. MURPHY: If it were proposed that the clause should be struck out altogether, he would not object to withdraw his amendment. So long as the people had a choice from the general community that was all he desired, but it was not fair to debar any one section.

Mr. UNDERWOOD: The clause as it stood was too drastic. The member for East Fremantle was not correct when he said that the clause would only affect one member, for there were at least three in the House who would be disqualified if it were carried.

Mr. Angwin: I referred to the amendment.

Mr. UNDERWOOD: Under the clause as it stood, all shareholders in firms like Dalgety & Co., and Burns Philp & Co. would be disqualified. It was surely not wise to bar all those people. If there were to be an election, let it be a fair one. It might be advisable to prevent publicans or owners of premises being members of the licensing benches, and the clause might be altered to read: "Every person shall be disqualified from holding office as a member of the licensing court who is interested beneficially in the manufacture or sale of liquor or in any premises licensed or proposed to be licensed under this Act." There could be a proviso that the clause should not apply to shareholders in a company manufacturing intoxicating liquors.

The ATTORNEY GENERAL: Probably the best way out of the difficulty would be for the clause to be amended by adding to Subclause 1, after the word "license" in line 10 the words: "provided that a person shall not be disqualified only by reason of his being a shareholder in a company carrying on the business of the manufacture or sale of liquors or any mortgage of licensed premises." If that proviso were added it would meet the wishes of members. A shareholder of a brewery, or a person who happened to spend money on the security of licensed premises should not be disqualified from being a member of the licensing court if the electors wished him to fill the position. There was some difference between a position under popular election and a position where the members of the bench were appointed by the Government. Having adopted the principle of election, it was not necessary perhaps to impose quite so severe restrictions as under a system of nomination. One would not go so far as to say that there should be no disqualifications; there were disqualifications in regard to candidates for this House. Provided we did not go too far in the direction of disqualification, there should be no objection to the principle.

Mr. KEENAN: The clause should be postponed. It was obvious that as the elective system had been adopted there should be some clause dealing entirely with disqualifications of all kinds. For instance, the term "person" in the Act of 1898 referred to both males and females, and it was therefore desirable that it should be clearly set out that only males should be eligible for election to the bench. If ladies sat on the bench, a state of things might arise which would be anything but desirable for males. Other disqualifications had to be provided for; for instances, persons of unsound mind, or those who had been convicted of offences the punishment for which was a certain prescribed penalty. There were also disqualifications which applied to persons of this House and similar institutions to which persons could be elected.

Mr. OSBORN: The clause should be re-drafted, and the disqualification, if

any, should be limited. It would be wise to adopt the suggestion that the consideration of the clause be postponed. Had the benches not been made elective, there would be reason for greater care being exercised; but, now that the electors would have the right to appoint the benches, they should be given a free hand to choose whom they liked. He could not see why anyone should be debarred from election, provided the electors thought fit to appoint them.

Mr. MURPHY asked leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The ATTORNEY GENERAL moved:

That the further consideration of the clause be postponed.

Motion passed; the clause postponed.

Clause 11—Resignation:

Mr. KEENAN: All the clauses dealing with disqualification should be postponed.

On motion by the Attorney General Clauses 11 to 19 postponed.

Clauses 20 to 25—agreed to.

Clause 26—Licenses:

Mr. BATH: Would it be necessary to move the omission of the paragraphs one at a time?

The CHAIRMAN: Yes.

Mr. BATH moved an amendment—

That paragraph (b)—Hotel licenses—be struck out.

In connection with licensing legislation we should endeavour so far as possible to simplify the process of issuing licenses, and should reduce the variety of licenses issued under the Act. Particularly with regard to this proposal for hotel licenses it had been found in different places that it was open to great abuse. It provided the licensee with the right to supply liquor to those who were boarders in the hotel but not to the general public. One case was known of in Perth where undoubtedly there was an evasion of the law and where, under a subterfuge, liquor was supplied to the general public. If we were to have licenses they should be associated with proper accommodation for the public, and that could be done under the system of a publican's general license.

Mr. MURPHY: In the history of licensing in this State there had been only two licenses of this character issued, one in Perth and one at Cue. The license at Cue was falling in. What the member for Brown Hill had said was perfectly correct; it should be either one thing or the other, because these licenses were simply a blind by which the law which permitted the sale of liquor to a boarder was evaded by the supply of liquor to the general public.

The ATTORNEY GENERAL: This should be a useful license, because it enabled hotels to be carried on without a bar trade. In practice, however, it had not answered. There was no intention on his part to offer any objection to the deletion of the paragraph.

