

pels me to give support to the proposal so that every penny may be accounted for. This is what I have been accustomed to, and what has been good enough for me should not be departed from in the auditing of the affairs of the State reserves, not even for a Mr. Shapcott. If the Bill is not all that members desire, it can be moulded into correct form. I intend to support the second reading, and I hope other members will do the same.

On motion by Hon. J. Nicholson, debate adjourned.

House adjourned at 5.56 p.m.

Legislative Assembly,

Tuesday, 25th October, 1938.

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

QUESTION—EAST PERTH POWER HOUSE.

Cost of Current, Cottesloe.

Mr. NORTH asked the Minister for Railways: 1, Has the recent reduction of electricity charges secured by the member for

North-East Fremantle had the effect of increasing the consumption of current in Cottesloe and its environs? 2, Does he recall an answer given to me last session to the effect that, when the new power plant at East Perth had been thoroughly tested, reductions of electricity charges would follow in the Cottesloe district? 3, If so, does that promise still hold good?

The MINISTER FOR RAILWAYS replied: 1, No. 2, Charges were reduced by 1d. per unit in December, 1937. 3, Answered by No. 2.

QUESTION—CARRIER'S LICENSE.

Mr. SHEARN asked the Minister for Works: 1, Are applicants for a new carrier's license for the metropolitan area required to produce evidence as to their financial position or financial capacity to undertake the business of a carrier? 2, If so, under what authority are such assurances required?

The MINISTER FOR WORKS replied: 1, No. 2, See No. 1.

QUESTION—MT. LAWLEY SUBWAY, WIDENING.

Mr. J. MacCALLUM SMITH asked the Minister for Works: When will a start be made with the long delayed widening of the Mount Lawley subway?

The MINISTER FOR WORKS replied: The work will be started when the steel is received. Order for the steel was placed in June last but delivery is not expected until early next year.

QUESTION—FERRY SERVICE.

Double-end Boat.

Mr. CROSS asked the Minister for Railways: 1, Have tenders been called for the construction of a double-end ferry-boat for the Mends-street-Barrack-street service? 2, If so, has a tender been accepted? 3, When is it expected that the new boat will be available for the service?

The MINISTER FOR RAILWAYS replied: 1, Tenders, returnable on 13th October in London, were called for propelling machinery. 2, No. 3, It is impossible to say until tenders are accepted.

QUESTION—NATIVE ADMINISTRATION ACT.

As to Regulations.

Mr. NULSEN (without notice) asked the Premier: 1, Is he aware that regulations under the Native Administration Act are being enforced by the Commissioner of Native Affairs notwithstanding that they have not been laid upon the Table of the House? 2, If so, will he have the enforcement of the regulations discontinued until the House has had an opportunity to discuss them? 3, If he is not aware of the fact, will he have inquiries made?

The PREMIER replied: I am not aware that regulations as stated are being enforced; but in any case, as I said last week in answer to a question, the regulations are being reviewed and revised. I hope to be in a position to lay them on the Table next week.

QUESTION—LICENSING COURT, APPOINTMENTS.

Mr. MARSHALL (without notice) asked the Premier. Can he state the date on which the members of the Licensing Court are due for re-appointment, or the date on which appointments to the Licensing Court will take place?

The PREMIER replied: I believe the appointments are made for three years. I am not quite sure, but almost positive, that the current appointments will expire in August of next year.

QUESTION—SWAN RIVER IMPROVEMENTS.

Removal of Sheds.

Mr. RAPHAEL (without notice) asked the Minister for Works: 1, Does the Government intend to keep the agreement made with the Perth City Council regarding removal of sheds on the north side of the Swan river? 2, As the Government promised that no further tenancies would be granted in respect of the sheds on the south side of the river, and as the lightering company concerned has ceased its activities, does the Government intend to remove those sheds immediately? 3, Is it a fact that the Government is allowing the tenants of the sheds in question to use them for storage purposes?

The MINISTER FOR WORKS replied: I cannot possibly be expected to remember

all those things. The subject has not even been considered. If the hon. member will give notice of his questions, I will furnish replies.

ASSENT TO BILLS.

Message from the Lieut.-Governor received and read notifying assent to the following Bills:—

- 1, Alsatian Dog Act Amendment.
- 2, Northam Municipality Loan Authorisation.

BILL—JURY ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—MARKETING OF ONIONS.

Reports of Committee adopted.

BILLS (2)—REPORT.

- 1, Bureau of Industry and Economic Research.
- 2, Sailors and Soldiers' Scholarship Fund. Adopted.

BILL—LAND TAX AND INCOME TAX.

Second Reading.

Debate resumed from the 20th October.

HON. C. G. LATHAM (York) [4.39]: I offer no objection to the Bill, and I do not know that to do so would be advantageous. This is the usual taxing measure introduced annually. The Annual Estimates have been introduced and in part passed, and we know what the Government's commitments are. We know also that there will be insufficient funds to meet those commitments unless the Bill is enacted. Accordingly, and as the Treasurer did not find it necessary to make a long speech on the measure, I do not think it would become me to do so.

Question put and passed.

Bill read a second time.

In Committee.

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

**BILL—BASIL MURRAY CO-OPERATIVE
MEMORIAL SCHOLARSHIP FUND.**

Second Reading.

Debate resumed from the 20th October.

MR. PATRICK (Greenough) [4.42]: I suppose a number of country members will recall the late Mr. Basil Murray, who at one time was the general manager of Westralian Farmers, Ltd., the leading co-operative society of the State. Under his management, co-operation made very great strides. In fact, I think he was the pioneer of the wireless service in this State: he established the first wireless station in Western Australia, the old 6WF. He was undoubtedly a man of amazing energy and outstanding personality. When he died, the Co-operative Federation—the group of co-operative companies that works along with the Westralian Farmers—decided to perpetuate his memory by raising a sum of money to establish scholarships. They raised the sum of £1,189, with which they decided to establish scholarships at the Muresk Agricultural College for sons of members of the co-operative societies. Actually, three lads passed through the course at college and one is at present resident there. Those who established the scholarships found, however, that they lost touch with the boys after they left college, and the boys lost touch entirely with co-operative principles. At a meeting of the subscribers to the fund, it was unanimously decided to alter the purpose for which the money had been subscribed. The subscribers now desire that the fund should be utilised to assist sons of co-operators to be trained in co-operative and business principles. I believe great difficulty is being experienced in securing suitable men to fill positions in the various co-operative companies. In addition, there is a wide field for investigation into co-operation. When the subscribers took legal advice, they found that the alteration could not be effected except by the authority of Parliament, and for that reason this Bill has been introduced by the Minister. As the proposed alteration has been unanimously agreed to by the subscribers to the fund, I do not think the House can have any objection to the Bill. I have much pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

**BILL—QUALIFICATION OF ELECTORS
(LEGISLATIVE COUNCIL).**

Second Reading.

Debate resumed from the 20th September.

HON. C. G. LATHAM (York) [4.48]: I am not treating this Bill as I did the last one. I intend to be consistent. Every time a Bill similar to this has been introduced since I have been a member, I have opposed the second reading. I propose to oppose the second reading on this occasion, and I intend to have a little say to try to convince the House that my reasoning is sound. I sincerely hope the Bill will not pass the second reading. As I have said, this Bill has been introduced previously in different forms. On the last two or three occasions, the wording was similar to that of the present Bill, and the House knew the fate that awaited the Bill on those occasions in another place. I think another place acted very wisely.

The Minister for Works: A similar Bill was introduced when your party was in power.

Hon. C. G. LATHAM: Was it? I am going to mention that; I have a copy of it here. Although this Bill is brought forward, the public itself is not making a demand for an alteration in the franchise for the Legislative Council. That has never been made an election matter, nor has it been submitted to the people, so I venture to suggest they would refuse to endorse the Government that made it a vital matter at an election. For some unaccountable reason, however, the Bill is submitted to this House. If the present qualifications are carefully studied they will be found to be much more liberal than the Government would have us believe. They are very liberal indeed. I contend that the present franchise is a married man's franchise. Every married man must have a home and at least 999 out of every thousand people have homes for which surely they pay 6s. 6d. a week rent. A man who lives in a house with a rental value of 6s. 6d. is entitled to vote as an occupier.

Mr. Rodoreda: Would you be in favour of restricting the qualification?

Hon. C. G. LATHAM: No.

Mr. Rodoreda: Do you consider it goes far enough?

Hon. C. G. LATHAM: I think it is just right. I am too old a bird to be caught with chaff of that kind. I am not likely to say that we should tighten it up, but we can do a good deal to bring the rolls up to date, which we are not doing. When we make a comparison between the number of people entitled to vote for the Legislative Assembly and the number entitled to vote for the Legislative Council, we are dealing with wrong premises altogether. In one instance there is compulsory enrolment. People are fined for not having their names on the roll. The franchise for the Legislative Council is voluntary, and in consequence many people eligible for enrolment are not enrolled. I have made a considerable investigation of this matter, and the figures I now intend to give are not mine but are taken from the small pocket Year Book for 1937 with which members are supplied. The number of dwellings in Western Australia exceeds 114,000. Each person living in a house is entitled to vote, irrespective of ownership. I do not mean every person over 21 in the house, but the person that pays the rent, or is responsible for paying the rent, is entitled to have his name on the roll. Of those dwellings, 46,000 are in the municipal areas and 68,000 in road board districts. I do not think the Minister who introduced the Bill will dispute those figures.

The Minister for Justice: No, I will not.

Hon. C. G. LATHAM: There are 114,000 dwellings and, as I pointed out to the House before, every person paying rent over 6s. 6d. —I think it is 6s. 6½d., to be accurate—is entitled to have his name on the Legislative Council roll. I do not think the Minister will dispute that.

The Minister for Justice: Considerably more than 6s. 6d.

Hon. C. G. LATHAM: Well, it is £17 a year, and I think that works out at about 6s. 6½d.

The Minister for Justice: Seventeen pounds a year clear. That makes a difference.

Hon. C. G. LATHAM: It may make a slight difference. Under Section 15 of the Constitution Act, on pages 161 and 162 of the Standing Orders, the qualifications of

electors are set out. A person is qualified if he—

(1) Has a legal or equitable freehold estate in possession situate in the electoral province of the clear value of £50 sterling; or

(2) Is a householder within the province occupying any dwelling-house of the clear annual value of £17 sterling; or

(3) Has a leasehold estate in possession situate within the province of the clear annual value of £17 sterling; or

(4) Holds a lease or license from the Crown to depasture, occupy, cultivate or mine upon Crown lands within the province at a rental of not less than £10 per annum.

So that if we add the people thus qualified to the 114,000, who as I have already said are entitled to have their names on the roll, we shall find there are at least 150,000 entitled to the privilege, whereas actually at present 86,711 are enrolled.

The Minister for Justice: The figure of 150,000 is not accurate.

Hon. C. G. LATHAM: It may not be, but it is estimated that there may be about 150,000, because the figure of 114,000 is accurate, and we have to take into consideration the unoccupied lands that are held by individuals who are entitled to have their names on the roll, but who may not be householders, and all the other people that have leaseholds, or may be camped on mining property for which they pay a rental of £10, or have leases in their names and are thus entitled to have their names on the roll. Consequently I do not think I was over-estimating when I suggested that probably over 150,000 would be entitled to be enrolled.

If the Minister desires to convince this House, he might first of all ensure that those people entitled to have their names on the roll are enrolled. When he is able to tell us he has satisfied himself that, as nearly as possible, 100 per cent. of those entitled to have their names on the roll have been enrolled, he can ask for the reforms that he thinks necessary. But to say that because there are only 86,711 names on the roll that is the state of the roll as compared with the Legislative Assembly roll, is to make a very unfair comparison. That is one of the matters that should claim the Minister's attention.

Another activity in which the Minister might engage before he submits a Bill of this kind is to go carefully through the province rolls and ascertain whether there is a fair proportion of names on each of the rolls. I desire to show the discrepancy

that exists between districts. I know that there are some provinces in which it would be difficult to get an even number of voters throughout because of the very large areas covered and the sparsity of population, but many might have some consideration given to them. The Central Province, for instance, has 5,980 electors on the roll, while the East Province alongside has 10,798. The Metropolitan Province has 6,982, and the Metropolitan Suburban area surrounding it has 31,024. The North Province, a very isolated one, has 886 names. The North-East has 4,190, and the South 3,443, while the West Province has 9,142, the South-East 6,997, and the South-West 7,289. There should be a better distribution of the electors in the provinces, and that should be effected before a Bill is introduced for any reform in the franchise for the Legislative Council. Last year the Government submitted the Electoral Act to a Commission for the purpose of resubdividing the boundaries and to fix a fairer quota for the Assembly. That Commission, in its finding, made reference to the Legislative Council provinces and, extraordinary to relate, when the Bill was submitted to this House, there was no mention whatever of the Council provinces. That makes me doubt whether the Government really desires to effect any reform of the Council. If there were such a desire, why did not the Government give effect to the findings of the Commission? Nothing whatever was mentioned about the boundaries of the Council provinces. If an adjustment of the province boundaries were made, it would be possible to have better representation than that which exists to-day. The representation would certainly be on a fairer basis. It does appear strange that one person's vote in the Metropolitan Province should be equal in value to five in the Metropolitan-Suburban Province. Imagine the vote of one person in the Metropolitan Province having the same value as the votes of five people in the neighbouring province! Certainly that is a very unfair distribution, and the Government should have set about to equalise the proportion. If the Government did that, it would be doing something on democratic lines, and would distribute the Council votes more equitably than is the position to-day. In 1921 the present member for Boulder (Hon. P. Collier) introduced a

Bill to liberalise the franchise of the Upper House, and there is a great similarity between that Bill and the measure now before us. If my interpretation is correct, every person who rents a room and pays 6s. 6d. per week for it, will be entitled to vote provided that the room opens out on to a passage. I may be permitted to quote from that Bill of 1921. It sets out—

“Dwelling-house” means any structure of a permanent character ordinarily capable of being used for the purpose of human habitation and includes—(a) Part of any such structure where that part—(i) is separately occupied for such purpose; and (ii) has no direct means of access to, and is structurally severed from any other part of the structure which is occupied for a similar purpose by any other person.

If there is a dividing wall, then it is severed. Thus, if the Bill now before us passes in its present form, so long as the room does not open out on to any other room, the occupant will be permitted to have his name enrolled, provided he pays 6s. 6d. a week as rent for that room. That is going further than the previous Bill went. In this morning's newspaper the Premier, in making a defence against an attack on the Government by the Leader of the National Party, stated that a Bill was introduced at the time the National Party was in power, and that it was passed by the Assembly. That statement is true, but the Bill was different from the Bill now before us, and different from the measure introduced by the member for Boulder in 1921. That hon. member stated, when introducing the Bill, that it did not meet with all his wishes, but that went further than the existing Act, and set out that a “dwelling house” meant—

Any structure of a permanent character, being a fixture to the soil which is ordinarily capable of being used for human habitation, and includes part of a building when that part is separately occupied as a dwelling; provided that when a dwelling-house is only part of a building and any other part thereof is in the occupation as a dwelling of some other person other than the occupier of the first-mentioned part, such first-mentioned part shall not be a dwelling-house within the meaning of this section, unless it is structurally severed from such other part of the building and there is no direct means of access between such parts.

That is totally different from what is contained in the Bill now before the House. I have carefully examined the measure before us and do not hesitate to say that it is much more liberal than the Bill of

1921. It is true that that Bill passed this House. That was just after a general election, when there were many new members in the Assembly. I think the figures were 32 in favour and 12 against it. On that occasion I voted against any alteration of the franchise of the Legislative Council. I do not consider myself conservative at all, and I do not say that the Legislative Council representation should not be as full as possible; but I do think that if we could give a vote to those people who are entitled to vote for the Legislative Council, we should do so, and then there would be very little cause for complaint. The difficulty, however, is to get names on the roll: probably that is the greatest trouble. In my opinion it is the desire of the Government to bring about adult franchise in respect of another place. If that be so, it would be far preferable to bring down a Bill to provide for adult franchise for the Legislative Council, instead of endeavouring to bring about that end by the means now being employed. We would then know exactly where we were, and so would the electors. Then, also, we could have compulsory enrolment.

The Minister for Justice: Would you support that?

Hon. C. G. LATHAM: I am not going to say whether I would support it. I am a democrat and a real one, while members opposite are out-and-out dictators. I should be ashamed to father some of the legislation that they submit to the House. I do not propose to support the Bill. I am aware that one of the planks of the Labour platform is the abolition of the Legislative Council. That House, however, is a safeguard in this State, and while I admit the Queensland Labour Government, in its wisdom or otherwise, abolished the second Chamber in that State, I remember that that was done against the wishes of the people. A referendum was taken and an overwhelming majority was in favour of the retention of the Chamber. Despite that fact, however, the Government disregarded the wishes of the people, packed the Upper House with its own supporters and, in that way, secured the passage of the Bill for the abolition of the second Chamber. In Western Australia we have a very good franchise. There are times when I disagree with the views of members of another place, but that does not make them wrong. I frequently disagree with the views expressed by members on the

other side of this Chamber. If the Government set out to secure the enrolment of every person entitled to vote, we would have better representation in the Legislative Council than that prevailing to-day. Every party is entitled to reasonable representation. There are 114,000 dwellings in the State.

The Premier: There are 600 in the Forster electorate not on the roll and whose names should be there.

Hon. C. G. LATHAM: It is my belief that there are many people who are not at all anxious to get on the roll. As a matter of fact there are members of this House who are obliged to make a house-to-house canvass prior to an election.

Mr. Cross: What is wrong with that?

Hon. C. G. LATHAM: There is nothing wrong with it so long as the signatures of the claimants are obtained at the door.

Mr. Cross: And that is done.

Hon. C. G. LATHAM: It is not done.

Mr. Cross: You do not know anything about it.

Hon. C. G. LATHAM: If the hon. member challenges me to declare what I do know I will say it. I think there is a challenge in his interjection. Anyway, I can declare that it is not a function of members of Parliament to make a house-to-house canvass.

Mr. Cross: The qualifications should not be so complicated.

Hon. C. G. LATHAM: They are simply set out, and if the hon. member knew them he would experience no difficulty.

Mr. Cross: We know about two of them; tell us about the other eight.

Hon. C. G. LATHAM: A newly married man may purchase a house and put it in his wife's name. She then becomes entitled to enrolment, and the husband is also entitled to a vote as the occupier of the house. Thus there are two votes there. That kind of thing would never be done by us.

Mr. Hegney: What lily-white people you are!

Hon. C. G. LATHAM: Some people know how to interpret the law to suit themselves. Probably Labour organisations know better than anyone else. At any rate, I will give them credit for having that knowledge.

Mr. Cross: They study the position more than anyone else.

Hon. C. G. LATHAM: As I have already stated, there are 114,000 people entitled to have their names on the roll, though not all of them are sufficiently interested to see that their names are placed on the roll. If the

Government will only see to it that the names of all entitled to enrolment are enrolled, it may succeed in changing my ideas. I have always voted against a Bill of this description except on one occasion, when, against my own wishes, I voted for it. It was the occasion when it was found necessary to bring a patient from a hospital to record his vote. I have always opposed the extension of the franchise of the Upper House. I do not want the Minister now to start running round to see that the electoral rolls are in order.

The Premier: The responsibility is on the elector himself.

Hon. C. G. LATHAM: It is the duty of the Government to see that the law is enforced, but I am afraid it is not always enforced. We spoil people because we do the work for them. Plenty of publicity should be given to this sort of thing.

The Premier: I have read in the Press of prosecutions that have been launched against people.

Hon. C. G. LATHAM: We know it is difficult to persuade people to understand and observe the law. When members of Parliament canvass for claim cards, people are apt to be careless about their own electoral affairs. I do not propose to support any clause of the Bill. Not one of them is justified nor required by the public. The existing franchise has served the State well, and the Government has very little reason to complain about the action of another place. The Legislative Council has been particularly liberal to the Government and has given great consideration to the legislation sent up to it. The Premier feels aggrieved that some of his Bills that recently went to another place did not pass, but I point out that the personnel of that House meanwhile has not changed. Last year a great deal of consideration was given by another place to the legislation of the Government, and one Bill in particular was referred to a select committee. It is no use the Government sending up the same Bills year after year, and imagining that members of another place have changed their minds.

The Premier: Another place agreed to one of the Bills that was sent to it last year.

Hon. C. G. LATHAM: If the same Bill had been sent up this time, it would have been passed, but the Bill of this session contained a good deal of foreign matter. The

Premier cannot expect the House to change its mind as rapidly as all that. I agree that all parties should have reasonable representation in another place, but I do not think this Bill will bring that about. The Government might secure better representation if it ensured that those people who were entitled to have their names put on the roll took the trouble to place them there.

MR. STYANTS (Kalgoorlie) [5.17]: I support the Bill, and would like to go even further in liberalising the franchise for another place. We must take into consideration not only the franchise, but the present constitution of the Legislative Council. A person who owns property in each of the ten provinces can become enrolled for them all, and record a vote for each one. That is entirely opposed to the principles of democracy. It is an insult to the intelligence of the adults of the State that such a condition of affairs should continue. Two-thirds of the population of the State are disfranchised for the Legislative Council. I will assume that the figures quoted by the Leader of the Opposition, indicating that there are 114,000 dwelling houses in the State, are correct, and that someone or some person in each house is entitled to be enrolled for the Upper House. Despite this, every second person living in such houses is deprived of the right to vote at Council elections. I know that quite a number of people who are entitled to vote do not take the trouble to have their names put on the roll for another place. Approximately 86,700 people are on the roll for the Upper House, and 250,000 are on the roll for this House. Nevertheless, two out of every three persons are disfranchised in the case of the Legislative Council. The law that allows a person to have ten votes, provided he has the necessary property qualification for each of the provinces, is too liberal, and is opposed to the principles of democracy. Let me compare the franchise in this State with that for the Commonwealth Parliament. A man does not require any property qualification for the National Parliament, except that he shall be over the age of 21, and be either a natural-born or a naturalised British subject. He will then be entitled to record his vote for those he desires to have elected to the legislative halls of the Federal Parliament. This State has the smallest popula-

tion of almost any in Australia, and yet people must possess the property qualification before they are allowed to vote for the Legislative Council. In the wider sphere, however, that of the National Parliament which controls the destinies of the Commonwealth, a person need be only 21 years of age and be a natural-born or a naturalised British subject to be allowed a vote for either of the two Houses. Compared with the National Parliament that of Western Australia is something in the nature of a glorified local governing body. My chief objection to the franchise for the Upper House is that that Chamber is the most strongly entrenched legislative authority found in any part of the British Empire. In the National Parliament, the House of Representatives has the right to declare a double dissolution and force the Senate to go to the country, so that the opinion of the public on the question at issue may be obtained. This can be done if the Senate consistently throws out legislation sent to it by the House of Representatives.