Mr. BROWN: It was to be hoped that the member for Brown Hill would not press the amendment. Speaking for the one hotel in Perth it ranked among the best conducted in the City, and the license which it possessed prevented a good deal of sly drinking. As there was only one in the City, the Committee should not attempt to ruin a business which was so well conducted.

Amendment put and passed.

Mr. BATH moved a further amendment—

That paragraph (d)—Australian Wine and Beer licenses—be struck out.

It was rather a dignified name—"Australian wine and beer license." If members were to speak of their own knowledge they would say that it was familiarly known as a "shy-poo" license. From his experience of this class of license in the goldfields town it paralleled what was known as the saloon and dive in America. There was no pretence at accommodation, and it was a class of license which should not be encouraged.

Mr. MURPHY: It seemed that this question had strange bedfellows at times. The amendment would receive his hearty support.

Amendment put and passed.

Mr. MURPHY moved a further amendment—

That paragraph (h)—Railway Restaurant Car licenses—be struck out.

If there was any truth in the contention of the bad influence of drink on the public, it seemed to him that there was no place where it was so dangerous as a railway train. The Government, in their desire to restrict the consumption of liquor, should do without the few paltry pounds which were derived as profits from the railway refreshment cars and abolish the licenses for those cars.

Mr. George: Why not strike out (g) which refers to railway refreshment rooms?

Mr. MURPHY: The hon. member could move to strike out paragraph (g) if he desired.

Mr. GEORGE: If the member for Fremantle desired to be consistent he should first of all move to strike out paragraph (g) and prevent the railway refreshment rooms from having a license. The amount of trade in the cars was very small, and since these refreshment cars had been placed on the line the effect had been to shorten the time it was necessary to spend at stations where refreshment rooms were provided. In the interests of temperance there would be far less drinking if the refreshment car license were allowed to remain. In the past as soon as a train pulled up at a station where there was a refreshment room there was always an exodus towards the bar and liquor was carried on to the train.

Mr. Bolton: Vile stuff, too.

Mr. GEORGE: Speaking from personal experience he had always obtained good liquor.

Mr. Bolton: They watched you coming.

Mr. GEORGE: If the paragraph in question were deleted the Committee should refuse the refreshment room licenses also. As far as profit on the cars was concerned, it was very insignificant; at any rate, that was the experience during his regime as Commissioner.

Mr. McDOWALL: The attempt to strike out the paragraph was absurd. Everyone who travelled on the express realised that the refreshment cars were very convenient indeed. Before these cars were instituted people carried a stock of liquor on to the train; now, if one wanted a drink it could be obtained in decency and comfort. The attempt to delete the clause was going too far. It was the licensed victuallers industry running riot in order to get everything into the hands of the licensed victuallers. The Committee, in its good sense, should reject the amendment.

Amendment put and negatived.

Mr. COLLIER moved a further amendment—

That paragraph (i)—Theatre Refreshment room licenses—be struck out.

Would the Attorney General explain what was intended by this paragraph? At the present time there was a publican's general license attached to every theatre in the State. Was it intended to issue an additional license for theatres, or any theatre which might be erected in the future?

The ATTORNEY GENERAL: At the present time there was none of these licenses in existence. It was a form of license which existed in previous Acts, and the idea was that if someone erected a theatre apart from a hotel there should be power to attach a bar to that theatre. However, it was doubtful whether it was advisable to have bars connected with theatres, and he did not propose to offer any opposition to the striking out of this particular form of license, of which there was, he thought, none in existence.

Mr. KEENAN: The Attorney General was mistaken; there was a license of this class in respect to His Majesty's theatre. It was not a hotel license at all, and the bar to which it applied was open only in the interval between the acts.

Mr. Holman: There is no extra license held for that bar.

Mr. KEENAN: Surely there was. The bar was a portion of the theatre and not of the hotel. Moreover, it fulfilled a public want. He hoped the paragraph would not be struck out.

The ATTORNEY GENERAL: The hon. member was in error. It seemed that there was no license of the kind at present in existence. Certainly it was not shown on the return he (the Minister) had of the licenses issued. If such a license

had been issued it was only recently. It would scarcely be necessary in respect to His Majesty's theatre, because the bar in question was open to the general public and not merely to those who paid for admission to the theatre. If there were any demand for this class of license he would not be prepared to accept the deletion of the paragraph.

Mr. DRAPER: To strike out the paragraph would be to increase the monopoly of the general publicans and of owners of theatres. As a general practice a theatre had attached to it a refreshment bar, and it could easily be provided that only those persons who had paid for admission to the theatre should be entitled to obtain any refreshment at that bar. In the event of the paragraph being struck out, if anyone wished to build a theatre he would be forced to build a hotel in conjunction with it to supply the demand for refreshment during the intervals. Therefore, to strike out the paragraph would be to increase the opportunities of obtaining liquor, for anyone who wished to build a theatre would be forced to build a hotel and obtain a general publican's license.

Mr. BROWN: If no licenses of this class were granted the refreshment bars at the theatres would have to close up and theatre goers would be put to the inconvenience of having to leave the theatre for refreshment.

Mr. BOLTON: The argument was not worth much, because no extra license had been taken out for the bar under discussion. Even with the paragraph deleted the same bar would be used for the same theatre goers.

Amendment put and passed.

Mr. BATH: It seemed that paragraphs (j), spirit merchants' licenses, and (l), two-gallon licenses, covered the same ground. If we were going to retain the spirit merchants' licenses, what necessity was there for the two-gallon licenses?

The ATTORNEY GENERAL: The two-gallon license had been inserted in the Bill in consequence of a provision in the Commonwealth Excise Act dealing with licenses to enable brewers to sell their product. As the hon. member would see if he referred to Clause 36, the spirit merchants' license was intended for the benefit of the wholesale dealer. It enabled liquor to be sold in bulk without breaking parcels. Comparatively few of these licenses were in existence, because the majority of spirit merchants found it to their advantage to have a gallon license, of which 277 were in existence as against 16 spirit merchants' licenses.

Mr. ANGWIN moved a further amendment—

That paragraph (k) Gallon licenses—be struck out.

Of all forms of licenses this was the most dangerous to the community. It could be safely said that in many cases, instead of being a gallon license, it was interpreted as a bottle license; and the manner in which these licenses were misused called for greater police supervision. The majority of the people were opposed to licenses of this kind which, as the Minister had shown, had been granted freely, not to say indiscriminately. These licenses had proved a curse not only in Western Australia but almost everywhere else where they obtained.

The ATTORNEY GENERAL: It was hoped the Committee would not agree to the rescission of these licenses. The fact that a considerable number of them had been granted might in itself be taken as evidence that they were required. If the paragraph were to be struck out, and a further amendment which appeared on the Notice Paper providing that liquor sold under two-gallon licenses should only be sold to persons holding licenses were carried, it would mean that the whole of the liquor trade for consumption off the premises would be driven into the public houses. If we did away with these licenses and with spirit licenses we would make it impossible for the private individual to buy liquor for consumption in his own house except from the licensed victualler.

Mr. Bath: Spirit merchants' licenses are to be left in.

The ATTORNEY GENERAL: It was understood it was intended to move to omit them, but, at any rate, they only dealt with imported liquors. Gallon licenses tended to prevent a monopoly. Sev-

eral public houses had started bottle departments solely in consequence of the competition to which they were subjected by the holders of gallon licenses, and in these bottle departments a single bottle of champagne could be bought for 6s. whereas at another hotel, which had not a bottle department, 10s. would have to be paid. This was owing to the competition from the holders of gallon licenses, and certainly if gallon licenses were not in existence the prices would be immediately raised. Some might think this an advantage, but those who did not like to practice extreme views would not welcome being forced to pay more for their liquor than they would have to pay with a reasonable amount of competition. Members should not make an extreme monopoly of this business, and should not drive the whole of the retail business into the hands of the general publicans. We had already done a good deal in that direction by the licenses already excised. It was admitted that in some cases gallon licenses might be abused, but Parliament was not to legislate for the exceptions. Because some publicans violated the law members would not wish to abolish publicans' licenses.

Mr. MURPHY: No matter how depraved a man or a woman might become ultimately through the excessive use of alcohol, as far as the woman was concerned it could be almost invariably traced to the grocer's or one-gallon license, and where one could go to the bottle department of the hotel and buy a bottle of whisky, when a woman went to a grocer's shop she bought a pound of tea, or two or three pounds of tea and a pound of butter, and got a bottle of whisky instead. The two forms of license the temperance party, the moderate drinkers and the general publicans should combine to oppose, were the wine license and the grocer's license. There were grocers who would rather be without the license, but were compelled to have one owing to trade competition, else they would lose custom in the legitimate articles of their trade.

Mr. Troy: How does the grocer get on who has not a gallon license?

Mr. MURPHY: In the metropolis there was hardly one grocer in ten without a one-gallon license. The amendment should be carried in the interests of the general morality of the community, though it might mean driving this particular portion of the trade into the hands of the general publican, an object which members might say he (Mr. Murphy) was seeking.