Mr. McLarty: New South Wales has 2 nominated Upper House.

Mr. STYANTS: I think so.

Hon. C. G. Latham: Not now. Its members are elected by Parliament.

Mr. STYANTS: We have not that privilege in Western Australia. This House continually sends legislation to another place. Take, for instance, the Fair Rents Bill that was sent up three times in succession.

Hon. C. G. Latham: You do not expect the Legislative Council to change its mind within 12 months.

Mr. STYANTS: I would not expect any kind of logic from members of another place, particularly after the Leader of the Opposition in the Upper House there made certain comments upon the penalty clause embodied in the Bill. He either did not know the position or misrepresented it.

The DEPUTY SPEAKER: The hon. member must not reflect upon a member in another place.

Mr. STYANTS: If what I said was a reflection upon a member in another place, I withdraw the remark. When a measure is sent to the House of Lords by the House of Commons three times in succession, with an interval of 12 months between each occasion, that measure then has the force of law even though the House of Lords may not pass it.

Mrs. Cardell-Oliver: You are speaking about a money Bill, are you not?

Mr. STYANTS: That applies to any measure. We have not that privilege in this State. If we could do that here, I would not have so much objection to the present franchise. I agree that the franchise is not particularly stringent, but because it disfranchises so many people we should have it altered. It is not so much a question of the intelligence of the electors and their ability to cast a vote, as a question of the bricks, mortar and land being expected to record a vote. In my opinion, the Legislative Council should be abolished entirely, or failing that the franchise should be on an adult basis. Queensland decided there was no necessity for an Upper House, and has probably made greater headway since the abolition of that Chamber than was previously the case. The same condition of affairs should be brought about in Western Australia. The Leader of the Opposition referred to the franchise being a married man's franchise, and said that 999 out of every 1,000 married people had a right to vote. That is wrong. Although people may have a home of their own the man and his wife cannot each record a vote unless the wife is the registered owner of the land and the dwelling, and the husband is an occupant.

Hon. C. G. Latham: I said they were entitled to be enrolled.

Mr. STYANTS: They are not entitled to be enrolled. The same thing can be said of hundreds of married people in Kalgoorlie. There are over 200 houses in the letter carriers' district of Kalgoorlie, apart from Boulder, in each of which more than one family resides.

Hon. C. G. Latham: I was talking of the 114,000 dwelling houses.

Mr. STYANTS: I understood the hon. member to say this was a married man's franchise.

Hon. C. G. Latham: So it is.

Mr. STYANTS: If two families are living in one of these houses the only person entitled to a vote is the husband or father who pays the rent. I know of hundreds of families in my electorate, and neither the father nor the mother is entitled to a vote. In 75 per cent. of the instances of which I speak only one person can claim a vote for the Upper House. If the house is leased and that person is paying the rent no one else in it can record a vote. When a house

is owned by a married couple and the wife is registered as the proprietor both parties can vote, but if the husband is the registered owner the wife is disfranchised. Tens of thousands of people in this State are disfranchised because of this particular limitation.

Hon. C. G. Latham: Would it not be better to bring down a Bill providing for an adult franchise?

Mr. STYANTS: Such a Bill would have my support, provided the Legislative Assembly had the right to force a double dissolution when the necessity arose. I would then not have so much objection to the existence of a second Chamber. The system under which we are now working is autocratic. Although this Bill goes only a short distance along the road to liberalising the franchise for the Legislative Council, I intend to support it for what it is worth, as it is a step in a direction where I think an amendment to the Act is sorely needed.

MR. WITHERS (Bunbury) [5.30]: The Bill is not exactly a hardy annual, but similar measures have been before Parliament on several previous occasions. The Labour Party, responsible for the introduction of such legislation, realises the inequitable electoral system that operates to-day. If there is to be any definite distinction between those qualified to vote for the Legislative Assembly and those entitled to vote for the Upper House, it should be one relating to the freehold of property or some such tangible qualification. I am at a loss to understand why a mere penny a week is sufficient to enfranchise some and disfranchise others. The payment of rent amounting to £17 per annum, which entitles an individual to exercise a vote for the Legislative Council, works out at about 6s. 7d. per week. One person may pay 6s. 7d. a week for a dingy place and be entitled to exercise the franchise, whereas another individual who may pay 6s. 6d. a week for a more palatial edifice is disfranchised. Surely the payment of a rental amounting to at least £17 per annum cannot be regarded as a satisfactory basis for the Legislative Council franchise. Had we adhered to the old system under which the elector for the Council was required to have a stake in the country, the qualification would have represented a more satisfactory basis.

Hon. C. G. Latham: Values have altered since then.

Mr. WITHERS: Possibly that is so. In the South-West hundreds of married people throughout the timber areas live in what may be described as reasonably decent cottages. Those people are disfranchised because some pay 4s. a week and others 5s. a week as rent. If one of those cottages were transported to a townsite such as Pinjarra—

Hon. C. G. Latham: Or South Bunbury.

Mr. WITHERS: If re-erected at South Bunbury, the premises would command a higher rental, but if put up in Pinjarra, it would probably be rented at 10s. a week. It is surely wrong that the person living in that cottage in one place should be disfranchised, whereas if the property were transported elsewhere and a few shillings extra per week paid as rent, the inhabitant could exercise a vote for the Legislative Council. I do not agree that the individual becomes more intelligent or has a greater stake in the country merely because he pays a few shillings extra in rent. It is difficult to present figures, as the Leader of the Opposition mentioned, but according to the Assembly rolls, 26,276 persons are enrolled for the electorates comprised within the South-West Province, whereas for the South-West Province 7,439 electors are enrolled for this year. On that basis about a quarter of the Assembly electors are qualified to exercise the franchise for the Legislative Council. On the other hand, it is difficult to say how many of the votes indicated in the Council figures are duplicated. If we consider the number of women who are registered as the owners of house property and the husbands who are enrolled as inhabitant occupiers, we must recognise that deductions must be made from the total of the 7,439 Council electors so that a comparison may be made with the number on the Assembly rolls. Some individuals hold high Government positions, but, because they are widowers or perhaps have not married, live in first-class hotels, where they pay a fairly substantial tariff. Because such people have not invested £50 or more in a block of land, they are not entitled to a vote for the Legislative Council.

Hon. C. G. Latham: If they have not even done that, they have not displayed much interest in the State.

Mr. WITHERS: Possibly not.

The Minister for Mines: But thousands of others have produced the wealth of the State.

Mr. WITHERS: Perhaps such people have invested in Commonwealth bonds.

Hon. C. G. Latham: And that is very profitable.

Mr. WITHERS: Varying methods of investment appeal to different people. I could mention the name of one individual who holds a high position and has acted as a returning officer for the Legislative Assembly elections, yet I do not think he has a vote for the province in which he lives. That arises from the fact that he merely pays board.

Hon. C. G. Latham: He must have been single for a long time.

Mr. WITHERS: That is so. Even with the amendment embodied in the Bill, that individual will not possess the necessary qualifications to vote for the Council because he will still be in the same position. The Bill definitely does away with the ordinary qualification, and the person who will be entitled to the Legislative Council franchise in future will definitely be the householder, irrespective of whether £17 a year or less is paid in rent. That, I think, gets down to a more reasonable basis. The Leader of the Opposition interjected with regard to a Bill providing for adult franchise. He possibly would welcome such a measure because he realises it would meet with quicker despatch in another place than the present Bill is calculated to receive. In the South-West of Western Australia, more than anywhere else in Australia, there is a greater percentage of residents disfranchised for the Upper House because of the provisions of the principal Act.

Mr. McLarty: Those people do not seem much concerned.

Mr. WITHERS: Their concern may not be apparent, because they realise they do not possess the necessary qualifications. I do not know that we need adopt the suggestion of the Leader of the Opposition and hold demonstrations, waving the red flag and other banners merely to emphasise our disagreement with the existing Act. In this State demonstrations are not necessary to indicate our concern. I know the people referred to are desirous of exercising the franchise for the Legislative Council, but they appreciate the fact

that, as they are not qualified under the existing legislation, it is useless to make any effort to be enrolled. A few years ago houses were removed from the goldfields because there was no demand for them. Those houses were brought cheaply, for at that time rents were very low. In those days it was possible to rent a house for much less than £17 per annum and the inhabitant occupier would be disqualified in consequence.

Mr. Cross: Of course, they had to pay more than £17 to be enrolled.

Mr. WITHERS: Yes. On account of the progress in the goldmining industry, that individual could continue to reside in the same house and ultimately be required to pay three times the amount of the original rent and then be qualified to exercise the Council franchise.

Mr. Rodoreda: That is the absurd part of it.

Mr. WITHERS: The whole thing is absurd. Ever since I have been interested in politics I have not been able to understand why such a basis was ever adopted. I cannot see any particular virtue in an amount of £17 or £15 or any other sum as the fair basis for enrolment for the Legislative Council. I hope the House will agree to the second reading of the Bill and allow it to go to another place in time to enable members there to accord the measure the fair consideration that we desire it to have from them. We do not wish to indulge in demonstrations such as were resorted to in England in order to again adult franchise and, later, women's suffrage. On the other hand, we do desire legislation to be passed that will provide a more equitable basis for enrolment. I support the second reading of the Bill.

MR. NEEDHAM (Perth) [5.41]: I, too, support the second reading of the Bill. I am surprised at the modesty of the Government in seeking merely to broaden the franchise for the Legislative Council. With the member for Kalgoorlie (Mr. Styants) I would have gone much further. I would have provided for adult franchise, or at least adopted the franchise for the election of members of another place on a basis similar to that which obtains for the election of members of the Senate. The Commonwealth Parliament has just as important matters to deal with as the State Parlia-

ment. Questions of far-reaching import have to be discussed. It may be well to remember that since the days of 1914 when the tocsin of war sounded abroad and the world was deluged in blood, the Commonwealth Parliament has handled not only matters of Australian-wide import, but those of world-wide significance. To-day in that Parliament questions are handled and considered that are indeed of world-wide importance. Willy-nilly, whether we like it or not, we are involved, as a young nation, in world politics. Nevertheless, to-day we find 36 men elected to the Senate, representing three from each State comprising the union known as the Commonwealth of Australia, not by virtue of the property qualification, but simply by persons who are 21 years of age, have been six months resident in the Commonwealth, and are of sound mind and good character. Why then should it be necessary in Western Australia to have the property qualification for enrolment as an elector for the Legislative Council? Herein I see inconsistency on the part of some of my friends on the Opposition benches. As a Labour Party, although we are glad that there is adult franchise for the Commonwealth Parliament, we are not in favour of two Chambers, and part of our platform is the abolition of the Senate. But our friends opposite oppose us in that. They believe in the existence of the Senate to protect the States, but they have never yet voiced an opinion in opposition to adult franchise for the Senate. Taking them on their own ground, the Senate is a necessary institution if for no other purpose than to protect the interests of the States, and guard the States against what might be termed the desires of the House of Representatives, with its greater number of members. Not only do members opposite desire a continuance of the Senate, but they have never yet raised an objection to the adult franchise on which the Senate is elected. I ask any member opposite to say that the matters determined in our Legislative Council are of greater importance than those determined in the Federal Parliament, where every member is elected on adult franchise. The possession of property does not count there; one simply needs to possess a sane mind and intelligence.

Again, we have evidence in the Federal sphere of a double dissolution, which matter was referred to by the member for Kalgoorlie (Mr. Styants). When the two Federal Houses are at variance, a double dissolution

can be brought about. It does not matter in which House the Bill originates, be it the Senate or the House of Representatives; if either House has agreed to a measure and a period of three months has elapsed and the same Bill is sent forward again and rejected, a double dissolution can be obtained. The Government of the day can call on the Governor-General and secure a double dissolution, and then all the members go to the country and the people say what shall be done. I had the good or bad fortune to be a member of the Senate when the only double dissolution in the history of the Commonwealth took place. It was on the question of preference to unionists, and the Labour Opposition in the Senate challenged a Bill introduced by the Cook Government to abolish preference to unionists in the Commonwealth Public Service. The challenge was taken up, and the country was appealed to at the time when the war had just begun. The result of the appeal to the people was that the Labour Party was returned with a larger majority in both Houses.

The State Labour Government and other Labour Governments that have preceded it have been asked, "Why do not you challenge the Legislative Council? Why do not you go to the people on some Bill that the Council has rejected?" Since the Premier made his statement in the public Press regarding the action of another place in again rejecting industrial legislation sent from this House, we have been asked, "Why do not you dissolve your House and go to the country?" The people who suggest the adoption of that course do not appreciate the impregnable position of the Legislative Council. I venture to say that this Government and this party is possessed of sufficient courage to bring about a dissolution of this Chamber on any industrial measure sent to another place and rejected. But what good would result? Let us postulate that the Government dissolved this House to-morrow on the question of the rejection by another place of the Industrial Arbitration Act Amendment Bill. Let us postulate also that Labour was again returned with a majority to this Chamber. Would that compel another place to pass the Bill? Not at all.

Mr. McLarty: Members of another place would pass it.

Mr. NEEDHAM: They would not.

Mr. Cross: The member for Murray-Wellington is not qualified to say that.

Mr. NEEDHAM: Shortly after Labour was returned in 1936, fresh from the electorates and with a mandate to do certain things—these industrial measures were included in the policy on which the party went to the country—the very first legislation sent to another place was rejected. I remember attending a lecture by a very eminent professor of our University on this question of the domination of the Legislative Council. He suggested that the Government, if game to dissolve this Assembly, could go to the people. This gentleman is recognised as a constitutional authority. I was present at his meeting, and he said he would be prepared at the conclusion to answer any questions. I put to him this question, "Suppose the Legislative Assembly were dissolved, and an appeal made to the people on a measure that had been rejected by the Legislative Council, and the people endorsed the measure, would that House then be compelled to accept the verdict of the people and pass the measure?" His answer was, "I cannot answer that question." Constitutional authority though he was, he could not answer it. We know that members of another place would not change their minds; they would still defy this Assembly.

There is not the slightest doubt that the Legislative Council of this State is the most strongly entrenched second Chamber in any part of the British Commonwealth of Nations. There was a time in our history when the House of Lords was considered to be the most strongly entrenched second Chamber, but the position of the House of Lords is not comparable with that of our Legislative Council. As was mentioned by the member for Kalgoorlie, if the House of Commons passes a measure three times within two years, and if the Bill is then not adopted by the House of Lords, the Government of the day can present the measure to His Majesty, and it becomes law. In discussing the second reading of this Bill. I should like to refer to Queensland, which of course is part of the Commonwealth. I believe that the people of Queensland are just as intelligent as are the people of Western Australia, but in Queensland there is only a single Chamber—the Legislative Assembly. This is no new growth; Queensland has had a single Chamber for many years. Despite the fact that a Labour Government brought about the abolition of the second Chamber there and that its action was strenuously

opposed by members of the same political thought as my friends opposite—

Mr. Patrick: Was not a referendum taken first?

Mr. NEEDHAM: Yes.

Mr. Patrick: What was the result of the referendum?

Mr. NEEDHAM: Not in favour of the abolition of the Upper House.

Mr. Patrick: And the Government acted against the wishes of the people.

The DEPUTY SPEAKER: I think we are now getting beyond the scope of the Bill.

Mr. NEEDHAM: I can connect my remarks by saying that I would have preferred a measure to provide for adult franchise or the abolition of another place. Let me remind my friends opposite that although their colleagues in Queensland have since been in power, they have never attempted to re-establish the second Chamber. I sometimes think that members opposite speak with their tongues in their cheeks. Though I regret that this Bill does not go farther, I am sure it will not pass another place. I suggest to the people who were responsible for sending my colleagues and me to this Chamber that even with the present limited franchise for the Council, they could alter the complexion of another place. If the workers of the State made up their minds to get their names upon the Legislative Council roll and exercise their votes on polling day, I venture to say they could effectively alter the complexion of the second Chamber. To my mind, that is the only remedy we have. We can pass this measure, and we shall do so, but we know it will fail in another place. No matter what we do, we cannot eject members of the Council from their present impregnable position. My last word is that if the workers got their names on the Council roll and voted on polling day, even under the present franchise, we would very soon have no second Chamber.

MR. CROSS (Canning) [5.58]: This Bill—

Mr. Marshall: Are you opposing it?

Mr. CROSS: —affects one of the basic principles of democracy. Our Parliamentary institutions will continue only so long as the people can obtain a reasonable amount of satisfaction from their activities.

Mr. Sampson: The people appear to be satisfied.

Mr. CROSS: Quite a lot of the old European institutions have within living memory been swept away because of the slowness of the process of reforming them. In this State there is a large body of public opinion disgusted with the present system and the present franchise for the Council, and consequently on the day of the Legislative Council elections, those people knowing the imprugnability of the position occupied by the Council take very little interest in the elections.

Mr. Sampson: Everybody is not pleased with the Assembly.

Mr. CROSS: I believe also that the public is disgusted with the system of enrolment not only for the Council but for this House, and for the Federal Parliament as well. The reason is that the public is confused by the number of claim cards necessary to be filled in—knowing full well that the qualifications are identical in the case of the State and the Commonwealth. Until ten years ago, when the defect was remedied by a Labour Government, it was necessary for the claimant for State and Commonwealth enrolment to sign both sides of the card. The reason advanced by the Electoral Department for this requirement was that it enabled a comparison to be made of the two signatures of the claimant, the departmental officials thus being afforded an opportunity to assure themselves that the claimant actually was the person entitled to the vote. The two signatures appeared one on top of the other, on either side of the card. This matter was rectified, and claimants are now called upon to sign only one side of the card. It would be a step in advance if action were taken to put an end to duplication between State and Commonwealth in regard to enrolment, eliminating the waste of time and money involved in obtaining cards from claimants for both rolls for the same qualification. In the case of the Legislative Council the people are confused because of the numerous qualifications for enrolment. I noticed that the Leader of the Opposition did not enumerate those varied qualifications. Probably the reason was that the hon. gentleman, like most members of this Chamber and like most members of the general public, cannot enumerate them. The present qualifications for Council enrolment show some striking anomalies. There are five main qualifications. One is that of freeholder. A person must own £50 worth of interest in

either a block of land or a building. The same person, if he has a similar property qualification in each of the ten provinces, is entitled to a vote in each province—ten votes in all.

Let me point out how stupid the present Council franchise is. I give as an illustration an assumed case, though until two years ago such a case actually did exist in Victoria Park. Furthermore, a similar position could exist to-day. In a street of Victoria Park there were four wooden houses built by the same contractor. These houses had been sold to four different persons for £500 each. One house had been bought by a man with a grown-up family. He himself was entitled to be on the Council roll because he was a freeholder of the property. Nobody else was entitled to vote for the Upper House in respect of that property. The second house was in the wife's name. Consequently she was entitled to be on the Council roll as an equitable freeholder. The husband likewise was qualified as a householder. In the third case the house was in the names of two daughters over 21 years of age, who successfully claimed qualification as joint equitable freeholders. The father, being head of the household, was qualified as a householder. In the fourth case the house was in the names of the wife and of two sons, and those three persons were qualified to vote for the Council. The husband was also qualified being the householder. If that is not a stupid state of affairs, the number of Council votes in respect of identical properties varying from one up to four, I have yet to learn what stupidity is.

Then there is the leaseholder qualification. To be qualified as a leaseholder a person must pay a rental of a clear annual value of £17 after all rates and taxes have been deducted. I made a note of a statement by the Leader of the Opposition that a householder can qualify for the Council franchise if he pays a weekly rental of 6s. 6d. That is wrong. The householder can claim Council enrolment only if the place he rents is worth £17 annually after all rates and taxes have been paid. A leaseholder is not qualified to vote for the Upper House unless he can definitely prove that the lease has not less than one year to run. That is an aspect which remains utterly unknown to many people until they apply to be enrolled for the Legislative Council. Another qualification, that of ratepayer, creates an anomaly.

A man can claim qualification as a ratepayer only if his name appears on the ratepayers' list.

Hon. C. G. Latham: That is not so. If he is struck off and is entitled to the qualification, he can still vote.

Mr. CROSS: The Act states that it is so. The hon. member should read it.

Hon. C. G. Latham: Read it yourself.

Mr. CROSS: I have read it more often than has the Leader of the Opposition, and I know more about it than he does. When the rating is on the unimproved value basis, a person cannot claim qualification as a ratepayer. Suppose an investor in the metropolitan area buys a property on mortgage and lets it. The tenant can claim a vote as a householder, but it is possible the purchaser of the property may have his name on the ratepayers' list, and have an equity of only £10 in the house. Such a person would be qualified to vote for the Legislative Council because his name would be on the ratepayers' list, and he would be regarded as a ratepayer. That is distinctly unfair. I have dealt with five qualifications, and there still remain five others.

Mr. Warner: Why not save them up?

Mr. CROSS: What I am going to say now should be of interest to members opposite, and prove the extent to which electors can get confused. I refer first to the joint freeholder. A house or building may be bought by father and son. They may live anywhere, but, so long as they have a £50 interest in the property, they are qualified as joint freeholders to be enrolled. The next qualification is a little more complicated. Two persons may have bought a place by paying a deposit of £500, but may still owe £300 or £400 to the vendor. Because the vendor has an equity in the property he can qualify for a vote as the equitable freeholder. He can get on the roll and can live anywhere. Then there are the joint leaseholders. Two persons may lease a hotel in Fremantle and elect to live in Kalgoorlie. Because both have an interest in the lease, they can both vote for the Legislative Council for the particular Province. There is yet another qualification that is not greatly sought after and is not well-known. I refer to the joint rent payer. For such a person to qualify for a vote he has to prove to the Electoral Department that he is paying his rent separately to the landlord, has his own rent book, and a separate entrance to the pro-

perty. He is then qualified to vote so long as he pays a sum equal to a clear annual value of £17 after rates and taxes have been met. The time is long overdue when the system of enrolment for both the Federal and State Parliaments should be simplified and unified, and adult franchise applied to the Legislative Council. There would then be no room for further argument as to qualifications. The Bill is a step in the right direction and will make matters more fair for the electors. We should extend the franchise to the adult population as is done in the case of the Senate. No one has ever railed against that system. At present members of another place, elected by a minority of the people, can dictate to this House and control the desires of the majority.

Hon. C. G. Latham: That is done in this House already by the majority.

Mr. CROSS: Not nearly to the same extent. In the Metropolitan-Suburban Province 30,000 people are entitled to be enrolled, but they have not one Labour representative in the Council.

Mr. Warner: That is bad luck for them.

Mr. CROSS: In the North Province fewer than 1,000 people elect three members.

The Minister for Mines: Big men too!

Mr. CROSS: The position is unfair.

Mr. Hegney: A House of fat!

Mr. CROSS: I hope the Government will bring down a Bill to provide for adult franchise. Meanwhile, I will give this Bill my support.