Mr. OSBORN: This was an amendment that should not be carried. If we allowed shops to sell Australian wine there was no reason why they should not be allowed to sell a gallon of beer or whisky. Just as many people got intoxicated on Australian wines, some of them, as on beer. Provision, however, might be made that grocers should not hold gallon licenses, because grocers should not run that class of trade in connection with the grocery business.

Mr. Walker: The license is to enable them to do it.

Mr. OSBORN: The license was to allow a person to buy a gallon of beer without going to the hotel for it. If we abolished the license, people must go to the hotel, and it was not everybody who cared to go to a hotel for a gallon or a bottle of beer. People would sooner send the order to a person who would deliver the articles. Provision might be made that these gallon licenses should not be run in conjunction with grocers' shops, and that would get over the difficulty of liquor being charged up as tea or butter. Certainly there were some dishonest grocers indulging in that kind of thing, but there were others who would be the last in the world to abuse the privilege they held under a gallon license. The majority of grocers around the metropolis would not exercise their privilege in the way hinted at by hon. members. It was not right for any member to illustrate particular cases they knew of and condemn the whole community on account of those. The majority of grocers were honest men, who carried out their trade in a legitimate manner, and it was not right to draw the inferences that had been drawn by hon. members. We should allow gallon licenses to remain and leave the restric-

tion of them to the judgment of the licensing benches or the people, if these licenses were included in local option polls.

Mr. MURPHY: In the metropolitan area, including the Fremantle electorate, nine out of ten of those holding grocers' licenses served out their beer or spirits by the bottle. As a general statement regarding the district he represented, 90 per cent. of the grocers holding gallon licenses never conformed to the conditions of the license; and when they got a case of whisky containing two gallons they did not sell six bottles but sold a bottle at a time. Of course the member for Roebourne represented a most moral community that never evaded the liquor laws, but so far as Perth or Fremantle were concerned there was no grocer, so far as he (Mr. Murphy) knew, that held a gallon license who sold his liquor in one-gallon quantities. If it were possible to trace it to its true origin, it would be found that drunkenness in the home was due more to the power to obtain liquor from the grocer than from the publican or the wine shop.

Mr. BOLTON: The gallon licenses should be done away with, as they were responsible for much harm, although he would not agree with the previous speaker that 90 per cent. of the grocers holding gallon licenses broke the law. By the gallon licenses facilities were provided for getting liquor which would not exist if the provision were done away with.

Mr. TROY: The difference between people buying from a grocer with a gallon license and from a publican was the difference between Tweedledum and Tweedledee, for, if people wanted grog, they did not care from whom they purchased it. No one was justified in attributing drunkenness either to the grocer or the publican. It would be unwise to do away with the gallon license, for it would give a monopoly for the sale of liquor. That was objectionable. Let the people decide for themselves what they would have. It had been said that nearly all the drunkenness in the State occurred in Perth and Fremantle, and was due to the gallon licenses. There was just as much drink procured from the bottle departments of the hotels as from those who held gallon licenses. Mention had been made of secret drinking, but people who wanted to do that in their homes would get liquor even if the gallon licenses were done away with. It had been said that secret drinking was the worst form of it, but with that he could not agree for there was some hope for those who consumed and obtained their liquor secretly, for it showed that they were ashamed of themselves. This remark referred particularly to women, for when women went openly to hotels and got liquor there it showed that it was a common practice with them, and they were not ashamed of it.

Mr. COLLIER: The opportunity to obtain liquor should be restricted, therefore he would support the amendment. Gallon licenses gave opportunities for secret drinking, which did not obtain in connection with hotels. It was true that there was hardly a man holding a gallon license who did not sell single bottles of liquor. The difference between the holders of gallon and publican's licenses was that in the latter case the police had an opportunity of controlling the sale of liquor, whereas that did not obtain in connection with gallon licenses. The member for Mount Magnet was wrong when he said that secret drinking was better than open drinking. That was not so, for the secret drinker took liquor for the love of it, and was further down in the scale of drunkenness than the man who went into an hotel openly for a drink.

Mr. ANGWIN: The gallon license was an unfair one to grant to grocers, for it meant unfairness in trade competition. Many cases occurred where grocers had to go out and buy intoxicants in order to serve their customers.

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

Ayes	20
Noes	16
Majority for ..	4

AYES.