Hon. C. G. Latham: Let us throw it out and try the other.

Sitting suspended from 6.15 to 7.30 p.m.

MR. HEGNEY (Middle Swan) [7.30]: The Bill contains very mild proposals for the improvement of the franchise for another place. I was rather surprised to hear the Leader of the Opposition say he would oppose the measure. I cannot understand his attitude because, on many occasions, he has put himself forward as the protagonist of the workers' interests. Here we have a measure that will extend the Council franchise to an increased number of electors. The Bill does not go to the extent of embodying the adult franchise, but merely proposals that will liberalise the franchise to a slight extent. At the present time, the Legislative Council is constituted on the

basis of a very restricted franchise, and the members of that House have power to nullify legislation initiated in a House elected on a popular franchise. The Council can defy the wishes of the majority of the people. The Bill will serve to clarify that position, make the Council franchise a little more liberal and ensure that those who inhabit dwellings shall be entitled to cast a vote for the Legislative Council. There are thousands of people who are wealth producers and are raising families and are excellent citizens, yet because of the restricted franchise based on specified qualifications prescribed in the Electoral Act, they are denied the right to exercise the franchise for the election of members of the Council. Workers throughout the timber areas and others engaged in laborious occupations who contribute much to the wealth of Western Australia, are disfranchised because they do not pay sufficient in the form of rent to enable them to be enrolled. The same applies to the workers in mining areas and the out-back parts of the State. People who are doing the essential work of the country are denied the right to vote for the Upper House. Necessarily a second Chamber based on such a restricted franchise tends to become reactionary and retrogressive. Many of the members of the Upper House are out of touch with the views of the public or the progress of the times. They vote against measures submitted by a Government elected on an adult franchise and thereby defy the will of the people. In times of stress, the nation appealed to the workers and to those between the ages of 18 and 45 years to volunteer to defend the country. Thousands left our shores ostensibly to defend Australia in foreign lands. When those men returned to their homeland, simply because they did not possess wealth amounting to £50, were not inhabitant-occupiers or did not pay rent amounting to £17 per annum, they were denied the right to exercise a vote in the election of members of the Legislative Council. The experience we have had in this State with regard to opposition to measures of social reform submitted by a Government elected on the adult franchise, is not in keeping with the trend of modern times. If the Council persists in that course of action that branch of the Legislature will be swept aside. The public will not tolerate its existence: they will not

contemplate its continued opposition to legislation that is backed by the will of the people. Legislation that the result of elections has shown the people desire, has been peremptorily rejected in another place. The time is long overdue for the liberalisation of the Council franchise. If my wishes were consulted, I would abolish the Upper House altogether. All that the Bill proposes is a mere liberalisation of the franchise. The Leader of the Opposition, who is supposed to be democratic in his views, still adheres to conservatism and has asserted he will not support the measure of reform outlined in the Bill. In other States of Australia the reform of the second branch of the legislature and the extension of the franchise have engaged the attention of the people and of Parliament. Reference has been made to the position in Queensland where the second Chamber was abolished. No one can gainsay the fact that the legislation and the administrative Acts of the Queensland Government compare favourably with those of Governments in that State when the second Chamber was in existence. In present circumstances, the Queensland Government is elected by the people and carries out the people's wishes. Speaking frankly, I say that irrespective of whether the Government elected on an adult franchise be Labour, National, Country Party or Communist, any such Government that receives a mandate from the people should be able to carry out its policy. On the other hand, a number of members of the Upper Chamber, elected by a percentage only of the people can, in Western Australia, nullify or even defeat the legislative proposals that emanate from this Chamber, which is elected by a majority of the people.

Mrs. Cardell-Oliver: But your party represents fewer people than the members sitting on the Opposition side of the House.

Mr. HEGNEY: In my electorate I represent about 9,000 people, but there are members of another place who represent a few hundred only. That demonstrates the voting power the Legislative Council members possess.

Mr. Rodoreda: And they have three members for each Province.

Mr. HEGNEY: A man may be of outstanding ability. We have such men in the community, men who possess knowledge of

a very high order, and who are acquainted with the sciences and the arts; and yet, because they are not paying rent or do not own property to the value of £50, they are denied the right of exercising the franchise for the Legislative Council. That is a position that should not continue. Many people are confused as to their right to vote for the Council. Every member of this House who has engaged in canvassing has met people who do not know whether or not they are entitled to be enrolled as voters for the Council, even if they are paying a rental of £17 or over a year or are possessed of property valued at £50 or over. This measure is an attempt to liberalise the franchise. It is not of a revolutionary character; it is a mild proposal. Yet we find members of the Opposition opposed to it. For the life of me, I cannot understand their attitude. They belong to a party supposed to be democratic; they protest that we on this side of the House represent a section only of the people, but that they represent all the people. Nevertheless, as I say, we find them opposing a measure designed to liberalise the franchise. I hope that when the time comes the electors will know how to deal with people who set themselves up as democrats, as supporters of democratic ideals, but who are narrow and conservative in their outlook. The modern social and political trend is towards the liberalising of the franchise. In many countries Governments are swept aside because of their reactionary political views, and other forms of government are set up in their stead. If our franchise is not extended, the time is rapidly coming when the people will no longer tolerate the existing state of affairs. Personally, I think the second Chamber is unnecessary. It is unnecessary here and unnecessary in the Commonwealth sphere. The Senate, though elected on an adult franchise, is really but an echo of the party in power, and has been so for the past ten years. In our own State, where the franchise for the second Chamber is restricted, we find that Chamber not supporting the Government elected to carry out the wishes of the people. That Chamber says the Government does not possess a mandate on this or that matter. Speaking for myself, I represent an industrial constituency and have been returned to Parliament on three occasions. The measures that have been rejected by the Council have the sup-

port of the electors whom I represent. Those who are elected to another place to represent the various provinces of the State do not, in my opinion, carry out the wishes of the electors of the provinces that returned them. I am glad the Government has brought down the Bill. It does not go as far as I would like it to go, but at least it will extend the franchise. I give the measure my support and hope the members of this Chamber who claim to be democratic will show, by their votes, just exactly how much they are democratic. I trust the measure will pass and eventually become law.

On motion by Mr. Coverley, debate adjourned.

BILL—AUCTIONEERS ACT AMENDMENT.

Second Reading

Debate resumed from the 13th October.

MR. SEWARD (Pingelly) [7.44]: As I was listening to the speech of the Minister when he introduced the Bill, I formed the opinion that the intention was to make provision for the issue of occasional district licenses to anybody who might be desirous of conducting a sale outside his own particular district, regardless of whether he was an auctioneer or not. Some communications that I have received from the country point to the fact that the same impression has gained ground in country districts. Had that been the intention of the Bill, I would have had to oppose it, but it is not the intention of the Bill at all. Under the Bill, it is proposed to grant occasional district licenses only to a person who already holds a license as auctioneer. I want to make that perfectly plain; because, as I say, the opposite opinion gained currency after the introduction of the Bill, although the Minister, when introducing it, clearly explained the intention of the Bill.

Under the existing Act, four different kinds of licenses are issued. One is a general license, which authorises an auctioneer to operate throughout the whole State, and for which he pays a fee of £25 a year, subject to deduction if the period is less than 12 months. Next comes the country license, for which a fee of £15 is charged, and which authorises a person to operate in country districts, excluding, of course, any part of the metropolitan area. The third type of

license is that which I have already mentioned, the district license, under which a person is authorised to act as an auctioneer in a certain magisterial district. For this license a fee of £5 a year is charged. The person so licensed cannot operate outside that area. There is a fourth type of license, the temporary license. That can be issued to any person who does not hold an auctioneer's license. He is granted a temporary license to operate at a sale if the auctioneer becomes ill or is unable to officiate for any other reason, provided he can convince the magistrate that the application is genuine. Before I leave the question of temporary licenses, I desire to draw the Minister's attention to a difference in the interpretation of Section 14 of the Act. Section 14 provides for the issue of a temporary license to operate in any place at any date. Country magistrates have taken that to mean that they can grant a license only for one sale. In the city, magistrates have read the plural into the singular. If an auctioneer has been unable to operate, say, at Robb's Jetty in the morning and at Midland in the afternoon, or at two different places on two succeeding days, the magistrate has read the plural into the singular and granted a license to the auctioneer's nominee to officiate. In country districts that is not so. When the application has covered two days, one following the other, the plan has been to demand two licenses, which is contrary to the spirit of the Act because the section I have mentioned indicates that a temporary license is granted for the limited period of seven days. That being so, the obvious intention is that at two sales at which the auctioneer can operate, his nominee should be entitled also to operate. I hope that matter will be clarified. It cannot be done in this Bill, unfortunately, because there is no provision to amend that particular section.

The Minister for Justice: I think the provision applies to where the sale lasts more than one day, and not to two different sales.

Mr. SEWARD: Section 14 stipulates that a fee of one guinea shall be paid for a temporary license for seven days. I do not think a sale would be found to extend over seven days. The matter was referred to the Crown Law authorities some years ago by the auctioneers, and Mr. Sayer gave a ruling in which he read "places" into the word "place." His reading was that a license might be granted to sell at any place or

places on the date or dates on which the sales might take place. If a license extends to seven days it contemplates more than one sale. In country districts the rule has been to read only the singular and to demand more than one license when there are two sales. I hope the Minister will be able to clarify this matter so that country auctioneers when applying for a temporary license may not be placed at a disadvantage compared with those in the metropolitan area.

The Bill makes provision for the granting of an occasional district license. Such a license can only be granted to one who holds a license to sell in a certain magisterial district. In the particular part of the country from which I come the need for this license is not so apparent. In seeking a reason I looked at the magisterial map, and I found that Kalgoorlie provided a good illustration. I do not know whether that is the district the Minister had in mind when he introduced the Bill. While Kalgoorlie is situated in the magisterial district bearing that name, there are three other magisterial districts quite close to it. Coolgardie is in another magisterial district. Other towns that probably would come under the business range of a firm operating in Kalgoorlie would yet be in another district altogether; and if an auctioneer wanted to conduct a sale in that district, although it might come within his ordinary business activities to go into the town, he would be obliged to take out a district license costing £5. That is obviously a disadvantage which the Bill seeks to overcome by the granting of an occasional district license at a cost of £1 1s.

I can see no reason for opposition to the Bill, though there is one feature I hope will be given consideration. I trust the provision will not be used to the disadvantage of men licensed in a particular district. For instance, an auctioneer may be licensed to operate in the Kalgoorlie district, and a sale might be advertised for Coolgardie, where another auctioneer might be residing. I do not consider it would be fair for the Kalgoorlie man to be granted a license to conduct a sale in Coolgardie, where another licensed auctioneer was operating. When an application is made to a magistrate for a license, there should be some justifiable reason why the resident auctioneer should not be given the right to conduct the sale in his own district.

Mr. Stubbs: Some auctioneers might not be worth twopence.

Mr. SEWARD: Some justifiable reason might be given to the magistrate for granting the application. Certainly when a man is following the avocation of an auctioneer in a certain town, an occasional license should not be too easily obtained in order to permit someone else to conduct a sale in that town. I support the second reading of the Bill. The provision is a good one because whereas at present a license for this purpose costs £5, the Bill provides that it shall cost a guinea.

Question put and passed.

Bill read a second time.

In Committee.

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

ANNUAL ESTIMATES, 1938-39.

In Committee of Supply.

Resumed from the 6th October; Mr. Withers in the Chair.

Vote—Crown Law Offices, £87,525:

HON. C. G. LATHAM (York) [8.0]: Since the Estimates were introduced the report of the Auditor General has been tabled, and the report contains a reference about which I desire to get some information. On page 71 the following statement appears under the heading "Incorrect Appropriations":—

Crown Law Offices (Division 25). Item 1—"Salaries." A grant of £625 to Mr. A. A. Wolff, K.C., Crown Solicitor and Parliamentary Draftsman, in lieu of all leave due including proportion of long-service leave and accumulated annual leave on resignation, which was accepted by the Governor in Council as from the 10th March, 1938.

I have looked through the Estimates and the Public Accounts. I can find no corresponding amount placed on the Estimates, nor can I find any in the Public Accounts. I wish to review what actually occurred. Mr. Wolff was Crown Solicitor and was appointed a Royal Commissioner to investigate certain matters for the Government. Almost immediately after concluding his report, he was appointed to the judiciary at a salary of £2,000 a year. To allow an officer to draw £625 on taking

over a position at £2,000 a year is a most unusual and, I consider, totally improper act. Some little time ago an officer of the Agricultural Bank left the service to take a position in private employment and for a very long time payment of the amount due to him for long-service leave was held up. Here we have a man continuing in the service of the Government. His salary as Crown Solicitor was, speaking from memory, £1,000 to £1,200 a year, and he has moved to £2,000 a year. Yet this Government has so much money that it can pay this officer £625. Such a thing has never before been done to my knowledge.

The Premier: He is entitled to be paid for his services.

Hon. C. G. LATHAM: If that is so, he should have been sent on his long-service leave, and the appointment should have been made on the expiration of his leave.

The Premier: There was urgent necessity for his appointment.

Hon. C. G. LATHAM: The urgent necessity has continued for at least three years. During that time the Arbitration Court has been behind with its work.

The Premier: That made it the more urgent.

Hon. C. G. LATHAM: Previously the Government appointed Mr. T. F. Davies to relieve the President of the Arbitration Court while he was on long-service leave, and there was nothing to prevent Mr. Davies being appointed. The action of the Government is quite improper. If it is right that this should be done for senior officers, the practice must be extended right through the service. When I was in the service an accident happened, so it was said, and of course the Government stopped payment immediately. If we are going to pay one officer for his long-service leave and allow him to continue on salary at the same time, why not do it for every member of the service? That sort of thing is not done for the ordinary rank and file and it was a very improper thing to do.

The Premier: It was a condition of employment.

Hon. C. G. LATHAM: Then the Government should have waited until his long-service leave had expired and not allowed him to draw £2,625 for the first year of his service as a judge. That is what is happening. } 27

The Premier: He earned that money in the Public Service and drew it on completion of his service.

Hon. C. G. LATHAM: The fact remains that he is being paid £2,625 for the first year of his service as a judge. The Premier cannot justify that action.

The Premier: He earned it.

Hon. C. G. LATHAM: Then, in future, when a man happens to leave one position and take another, he is to be paid for his long-service leave. That has not been the policy of any Government.

The Premier: We have not had to fill a position of that sort before.

Hon. C. G. LATHAM: Frequently the equivalent happens. Were the officers who recently received appointment to the Agency General in London paid for their long-service leave before they went Home? Of course not. Would the Government agree to make such a payment to an officer who had left the State to take up a new position under the Commonwealth? The trouble is that the Government has too much money, but instead of dividing it amongst those who are really in need of it, the Government is giving it to the highly-paid officials. Nowhere in the Estimates or in the Public Accounts is there any statement of this payment.

The Premier: The payment was for leave due to him.

Hon. C. G. LATHAM: Will the Premier show me any item under Crown Law Offices dealing with this amount? There is one item of expenditure for last year, "Leave on retirement, £1,371," but there is no statement showing to whom the money was paid.

The Premier: You do not want details of every item.

Hon. C. G. LATHAM: Details are usually given in the Public Accounts, but there is no reference to this item. I have never heard of such a thing being done before.

The Premier: Such a position has seldom occurred before.

Hon. C. G. LATHAM: If the Government considered Mr. Wolff the right man to appoint to the judiciary, it was entitled to appoint him, but he should have taken his long-service leave before being appointed. The Government has no right to pay him £625 in addition to his salary of £2,000 a year.

The Premier: We would have had the whole industry of the country held up.

Hon. C. G. LATHAM: That excuse will not be accepted by members on this side of the Chamber.

The Premier: It would be accepted by reasonable people.

Hon. C. G. LATHAM: Mr. Davies acted as President of the Arbitration Court during the whole time the President was absent on leave. Whether he did the work efficiently or not, I am not in a position to say; I have no comments to make against him. Why should not his services have been continued? Why could not he have filled the position? I do not know whether the Premier noticed the reference in the Auditor General's report. Even the Auditor General does not say that the payment was not a proper one.

The Premier: No.

Hon. C. G. LATHAM: But the Auditor General must know the fuss that was made by the Minister for Lands because an officer drawing about £230 or £300 a year was leaving the service. Payment for his leave was held up for a long time, but because this happens to be a man on a high salary, the Government can pay him £625.

The Premier: This was one of the conditions of employment in the Public Service.

Hon. C. G. LATHAM: Every officer is entitled to long-service leave every seven years and to two weeks' leave annually. Long-service leave should not be permitted to accumulate.

The Minister for Justice: You know that sometimes an officer cannot get away.

Hon. C. G. LATHAM: There is not an officer in the service or a member of this House whose place could not be filled by somebody else.

The Minister for Justice: You did not adopt that policy when you were in office.

Hon. C. G. LATHAM: We issued very definite instructions on that point. Let the Minister inquire of the Minister for Lands what happened about the Surveyor General when I was in office. I insisted upon his taking long-service leave instead of allowing it to accumulate. What is long-service leave for if not to allow an officer to re-empower? If an officer does not take it, then long-service leave becomes a farce. Here we have a man who has been assistant Crown Solicitor for a short period.

The Premier: Ten years or more.

Hon. C. G. LATHAM: Why should he not have been made to take his long-service leave during that period? Could he not have been done without? His position could have been immediately filled when he went away.

The Premier: Do you think a solicitor is going to throw up a practice to take a temporary appointment in the Service?

Hon. C. G. LATHAM: There are men in the Public Service who could have done the work.

The Premier: We have only four of them.

Hon. C. G. LATHAM: They could have done the work. I admit that while Parliament is sitting a good deal of drafting has to be done.

The Premier: If we wanted to camouflage anything we could have given Mr. Justice Wolff £1,000 for his work as Royal Commissioner.

Hon. C. G. LATHAM: In addition to his salary?

The Premier: Of course. The money would have been justly earned.

Hon. C. G. LATHAM: I wonder the Premier did not do that. I do not know of any Government that has fed men on the top salaries as the present Government has done. A highly paid official receiving a salary of £1,000 a year is given £2,000 a year by a wave of the pen. This was done when numbers of people were struggling to get a full day's work. In addition the Government gave the same officer £625. I am surprised that members on the cross benches should support a thing like that.

The Premier: You are quibbling about a man who gave a report such as the Royal Commissioner gave for nothing.

Hon. P. D. Ferguson: For nothing?

The Premier: For his ordinary salary.

Hon. C. G. LATHAM: He was paid by the Government for his services. It does not matter what he is called upon to do provided it is work he was appointed to do.

The Premier: He was not appointed a Royal Commissioner when he was given a post in the Crown Law Department.

Hon. C. G. LATHAM: Why was he not relieved of his other duties, and paid an appropriate sum for his Royal Commission work? He was not only paid, but paid for his long-service leave.

The Premier: Because he preferred to do the work in an honorary capacity.

Hon. C. G. LATHAM: Then where does the £625 come in?

The Premier: That was rightly due to his position.

Hon. C. G. LATHAM: I have not read the whole of the Royal Commissioner's report, but a great deal of it could not possibly be put into practice in this State.

The Premier: That may be so.

Hon. C. G. LATHAM: In another hundred years it might be possible to carry out many of the recommendations of the Royal Commissioner. I do not complain about the appointment of Mr. Wolff to the Supreme Court Bench, but protest against the setting up of a precedent by paying him an additional salary when he was still in the employment of the Government.

Mr. Cross: By paying him his just due. He was entitled to the money.

Hon. C. G. LATHAM: If the hon. member were sitting on this side of the House and we were sitting opposite, and anything like this occurred the proceedings of the House would be held up for a week or a fortnight. It is one of the most disgraceful incidents that has ever come to my knowledge. I would not have minded if Mr. Wolff had been given his long-service leave, and had been appointed to the judiciary at the end of that term. Instead of doing that the Government increased his salary from £1,000 to £2,000 a year, and gave him an additional £625 because he did not take his leave when the regulations provided that he should take it.

The Premier: We did not increase his salary, but appointed him to a position carrying the higher salary.

Hon. C. G. LATHAM: It was an increase from £1,000 to £2,000 a year.

The Premier: Anyone would think we could exercise our discretion as to what salary we paid.

Hon. C. G. LATHAM: It was not necessary to appoint that officer a judge of the Supreme Court.

Mr. Raphael: You had better not commit a murder and be brought before him.

Hon. C. G. LATHAM: I feel I do not care whether I commit murder or anything else. The Constitution provides for four judges. I have no fault to find with the Government for appointing Mr. Wolff to the Supreme Court Bench if it thought he was the proper person to appoint, but there was no need to appoint him a judge of the Supreme Court so that he might assist in arbitration work. Mr. Davies was not ap-

pointed a judge when he took the place of Mr. President Dwyer, who was away on long service leave. He acted as President of the Arbitration Court, and was entitled to half the difference between his salary and that of the President.

The Premier: No. Anyone who relieves a judge gets the salary of a judge. You cannot get away from that.

Hon. C. G. LATHAM: That is not provided for in the regulations.

The Premier: The Public Service regulations have nothing to do with this.

Hon. C. G. LATHAM: I do not mind the Government paying him £2,000.

The Premier: We are paying the salary to which he is entitled; no more and no less.

Hon. C. G. LATHAM: There was no need so hurriedly to appoint Mr. Wolff to the Bench.

The Premier: It was done only a little earlier than it might have been.

Hon. C. G. LATHAM: Why were not Mr. Davies' services continued as Acting President? If he was doing the work whilst Mr. President Dwyer was away he could have done it for a further period in an acting capacity. Even to-day we cannot have two Arbitration Courts until the law is amended. Mr. Justice Wolff can only be an assistant, a commissioner to do the work as provided by the Act. Until the law is amended he cannot be either a President or a Deputy President of the Arbitration Court. If it had been a question of one of the rank and file in the service, a man entitled to long service leave, it would not have been given to him in this way. The Minister for Lands has already demonstrated that. In that particular instance I believe there was a threat that a writ would be issued if the officer did not get his dues.

The Premier: He did get his dues because he was justly entitled to them.

Hon. C. G. LATHAM: He was not then employed by the Government, but eventually he got what was due to him. Let us amend the law, and provide that any officer who does not wish to take long service leave may receive payment in lieu thereof. That is what this amounts to. If the law is so amended, very few people will take either their annual leave or their long service leave.

The Premier: We are not going to do that.

Hon. C. G. LATHAM: The Premier ought to do so because he has already established a precedent.

The Premier: No.

Hon. C. G. LATHAM: Yes. He ought to amend the regulations so that any member of the service who desires to forego his annual or long service leave may be paid in cash. Not many would take their leave under such conditions.

Hon. P. D. Ferguson: One officer has been turned down, anyway.

Hon. C. G. LATHAM: The Government has established a precedent. Since the regulations have been in force I doubt whether any other case of the kind has occurred.

The Premier: Nothing similar has occurred in the past.

Hon. C. G. LATHAM: Has any other officer had his salary raised from £1,000 to £2,000 a year and been paid £625 because he neglected to take the long service leave provided by the regulations? Leave should not be allowed to accumulate in that way. When we were in office we insisted as far as we could that officers took their annual and long service leave when due.

Mr. Cross: You tried to cut it out altogether.

Hon. C. G. LATHAM: When we found ourselves in difficulties we suggested that the teachers should forego their leave, and they agreed to do so. This was done on the understanding that they would get the leave later. At that time there was difficulty about transferring teachers.

Mr. Patrick: If officers do not take their leave now they will lose it.

Hon. C. G. LATHAM: It does not matter how important a man's position may be, we ought to see that some one is available to take his place. We ought not to be left with an officer whose services cannot be replaced. The services of Mr. Wolff in the Crown Law Department were not indispensable, otherwise he would not have been appointed to the Judiciary. The Government has established a precedent which, if followed by the incoming Government, would undoubtedly render it a very popular one. Nevertheless the principle is wrong. Probably the member for Canning would be the most vociferous in his attack

upon the incoming Government if we followed such a precedent.

MR. RAPHAEL (Victoria Park) [8.20]: I have always been opposed to the existence of the State Licensing Court. The court was originally the State Licenses Reduction Board, which was created to do its work in six years. At the end of the six years its term was extended by two years. Then the tribunal ceased to function as a Licenses Reduction Board. Now it is a Licensing Court. The attitude of the chairman of the court towards applicants for new licenses has always reminded me of the attitude of a pig in a silk shirt. There have been exhibitions of Hitlerism lately, but persons appearing before the chairman of the Licensing Court consider that he puts Hitler in the shade. Another strange feature of the court is the nature of the successful applications. I am unable to state whether decisions are given fairly and justly or whether things are pre-arranged. Unquestionably the chairman's attitude has never been fair and just to applicants. One must look askance at the number of hotels in which Mr. Bertie Johnston is interested. Every now and then we read in the daily Press of Mr. Johnston or his dummy or stool-pigeon, or however the person should be styled, as being a successful applicant.

Hon. P. D. Ferguson: How did he get on at Scarborough?

MR. RAPHAEL: I do not know.

Hon. P. D. Ferguson: Were not you the successful applicant?

MR. RAPHAEL: No. I do not drink beer, and do not want a license. However, Mr. Bertie Johnston's successful applications have always been a source of amazement to me.

Mr. Hughes: Nonsense! You have known the reason for years.

MR. RAPHAEL: Not all of us are in the happy position of being able to find out things like the hon. member interjecting does. In passing I may mention that starting-price bookmakers are taking great strides in an endeavour to ascertain what the forthcoming legislation is to be. They run shops in the names of dummies. In my opinion Bertie Johnston has been in the habit of doing the same thing, while retaining a major interest in each hotel. The Government ought to have realised a certain responsibility: the Licensing Court

should not have been re-established or re-appointed, but should have been overtaken by total extinction years ago. I have it in my mind to move that the proposed amount on these Estimates be reduced by £2,839. That will leave £1 to pay the salaries of members of the court—an amount ample for their qualifications and the work they do. I notice the item shows an increase of £82. The reason for that I utterly fail to understand.

Hon. P. D. Ferguson: That is because of the increase in the basic wage!

MR. RAPHAEL: It is neither my desire nor my practice to invade the electorates of other members, but I do desire to refer to an application for a billiard-saloon license in your electorate, Mr. Withers. The applicant happened to be one of my constituents—a returned soldier, a man who was fore unable to do arduous work. He spent knocked about at the front and is therefore the sum of £100 in Bunbury to set up a billiard saloon. The police did not oppose his application in any way; but the honourable gentleman who is chairman of the Licensing Court, after only a small part of the argument in favour of the applicant had been advanced, said that the case was finished and the application refused. He told the applicant definitely he did not want to hear anything more, and that the case was finalised. Another instance related to the old Pier Hotel. I do not know whether members know much about Bunbury. I read with interest a report in the Press that indicated that the member for Bunbury had given evidence in support of an application for the transfer of the hotel license. I congratulated the hon. member on being big enough to take that action and run the risk of kicks from other publicans in view of his suggestions for an improvement in his electorate. About ten years ago I stayed at the hotel—but for one night only. I was an extremely busy man throughout the whole of that night.

The Minister for Mines: Who was with you?

MR. RAPHAEL: What was with me nearly carried me out of the bed. The livestock were there in enormous numbers, and I assure members I was very pleased to get away from the hotel next day.

The Minister for Mines: They were there in their countless thousands!

Mr. RAPHAEL: That is correct. The years have rolled by, but no improvements have been effected to the hotel. I do not know about the bugs; I refer to the outer appearance of the hotel. I have been shrewd enough to keep away from inside the premises ever since. There are two other old hotels in that street, and a first-class hotel is the Burlington, at which I always stay when I go to Bunbury nowadays. An application was submitted to the Licensing Court for the removal of the Pier Hotel, which was not worth two bob and should have been pulled down years ago, if the Court had done its job properly. There was an application for a new hotel on which £15,200 would have been expended, but the Chairman of the Licensing Court, in his wisdom, decided that the application could not be granted because of the presence of a sandhill that would prevent the air getting to the hotel premises. Surely to goodness people who would reside in such a hotel would be far more healthy with the absence of air rather than with the presence of bugs! Another application that the Licensing Court had to deal with concerned one of the most up-to-date hotels in Perth. When the members of the Court saw the plans, they decided that the rooms as specified would be too large. They caused the plans to be altered to provide for a substantial reduction in the size of the rooms. Men with the limited knowledge of health, building and local considerations such as the three members of the Court possess should long ago have been removed from their positions. Would it not be far better for the local magistrate, together with two justices of the peace, who know the localities in which they function and the requirements of the district, to decide whether an application for a hotel license should be granted or refused?

Mr. Hughes: Under those conditions there would be some fun at Fremantle.

Mr. RAPHAEL: I do not know about the position at Fremantle; the people there can look after themselves. I wish to deal with statements made by the member for Kanowna (Mr. Nulsen) when dealing with the Manjimup Hotel. He stated that the population of Manjimup was 5,000, that the cost of erection of the hotel there was £25,000, and that the rental demanded for a period of five years totalled £22,500. Actually there are 1,000 inhabitants within a radius of one mile of the Manjimup Post Office.

Mr. Nulsen: I referred to the whole district.

Mr. RAPHAEL: That area includes much more than the present town. On the 18th February, 1937, there were 1,206 residents within a five-mile radius of Manjimup.

Mr. Nulsen: Have you an interest in that hotel?

Mr. RAPHAEL: No, but a friend of mine happens to be interested, and he is not the Hon. Bertie Johnson! I have been asked to present these facts and figures to the Committee because the gentleman concerned has been attacked on two occasions and has had no opportunity to defend himself. Hence my desire to make these facts public.

The Minister for Justice: Then I take it that in this instance you agree with the Court's action at Manjimup.

Mr. RAPHAEL: No, I am not in agreement with the Licensing Court; I merely wish to correct the mis-statements that were made in this House.

Mr. Nulsen: They were true; they were not mis-statements.

Mr. RAPHAEL: I am advised that the total cost of construction is not available, as the hotel was built over 25 years ago but has since been altered and enlarged from time to time. The cost of all the work would advance the total expenditure much in excess of £25,000. Last year a very high rent was demanded, but it was nothing like as much as £22,500, as mentioned by the member for Kanowna. This was done deliberately in order to get rid of an undesirable tenant whose lease was drawing to a close. He had the right to renew the lease.

Mr. Patrick: We have heard that tale before.

Mr. RAPHAEL: As the tenant refused to accept the offer, the owners were able to assume control of their hotel in June, 1937. Only since then have they been in full control of their premises.

Mr. Doust: Where has that man gone now?

Mr. RAPHAEL: Apart from being an unsatisfactory tenant, he had allowed the reputation of the hotel to suffer. Fresh rebuilding operations have been undertaken since the owners assumed full control, and they now claim that the district is adequately served by the hotel. I do not agree with their views. I do not believe in such a monopoly. Here I agree with the member for Kanowna (Mr. Nulsen) and the member

for Nelson (Mr. Doust) that if an application were made for a new hotel for that district, favourable consideration should be extended to it by the Licensing Court.

Mr. Doust: What is the price of an Australian whisky and soda at Manjimup?

Mr. RAPHAEL: I do not know, and the hon. member can announce that detail to the Committee. During last session I had the pleasure of supporting, with other members, an effort to secure the reduction of this particular Vote to £1, which, in my opinion, should be sufficient. I received the support of a number of members, including the members for Nelson, Subiaco, and Albany, and on this occasion I hope I shall have not only their support, but that of others who voted against the move last year. I trust members generally will realise that the Licensing Court ceased to function long ago along the lines originally intended, and that we could very well revert to the stage when magistrates could undertake these duties, without any additional expense to the State. The amount of £2,808 provided for the Licensing Court could be utilised for a much better purpose, probably in providing work for some of the people who are now denied it.

MR. STYANTS (Kalgoorlie) [8.40]: I agree to a fair extent with what the Leader of the Opposition has said with respect to the ex-Crown Solicitor. An amount of £620 has been paid to the ex-Crown Solicitor for long-service leave that was due, but not taken; he must also have received payment for pro rata long-service leave. Such a payment is denied to public servants who are on smaller wages and salaries. When I left the service of the Railway Department, I had eight years of pro rata long-service leave toward my second period of 10 years; but the Commissioner of Railways, backed up by the Minister for Railways, refused to pay me for pro rata long-service leave because I was leaving the service. I was leaving the railway service to become a member of this House, but had I been dismissed for unsatisfactory conduct, I would have received payment for the pro rata long-service leave. I shall make some inquiries into the payment made to the ex-Crown Solicitor; and if I find he has been paid for pro rata long-service leave, in addition to long-service leave accrued, I shall have something further to say when we come to the Railway Estimates.

I now desire to deal with the Licensing Court, about which the member for Victoria Park spoke. I also desire to comment upon some of the strictures passed on the Licensing Court when the vote was under discussion the other night. I have no axe to grind concerning the Licensing Court, but it did appear to me forcibly that the gentlemen comprising the court were not in a position the other night to defend themselves. I know two of the three members of the court particularly well, although it cannot be said there is a friendship between us. I have known them in the public life of this State and believe they are above suspicion. I do not know the chairman of the board, but the President of the Legislative Council, when speaking the other night, said that if anyone told him Mick Cahill was dishonest, he would tell that person he was not a good judge of character. That is the opinion of the President of the Legislative Council. I desire tonight to put forward the other side of the case. The character of these men, their sincerity and their honesty, have been impugned by various speakers. First, I am not in favour of abolishing the Licensing Court as it is constituted at present. I have travelled extensively in the back blocks of the country during the last 25 years and know that great improvements have been effected in country hotel accommodation. I have in mind old wooden and galvanised iron shacks which were licensed and which probably were unable to provide sleeping accommodation for those requiring it. The proprietors would stare at a person asking for lodging accommodation. Those hotel keepers desired to have as patrons men who drank heavily before retiring and, when they rose in the morning, asked for a few hairs of the dog that bit them. I know that of my own experience as a teetotaler travelling about in the back country.

Mr. Doust: Have you in mind the Pier Hotel at Bunbury?

Mr. STYANTS: I was born in Bunbury, but left that town before I was old enough to enter a hotel to obtain a drink. There has been a wonderful improvement in the accommodation provided at country hotels. I know my friend the member for Murchison will say that that improvement is due not to the Licensing Court, but to the Licensing Act. Some authority is required, however, to police the Act.

Mr. Patrick: The police do that and always have done so.

Mr. STYANTS: My experience of hotels in the back country a few years ago was that they were merely beer houses, with very little accommodation. Most of our country hotels now compare more than favourably with other licensed premises throughout Australia. My opinion is that the Licensing Court has to a very great extent been responsible for much of the improvement; at any rate, credit must be given to the court for that improvement. Not all licensees require supervision. Some proprietors of hotels keep their houses in excellent condition. Others are not quite so satisfactory and they are the people whom the police and the Licensing Court must supervise. I know of a number of old buildings that were carrying licenses but were altogether unsuitable as hotels. They were structural monstrosities; adequate provision was not made for lodging accommodation nor for the sale of liquor. With a Licensing Court such as we have, a uniform policy can be ensured throughout the length and breadth of the State. New houses must be built to comply with modern requirements, and old houses have been gradually improved. I quite agree with the statement of hon. members opposite that the police exercise a great deal of supervision, but if we did not have the police, whom should we have in substitution for them? It has been suggested that the Police Magistrates or the Stipendiary Magistrates should do this work.

Mr. Patrick: They are renewing most of the licenses now.

Mr. STYANTS: They do not do it in my electorate where there are more licensed premises in a given area than in any other portion of the State, despite the fact that this Licensing Court when it was a Licenses Reduction Board delicensed 49 hotels.

Hon. C. G. Latham: All of them have to be renewed at the end of the year. The court could not possibly do the work.

Mr. STYANTS: The police magistrates, of course, could not do it. Those who suggest that police magistrates can do all the work presuppose that police magistrates have plenty of idle time on their hands and any amount of leisure, but neither Mr. McGinn nor Mr. Hannah, the two police magistrates in Kalgoorlie, will agree that they have much spare time. They tell me

that it takes them all their time to carry out the duties allotted to them at present. Consequently, if the Licensing Court were to be abolished, in order that the police magistrates might cope with the work they have to do and the extra work that would have to be allotted to them under the Act, other police magistrates or stipendiary magistrates would have to be appointed and there would be no saving financially. Nor would the system be as efficient as the present one. If we do away with the Licensing Court we shall drift back—it may not be suddenly, but certainly we shall gradually drift back to the undesirable conditions that prevailed previous to the appointment of the Court. One can imagine the chaos that would result from having a series of licensing courts operating throughout the State with no uniform policy and each independent of the other. It would be most undesirable. As has previously occurred, widely different conditions would be established according to the view of the different magistrates taking on the work. No two men hold precisely the same ideas. It is difference of opinion that keeps the world going. We should probably have in Kalgoorlie a certain set of conditions and on the Murchison or in the South-West a totally different set of conditions and chaos would reign in a very short time.

I do not know what motives actuated those that spoke so bitterly—there is no doubt that they spoke very bitterly indeed about the court—when this subject was being discussed the other evening. The most vindictive persons and the greatest critics of the Parliamentary system of this State with whom I have ever come into contact are those that have been unsuccessful aspirants for office as parliamentarians. I believe that most of those who are so vindictively disposed towards this Court—I do not refer to members in this House but to those that tell them tales outside of Parliament—have made application to the Court at some time or other for a new license or for some type of license—a gallon license or some other kind—and have been refused. Hence their bitterness towards the Court. In Kalgoorlie a few years ago an application was made for a hotel license, and the Court rightly decided that there was ample provision for both accommodation and liquor already in Kalgoorlie and consequently refused the license.

One of the persons concerned started to tell me a tale. I told him I did not care whether another license was ever granted to Kalgoorlie, and if a license was granted I did not care who got it, whether it was the notorious Bertie Johnston or somebody else. I told him it did not make any difference to me—I was not an interested party. There are people, unfortunately both inside and outside of this House, without a kindly thought for anyone. I know people who would not agree that it was possible for any person to have honesty and sincerity of purpose. They are inherently dishonest themselves.

Member: Not in this House.

Mr. STYANTS: I withdraw the application of the remark to members of this House, because I must not reflect on them; but there are people who cannot understand that anybody can be put in a position of trust and confidence in which it is possible by the sinking of his scruples and honesty to bring wealth to himself, and yet be prepared to raise himself above pecuniary benefit and steer a straight course, because they are like the notorious Mrs. Tracey of old who said that she judged all people by herself, and knew they were all rogues. Disappointed applicants for licenses go to the member for their district and get his ear, and the member conscientiously thinks that they have a good case and consequently voices his opinion against the Licensing Court not only in this House but also outside as well. Surely it was never intended that Parliament should be used by certain people as a means of vilifying those in public positions who stand out for what they think is right and are prevented by the nature of their position from publicly replying to the charges against them.

Mr. Nulsen: Do you say that 80 per cent. of the people should have their wishes frustrated?

Mr. STYANTS: Eighty per cent. of the people? I do not know of such a case.

Mr. Nulsen: I know of one case.

Mr. STYANTS: I will deal with the Norseman application later on.

Mr. Thorn: It would appear that somebody has been speaking to you.

Mr. STYANTS: It is not a matter of anybody having spoken to me. I looked at the files in the office, realising there were two sides to the story.

Mr. Thorn: I had a look at Norseman.

Mr. STYANTS: I will tell the hon. member later what happened at Norseman. Certain members have referred to the personnel of the present court as being in the nature of political appointments. It is true that two of the men for certain—I do not know about the Chairman—but two of the men, namely, Mr. Burgess and Mr. Barker, were at one time officials of the trades union movement in this State. But will members opposite assert that those were more political appointments than was the appointment of the late Mr. George Taylor to the Licensing Court or the appointment of Colonel Lyon Johnston? We were not uncharitable enough to say that they were political appointments; but because men through sheer ability—and I assert that these men attained their positions by sheer ability and experience—were appointed to this court, members opposite declare that they were political appointments. The Leader of the National Party—and if I am wrong I will stand corrected, though this appeared in the "Sunday Times"—said that the appointments were regarded as political.

Mr. McDonald: I did not say that.

Mr. STYANTS: Then I am prepared to withdraw it, but that appeared in the "Sunday Times."

Mr. McDonald: The paper should have indicated what I said and what it was responsible for.

Mr. STYANTS: I know that that is a common practice and I accept the hon. member's denial. It has been said that the members of the court had no qualifications for the position. I have here their public records and propose to read them to the Committee. One or two members have not only questioned the ability of the members of the Licensing Court but have referred to them as ex-Trades Hall secretaries, and questioned their competence for the work. The first member of the court to whom I would refer is Mr. Burgess. Could anyone find a more honourable or more worthy individual, as proved by his honorary service in most cases on behalf of the public? Mr. Burgess has been a justice of the peace for nearly 20 years, and has frequently sat on the bench of the police courts of Perth and Fremantle. In Fremantle he was deputy coroner, and was regularly called upon to act in that capacity. He became associated with Arbitration Court work in 1913, and was an Arbitration Court

advocate until he was appointed to the Licensing Court. He has appeared in some of the most important arbitration cases ever held in the State, covering almost every branch of industry and calling. In 1920 he was appointed by the Mitchell Government as a member of the Prices Regulation Commission, and occupied that position for two years. This was not regarded as a political appointment because it was made by a National Government, whereas it is so regarded when the same individual is appointed to the Licensing Court by a Labour Government. I have here a reference from Sir James Mitchell—

Mr. J. W. Burgess, of 102 Loftus-street, Leederville, was appointed during the term of my Premiership to the Prices Regulation Commission on the 1st January, 1920, which lasted to the 31st December, 1921. He was also a member of the Wheat Advisory Board from March, 1922, to August, 1923.

In both those positions Mr. Burgess discharged his duties satisfactorily and certainly with credit to himself.

In the second year Mr. Burgess was appointed deputy chairman of the Prices Regulation Commission, and at the conclusion of the work of that body he was appointed by the Mitchell Government a member of the Wheat Advisory Board. He remained in that position until the compulsory pool terminated about 18 months later. In 1925, Mr. Burgess was appointed chairman of the Metropolitan Milk Commission, the other members being Dr. Dale, then of the Medical Department, and Mr. F. Roberts, a successful dairyman. The commission inquired into the whole of the sources of supply of milk for Perth, and inspected the majority of dairies supplying whole milk to the city. A comprehensive report and recommendations were submitted by the commission to the Government. The present Milk Board is operating very largely on the findings of that commission. Mr. Burgess was a member of the Perth City Council for ten years, and was appointed chairman of a special committee to inquire into the workings of the City Engineer's Department. As the outcome of the committee's report many reforms in that department were effected. He was also chairman of a special committee to inquire into the City Health Department. That committee was responsible for an improvement being effected in the working of the department. I met Mr. Burgess about that time, and formed a high opinion

of his honesty and integrity, as well as of his capacity and ability. He was a member of the Fremantle City Council, but resigned from that on being appointed a member of the Licensing Court. Mr. Burgess has occupied many public positions, all of which have fitted him for the post he now so well occupies. Very few men in this State have the outstanding experience and the ability of Mr. Burgess. Notwithstanding all this, some members have referred to him as an inexperienced extrades union secretary. Mr. Barker, another member of the court, is recognised as one of the most capable men in Arbitration Court matters. For years he was one of the leading advocates there. Members who have had experience of work in that court know that a man must be thoroughly capable before he can conduct arbitration cases. Mr. Barker's experience, at the time he was appointed to the Licensing Court, would be comparable to that of Mr. Lione! Carter, who for a number of years has been the Arbitration Court representative for the Employers' Federation. Members opposite would not say, if Mr. Carter was appointed to the Licensing Court, that he did not possess sufficient ability for the work. I would not say so either, for my opinion would be that the experience he has had as an Arbitration Court advocate would fit him for the other position. I do not know a great deal of the other member of the court, Mr. Cahill. He seems to be the gentleman who has caused most of the criticism to be levelled at the court. It is said that he is abrupt to the point of rudeness. That may be so, but I have never had to complain about him on that score. From what I know of him, I do not think he intends to be rude. He is of the Jack Blunt type that sometimes causes offence. I prefer the man who is blunt in expressing his opinions if, when I leave him, I know he has given me his innermost thoughts and true opinions, to the man who has a suave and oily tongue, and is hypocritical, so that after one has left him he has expressed some entirely different opinion to the next person with whom he comes in contact. I do not think Mr. Cahill intends to be rude. His style of approach may bring him to the brink of rudeness, and cause offence, but I think he is innately honest and sincere. He was appointed a member of the court in 1925, and was re-

appointed by the Mitchell Government in 1930. He must have given fairly good service to be re-appointed after eight years of office. Neither his capacity nor his ability was questioned at the time, and in 1930 the appointment was certainly not regarded as political. He sat under the chairmanship of ex-Warden Owen and Mr. Lyon Johnston, and was associated with all the work of the court connected with the reduction of licenses. Possibly no man knows more about licensed houses than does Mr. Cahill, and his experience has proved of great value to the court. It may be said that whilst these gentlemen have had a general experience and carried out many public duties, they had no previous experience in licensing matters. That is true. The same could be said of every member of this Chamber. Until a man has been elected to 'Parliament', he cannot have had any previous political experience. No member would like it to be said now that after some years of service he was not capable of carrying out the work which he was elected by the people to do. The member for Murchison referred to an unfortunate incident which occurred in connection with the Licensing Court. I do not know whether it is a fact or not; I am taking the hon. member's word for it. He referred to a man named McClintock, at one time a member of the Court. The allegation is that McClintock dummied a license for himself, and went into possession of the licensed premises after he had ceased to be a member of the court. Assuming that to be true, it is grossly unjust that the present court should have to carry the burden of a sin ascribed to the court of eight years ago.