Mr. Angwin	Mr. Hudson
Mr. Bath	Mr. Monger
Mr. Bolton	Mr. O'Loghlen
Mr. Carson	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Draper	Mr. Taylor
Mr. Gill	Mr. Walker
Mr. Gordon	Mr. A. A. Wilson
Mr. Courley	Mr. Murphy
Mr. Heitmann	*(Teller).*
Mr. Holman	

NOES.

Mr. Brown	Mr. S. F. Moore
Mr. Butcher	Mr. Nanson
Mr. Davies	Mr. Osborn
Mr. George	Mr. Piesse
Mr. Gregory	Mr. Ware
Mr. Harper	Mr. F. Wilson
Mr. Keenan	Mr. Layman
Mr. Mitchell	*(Teller).*
Sir N. J. Moore	

Amendment thus passed; the paragraph struck out.

Mr. GILL moved a further amendment—

That paragraph (p.) — Occasional licenses—be struck out.

This paragraph dealt with what were termed occasional licenses, which meant permits granted to a licensee on special occasions to keep his house open for an hour or two longer at night. There was no necessity for that seeing that the closing hour would be 11 o'clock.

The ATTORNEY GENERAL: It was only intended to use this license occasionally; it met the convenience of the public on certain special occasions. It was difficult to define when it should be given; that had to be left to the discretion of the bench.

Amendment put and negatived.

Mr. MURPHY moved that the following be added to stand as Subclause 3:—

No license or renewal of a license shall be granted to any person of foreign birth except and unless such person shall have been a duly naturalised British subject for not less than two years prior to the date of his application.

It might seem to the Committee that he was somewhat narrow-minded, but the clause was intended to refer to a particular class of our residents who were naturalised British subjects. Among various forms of wine licenses which it was believed were detrimental to the morality of the State, there were none worse, or in any way approached in badness, than those held by the foreigners hailing from the Southern portion of Europe, and who were now residents in our community. There was no desire on his part to particularise any country, but in sailors, phraseology these people were known as Dagos, and if it was possible to fit the word in with any part of the Mediterranean, the class to which he was referring would be described. He did not know whether this class existed in Perth as it did in Fremantle, where there was a very large community of these people in comparison to the population of the place, but if there was one class of people who sold wines and spirits, and who seemed to be able to carry on in defiance of police supervision, it was this class who conducted the wine shops at Fremantle.

Mr. Davies: Why not in other places?

Mr. MURPHY: Not having a knowledge of other places he could only speak of his own constituency. He could only speak about that which had come under his personal observation during his 14 years of residence at Fremantle, and it could be said unhesitatingly that the wine shops there were a disgrace to the town. Therefore it was only a fair thing that before further licenses were issued to any persons to sell wines or spirits, we should have the right to demand that if these people came to our country to live they should become naturalised British subjects.

Mr. GEORGE: While it was his intention to support the clause he could not but protest against the extravagant language which the member for Fremantle had used in connection with the constituency he represented, and which contained as many respectable people as any other part of the State. The member for Fremantle had told the Committee that 90 per cent. of the grocers in that town were cheats.

Mr. Murphy: I said no such thing.

Mr. GEORGE: The hon. member said that 90 per cent. of the grocers were cheats, because, having gallon licenses,

they sold a single bottle of liquor, and drunkenness followed to a great extent, while 90 per cent. of the women of Fremantle became untruthful over this traffic. It was an insult to the Chamber to use such language, and it was surprising that no other member representing Fremantle had got up in his place to defend the town and its people from such aspersions. This kind of procedure was not calculated to assist in the passage of the Bill; it was more likely to result in wrecking the Bill. Why could not the Committee get on without having to listen to such extravagant drivel?

The CHAIRMAN: The hon. member must not use such language.

Mr. GEORGE: That word would be withdrawn, though he would find other words to substitute for it. The member for Fremantle was quite right in what he said regarding these shops which held licenses for the sale of wine and beer, and which were run by a class of persons to whom he referred, and whom he said came from Southern Europe. It was known that the scale of morality in the places from whence these people came differed very much from the scale that the Britishers believed should prevail. Hon. members knew that the law was evaded at these shops, because even where there was no license held, and money was given to them for the purchase of liquor, instead of going outside for it they went into the back yard and got it there.

Mr. MURPHY: Hon. members were not prepared to listen to a lecture from the member for Murray as to what members should or should not do, or say. If anyone wanted to hear drivel they should be commended to the member for Murray.

The CHAIRMAN: The hon. member must withdraw that remark.

Mr. George: It is all right; I do not want him to withdraw it.

The CHAIRMAN: The hon. member is out of order.