Hon. C. G. Latham: Who is blaming the present court for that?

Mr. STYANTS: Right through, the inference has been that the court was corrupt; and this alleged instance dating eight years back has been quoted in support.

Hon. C. G. Latham: That opinion was not held by the National-Country Party Government of 1930.

Mr. STYANTS: I agree with that interjection. The present Licensing Court should not be blamed for an alleged misdemeanour of a man who was a member of the court eight years ago. A member of Parliament was once accused by a newspaper of drugging a young girl aged 16 years in what was known as "Tiptoe Alley," and when

he sued the newspaper for defamation the jury thought the allegation so well established by the journal that it awarded him a farthing damages. Would it be just to blame present members of Parliament because a former member of Parliament had drugged a young girl? I do not care who gets a license. I am not interested in licenses. I care not whether Bertie Johnston gets a license or any other citizen does. I hardly care whether licenses are granted or not.

Now let me deal with the Norseman case mentioned by the member for Kanowna. I have a fair knowledge of the town of Norseman, having for years driven a locomotive between Kalgoorlie and Norseman and frequently camped in the latter place overnight and the next day before returning to Kalgoorlie. If population is taken as the only basis, there should be an additional hotel license in Norseman, and a prima facie case has been made out. From that aspect, I would say Norseman has room for two hotels. But there is another side of the case, the court's side. I had a look at the papers, and will now give a brief history of the application. The Freemasons Hotel was formerly established in an old wooden shed, one of those structural monstrosities to which I referred earlier, not in any way suited for licensed premises, especially when the district, thanks to the revival of mining, began to grow. However, those who had bought into the hotel paid a fairly substantial sum. They were told by the Licensing Court that the premises were unsuitable, and that the license would not be renewed unless a modern, up-to-date building was erected. About £20,000 was spent to provide a hotel, really magnificent for a mining district, whose tenure of life cannot be depended upon entirely. About 18 months later an application was made for a second license at Norseman. The only justifiable complaint made to the court referred to lodging accommodation. The owners of the hotel said that if that was all the town was short of, they were prepared to build another wing. They did this at a cost of about £5,000. On the last visit of the court to Norseman, for the purpose of hearing an application for an additional license, the solicitor for the applicants excused himself for not putting up a strong case on the ground that people prepared to give evidence in favour of the

second license were away at races in Kalgoorlie. It struck me as peculiar that they should be at the Kalgoorlie races on a Friday, seeing that the races would not be run till the Saturday. If those people were really interested in securing a second license at Norseman, which is only a hundred miles from Kalgoorlie, they could have remained in Norseman to give evidence and then gone to Kalgoorlie on Saturday morning, arriving in plenty of time for the races. A couple of witnesses deposed that the bar of the existing hotel was unduly crowded on Saturdays and over week-ends. Can any member mention a hotel in the metropolitan area that is not crowded every Saturday afternoon? That is the case in Kalgoorlie and Boulder, where customers stand five and six deep at the bar on Saturday afternoons.

Mr. Nulsen: It is not crowded on Saturday afternoons only.

Mr. STYANTS: No witness was produced to testify that the bar was crowded at any other time.

Mr. Nulsen: What did the police have to say?

Mr. Patrik: The police advocated a second license.

Mr. STYANTS: On what ground?

Mr. Patrik: The sergeant of police advocated it.

Mr. STYANTS: But on what ground?

Mr. Patrik: That the police could better look after two licenses than one.

Mr. STYANTS: Not that there was any general lack of accommodation either in the bar or in the rest of the structure.

Mr. Thorn: Is all this on the file?

Mr. STYANTS: The evidence is on the court records. When I make investigations I make them thoroughly, with both eyes open and with the desire to get a view of both sides of the case, and not a prejudiced view.

Mr. Thorn: The file should not be available to outsiders. If you wanted the file, you should have moved for it here.

Mr. STYANTS: I have inspected files in scores of Government offices.

Mr. Thorn: You must be privileged.

Mr. STYANTS: I am not privileged, but the officers know that if a matter is regarded as confidential I treat it as such. The only complaint against the present hotel in Norseman is that on two nights the lodging accommodation was insufficient. That happened

when there was a big lodge night and a race meeting in the town. The court agreed that on the evidence the bar was overcrowded on Saturdays, which is common to every hotel in every goldfields district.

Mr. Nulsen: That is wrong.

Mr. STYANTS: I will speak for my own district, and say positively that that applies there.

Mr. Nulsen: I was speaking of Norseman. I know definitely what the position was.

Mr. STYANTS: The hon. member should have produced the evidence to show that what he stated was correct. During the course of his speech he quoted three witnesses and read their testimony. Each witness referred to the over-crowding at week-ends. I have not been in Norseman for nearly three years and I am putting up the case on behalf of the court in justice to men who have done their duty conscientiously and will not tolerate any outside or inside influence brought to bear by members of Parliament.

Mr. Nulsen: I claim I was quite justified in my attitude.

Mr. STYANTS: I have put the case for the court, the members of which say they compelled the two owners to pay a high price for the old Freemasons Hotel and required them to spend about £20,000 on the provision of a new hotel. The court required a good class of building to be erected, and when, after about 18 months, it was shown there was a shortage of accommodation for lodgers, compelled the owners to spend a further £5,000 on the erection of another wing to provide the necessary additional accommodation. The court claims definitely that there was not sufficient business to justify the granting of another license, and that as it had compelled the others to spend over £25,000, the owners should be given a reasonable time within which to get their money back.

Mr. Nulsen: They have had a reasonable time.

Mr. STYANTS: They have not.

Mr. Nulsen: Of course, they have.

Mr. STYANTS: I was there when the first hotel was erected; I drove the "Norseman Flyer" and I also worked the shift there for taking the train back.

Mr. Nulsen: But I have lived there.

Mr. STYANTS: The estimate given by the member for Kanowna regarding the rent

paid for the hotel at Norseman was based on mere assumption and there was not a vestige of truth in his statement.

Mr. Nulsen: I referred to the rent for the two places, not for the one hotel.

Mr. STYANTS: The rent that the hon. member stated was paid for the Norseman hotel was not correct.

Mr. Nulsen: I included the rent for the old hotel as well.

Mr. STYANTS: The hon. member should have said so. He merely stated that a certain amount of rent was being paid for the hotel, and I am prepared to say that his statement was based on mere assumption and was incorrect.

Mr. Nulsen: You are telling me something about my own district?

Mr. STYANTS: I cannot tell the hon. member anything about the hotels in his district because he is interested in hotels there, and he probably knows a lot more than I do about the licensed premises. Nevertheless, I do not care who the member may be, if he submits ex-parte statements to the Committee in connection with any subject, and I happen to find out that he is wrong, I propose to give members generally the correct details.

Mr. Nulsen: What I stated was correct.

Mr. STYANTS: The rent that the hon. member said was being paid for the new hotel at Norseman was incorrect.

Mr. Nulsen: I repeat that what I stated was correct.

Mr. STYANTS: The hon. member could not be in a position to say whether these men had had a reasonable period within which to secure a return of their capital expenditure.

Mr. Nulsen: But they leased the hotel. If they had wanted to get the capital back, they could have run the hotel themselves and secured the return of their capital.

Mr. STYANTS: If we accept the weekly rent the hon. member mentioned, and have regard for the lapse of time, it will be seen that they could not have got much more than half their capital back by now.

The CHAIRMAN: Order! Will the member for Kalgoorlie address the Chair instead of the member for Kanowna.

Mr. Nulsen: At £100 a week for five years.

The CHAIRMAN: Order! The member for Kanowna has made his speech.

Mr. STYANTS: It is a mere matter of arithmetic.

Mr. Patrick: At any rate, you should not say that another member's statement was without a vestige of truth.

Mr. STYANTS: I will repeat that statement.

Mr. Patrick: You should not be allowed to do so.

Mr. STYANTS: It is all right for the member concerned to ask for a statement to be withdrawn, but he will not get much support when we are asked to deal with other important matters.

Mr. Thorn: You will see.

The Minister for Mines: We have seen too often.

Mr. STYANTS: I do not doubt that there will be plenty of support for opposition to the court from both sides of the House or in an endeavour to put the Licensing Court out of existence under a cloud of suspicion and innuendo—because three Labour men were appointed to the licensing bench.

Mr. Patrick: They were appointed by your Government.

Mr. STYANTS: I am answering an attack made upon them.

Mr. Thorn: But that attack came from your own side.

Mr. STYANTS: The report in "Hansard" will prove that the attack came from both sides of the House.

Mr. Nulsen: I did not advocate the abolition of the Licensing Court; I spoke against its policy.

Mr. STYANTS: I have endeavoured to deal with the matter from the Licensing Court's point of view. Knowing the three members of the court as well as I do I am convinced that if they refuse to grant an application for a license, they will have very good ground for their action. We should give the members of the court credit when they arrive at a decision, for doing so conscientiously, believing they were doing their best for the community, without members of the Committee indulging in innuendos or reflections upon the honesty or sincerity of purpose of the Court. If members think the court has outlived its usefulness, and has achieved the object for which it was established at the outset, then I would advise them to wait until the end of August next, when the period of the appointment of the Court terminates. The members of the court can then go out of office with flying colours. The court is a statutory body created by Parliament, and,

in my opinion and in that of thousands of people throughout country districts, has done particularly good work. I would not like it to go out of existence under a cloud of suspicion and innuendo, with reflections upon its honesty and straight dealings, based entirely upon suspicion.

Mr. Marshall: I will guarantee that before you go home to-night, I will give you plenty of facts not based on suspicion.

Mr. STYANTS: That is all very well, but if the hon. member is prepared to make his statements outside, that will be the acid test.

Mr. Marshall: Why did you not find out about the court's action regarding the gallon license at Wiluna and other matters I mentioned?

Mr. STYANTS: I am not interested in them.

Mr. Marshall: You were interested enough to go down and get the files.

Mr. STYANTS: You did not mention that to me.

Mr. Marshall: Yes, I did, and the court did not give you that information.

Mr. STYANTS: I am not concerned at all as to whether the court granted any license or, in its judgment, refused a gallon license. I am not interested in the liquor business, nor am I likely to be. What is more, when the court goes to my district to hear an application for a new license, and decides for or against it, I do not approach the members of that court, as some other members do, and endeavour to get them to alter their opinions and their decisions. I leave such matters to the integrity and honesty of the members of the court.

Hon. P. D. Ferguson: Do members of Parliament do what you assert?

Mr. STYANTS: Yes.

Mr. Marshall: Who are they?

Mr. Patrick: Yes, name them.

Mr. STYANTS: Why should I name them?

Mr. Marshall: Of course, you ought to name them.

Mr. Thorn: You made the charge.

Mr. STYANTS: That is for me to decide.

Hon. P. D. Ferguson: You talked about innuendoes and now you are indulging in them.

Mr. STYANTS: I am not.

Hon. P. D. Ferguson: Of course you are; every member of the Committee is under suspicion.

Mr. STYANTS: I do not propose to name them.

Mr. Marshall: Who has done what you suggest?

Mr. STYANTS: If the hon. member likes, I will mention the names outside this Chamber, after I have obtained the permission of the Licensing Court to do so. What is more, I will not, under privilege in this House, make accusations against members that I am not prepared to repeat outside the House. On another night, if any member who has seen the Licensing Court wants his name disclosed in the House, I shall be prepared to give it, but at present I cannot. That is an undertaking, providing I get permission from the members of the Court.

Hon. P. D. Ferguson: You need not wait for their permission to disclose my name.

Mr. STYANTS: That is all I have to say, except to add that I was particularly concerned about the statements made respecting the members of the Court, whom I know to be reputable citizens. I do not favour the abolition of the Court, which has carried out excellent work.

MR. HUGHES (East Perth) [9.32]: In the discussion on the Licensing Court one important point has been overlooked. The fundamental trouble with the Court is that no appeal lies from its decisions. When the Licensing Court was established, it became a judicial tribunal from whose decisions there was no appeal; and, with such a tribunal, there must be all sorts of complaints. The Court should be made subject to appeal. No one would be adversely affected if it were, because the people in the hotel business are all well off; the obtaining of hotels is not a poor man's pastime. Therefore, if the right of appeal against the Court's decision were given, the poor man would not be crowded out of the business. If the Court's decision were subject to appeal, much of the suspicion against it would be removed, because dissatisfied parties would be enabled to go to a higher tribunal and obtain an authoritative judgment. The higher tribunal would lay down the law in a proper way, and that would serve as a guide for the Licensing Court in future. The next thing wrong with the

Licensing Court is that its members are appointed for only three years. The reason we appoint our judges for life is that they may have nothing for which to hope from the executive power of this State, nor anything to fear. They make decisions which appear to them to be just. They have no fear of losing their appointment and there is no likelihood of their getting any reward. They are free and unfettered in the exercise of their judgment. The decisions of judges are also subject to appeal, until we reach the Privy Council, which is our highest tribunal. In that way the integrity of our judiciary is maintained. The public feels every confidence in the judiciary. People know that if a judge gives an incorrect decision—and that happens very frequently—they can appeal and get it altered by a higher tribunal. The members of the Licensing Court are appointed for three years only and therefore are likely to come and go with Governments. Each member of the Licensing Court must consider whether or not he may be giving offence to the reigning powers and so endangering his reappointment. That is the trouble with the Licensing Court. I hope we shall not establish a similar tribunal to deal with starting-price betting, because if we do so, we shall in twelve months have exactly the same complaints about it. The real complaints about the Court were that certain prominent members of this House were dummying licenses. It is most unfortunate in my opinion that the member for Victoria Park should have singled out Senator E. B. Johnston, and said that he was dummying licenses, but should not have disclosed, as he well knew, who were the partners of Senator Johnston.

Mr. Raphael: The partners?

Mr. HUGHES: Yes.

Mr. Raphael: He has about 40. I do not know them all.

Mr. HUGHES: According to his speech the hon. member did not know.

Mr. Raphael: I do not know all his partners. He has 40 hotels in the State.

Mr. HUGHES: I will supply the omission. I hold no brief for Senator Johnston. He says I ruined his business, and that he will not get another license after my criticism in this House of his Captain Stirling Hotel. I have discussed the position with Senator Johnston. I have also discussed it with Mr. Cahill, the Chairman of the Licensing Court. I was not privi-

leged in seeing the confidential Court files; apparently I am not in the right social stratum to get them. The position put forward by Senator Johnston was this: I do not know whether he told me the right facts or not, but I came to the conclusion, after listening to his talk, that he, like most other people who are struggling to get hotels, was running each of his hotels at a loss.

The Minister for Mines: That is why he keeps on getting them.

Mr. HUGHES: Yes. Most people in the hotel business whom I know say the same thing, yet they are always acquiring additional hotels. I have no hesitation in saying for the edification of the member for Kalgoorlie that the obtaining of the license for the Captain Stirling Hotel at Nedlands was corrupt. I have said so outside the House repeatedly; I have put it in writing and circulated it throughout the State.

Mr. Styants: Many things you have put in print have not been proved.

Mr. HUGHES: Tell me some of them.

The Premier: It did not have much effect, either.

Mr. HUGHES: I do not know.

The Premier: I am telling you. Why say you do not know?

Mr. HUGHES: I think it did have a considerable effect. The position regarding the Captain Stirling Hotel was this—

The Premier: We have heard it before.

Mr. HUGHES: Do not you want it again?

The Premier: We do not want repetition.

Mr. HUGHES: Seeing there is much criticism from the opposite side of the House I propose to give the facts about the Captain Stirling Hotel and the other hotel concerned.

The Premier: Have not you done so before?

Mr. HUGHES: Yes, and I propose to do so again.

The Premier: I thought you intended to give us something fresh.

Mr. HUGHES: This was the position with respect to the Captain Stirling Hotel: the members of the Licensing Court are reappointed every three years. It was found that two of the Cabinet Ministers, the late Mr. McCallum—

The Premier: Oh!

Mr. HUGHES: —and Mr. Collier, who had the appointment of the members of

the Court in the palms of their hands, were secretly in partnership with Senator Johnston in the obtaining and conducting of hotels. That is the view Senator Johnston put forward, and from his standpoint I think it is sound.

The Minister for Mines: Then it is about the only viewpoint of his that is.

Mr. HUGHES: He declared that a Cabinet Minister approached him and said, "If you find the money to finance the hotel we can get a license for it at the Captain Stirling," and the condition is that Johnston has to find all the money, and if the license is granted the Cabinet Minister shares in half the goodwill of the hotel without putting in a penny-piece.

Mr. Lambert: Do you suggest that that was necessary when a Cabinet Minister could get a license out of his own pocket?

The CHAIRMAN: Order!

Mr. HUGHES: There would be nothing to stop any Cabinet Minister from going to the Licensing Court and applying for a license. I for one would not raise any objection. Why did not Cabinet Ministers go to the court, and say that as Cabinet Ministers they wanted a license for this hotel? Why did they not do it in their own names? Why go to Johnston and say, "If you will find all the money to finance the hotel, we can get the license?"

The Minister for Mines: You are taking Johnston's word for that, of course.

Mr. HUGHES: No, I am relying on other documentary evidence that was signed not only by Johnston but by the other people.

Mr. Lambert: You know it is not necessary to go to Johnston or anybody else to get money for a license for a pub.

Mr. HUGHES: I do not know; I have never tried to get one. But when a Cabinet Minister goes to Johnston and says, "You find the money, and if we get the license I am to have a half share"—

Hon. P. D. Ferguson: Were they partners?

Mr. HUGHES: Johnston enters into an arrangement that he has to find all the money and has to give away a half interest in the goodwill when the license is obtained. Why should Johnston give a Cabinet Minister—

The Minister for Mines: That is a new Bertie Johnston.

Mr. HUGHES: —an interest in a hotel valued at anything from £6,000 to

£10,000, for nothing. Why enter into such an arrangement?

The Minister for Mines interjected.

Mr. HUGHES: The hon. member can see the whole of the transaction set out in three secret documents that are secret no longer. The documents are in existence, signed by the parties. The hon. member need not take anybody's word; he can see the written documents setting out the transactions. The only reason Johnston would give away a share in a hotel worth anything from £6,000 to £10,000 was because he thought that was the only way he could get a license. Johnston would not give away 6s. to a Cabinet Minister unless he thought he was obtaining something for it.

Mr. Raphael: Would he give it away to anyone else?

Mr. Lambert: It must have been very corrupt, when he registered all the documents in the Supreme Court, so that they are available to you and anybody else!

Mr. HUGHES: That shows what statements hon. members are prepared to make. The hon. member knows very well that not one of those three documents is registered in the Supreme Court, and there is no provision in the Supreme Court for registering that type of document. Yet the hon. member comes to this House and tries to dispute a fact that is incontrovertible, and says that these documents are registered in the court.

Mr. Lambert: I presumed they were, because they were available to you. I do not know; I could not say.

Mr. HUGHES: The hon. member says he could not say; but he did say.

Mr. Lambert: I presumed they were registered when you made the statement that they were available. I do not know; I could not say.

Mr. HUGHES: The hon. member does not know! But in order to cover up and misrepresent the position he makes a statement that those documents are in the Supreme Court and are available to anyone.

Mr. Lambert interjected.

The CHAIRMAN: Order!

Mr. HUGHES: Of course it was unfortunate for the hon. member that there were certain documents in the Supreme Court in connection with manganese that I, because of certain training, was able to interpret.

The CHAIRMAN: I do not know what that has to do with the question.

Mr. HUGHES: I do not know why the hon. member was permitted to interject in that strain.

Mr. Styants: This is one of the charges the member for East Perth failed to prove before the Royal Commission.

Mr. HUGHES: I am going to show how I failed to prove the charges before the Royal Commission.

Mr. Styants: Then ran away.

Mr. HUGHES: I will show how I failed to prove the charges.

The Premier: Let us get on to something near the subject of the debate.

Mr. HUGHES: Johnston corruptly agreed to pay an amount up to £10,000 in order to get a license at Nedlands where other people had failed. There is no question about that. The whole transaction was covered up by three secret documents, and it was only when death intervened and a dispute arose that the public learnt the truth. I will show the far-reaching effects of the corruption that has been associated with the Licensing Court, because whichever way we look at that transaction, it was a corrupt transaction. If the Cabinet Minister concerned was not able to use his influence with the court, he got the money from Johnston under false pretences, and if he was able to use influence, he corrupted a quasi-judicial tribunal. I suggest that it is either one thing or the other; there is no other alternative. Either the Cabinet Minister bluffed Johnston into thinking he could get a license, or he was actually able to influence the court. What is more, the proof of the pudding is in the eating, because later the Minister got the £6,000 interest in the hotel for nothing, Johnston applied for and obtained a license where other people had failed, and on an inferior site. There is no one in the community who will not agree that the Captain Stirling is on an inferior site in comparison with those to which the other applications applied. And it is an inferior hotel. It was built with a ridiculously small number of rooms for a metropolitan hotel. I venture to say it would not have been passed if other people had been interested. Here is a case in which there are documents to prove one act of corruption in connection with the Licensing Court.

The Premier: You cannot prove corruption against the Licensing Court.

Mr. HUGHES: I said in connection with the Licensing Court.

The Premier: You are suggesting the worst against the Licensing Court.

Mr. HUGHES: No, I am not. I say there were two alternatives. The time has arrived when there should be an exhaustive inquiry into this.

The Minister for Mines: What, another?

Mr. HUGHES: Yes, another. I do not wish to be involved, because I am already overloaded with one Royal Commission. Mr. Cahill told me he was willing to go before any independent tribunal, and have the whole of his private affairs examined so that the public might see what property he had and whether he had been getting graft out of his position. In view of the stricture against him and his willingness to do these things, he should be given the opportunity to enlighten the public concerning the truth.

Mr. Lambert: Let us first get over the Heathcote nut factory business.

Mr. HUGHES: The hon. member will not have long to wait. I wish to show the far-reaching effects of the corruption associated with the Licensing Court. Mr. Percy Har was brought from Queensland to inquire amongst other things, into the correctness of my statements concerning the Inglewood Hotel and the Captain Stirling Hotel. The member for Boulder was called as a witness. This question was put to him, "Are you interested in hotels?" He declined to answer and the Commissioner, who had been brought here at a cost of £1,000, upheld the hon. member and told him he need not give an answer.

Mr. Styants: He should not have had to answer the question, except in connection with the Inglewood Hotel, and he answered that.

Mr. HUGHES: He was asked this question, "Are you interested in a partnership with Senator E. B. Johnston?"