Mr. MURPHY: Whether the member for Murray desired him to withdraw or not, he knew his duty to the Chair, and he would withdraw what he had said. With regard to the electorate of Fremantle, he had not referred to North, East, or South Fremantle, but Fremantle proper, and what he said was that 90 per cent. of the grocers who had gallon licenses evaded the law. Considering that there was only one grocer who held a gallon license in his electorate, he might have said 100 per cent.

Mr. Scaddan: Then how do you arrive at 90 per cent.?

Mr. MURPHY: So as to make a margin for the member for Murray to get in. It might not have been the correct thing for him to use the electorate of Fremantle to illustrate immorality, or evasion of the law; it would have been better if he had claimed that Fremantle was the only moral and law-abiding community, and pointed to someone else's electorate in order to illustrate why the law should be altered. Fremantle was the third shipping port in the Commonwealth, and it was in a shipping port particularly where one saw the worst effects which followed the granting of licenses, such as those which were being discussed. The member for Murray tried to make out that he (Mr. Murphy) had said that nine-tenths of the women of Fremantle were frauds upon their husbands. No reference whatever was made to the women; what he said was that the temptation was there, and it should be removed. It would be wise, therefore, for the Committee to agree to the proposed subclause.

Mr. ANGWIN: There was no doubt that the member for Fremantle had in his constituency a number of Dagos who held wine licenses. At the same time there was more than one grocer in the electorate who had a gallon license. The hon. member was quite right in saying that there were no Dagos in East Fremantle, and neither were there any gallon licenses there. He was in accord with the hon. member's desire to see that these licenses were issued only to British subjects. The law was being violated in Fremantle on many occasions. An instance was quoted by himself the other night where, at Fremantle, after the hotels were closed, these places were open.

The ATTORNEY GENERAL: Personally he had no knowledge as to how many of these citizens of foreign extraction holding wine licenses were naturalised British subjects. But it was provided in the Naturalisation Act that once a foreigner became naturalised he enjoyed all the privileges of a British subject. If the amendment were carried we would be denying that right for a period of two years.

Mr. Angwin: Under the Old Age Pensions Act he must have been naturalised for three years.

The ATTORNEY GENERAL: In the case under review there might possibly be persons who had held licenses for many years past and whose places had been conducted with perfect respectability; and yet if they had failed to avail themselves of the privilege of becoming naturalised they would lose their licenses for a period of at least two years. That did not seem equitable. He was not at all sure that we should discriminate against foreigners as foreigners; rather should we look at the stability of individual applicants. He would not oppose the amendment if the time limit were struck out, because then it would be a simple matter for any foreigner holding a license to apply for naturalisation, and presumably there would be no reason why his application should not be granted.

Mr. MURPHY: It was only fair that a reasonable request from the Minister in charge of the Bill should be reasonably met; but unless some time limit were imposed there would be a grave danger in granting these licenses to aliens. As the member for East Fremantle had pointed out, foreigners could not obtain an old age pension unless they had been for three years naturalised, whereas the amendment only asked for a stay of two years before they could apply for these licenses. The lapse of this period of two years would serve to prove to the bench that the applicant was not merely a bird of passage but was here to stay, While not wedded to the period of two years he thought some time should be allowed to lapse after naturalisation before the licenses were granted.

The PREMIER: If a man became a naturalised British subject he should at once be entitled to all the privileges of citizenship. If occasion arose for defending the country such a man would have to shoulder his responsibility as soon as he was naturalised. Surely the amendment would meet the case if the time limit were removed from it.

Mr. DRAPER moved an amendment on the amendment—

That all the words after "shall," in line 4 be struck out, and the words "be a duly naturalised British subject" inserted in lieu.

Certainly a man sould have the privileges of a British subject as soon as naturalised.

Mr. UNDERWOOD: The words "and unless," in the third line, should be struck out.

The PREMIER: That would be consequential.

Mr. UNDERWOOD: No. The words were unnecessary and it was time unnecessary words should be knocked out of Acts of Parliament. He desired to strike out these useless words as a protest against the excessive verbosity to be found in Acts of Parliament.

Mr. BATH: Was it necessary at the present time for an applicant to be naturalised before he could secure a license? He was inclined to agree with the Attorney General that in imposing a peroid of two years we might be somewhat severe. Under the Commonwealth Act the granting of naturalisation was hedged about with many safeguards, and it seemed that the very act of becoming naturalised was to an extent an endorsement of the bona fides of the applicant. If we were to impose a further two years we might be erring on the side of undue restriction. He would like to know whether, under the existing Act, it was necessary that an applicant should be naturalised before he could procure a license.