Mr. Styants: It was a fishing expedition.

Mr. HUGHES: Again the hon. member refused to answer, and the Commissioner upheld him.

Mr. Styants: And justly so, too.

Mr. HUGHES: The hon. member made general reflection upon all members. He is not sufficiently fair and has not enough courage to say which member has gone to the court, so that the rest of us may be exonerated. As a judge of fairness the

hon. member's standard is not particularly high.

Mr. Styants: My reputation in the community is as good as yours, whether inside or outside of Parliament.

Mr. HUGHES: Does the hon. member believe in fairness? There are 50 members of this Chamber. Why does he not name the member concerned, instead of casting a cloud over us all? Why does he not say which member has tried to influence the court?

The Minister for Mines: You do not know the definition of fairness, do you?

Mr. Styants: You would like to know the member or members, would you not, so that you could bring the matter up at some other time?

Mr. HUGHES: I do not care what members have approached the court. Possibly members have gone to it in connection with public business.

Hon. C. G. Latham: Here is one who has never been. I do not know the members of the court.

Mr. HUGHES: If I felt like interviewing members of the court on business, I would do so.

Mr. Lambert: There would be no harm in that.

Mr. HUGHES: Of course not. The suggestion the member for Kalgoorlie wanted to convey was that some member had gone there to influence the court, and had failed.

The Premier: One does not have idle conversations with people. One usually tries to influence them one way or the other.

Mr. HUGHES: A member may go to the court for information, and with no other object in view.

The Premier: Would the member for Kanowna be in the wrong if he made an effort to have two hotels erected at Norseman instead of one?

Mr. HUGHES: I am speaking of the member for Kalgoorlie. When the Royal Commission inquired into the complaints concerning the Licensing Court, the Commissioner had before him the one man in the community who could have told him whether or not he was interested in a partnership with Senator Johnston. The Commissioner allowed the member in question to evade the answer. Probably the hon. member thought he had got away with it. It would have been better for the reputation of Mr. Hart, and of those concerned in the

Royal Commission, if the member for Boulder had been allowed to answer the question. Legal proceedings have since been instituted, disclosing that the member for Boulder was and for some time has been a partner in the hotel business with Senator Johnston.

Mr. Styants: And quite honestly so. The law does not say a member may not engage in business with other people.

Mr. HUGHES: There is a marked difference between being interested with someone in a partnership, and being interested in a case where one actually appoints a tribunal. If it was such an honourable association and there was nothing wrong with it, why was it necessary to keep everything secret?

Mr. Lambert: Why should a Cabinet Minister parade all his transactions?

Mr. HUGHES: Although the member for Boulder was interested with Senator Johnston in the Pemberton Hotel, when the application for the license was made it was only disclosed that Senator Johnston was interested. Why was the interest of the member for Boulder not disclosed? Why did the member for Victoria Park attack Senator Johnston and declare that he was dummying hotels, when he has known for a long time that the senator was dummying for the hon. member's own leader? Why did he not say that both Senator Johnston and the member for Boulder were dummying hotels? Why did the member for Victoria Park concentrate on Senator Johnston, when he was dummy for the man who had the appointment of the court in the palm of his hand?

Mr. Lambert: How could you have the appointment of the court in the palm of your hand?

The CHAIRMAN: It would be better if the member for East Perth were allowed to make his own speech.

The Minister for Justice: He knows all about that sort of thing.

Mr. HUGHES: Public confidence in the Licensing Court has been destroyed because of these associations.

The Premier: Because of your innuendoes.

Mr. HUGHES: I did not cast any innuendoes.

The Premier: I do not think public confidence in the court has been shaken.

Mr. HUGHES: I made statements of fact. Notwithstanding the expenditure of public money, and the holding of a bogus inquiry, my facts have been proved by documents from independent sources. Notwithstanding all the efforts of that bogus inquiry—

The Premier: You have no right to say that.

Mr. HUGHES: I have every right to say it was a bogus inquiry. It is shameful that Mr. Hart should be sitting on the Bench in another State, after the manner in which he stifled the evidence he was paid to get.

The Minister for Justice: You are not a judge of standards.

Mr. HUGHES: My standards will compare favourably with those of the Minister for Justice. I do not believe in this type of graft, and, because I have the temerity to mention it, members opposite become annoyed. It was well known that these people were interested in hotels.

The Premier: It was not a bogus inquiry.

Mr. HUGHES: It was.

The Premier: What nonsense!

Mr. HUGHES: A man was paid £1,000 of public money to ascertain the facts of the case, but he would not allow to be given the evidence that would have proved the facts.

The Premier: And you were silly enough to say that Sir Walter James and he had conspired together.

Mr. HUGHES: I say that as Sir Walter James was a party to these transactions, and was solicitor for one of the parties concerned in the Captain Stirling Hotel license, he conducted himself in an unprofessional manner in attending that inquiry and blackguarding me for stating something that he knew was true.

The Premier: Oh!

Mr. HUGHES: Sir Walter James, too, got a slice of the public funds for his part in the transaction.

The Premier: What a rotten suggestion!

Mr. HUGHES: It cannot be denied, because the people concerned have fallen out from time to time and in consequence the facts have become public. To show how bona fide was the inquiry, how bona fide were those who received public funds to help the Commission, Sir Walter James, Mr. Wolff—who has been mentioned this evening as the recipient of £625—and Mr. Keall, all of them experienced lawyers possessing

a knowledge of what questions to ask when Mr. Johnston stated that Mr. Robinson held the Captain Stirling Hotel license in trust, not one of them asked "In trust for whom?" The whole lot of them were taking public funds and were stifling instead of garnering facts. That simple incident proves it. Four of them, all trained lawyers of long experience, when Johnston told them the license was held in trust, failed to ask him for whom it was held. I had before then retired from the Commission as a protest against the exclusion of evidence.

The Premier: Oh, you had!

Mr. HUGHES: When Hart would not allow Collier to answer questions asked. What a fool I would have been to waste my time before such a bogus inquiry! When a man who was paid £1,000 of public funds to ascertain facts showed a determination to stifle facts, what a fool I would have been to waste my time! I suggest it was a bogus inquiry. The Commissioner stifled information instead of garnering it. I venture to say 99 per cent. of the people of Western Australia share that opinion. If it was not a bogus inquiry, why did not the Commissioner get the information available? He came 2,000 miles to obtain information, and then turned it away when the witness was in the box. Why did he adopt that course? Because he did not want the truth to come out. All those legal gentlemen were present, and not one of them asked a simple question. Sir Walter James was solicitor for one of the parties concerned, and knew the facts. He was being paid public money to assist the Commissioner. Why did he not ask Johnston?

The Premier: I do not think you can blacken Sir Walter James's character. Anyhow, it ill-becomes anyone to do that in the case of a man of wonderful reputation.

Mr. HUGHES: I am not concerned with what the Premier thinks. The fact is that Sir Walter James appeared before that tribunal, being paid by the taxpayers of Western Australia to assist the Commissioner, and blackguarding me for stating what he knew to be the truth.

Mr. Wilson: And you are blackguarding him now.

Mr. HUGHES: I am answering him now, and I make no apology for doing so.

The Premier: Sir Walter James has been known for 60 years as an honourable man.

Mr. HUGHES: That does not justify him in taking public funds and blackguarding

people who he knew were telling the truth. If he had had 600 years of honourable public life, that would be all the more reason why he should not have acted so.

The Premier: Are you asserting that he is a crook?

Mr. HUGHES: I am asserting that he accepted public funds to do a job, and that he knew what he was doing. It just goes to show the ramifications of the liquor traffic and what occurs in connection with the obtaining of licenses. It may be that when Mr. Johnston came up for licenses the Licensing Court did not know that he was in secret collusion with Mr. Collier and Mr. McCallum.

The Premier: You said that they were corrupt, didn't you?

Mr. HUGHES: No. I have said, and I repeat, that in the circumstances now disclosed there is an irresistible inference that influences were being used on the court. Discussing the matter with the chairman, I told him this myself; and he agreed that in the circumstances, with all these people getting licenses, it was inevitable that suspicion should fall upon the court. He said he was willing to have his affairs investigated in order to show that he did not receive any pecuniary return out of it.

The Premier: Everyone in this country is satisfied as to the chairman's personal character, anyhow. You say the court is corrupt.

Mr. HUGHES: I say the Captain Stirling license was a corrupt transaction.

The Premier: That means that the court is corrupt.

Mr. HUGHES: I say £6,000 of graft money was obtained.

The Premier: Where does the court come in?

Mr. HUGHES: I do not know. I know Johnston had to pay out £6,000 of graft money—it cannot be described by any other term.

The Premier: Was it corrupt?

Mr. HUGHES: Of course it was a corrupt transaction.

The Premier: Was the court corrupt?

Mr. HUGHES: Of course it was.

The Premier: Everything is corrupt.

Mr. HUGHES: It was a corrupt transaction, and the price of it was £6,000; or perhaps it might have been £10,000.

The Premier: I do not think ten men in the community believe the court is cor-

rupt. If anybody in the State has a deserved reputation as an honest man, it is Mr. Cahill. I do not think we should listen to such stuff.

Mr. HUGHES: I was surprised to hear from the other side of the Chamber criticism of the Licensing Court far more drastic and far more hostile than ever I have uttered.

The Premier: Those critics do not say the court is corrupt.

Mr. HUGHES: The member for Murchison has criticised the Licensing Court drastically time and again. That hon. member once moved for an inquiry into the Licensing Court and the granting of licenses. Did the Premier raise any objection to that? Last session the hon. member again moved such a motion, and I gave notice of a comprehensive amendment dealing with the specific question of the dummying of licenses. Unfortunately—I say “unfortunately” especially in the light of subsequent disclosures—the member for Murchison allowed his motion to lapse. It is a pity that he did not proceed with it and obtain the select committee he asked for last session. The member for Victoria Park (Mr. Raphael) launched an attack on Senator Johnston. Did the Premier rise in protest? Why did not he object to that hon. member's strictures?

The Premier: I am defending the honour of the Licensing Court; I am not concerned about anyone else.

Mr. HUGHES: Why did not the Premier object to the charges levelled by the member for Victoria Park? On the other hand, when another member disclosed the true facts underlying the offers on behalf of Johnston and the efforts demanded on behalf of those associated with him, on account of which he had to make payments in order to get the license, why was that wrong?

The Premier: I am not concerned about anyone else, only about the court. I do not think the hon. member should impugn the honour of the court. I do not think he can prove his charges, and I do not think the basis for those charges exists.

Mr. HUGHES: What I said earlier I repeat for the edification of the Premier.

The Premier: I have heard it three or four times, and it has no effect upon me.

Mr. HUGHES: I repeat the Captain Stirling Hotel transaction involved a pay-

ment of £6,000 of graft money. The proper way to deal with the question is to take the court right away from the possibility of this sort of thing, and that can be done by giving the members of the court an appointment similar to that of judges.

The Premier: That could be considered.

Mr. HUGHES: If the Government is not prepared to legislate for life appointments to the court, the members of that body could be appointed for a specified term of, say, seven years.

The Premier: We could deal with that.

Mr. HUGHES: That could be done with the additional provision that the members of the court would not be eligible for re-appointment at the end of seven years. If that were done, they would then know that they had a period of seven years to serve, and would have no hope of re-appointment for an additional term. In such circumstances there would be no incentive for the court to please someone in order to secure re-appointment. If either of those two alternatives was resorted to, there would not be room for complaint against the Licensing Court because the public would know that the members of the bench had nothing to hope for, that if they had not granted a license, it was because they honestly believed the license was not desirable. If, in addition, the right of appeal against decisions of the court were granted, that would place the whole position on a sound footing. Such an arrangement would be much fairer to the Licensing Court than the present day conditions under which the court is subject to perennial criticism in this Chamber with regard to the granting of licenses. I do not know that there is any need for the Licensing Court now; I do not see why that work could not be done in the same way as other judicial work.

The Premier: You were here when the Licensing Act was dealt with.

Mr. HUGHES: I do not think I was.

Mr. Marshall: You were not in this House when the present court was appointed.

Mr. HUGHES: Was not the licensing authority first set up as a Licenses Reduction Board?

Mr. Marshall: That was in 1922.

Mr. HUGHES: At the outset its function was to reduce the number of licenses. Then I understand that it became a licensing authority in 1927.

Mr. Marshall: No, in 1928.

The Premier: It acted both as the Licenses Reduction Board and the Licensing Court. The major part of its work related to the reduction of licenses at the outset.

Mr. HUGHES: At first the licensing authorities were required to reduce the number of licenses and to grant compensation in respect of properties that were delicensed.

The Premier: That was the main part of its work at the outset.

Hon. C. G. Latham: It continued as a Licenses Reduction Board for six years.

The CHAIRMAN: If the member for East Perth were permitted to make his speech, we would understand his meaning. All the interjections will get us nowhere and must cease.

Mr. HUGHES: As far as I know the licensing body at some stage changed over from being a Licenses Reduction Board to a licenses establishing board. Instead of reducing licenses, it has been mainly concerned in recent years with the granting of licenses.

The Premier: The reduction of licenses continued until there were no more to be dealt with.

Mr. HUGHES: In the last seven or eight years the court may have delicensed one or two premises, but there have not been many reductions in recent years.

The Premier: That is so.

Mr. HUGHES: So in recent years the Licensing Court has been functioning mainly for the granting of licenses.

Hon. C. G. Latham: The court does not reduce licenses now.

Mr. HUGHES: And to that extent it has ceased to function as was originally intended.

Mr. Patriek: There is no compensation available now.

Mr. HUGHES: The person who applies for a license should make a complete disclosure to the court of all that are interested with him in the application. He should tell the court whether he was applying in his own right or whether he was merely the nominee of someone else. The court should take a stand on that point. If I were a member of the Licensing Court, I would be inclined to say to the man who had eleven hotels, "You will not get another license; why not let someone else have a chance." Why should the same man get one license after another? Would it not be better if every licensee were responsible for his parti-

cular license, thereby enabling one man to make his living by virtue of the license granted him for the control of one hotel? Surely that would be preferable to a system that permits one person to hold 10 or 15 hotels that are controlled by managers whose conditions of employment are very often not at all satisfactory. I do not drink, and do not care whether hotels are licensed or not. It is no material concern of mine. I believe we would be much better off if instead of certain people controlling the monopoly regarding the selling of liquor, the grocers were permitted to sell a bottle of beer to any person who wanted one. What virtue is there in making a man buy six bottles of beer when he requires only one or two?

There is another aspect of the liquor business that should receive close attention. If someone gets the idea that a certain block of land is a suitable site for an hotel, the moment that becomes known the value of the block increases 300 or 400 per cent. That means that the owner of the land benefits by the enhanced value of the land by virtue of the suggestion that a monopoly may be granted in respect of hotel premises proposed to be erected on his property. Thus the landlord secures a rake-off from the outset. As soon as the provisional license is granted, the premium paid to the State is ridiculously low. Licenses are granted with premiums of £1,500 whereas frequently the capital value of the license runs up to as much as £10,000. The State that is supposed to get the premium based on the value of the license secures a return of about one-fifth. The moment the Licensing Court decides that a site is suitable for a new hotel, the State should erect that hotel in compliance with the requirements of the licensing authorities. When the premises are completed, the State should then call for tenders for the leasing of the premises for periods of five, seven or ten years, giving everyone an equal opportunity to tender. Such a practice would get rid of all the complaints about the Licensing Court and the struggle to secure licenses. Under those conditions, in probably 15 years the State would secure the refund of the capital outlay and then would have possession of valuable assets in the interests of the people generally. Then again, instead of an individual securing the profits arising from the liquor monopoly, the State itself would derive the benefit. Where monopolies are granted to private indi-

viduals, and where those monopolies are valuable, then graft inevitably follows in their wake, because the people who want the monopoly rights will pay for them. If we would put the liquor traffic on a sound basis, we must overcome the present system whereby the value of some person's land is increased three or four times, and when an hotel is erected upon it, the owner can charge an excessive rent. Members would be astonished if they had a statement showing the rentals charged for licensed premises, as licensed premises, and the rental that would be obtained if the license were absent. That would be the true economic rent. Buildings are being leased at present at rentals of £50 and £100 a week simply because attached to them are licenses. Those same premises, unlicensed, would not yield more than £15 or £20 a week. The difference between the economic rent and the monopoly rent goes to the private individual. When we grant a landholder a license, we make him a gift of perhaps £20,000 or £50,000 of public funds, because we say to the people, "If you want liquor, you will get it only from this source." Immediately we increase the value of the premises. As a matter of fact, we are doing the same thing to-day in giving persons the right to sell lottery tickets. The moment a person secures a license to sell lottery tickets, the rent of his premises increases. I suggest that what we need is a remodelling of our licensing laws, with a different outlook as to who owns the rents of licensed premises.

Hon. P. D. Ferguson: The State hotels supply only about 5 per cent. of the requirements of the people.

Mr. HUGHES: I do not know why a State hotel should supply only 5 per cent. of the requirements.

Hon. P. D. Ferguson: The State hotels will not provide any more.

Mr. HUGHES: That is only a matter of administration, not of principle.

The Premier: It is a matter of cold cash.

Mr. HUGHES: To get money to extend the State hotels should not be difficult, if we had a system by which the State hotels could borrow money on bonds or debentures secured by the hotels themselves. People would readily subscribe for such bonds or debentures, because they would receive a higher rate of interest than is ordinarily paid. People would be glad to have such securities, because of an assured return. I

have heard complaints from time to time about the conduct of the chairman of the Licensing Court. The statement has been made that he has been rude to people who appear before him. I do not think there is much in the complaint. If he is rude or offensive to people appearing before him, their remedy is to answer him in his own coin. That would bring him to his senses. The fact that he is the chairman of the court gives him no right to be offensive to witnesses and counsel, who would be quite within their rights in answering him back. If, however, they do not stand up to him, what can they expect? Suppose he did say something a little offensive on the spur of the moment, and counsel answered him back in his own coin, what could he do? He could not refuse to hear counsel.

Mr. Patrick: He has done so.

Mr. Marshall: That is so.

Mr. HUGHES: The chairman has not refused to hear counsel.

Mr. Marshall: He said he would not listen to counsel.

Mr. HUGHES: Counsel should have stayed and demanded to be heard. When a judge in South Australia acted in that way, he was removed from his office. The mere occupation of a judicial position does not confer upon a person the right to be offensive with impunity. If counsel had stood up to the chairman, I venture to say he would have come to heel. Although I am a man of peace, if Mr. Cahill is rude to me, I can assure members that I will answer him in his own coin; I feel sure I will get a hearing.

Mr. Patrick: You might not get the license.

Mr. HUGHES: That behaviour is not peculiar to Mr. Cahill. Counsel in the lower courts frequently have rude remarks made to them from the bench. In a book entitled "Justice in England," recently circulated, bitter complaints are made about the rudeness to barristers in the petty courts in England. Some sensitive men are driven from the bar by this behaviour, and practise in other branches of the law. I do not think Mr. Cahill is such a tiger as some people imagine. Occasionally when dealing with a case he might get annoyed, and have his say, but I do not think that does much harm. If, on the spur of the moment, he said he would not hear counsel, I do not think he would persist in that attitude if

counsel insisted upon being heard. Even in the superior courts during the last six or seven months counsel has walked out of court because he was not satisfied with the way the judge treated him; the judge thereupon adjourned the court and returned in half an hour, when the business proceeded as though nothing had taken place. I am sorry the member for Murehison did not proceed with his inquiries to ascertain the true facts relating to the Licensing Court. I do not think there is need for him to do so now, because the latest legal proceedings have made a complete disclosure and amply justified what I said both in and out of Parliament regarding the granting of licenses. Those proceedings completely justify the wise policy of Mr. Hart, from Queensland, in not allowing evidence to be adduced when he did not want to find out that my statements were true. I make no apology for the statement I have made concerning Mr. Hart and the way he conducted the inquiry. I make no apology for what I said concerning the failure of other people who were getting away with public funds, to answer questions. I think we ought to abolish the Licensing Court as it is at present constituted. We ought to put an end to our present system of licensing. If we have to establish another tribunal, let us establish it on sound judicial lines. Let us give the members of the court a better appointment, one that will make them free from fear and favour. Let their decisions be subject to appeal in the ordinary way, and then we shall have a licensing system on a proper judicial basis, and the need of these perennial complaints in Parliament will be obviated.

MR. RODOREDA (Roebourne) [10.30]: This matter has aroused quite a lot of interest, perhaps almost as much as is taken in s.p. betting. I wish to say a few words about the attitude of the chairman of the Licensing Court. The member for East Perth (Mr. Hughes) made apologies for the attitude of the chairman, and mentioned that counsel were able to look after themselves when they came into conflict with him. I quite appreciate that point, but the member for East Perth must remember that it is not only counsel who appear before the Licensing Court. In the outback parts of the State ordinary citizens are often compelled to appear and

state their own cases before the chairman, and they are the people who apparently get a very rough spin. I was asked last year to make a protest against the attitude of the chairman as the outcome of a case that was heard in Roebourne. I did not do so because I desired to ascertain the facts. On my last visit to Roebourne I obtained all the evidence available from those who were in the court at the time. In every instance the evidence agreed with the written complaint that had been forwarded to me, namely, that the chairman had adopted a blustering, hectoring attitude toward the witnesses who, in this case, were appearing against the granting of a gallon license in Roebourne.

By the way, I should have thought it would be quite unnecessary for the chairman of the court to make a trip all the way to Roebourne—he went without any other member of the court—to investigate the question of granting an extra paltry gallon license. Two or three licensees of hotels in the district attended the court and objected to the granting of the license, and they were the people who complained of the attitude of the chairman. Not only did they complain that he had treated them with scant courtesy, but they said he had actually refused to allow them to put in their principal points of evidence. That was their chief complaint. As the complainants remarked, “We are scared to stick up for our rights in front of this chairman because he has unlimited powers over us.” That is the point. They are afraid to assert their rights because he, as a result, might compel them to make £100 or £200 worth of improvements to their premises, and he has the right to do that without question.

Mr. Hughes: Is not the right of appeal the remedy?

Mr. RODORED: Of course it is. The member for East Perth has suggested the one method that should be adopted to make the court effective, that is, presupposing the court is necessary. I do not think the court is necessary; I believe the expenditure on it is a waste of money. If it is necessary, however, very different conditions should apply to the appointment of the members of the court. It is quite wrong and quite unfair to them, as well as to the public, that they should be appointed for only three years at a miserable

salary as compared with what we pay the judiciary. We have to bear in mind that the Licensing Court has far greater authority than has any other judicial court in Australia, if not in the world. I consider that the members of the court should be appointed for at least seven years, subject to Parliament and not to the Government, and that the salaries of the members should be increased to the extent at least of those paid to judges. Then we could reasonably say that the members of the court would be above suspicion. To do that, I consider, is the duty of this Parliament. We must, to the greatest extent possible, make the judiciary free from even the suspicion of graft. There has never been the slightest indication of suspicion against our judicial courts, but none of us can ignore the fact that there is an air of suspicion whenever the Licensing Court is mentioned. I have no fault to find with any of the licenses granted by the court. I do not know the circumstances under which they were granted, and do not pretend to, and I have no desire to touch upon that aspect at all. When we consider the facts that have been brought to light during the last two or three years, and when we consider that the three members of the court combined receive only a little more salary than is paid to one judge, I am inclined to think that we could not blame them too much if they did listen to reason. Men who are appointed with only a three-years tenure of office and at a comparatively miserable salary—

Mr. Seward: What would you call a decent salary?

Mr. RODORED: We pay judges £2,000 a year.

Mr. Patrick: What do we pay magistrates?

Mr. RODORED: The three members of the Licensing Court receive only £2,300 or £2,400 between them. A judge, in addition to receiving almost as much, is appointed for life. Further, the activities of the Licensing Court concern the general public much more than do the activities of most of our judges. The Licensing Court deals with aspects of life with which the public is closely concerned.

Mr. Needham: Are the conditions comparable?

Mr. RODORED: I should say they are. If we want a court to look after the licens-

ing of hotels, we should see that the members are appointed for a reasonable term to carry out their policy, and we should pay them salaries that would place them above suspicion. I do not propose to vote for any reduction of the vote if such an amendment is moved. That is the wrong way to set about securing an improvement. I would prefer to have the Licensing Act amended in the direction either of abolishing the court or of putting it on a more satisfactory basis than exists at present. There is nothing personal in my view of the question. Ever since I have been in the House I have supported the member for Murchison (Mr. Marshall) in his endeavour to get some more satisfactory method adopted. I am not personally acquainted with any of the members of the court; I would not know any one of them if I met him in the street. All I can say is that after a very lengthy consideration of this matter extending over three or four years, I consider that the Government is to blame in that, in spite of all the criticism that has been voiced in this Chamber during that period, it has not taken up the matter and introduced a Bill to amend the Licensing Act.

MR. PATRICK (Greenough) [10.38]: I should like to draw the Minister's attention to a matter that is causing a considerable amount of concern in the country districts. I have received from the Dalwallinu Road Board a copy of a resolution as follows:—

That members of the Legislative Assembly of this road district (Dalwallinu) bring before the Minister for Employment that this board strongly protests against the work being given in lieu of punishment when convicted persons will take work in the country and no reference has been given to employers on engagement of such persons.

I do not know whether this is a matter for the Minister for Employment or for the Minister for Justice. Let me give an instance to show how this practice operates. A lad was convicted in Perth of stealing, and in lieu of serving time in gaol, was given the option of taking work in the country. He naturally took the work in the country. While working at a certain person's place at Buntine, this lad, after being there a couple of months, made a complete raid on the owner's house and farm mates' quarters, and removed a bicycle, bedding, and any available cash and disappeared. He was eventually caught and convicted on this charge.

The Minister for Justice: That matter does not come under this department.

Mr. PATRICK: It has been raised on various occasions, by the member for Irwin-Moore, I think, and it is certainly one of which the Minister should take notice. There would be far more justice in a country magistrate's giving a convicted youth the option of going to the city, where there are more police, than in sending such a youth from the city to the country where there are probably no police available to protect employers. If this matter does not come under the department of the Minister for Justice, I hope the Minister for Employment will take notice of it.

I propose to make a few remarks regarding the Licensing Court. I do not intend to make any charges against that court. I am not in the habit of making charges or innuendoes against anyone. I simply take the stand that it is not a judicial body. Members may recall that last year I asked a question of the Minister for Justice as to whether he had noted the extraordinary procedure of the chairman of the Licensing Court (Mr. M. J. Cahill) at a sitting held at Geraldton, and whether he would not consider asking for Mr. Cahill's resignation and the appointment of a chairman with the necessary judicial temperament. The case in Geraldton concerned a hotel at Perenjori in my electorate that had neither accommodation nor anything else. The residents of the district had become so incensed over a period of years that they had a petition signed requesting the road board to take up the matter with the Licensing Court in Geraldton, with the object of a renewal of the license being refused until certain improvements were made. Legal opinion was obtained with regard to this petition, which bore 164 signatures, 150 of residents of the district and 14 of travellers. The ruling given was that the petition could not be received by the court until proof was supplied that the signatories had actually signed the petition and were resident in the licensing district. So the chairman and secretary of the board proceeded to Geraldton and took with them the manager of the co-operative store in Perenjori to certify that the people had actually signed the petition. When they reached Geraldton—and I may say that they employed a lawyer—the chairman of the court stated that a telegram had been received from the secretary of the Perenjori Progress Asso-

ciation saying that the association disavowed the petition and therefore he had no intention of hearing the evidence from the road board. That was an extraordinary attitude to adopt because, after all, a telegram was no evidence. There were the chairman of the road board and the secretary, with their petition, prepared to give evidence in regard to the condition of the hotel; yet the chairman contemptuously waived them aside and refused to hear them. The member for East Perth said that any lawyer could insist on being heard, but the road board was represented by counsel and the chairman refused to hear counsel. In those circumstances I do not know what they were to do. After the case was heard, I received a letter from the secretary of the progress association, Mr. A. R. Piper, who is the son of a late distinguished judge in South Australia and a brother of the gentleman who was recently the chairman of an important Royal Commission. The letter was as follows:—

At a well represented meeting of my association held on the 10th December last, I was instructed to forward for your information a copy of a motion which was the unanimous opinion of those present:—

“That this association desires to place on record its strong disapproval of the hostile and discourteous treatment accorded the representatives of the road board by the chairman of the Licensing Court at the renewal court held at Geraldton on the 4th November last and wishes these sentiments to be conveyed to members of Parliament representing the district in protest thereof.”

My complaint is that this is not a judicial body at all. One could not imagine any chairman of a court with legal or judicial knowledge absolutely refusing to hear witnesses who had travelled 200 miles to give evidence. This complaint is borne out by the statement of the member for Kanowna, concerning the case of Norseman, where the chairman of the court said he placed no reliance on evidence given by the police.

Hon. C. G. Latham: Was not a sergeant of police removed on account of it?

Mr. PATRICK: If he places no reliance on the evidence of the police, I do not know how he can carry on his duties, because the court depends on the evidence of the police with regard to the renewal of licenses. The court could not possibly inspect every hotel in the State; it depends on police evidence. I can amplify the statement of the member for Kanowna to some extent because there was one thing he did not mention, and that

was that the chairman of the Licensing Court gave the reason why police evidence was not reliable. He said, “The police come to this court on some occasions and oppose the license and on other occasions they support it. What reliance can be placed on evidence of that character?”

Hon. C. G. Latham. That shows unbalanced judgment.

Mr. PATRICK: It is the duty of the police to support licenses if they are considered necessary and to oppose them if they are considered unnecessary. That is all I have to say on the matter, but I should like to add that I agree with the member for Murchison that this court is absolutely unnecessary. The member for Roebourne (Mr. Rodoreda) made reference to the miserable salaries paid to the members of the court, but the work of the court does not take very many days of the year, because the matters of renewals are attended to by stipendiary magistrates. The members of the court are far better paid than are ordinary stipendiary magistrates, and there is no doubt that this work could be done quite well by our magistrates in the country. As the member for Murchison has pointed out, magistrates were at one time hampered by an imperfect Act, but now there is a very good Act and there should be no difficulty either in the renewing of licenses or in the granting of new ones. I repeat that in my opinion there is absolutely no necessity for this court, and therefore, if only as a protest, I intend to support the amendment that the member for Victoria Park proposes to move.

MR. WATTS (Katanning) [10.49]: My ideas about the Licensing Court are entirely non-personal. To me it is purely a question whether the court in its present form is required, and if not what should be substituted. The bench as at present constituted does not seem to be the one we should have. I have long contended that the gentlemen who have sat on the bench—however valuable they may have been in their previous occupations, and however useful they may have been as members of the court on some occasions—have not been entirely fitted for the job. Some members have suggested we should go back to the days when a resident magistrate, with two justices of the peace, constituted a district licensing court, but I trust that system will not be reverted to. That was not a satisfactory bench at all. There were times, I dare

say, when the system worked quite well, but it was that type of bench, notwithstanding that the law has greatly been improved since that time, which was very largely responsible in some districts for the varying practices that existed in regard to licensed premises. In some places no doubt it worked well, but not so in the majority of instances. To go back to that stage would be a retrograde step. There is an alternative to asking district magistrates, resident or stipendiary magistrates, to take over the job themselves. I agree with the member for Kalgoorlie that there are several centres where resident magistrates could not have these additional duties superimposed on the work they already do. No doubt there are places where magistrates have not too much work to do, and where it would not be difficult for them to assume responsibility for other jobs; but in the larger centres the magistrates would find great difficulty in carrying out additional duties. My suggestion is that a stipendiary magistrate should be appointed in exactly the same way as others are appointed under the Stipendiary Magistrates Act, but that such magistrate should be appointed specially to deal with the issue of licenses and the renewal of licenses for premises for the sale of liquor and other matters covered by the Act. He would be the particular person responsible for all questions connected with the Licensing Act. If such a man were appointed we would have the advantage we are supposed to get from a separate Licensing Court, namely, that there would be continuity of effort, and State wide methods adopted so that the local option which previously existed would no longer be noticeable. In this man we would also have one who would be trained in a judicial manner, as stipendiary magistrates must be, and he would be capable of dealing with all questions that came before him. If he required local assistance it should be within his province to co-opt the local resident magistrate. I believe that a system worked on those lines, by the appointment of one stipendiary magistrate as the licensing magistrate for W.A., with power to co-opt the good offices of a local magistrate if he required them, would result in a greatly improved state of affairs. I do not think the Licensing Court is required in its present form.

There then arises another question. If the reduction of the item suggested by the member for Victoria Park is moved, would it be

worth our while to support it at this juncture? The hon. member proposes to strike out £2,808 from the amount of the Vote. It seems to me that to vote for such a proposal would be unreasonable for two reasons. The first is that approximately one-third of the year will have gone, and secondly there would remain a liability against the Crown for the payment of not less than two-thirds of the amount covering the unexpired period of the appointments. Whilst it may be said that whatever amount we strike out there remains only the moral obligation of the Government to pay any more, I submit there is a legal obligation to pay at least one-third of the amount involved. Thus the hon. member would make things more difficult if his proposal were carried. By reducing the amount substantially he would be instructing the Government to abolish the Licensing Court. I should say it would be unreasonable to reduce the amount so greatly that it would be impossible for the Government to honour the legal obligation it has already incurred. So far as the law stands it is necessary for the Government, I understand, to have a Licensing Court constituted as is this one. It seems to me the proper way to go about the business is for the Government to amend the law. Any amendment would receive ready support from me, particularly if it were on the lines that I believe would be most satisfactory. I see no reason for supporting the suggested reduction. It is, however, within the province of a member to move that the Vote be reduced by a substantial amount, to indicate to the Government the desire of the Committee. I understand the expressed intention of the member for Victoria Park is to move for a reduction in the Vote of £2,808. Expressed in such terms I think the proposal would be somewhat unreasonable.

I should like also to refer to the Transfer of Land Act. That contains no provision for trusts to be entered upon any title deeds or similar documents. The Registrar of Titles will accept the deposit of documents that declare the existence of a trust, but the record of the trust does not appear on the title. It is extremely difficult to register a document such as a mortgage or other security that makes a reference to the fact that the moneys referred to are held by a mortgagee as trustee. It is unnecessary to continue the present position. I understand that

the inability to register a declaration of a trust on the certificate of title or other title deeds dates back to the time when the Torrens legislation was first introduced. I have never been able to discover why it was put into its present form, but apparently at the time there was some good reason for it.

The Premier: It has been considered to be too complicated to alter in the ordinary way.

Mr. WATTS: An opportunity should be afforded for a trust that has been declared to be noted on the title deeds or other securities concerned. As members of the select committee we have had an opportunity to study the Legal Practitioners' Act. Some inquiries were made into the position. We found that in one instance a solicitor, who made default some years ago, was the actual registered proprietor of a mortgage. There was no notification on the register that he held the mortgage as trustee, and he was accordingly able to go to one of the associated banks and there obtain an advance on the security of the mortgage, use the money for his own purpose, and deprive of his rights the person for whom he held the property in trust. That position should not have arisen, in that the bank would never have made the advance if there had been compulsorily noted on the register the circumstances of the trust. Whilst there may be reasons why an amendment of the Transfer of Land Act in this direction could not be permitted, if there are such reasons I shall be glad if the Minister for Justice will look into the matter and let us know what the position really is.

The Premier: The Act will have to be amended.

Mr. WATTS: I know that. Why should it not be amended?

The Premier: There is no reason unless the House refuses to deal with it.

Mr. WATTS: I think an amendment should be brought down at an early date.

THE MINISTER FOR JUSTICE (Hon. F. C. L. Smith—Brown Hill—Ivanhoe—in reply) [10.58]: To take first things first, I will refer to the complaint of the Leader of the Opposition as to the payment of £625 to Mr. Justice Wolff. I understood his complaint was not so much concerning the payment, for he desired to do justice to the officer concerned as a member of the Public Service, but that he objected to the long service leave being allowed to accumulate.

Hon. C. G. Latham: I objected to both.

The MINISTER FOR JUSTICE: He objected to the payment thus becoming necessary.

Hon. C. G. Latham: I do not think the payment should have been made.

The MINISTER FOR JUSTICE: The hon. member thinks we should have denied the officer the money in question.

Hon. C. G. Latham: Yes, whilst he was in the employment of the Government.

The MINISTER FOR JUSTICE: This Government is opposed to accumulation of long service leave—very definitely opposed to it. But notwithstanding that opposition we are from time to time faced with the necessity for denying some officers, who actually want to go on long service leave, the right to go. Circumstances arise that compel us to continue the services of officers in the departments, and oblige us to refuse them the opportunity to take long service leave. I cannot say from memory what are the circumstances associated with the case of Mr. Wolff. I do know that he was appointed Crown Solicitor in August, 1926; and I assume that his long service leave would become due in August, 1933, just when a session was beginning, and just when a new Government came into office. Therefore it may be that circumstances were such as to necessitate our refusing Mr. Wolff long service leave at that particular time.

Hon. C. G. Latham: What did you do when he was away sick for so long?

The MINISTER FOR JUSTICE: He was not away very long.

Hon. C. G. Latham: A good while.

The MINISTER FOR JUSTICE: I have often had it said to me, "What would you do if you woke up in the morning and found a man's name in the death notices?"

Hon. C. G. Latham: Of course a man can be done without.

The MINISTER FOR JUSTICE: We cannot always do without a man, because we have to do our best in the circumstances, the best for the State in the position we hold under the State. Frequently that compels us to retain the services of a man to deal with matters arising at a particular time. In fact, there is something going on at the moment in connection with which it might be much better for the Government and for the State if an officer now on long service leave were here. The probability is that if he had not gone away when he did go, he would not have been able to leave the State.

Such are circumstances which arise. As regards Mr. Wolff, who displayed a great deal of assiduity and energy in his position, and had constantly been called upon to do a considerable amount of extra work connected with Royal Commissions and inquiries, I may particularly mention his last appointment as a Royal Commissioner, in which he did wonderful work. In fact, the Premier has already indicated that we would be quite justified in awarding him some extra remuneration for his services rendered in connection with the problem of youth employment, and the vast amount of overtime work he did in gathering evidence and in subsequent compilation of the report. I am, of course, aware that usually it is highly placed officers who are subject to this particular condition, officers who are not easily replaced. Their services at times cannot be done without, and their positions cannot be satisfactorily filled by substitutes at certain periods. Thus it often happens, as the Leader of the Opposition knows, that the Government has to say to an officer, "You cannot have your long service leave now when it is due to you; you will have to wait three or four months." The officer may have to wait three or four years.

Hon. C. G. Latham: Is it better to say, "We will pay you for your long service leave"?

The MINISTER FOR JUSTICE: I do not think we did say that.

Hon. C. G. Latham: You did it.

The MINISTER FOR JUSTICE: We did it in circumstances which implied that Mr. Wolff might have had his long service leave if he had not conducted the inquiry into youth employment.

Mr. Styants: Long service leave is given for the purpose of recuperation.

Hon. C. G. Latham: The fact of its not being taken shows that it is not needed.

The MINISTER FOR JUSTICE: I would not say that. I acknowledge that many public servants do not know what to do with it when they get it, particularly those on the lower range of salaries. But the Leader of the Opposition knows just as well as I do that there are circumstances in which long service leave has to be postponed. Eventually it accumulates, and the facts of this particular case are not unique. There was that important investigation relating to youth employment, and we re-

quired Mr. Wolff's services for it. It was imperative to get a man well fitted for the task. Moreover the congestion in the Arbitration Court was developing all the time. In that connection demands were being made upon us, and those demands were supported by the Opposition. So the necessity arose for making an appointment.

Hon. C. G. Latham: Mr. Davies could have done that work.

The MINISTER FOR JUSTICE: There is no satisfaction in making a temporary appointment, either as regards the appointment itself or as regards the individual appointed.

Hon. C. G. Latham: You know that the appointment of Mr. Davies in connection with the Arbitration Court was merely temporary.

The MINISTER FOR JUSTICE: It was made only because the President of the Arbitration Court went away on a holiday.

Hon. C. G. Latham: And Mr. Wolff's is a temporary appointment to-day, as regards the Arbitration Court.

The MINISTER FOR JUSTICE: He acts as chairman of industrial boards, and he is an addition to the judiciary of the State; a very necessary appointment, too. No one can refute that contention.

Hon. C. G. Latham: The other man is in permanent employment as Master of the Supreme Court.

The MINISTER FOR JUSTICE: We effected two purposes by one move in appointing Mr. Wolff to the Supreme Court bench, for which he is well qualified, and as chairman of industrial boards. That is a compliment which could be paid to very few men in Western Australia. It is highly difficult to find a man so well qualified to fill the two positions. We were fortunate in having Mr. Wolff at our disposal to fill them.

Hon. C. G. Latham: That has nothing to do with the payment of £625.

The MINISTER FOR JUSTICE: The question raised by the member for Kataning in relation to trusts appearing on title deeds I know nothing about, but I shall have inquiries made and ascertain the position. Now as regards the vexed question of the Licensing Court, I do not feel myself called upon to justify any of the decisions of that court. The tribunal has been vested with certain powers under the

Licensing Act, and is charged with the responsibility of making decisions on evidence placed before it at inquiries associated with applications made to the court. In this respect the Licensing Court is much the same as any other court. It functions as a judicial body.

Mr. Patrick: The court refuses to hear evidence.

The MINISTER FOR JUSTICE: The members of the court have discharged their duty without fear or favour. The suggestion by the member for Kanowna (Mr. Nulsen) that the court acted without discretion was absurd. Other members passed uncomplimentary remarks about the court and endeavoured to justify their statements by ex-parte assertions. The members of the Licensing Court are responsible for arriving at decisions on applications referred to them.

Mr. Patrick: But in accordance with the evidence.

The MINISTER FOR JUSTICE: In arriving at decisions the court is bound to disappoint someone, and is certain to create enemies amongst disappointed applicants. I submit that if the court makes enemies, that is more an indication that it is doing its job than otherwise. No court, however constituted, in considering applications and evidence on the issues raised, can deal with matters so clear and well defined that its decisions can remove all possibility of dissension.

Mr. Marshall: But when the court will not listen to evidence, what then?

The MINISTER FOR JUSTICE: That is another question.

Mr. Patrick: And a very important question.

The MINISTER FOR JUSTICE: The whole process of legal disputation—including issues that require for their settlement the appointment of an arbitrator, or in connection with such matters as are dealt with by the Licensing Court where decisions must emerge ultimately from a variety of factors and circumstances and in their determination must be the outcome of the exercise of mental processes that cannot be reduced to a matter of mechanical accuracy—must of necessity lead to some dispute or difference of opinion as to the wisdom or justification of the decisions arrived at. A little while back the member for Murchison (Mr. Marshall) drew attention to the

fact that many of the decisions of the Full Court were upset by a higher tribunal. The member for West Perth (Mr. McDonald) sprang to the defence of the Full Court and pointed out that such cases involved issues that were highly contentious and that it was not unusual for the court having the last guess to settle the issue. What gives rise to such contentions in connection with those issues? Is it not that the weight of argument or evidence on both sides is such that it is hard to distinguish where the greater weight lies, and so the verdict hangs in the balance? That happens in every type of court, whether it be a lower court, the Supreme Court, the Full Court or the High Court. Always there are cases requiring attention in which it is difficult to arrive at a decision based upon the evidence adduced.

Mr. Patrick: It is very difficult if the court does not accept evidence.

The MINISTER FOR JUSTICE: In such instances there are bound to be differences of opinion. The Licensing Court is not different from any other tribunal in that respect. From time to time it is faced with issues upon which it is difficult to arrive at a decision. Whatever the decision, there is bound to be disappointment. Those in favour of the license consider they have put up a good case to warrant the granting of the application, whereas those opposing the application consider they have made equally good submissions. The court has to arrive at its decision. I know of no court, the decisions of which are not questioned at times. During the debate the statement was made that one member of the Licensing Court had granted a license in which he was interested. I presume the reference was to Mr. A. S. McClintock, because a newspaper published in Perth levelled that charge against him with regard to a hotel at Denmark. It was asserted that he was a member of the Licensing Bench, and was at the same time associated with a hotel when a provisional license for the premises was granted. In justice to Mr. McClintock, at any rate in connection with that license, I wish to state the facts. Mr. McClintock was appointed to the Licensing Bench in August, 1926. The provisional certificate for the new license and erection of a hotel at Denmark was granted on the 26th March, 1926, or about four or five months prior to Mr. McClintock's appointment to the

Licensing Court. I have known two members of the present Licensing Court for at least 15 years, and the chairman for the past 25 years. No member of this House is so entitled to wear the white flower of a blameless life that he can point the finger of scorn at any member of the present court.

Mr. Raphael: "Let him that is without sin cast the first stone."

The MINISTER FOR JUSTICE: If those who have so readily cast aspersions had their own sins written on their foreheads, they would probably be found pulling their caps well down over their eyes.

Mr. Marshall: Don't be in too much of a hurry to condemn yourself.

The MINISTER FOR JUSTICE: I am probably in that position as much as other people, but I suggest our attitude towards one another should be one of sympathy and toleration, which would at least be an acknowledgment of our own defects and failings.

Hon. C. G. LATHAM: Even although you know you have been doing wrong?

The MINISTER FOR JUSTICE: When I know I am doing wrong, that is another matter altogether. When we do wrong, we know it, as the hon. member is well aware. I have a high regard for the integrity and honesty of purpose of the present members of the Licensing Court.