Mr. MURPHY: When first it was pointed out that under the Commonwealth law a person had to reside in the

Commonwealth continuously for two years before he could apply for his naturalisation papers he (Mr. Murphy) thought that might be quite sufficient, and we might in fairness strike out the latter part of the proposed subclause; but on further consideration he was convinced that the time limit was necessary. What he was asking the Committee to agree to was that before licenses were granted in connection with a trade in respect to which, according to the Committee, we must be very particular, some bona fides of the applicant should be provided. It was possible we might be holding out a premium for these men to apply for naturalisation papers in order to get wine licenses at the end of the term provided in the Commonwealth Act. Undoubtedly his intention was to restrict this class of shop, so that it would be impracticable for these men to hold licenses. It would safeguard the interests of the community by providing that they must be two years in the Commonwealth after being naturalised before being entitled to hold a license.

Mr. SCADDAN: Once a person was made a naturalised British subject we could not discriminate against him. He was entitled under the Commonwealth Act to all the privileges of a British subject. Indeed, it was doubtful whether the Commonwealth Act would not override a provision of the nature submitted by the hon. member.

The PREMIER: Any person to whom naturalisation papers were granted was entitled to all rights and privileges and subject to all the obligations of a British subject.

Mr. MURPHY: That had no bearing on the case. The Commonwealth teemed with disadvantages against British-born subjects. The British subject born in Hongkong did not get the same privileges as a British subject born in the Commonwealth. Because a Dago lived two years in the Commonwealth and was naturalised he became possessed of all the advantages of British subjects in the Commonwealth. It would be well to carry the subclause just to see if the leader of the Opposition was correct in saying it would be evading the Commonwealth law.

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

Amendment (Mr. Murphy's) as amended put and passed.

Clause as amended agreed to.

Clause 27—Publican's general license:

Mr. MURPHY moved an amendment—

That the following be added to the clause:—"Provided that a publican's general license shall be deemed to include a billiard table license under this Act."

There was no necessity to speak in support of the proposal. Members would agree to it as a just thing.

The ATTORNEY GENERAL: One would like to hear further reasons. The amendment if carried would possibly mean a loss of revenue to the Treasury.

Mr. MURPHY: The whole Bill meant a loss of revenue by closing up publichouses and reducing the consumption of drink. The cost of a billiard table license was £10 a year, and those hotels in the metropolis that paid from £50 to £100 a year for their licenses were paying quite sufficient without having to pay £10 extra for billiard table licenses.

Mr. KEENAN: The effect of the amendment would be to save £10 a year to each publican. It would be surprising to hear of any case where an application for a billiard table license was refused to any publican.

Mr. TROY: Why should we give a monopoly to the publicans? If we gave what the hon. member asked why should we not also give the privilege to tobacconists and others? The member for Fremantle should show a little modesty.

Amendment put and negatived.

Mr. COLLIER moved a further amendment—

That the following be added to the clause:—"Provided that no person shall be the holder of more than one publican's general license."

It was desirable that the holder of a license should be in constant attendance and in charge of his particular business. If a man held several licenses it would mean that some hotels must be in charge of managers, so there would not be the

same supervision and direct control this business should have. The amendment had been put on the Notice Paper by the member for Claremont.

Mr. UNDERWOOD: Could the Attorney General inform members whether under the Bill one person would be permitted to hold more than one license?

The Attorney General: My impression is that he cannot.

Mr. UNDERWOOD: The licensee was compelled to reside on the premises and had to get permission to be absent for any length of time.

Mr. COLLIER: The existing Act did not allow a man to hold more than one license, but there was no such provision in the Bill.

Mr. KEENAN: Clause 154 provided that the holder of a license must reside on the premises, except for 28 days in any one year. It was obvious, therefore, that no person could reside in two separate houses without committing a breach of the law.

Mr. BATH: Clause 154 did not really touch the question brought up by the member for Boulder, although perhaps the amendment did not clearly express the exact intention of the mover. It was desired not only that a publican should not hold more than one license, but that publicans should be prevented from monopolising licenses by putting dummies into hotels. The guarantee the court desired to secure was that the person to whom a license was granted should be of good character and standing, and that he should be personally responsible; but if through a subterfuge a man could hold a number of licenses and put them in the hands of dummies, the sense of responsibility was lost. An amendment should be framed dealing with that question.

Mr. HUDSON: Clause 64 dealt with the question of disqualifications, and it might be more convenient to insert an amendment such as was suggested under that clause.

The ATTORNEY GENERAL: Although the proviso suggested in the amendment was unnecessary, still, if it were to go in, it would be more convenient to put it in in Clause 64. If the amendment were held over he would inquire into the matter in the meantime.

Mr. COLLIER altered his amendment to read as follows:—

Provided that no person shall be the holder of, or beneficially interested in, more than one publican's general license.

The ATTORNEY GENERAL: It did not appear as if the first amendment were necessary, but were it necessary he would have no objection to it. He could not, however, agree to the second amendment which referred to persons beneficially interested in a license. Such a wide provision as that should not be made.

Mr. UNDERWOOD: Would the Attorney General consent to postpone the clause? This was one of the most serious questions the Bill had to deal with. In Perth at the present time there was practically an hotel combine, and this should be broken up. An amendment should be drafted which would have that effect.

Mr. BROWN: The Attorney General should take some stand against amendments such as these. What matter who owned hotels so long as they were properly run. The amendment if carried would affect shareholders in breweries or hotels. If it were provided that no person should control more than one license there would be no fault to find with it, but we should go no further. We wanted to see hotels properly run and surely the laws of the country were sufficient to stop any combine coming in. The Attorney General should stick to the Bill and see that these amendments were not carried too far.

The ATTORNEY GENERAL: The amendment in its altered form went too far, and he was not prepared to agree to it.

Amendment stated, and a division called for.

Mr. Troy: Has not the member for Canning paired with the member for Collie.

Mr. Gordon withdrew.

Division resulted as follows:—

Ayes	..	..	17
Noes	..	..	18
Majority against		..	1

Ayes.	
Mr. Bath	Mr. O'Loghlen
Mr. Bolton	Mr. Scaddan
Mr. Carson	Mr. Swan
Mr. Collier	Mr. Taylor
Mr. Gill	Mr. Troy
Mr. Heitmann	Mr. Walker
Mr. Holman	Mr. Ware
Mr. Hudson	Mr. Gourley
Mr. McDowall	(*Teller*).

Noes.	
Mr. Brown	Sir N. J. Moore
Mr. Butcher	Mr. S. F. Moore
Mr. Cowcher	Mr. Murphy
Mr. Davies	Mr. Nanson
Mr. Draper	Mr. Osborn
Mr. George	Mr. Piesse
Mr. Gregory	Mr. F. Wilson
Mr. Keenan	Mr. Layman
Mr. Mitchell	(*Teller*).
Mr. Monger	

Amendment thus negatived.

The CHAIRMAN: With regard to pairs the Chairman could exercise no power whatever, as the arrangements made were purely private, and were between the two members concerned. He had examined the division list and had observed that the name of the hon. member who was referred to by the member for Mt. Magnet had been struck out of it. The division list would be allowed to stand, but properly the hon. member's vote should have been counted, and in future cases he (the Chairman) would insist on all votes being counted when hon. members were in their places at the time the division was taking place. On this occasion he would not insist on the hon. member's name being restored, but would draw attention to the fact that the Chairman could not interfere with regard to the matter of pairing.

Mr. TROY: If the member to whom attention was drawn had exercised his vote it would not have made any difference to the division. Apart from that, attention was merely called to his presence in the Chamber because there was no doubt the hon. member had forgotten that he had paired with the member for Collie.

The CHAIRMAN: In future all members who were in the Chamber when the doors were locked must record their vote.

Clause put and passed.

Clause 28 (Hotel License)—consequentially struck out.

Clause 29 (Wayside House License—agreed to.

Clause 30 (Australian Wine and Beer License)—consequentially struck out.

Clause 31—Australian Wine License:

Mr. WALKER desired to move that the clause be struck out. The Committee had carried an amendment expressing the opinion that fruit shops where wine was sold should be checked, and the object in moving the deletion of the clause was to prevent wine being sold at fruit shops. There was provision for eating houses and hotels to supply wine, and there were other means for obtaining wine for the family. No greater evil existed than fruit shops where young girls, and young women, and often older women were at times seen to leave these shops in a state which was not by any means becoming.

The CHAIRMAN: The clause would be put as it stood, and the hon. member could vote against it.

Mr. GEORGE: Attention ought to be drawn to the sixth line of the clause, which stated, "provided that such wine does not contain more than 40 per cent. of proof spirit." A person could get reasonably drunk on stuff of that sort. If that quantity of spirit were put into wine it should be called spirit and not wine. It would take the roof off anyone's head.

Mr. WALKER: It might be advisable to add a proviso to the effect that no wine be sold in fruit or fish shops.

The ATTORNEY GENERAL: As the subject would create a certain amount of debate it would be as well to report progress.

Progress reported.

House adjourned at 10.7 p.m.