Mr. Cross: You are not alone in that.

The MINISTER FOR JUSTICE: I am in a position to say that, because I have known them for so many years. We usually give references to people whom we know, because we have the opportunity of judging their character and honesty. The honesty of the three members of the licensing bench cannot be impugned. An attempt was made to discredit them. Mention was made of the attitude of the chairman. It was said he could speak the English language correctly. I sincerely trust we shall not be condemned because we cannot speak the English language correctly. Very few people indeed can avoid the many pitfalls on the road to correct speech. One hon. member said that these gentlemen were blunt and direct. The chairman may be blunt.

Mr. Marshall: He is not blunt; he is ignorant.

The MINISTER FOR JUSTICE: On the other hand, we were talking here the other evening about a man who is supposed to have ruined the goldmining industry of

Western Australia. He is not blunt or direct. He is highly polished, suave and polite.

Mr. Patrick: The two extremes!

The MINISTER FOR JUSTICE: Yes, perhaps.

Mr. Raphael: Cannot you strike a happy medium?

The MINISTER FOR JUSTICE: I would rather have a man plain, direct and honest than a man with excellent manners but dishonest. The duty devolves upon these gentlemen of testing the evidence placed before them. The applicant may have representation, but no person is appearing on behalf of the Licensing Court, so the members must make inquiries and test the evidence. No doubt a similar duty devolves upon judges in other courts, but not exactly in the same way, because those judges have some assistance. The Crown Prosecutor elicits evidence and tests it, so the necessity in the ordinary course for making inquiries is not so great as it is in the Licensing Court. In the course of testing evidence, the members of the Licensing Court must ask many questions.

Mr. Patrick: You admit they ought to hear the evidence?

The MINISTER FOR JUSTICE: I am not referring to the particular circumstances mentioned by the member for Greenough, about which I know nothing.

Mr. Styants: It would be interesting to hear the other side of that case.

Mr. Patrick: It is correct.

The MINISTER FOR JUSTICE: I am not here to justify the decision of the Licensing Court on any matter, because the members of the court are vested with certain powers and must accept responsibility for their decisions. They hear the witnesses and are much better fitted to arrive at a decision upon any application than is any member of this House upon ex-parte statements of interested persons.

Our present licensing system arose out of a Bill that was introduced in this House in 1921 by the Mitchell Government. During the discussion on that Bill, so many amendments were suggested and submitted that the Government eventually appointed a select committee to inquire into the ramifications of the liquor trade and make suggestions for the amendment of the Licensing Act. That committee was afterwards—on the 11th February, 1922—appointed an honorary Royal

Commission and examined 151 witnesses. Two of the members of that Royal Commission visited the Eastern States to secure data about licensing matters. At that time, 919 licenses of various kinds were in force in Western Australia. The State was divided into licensing districts; a police magistrate and two justices of the peace presided over the Licensing Court in each district. We all know how unsatisfactory that system was. Before the Act was amended, we had local option every three years. The result was that in those districts where licenses were more numerous than the population required, the people voted for continuance; but in those districts where the number of licenses was fewer than the population warranted, the people voted for reduction. Local option proved to be both ineffective and illogical. Prior to 1911, however, we had much the same system as we would have if we reverted to the system of a court comprised of a police magistrate and two justices of the peace, who were empowered to hear applications for new licenses. Most of the evils associated with the liquor traffic in this State were due to the fact that we had too many hotels in many districts throughout the State. The licenses for those hotels had in most instances been granted previous to 1911. Under that system, the Licensing Court was comprised of a police magistrate and two justices of the peace. There was no uniformity in the business at all. The greatest evil associated with it was that there were too many licenses in many districts. All sections of the community in Kalgoorlie gave evidence that the licenses in that district could be reduced by at least 50 per cent. That is a slight indication of some of the evils that existed under that system. Some members of the Commission went to the Eastern States to make inquiries. In reporting the Commission referred to the valuable data brought back for consideration by the members who had made those inquiries. They found that the system of a licensing court for the whole of the State had been in operation in New South Wales since 1906 and that it was subsequently copied by Victoria in 1916, and that in both States it had operated very successfully and satisfactorily, as I may say it has operated in Western Australia. So the Royal Commission recommended the appointment of a licensing court to deal with the whole of the licensing business in the State, the court to have

certain authority to delegate to local magistrates powers in connection with renewals and transfers because of the impracticability of one authority dealing with all those matters. The members of the court, however, do deal with those matters in every part of the State at some time or other, and so are afforded an opportunity to get to know the people in the trade, while the people in the trade have an opportunity to get to know the members of the court. That was one of the strong points made by the Royal Commission. It was copied from Victoria because the Commission felt that a great amount of good had accrued from the licensing authority travelling all over the State and dealing with the whole of the ramifications of the liquor trade. Thus uniformity was secured, and the result was, as the member for Kalgoorlie has pointed out, a great improvement in the licensed premises throughout the country districts. From my experience of travelling through the country I know how different are the hotels now from those of years ago.

Mr. Cross: A vast improvement.

Member: That would be natural under any administration.

The MINISTER FOR JUSTICE: If that is natural under any administration, why was it not so before 1911 and why was it not so before 1922?

Hon. C. G. Latham: Because the law was amended in 1922. We tightened up the law tremendously.

The MINISTER FOR JUSTICE: It was not tightened up to that extent.

Mr. Marshall: The Minister does not know a thing about it or he would not be talking like that.

The MINISTER FOR JUSTICE: I know the conditions.

Hon. C. G. Latham: The member for Murchison will be keeping us here till 2 o'clock.

Mr. Marshall: I am not concerned about that.

The MINISTER FOR JUSTICE: The new Act was passed after a very exhaustive inquiry into the whole matter by a Royal Commission. Let me give some indication of the attitude of people towards those who were charged with making decisions under the licensing Act. When the Bill was before the House in 1922 an amendment was moved, and supported by many members, seeking to prevent any member of the then Perth

Licensing Bench from being appointed to the new court. That attitude was adopted because of the decisions that the Perth Licensing Bench had made in connection with the reduction of several hotels in the metropolitan area arising out of a local option vote. Members can have it as they like. If they feel that the members, who then voted to exclude from the new court any member of the old Perth Licensing Bench because of the decisions given in consequence of the local option poll, were justified, it is an indication how those bodies might operate if they were restored under some amending legislation. On the other hand if it is felt that those members were not justified in questioning the decision of that tribunal—I do not know anything of the circumstances—well, I feel that a body charged with making decisions does its best on the evidence available and that the decisions should not be questioned. We have all sorts of critics of those placed in positions where they must make decisions. Members have only to go to the Subiaco Football Ground to get evidence of that. The Football League experienced great difficulty in getting umpires, and yet around the ground is a host of critics, every one of them posing as an umpire.

Mr. Cross: And all of them are right.

The MINISTER FOR JUSTICE: They presume to have a knowledge of the game and infer that the man charged with the responsibility of controlling the game knows nothing about it. Similarly with the Licensing Court; the members of the court are the umpires who have to make the decisions on the evidence placed before them, and I feel that the condition of the trade in this State and the honesty of purpose that has characterised the present members of the Licensing Court justify their continuance in office.

Item, salaries and allowances, etc.

Hon. C. G. LATHAM: Under this item two amounts are shown, leave on retirement £470, and extra remuneration £291. On looking at the Estimates for last year I find that the amounts were £956 and £250. Those were the amounts authorised by Parliament. I wish to protest against those votes being excessed without Parliament having an opportunity to know why they were excessed and the purpose for which the money was used. Generally the details are set out in the statement of accounts, but on this occa-

sion no details are given. If we are going to pass for payment certain sums of money, and then permit excess over those amounts, the Committee should be informed of what is being done.

The Minister for Justice: They are only estimates.

Hon. C. G. LATHAM: That is what we pass. When they are excessed, we should know the reason. If the Minister is going to put up that argument, the sooner we close down the better. The Committee would never have known anything about the item I have referred to—the money paid to Mr. Wolff—if it had not been for the Auditor General's saying it was charged against the wrong Vote. By Act of Parliament we transfer the powers of this House to different authorities, and the very little control we now have we are simply handing over to the Minister, and we might as well close down altogether. The day must come when Parliament must secure better control of the finances of the State. If not, we shall get into the same trouble as many countries in Europe are in. Democracies are failing, and failing fast; let members make no mistake about that. Ministers of the Crown, irrespective of party, are becoming autocrats and dictators.

The Premier: Sometimes they are slaves to the system.

Hon. C. G. LATHAM: That may be so. They have not the backbone to stand up against it.

The Premier: Oh, yes!

Hon. C. G. LATHAM: The Auditor General is our servant and not the Minister's, and in future when these Votes are excessed he should give us the reason. On this occasion he has not done so.

Mr. Lambert: It might be a matter of policy. The Auditor General is not there to deal with matters of policy.

Hon. C. G. LATHAM: He is there to show what becomes of the money. The accountant who makes up the statement, or the Under Treasurer, or whoever it is, should show us the position. The Committee will not oppose anything reasonable. As a member of the Chamber, I propose to tell the Auditor General that in future I expect to know from him the reason for excesses.

Vote put and passed.

Vote—Licensing, £3,090:

Item, Salaries and Allowances, £2,840.

Mr. RAPHAEL: I move an amendment—
That the item be reduced by £2,839.

There is no need to reiterate what I have already said regarding my opinion of the conduct of the court and my estimate of its usefulness to the community. In assessing the salary of the three members at £1 I am being more than generous.

Mr. MARSHALL: I tried to point out, when speaking on the Estimates a few evenings ago, that such a move is utterly impossible inasmuch as the court exists as the result of an Act of Parliament, and the only way to get over the difficulty is to amend the law. The hon. member could have moved to reduce the item to £1 as a protest. That is as far as we can go in that regard. In order to get over the job I have in front of me as quickly as possible I may as well say what I have to say on this matter in speaking to the amendment. There is an adage, "There is none so blind as those that will not see." The Minister can safely be placed in that category.

The Minister for Justice: There is also another which says, "Wise men make proverbs and fools quote them."

Mr. MARSHALL: Now we may get on with the discussion. The Minister's defence was probably justified, having regard to the very little knowledge the Minister has of the licensing laws. I assumed that the Minister knew something about the old and the new licensing laws, but after having listened to him I have come to the conclusion that he is not too conversant with either. Let me deal with the licensing laws as they are to-day. I will deal with the investigation to which he referred. The recommendation of the Royal Commission—and I was in the Chamber when the Licensing Bill was being discussed—which Parliament supported was the appointment of a licenses reduction board. Seemingly the Minister did not know that. As a matter of fact, the Licenses Reduction Board did little but reduce licenses during the six years it was in existence. The Licenses Reduction Board had no relationship to the present Licensing Court. The argument advanced at the time the board was created was that too many hotels had come into existence, and this Chamber clung to the suggestion that a licenses reduction board

possessing unlimited powers would be the proper tribunal to cope with the situation.

The Minister for Justice: A licensing court was also appointed under the same Act.

Mr. MARSHALL: There was a court for each district. The Minister inferred that the present court was the outcome of the inquiry held at the time the Licenses Reduction Board was appointed. That is wrong. The Parliament of 1921-22 was influenced by the position that existed then, and felt the necessity for appointing a board to effect the necessary reductions in licenses. From what the Minister said, members may think that Parliament agreed at that time to the appointment of the present court. That is not the case.

The Minister for Justice: Members of the Commission supported the proposal to appoint a licensing bench.

Mr. MARSHALL: To bring about a reduction of licenses. I do not want the Minister to mislead members who were not in this Chamber at the time.

The Minister for Justice: I would be misleading myself if I did.

Mr. MARSHALL: My impression was he wished the Chamber to believe that Parliament was influenced in creating the court as we know it to-day, whereas we were influenced by the necessity for reducing the number of licenses. The Minister and the member for Kalgoorlie have used the same old arguments that have been used for years, namely, that the Licensing Court has improved the standard of our hotels.

Mr. Styants: I can give you proof of that.

Mr. MARSHALL: Has the court improved the standard of the United Service Hotel in the heart of the city?

Mr. Styants: One swallow does not make a summer.

Mr. Raphael: Has the dive in Barrack-street been improved?

Mr. MARSHALL: The Palace Hotel, the Savoy Hotel, the Esplanade Hotel, the Federal Hotel, and others I could mention were built long before the Licenses Reduction Board was created, and they appear to be modern hotels. Is not the Palace Hotel thoroughly up-to-date, and suitable in every way for the purpose for which it was designed? No board was required to bring that into existence.

Mr. Styants: How could the board have created it when it had not been brought into existence?

Mr. MARSHALL: The board could not have improved the standard of our hotels at that time had it not been for the Act that was passed when the board was created. Under the old Act no magistrate had power to compel a licensee to add more rooms than were required by the staff.

Hon. P. D. Ferguson: The public demand brought about many improvements.

Mr. MARSHALL: Yes. I want members to be fair and to refrain from giving the court more credit than belongs to it. The Minister referred to hotels on the goldfields. We know the standard that existed there some years ago.

Hon. C. G. Latham: The court is causing people to erect more expensive buildings than circumstances justify.

Mr. MARSHALL: The Leader of the Opposition should be careful. That is not altogether due to the action of the court. So many people are trying to get licenses because of the monopoly that goes with them, that when tendering for a license they are inclined to submit plans and specifications for buildings outside the requirements of the district. Under the old Act every magistrate who adjudicated upon the application for a license was no doubt influenced by the fact that each new license brought further revenue to the State.

Mr. Patrick: Did not one warden actually say so?

Mr. MARSHALL: A specific figure was charged for each type of license in the old days. Magistrates naturally decided it did not matter how many hotels came into existence, that men would not drink more because greater facilities were offered to them, and that every new license would bring £50 or £60 to the Treasury. Hotel keepers could not be compelled to provide certain accommodation and other requisites such as must be provided to-day. Probably the court has enforced the Act fairly fully, but a magistrate could do so in the same way. There would be quite a different picture under the rule of magistrates to-day as compared with their jurisdiction under the old Act. If the magistrates took over the work of the Licensing Court, they would, it is said, have far more work than they could cope with. I cannot speak for the city, but anywhere on the goldfields magistrates do the bulk of the Licensing Court's work—all the renewals and all the polic-

ing. That work would not be greatly increased by their hearing applications for new licenses.

The Minister for Justice: The Licensing Court hears some of those applications on the Murchison.

Mr. MARSHALL: When the court fails to delegate its powers to magistrates. I do not know that any of our magistrates are so overworked that the little extra duty imposed upon them in hearing applications for new licenses would be beyond their capacity. The Minister said there was bound to be criticism of the Licensing Court by friends of disappointed applicants. I do not take that remark to myself, for I have no friends who are disappointed applicants for licenses. My criticism of the court is not inspired by any feeling of that kind. But I have sat in the court on two occasions at Wiluna and Meekatharra listening to the chairman taking evidence. All I have said about the chairman I adhere to, as it springs from my personal attendance at the sittings of the court. After my last speech on the subject of the Licensing Court I received even telegrams of congratulation, in addition to letters. One letter accused me of not attacking the chairman of the Licensing Court vigorously enough. No applicant has a kind word to say of the chairman. According to the Premier, the board decides on the evidence; but how can it do so if the chairman will not let an applicant state his case? One applicant had a prominent Perth lawyer appearing for him. Presently that lawyer said, "Your Worships, as I am not permitted to present my case, I will leave the court." The case was never presented. Can a court adjudicate fairly upon evidence if the court will not hear the evidence?

Mr. Styants: Solicitors often walk out of court when they know they cannot win a case.

Mr. MARSHALL: There is no force in that observation. The hon. member interjecting, in an apologetic way, defended the chairman of the court, calling him an abrupt man. The chairman refers to people as "liars" and tells them to "shut up." That is typical behaviour of the chairman towards witnesses. Another practice not uncommon with him is to go into hotels at Meekatharra and Wiluna and tell the licensees to hunt out every permanent boarder

and lodger on the premises. He says the law does not provide for permanent boarders or lodgers, but only for travellers.

Mr. Lambert: That is true.

Mr. MARSHALL: I know it is the law. Apparently Murchison miners must become human camels in order to provide lodgings for travellers. The miners have to maintain the bar by drinking. The chairman of the court should not go about telling landlords to hunt boarders and lodgers out. When the Act was reviewed, we were careful to see that travellers were catered for, and we finished up that work by providing for travellers only. I resent the attitude adopted by the Chairman of the Licensing Court and I would certainly like to see the member for East Perth (Mr. Hughes) present a case before him. I disagree with the member for Kalgoorlie (Mr. Styants) regarding the uniform policy that would be carried out if we had the old methods of administration under the terms of the existing Act. In my opinion, a local magistrate would know much more about the requirements of his district than members of the Licensing Court who, for instance, are never seen in the Murchison unless there is an application for a license. In those circumstances, what can the members of the licensing bench know about local requirements there, more particularly as the chairman refuses to listen to evidence when it is available? The member for Kalgoorlie accused members of listening to the complaints of people who had grievances against the Licensing Court, and suggested we were disappointed because our friends had not succeeded in securing licenses.

Mr. Hughes: And that some members had approached the court!

Mr. Styants: Yes, and I stand by that statement.

Mr. MARSHALL: The hon. member should disclose their names here. Mine will not be found among them. He attacks other members who have attempted to see that justice is done to the taxpayers who have had to go to expense in connection with applications made to the court. He can go to the department, and go through files in order to present the views of the court and, of course, he can do no wrong! He is justified in listening to the court's tale of woe and desires to do the court justice.

Mr. Styants: Who launched the attack first, you or the court?

Mr. MARSHALL: I am not dealing with ex-parte statements or with what I have been told, but am criticising the court on the basis of my personal knowledge of what has happened.

Mr. Styants: A most biased, lop-sided and unjust attack!

Mr. MARSHALL: The hon. member did not give us the court's explanation regarding the gallon license at Wiluna. He has access to the files, but he did not deal with that.

Mr. Styants: I will look into that matter and get the explanation.

Mr. MARSHALL: Wiluna has a population of 7,000 who are resident in four towns.

Mr. Styants: And it has four hotels.

Mr. MARSHALL: I do not know whether the fourth hotel was established when the application for the transfer of the gallon license was lodged.

Mr. Patrick: There is a town in my electorate with 500 inhabitants and there are three hotels and a couple of gallon licenses as well.

Mr. MARSHALL: The storekeeper at Wiluna delivers goods to customers miles out of Wiluna. Although there is only one gallon license there, the court refused an application for the transfer. No doubt the court can advance some explanation in justification of its attitude, just as any magistrate or judge can do so with regard to his decisions. I have stated the facts. We have heard talk of the honesty and integrity of the members of the court. I will assume that they are honest. Who appointed the court?

Mr. Styants: Sir James Mitchell reappointed the chairman in 1930.

Mr. MARSHALL: I have no argument to raise against any member of Parliament investing his money in any way he chooses, but I do take exception to the fact that any man who has power to appoint the members of the Licensing Court, has at the same time invested his money in the liquor trade. I take strong exception to that.

Mr. Hughes: Some have shares in hotels without having made any investment at all.

Mr. Styants: How many members of Parliament are in that category?

Mr. MARSHALL: I take strong exception to that, and I do not think I need go any further, as members understand what is behind my statement. There is only one man who appointed that court, and I need not say any more. If individuals who are dependent upon a person for appointment

or reappointment to such a court, later find that that person has made an application for a liquor license, seeing that it does not matter to the court or to the community who secures the license, who is likely to get that license? Without casting any aspersions, I respectfully suggest that it is merely human nature if the members of the court are inclined to reciprocate. I frankly confess that if I were a member of the court, I would be inclined to act accordingly in similar circumstances.

Mr. Styants: And you measure every one's corn by your own bushel.

Mr. MARSHALL: I attribute to every one just ordinary human nature.

Mr. Styants: You could not understand it not being done.

Mr. MARSHALL: I have held responsible positions and if I had cared to be dishonest, I could now be a millionaire. That is more than the member for Kalgoorlie can say. I have handled vast quantities of gold and have not lost a gramme. I have lived an honest life and I cannot understand that what is wrong for one person can be right for another. Politics is rotten from that standpoint, and I cannot agree with it. I do not care whether it be a Labour or an anti-Labour man, I deplore such an attitude. I cannot help it. My disposition gets me into bother because of that fact. If it is wrong for the Leader of the Opposition to do something, it is wrong for me to do it. I take up that attitude, and I do not care where it leads me. I am just as honest as has been any member for Kalgoorlie, including the present member.

Mr. Styants: You said you were more honest than I.

Mr. MARSHALL: No.

Mr. Styants: Yes, you did.

Mr. MARSHALL: The hon. member infers that I am dishonest.

The Minister for Employment: No.

Mr. MARSHALL: I would not be here to-day if I had been dishonest. My only regret is that I ever darkened the doors of the House.

Mr. LAMBERT: The outburst by the member for Murchison was remarkable.

Mr. Hughes: Not as remarkable as the one we shall get.

Mr. LAMBERT: It reminds me of my reading of French philosophy. A French philosopher said that he sinned to remain pure, and if to sin is to remain pure, the

member for Murchison is pure. I think his very useful contribution to the debate could have been directed to the personnel and possibly to the reconstruction of the Licensing Court. In the discussion he showed, sometimes in a vindictive way, that he has a little knowledge of the licensing laws of the State.

Mr. Marshall: You ought to be an authority upon them.

Mr. LAMBERT: I would rather be an authority upon them than be an authority on many things upon which the hon. member is an authority.

The CHAIRMAN: Order!

Member: The member for Murchison is not vindictive.

Mr. LAMBERT: Some 25 years ago, our Licensing Act provided that a local magistrate, sitting with one, two or three justices of the peace, should have authority to grant licenses; and licenses were granted indiscriminately, particularly on the gold-fields, and some, of course, in the metropolitan area. A Royal Commission was appointed in 1921 or 1922 to inquire into the liquor traffic. I think the then member for Perth (Mr. Mann) was chairman. I do not know whether the present member for Bunbury was a member of the Commission.

Mr. Marshall: I will say he was not. He was not even a member of Parliament then.

Mr. LAMBERT: The commission made an exhaustive examination of the licensing laws of Australia. It was found that the licensing laws in force in Victoria at that time came nearest to what we considered necessary to regulate the liquor trade in this State. The Bill that was passed at the time has given a considerable amount of satisfaction, notwithstanding that the member for Murchison finds much fault with it. The Licensing Court, even with its defects, must be given credit for having done a job that no magistrate could do. If the member for Murchison knew the anomalies that existed under our licensing laws before they were amended in 1921 or 1922—I do not want to go back—

Mr. Marshall: Go back. I want to know.

Mr. LAMBERT: If the hon. member were to go back, he would discover how many anomalies existed at that time. I could stand here for a week and speak about them.

The Minister for Employment: Oh!

Mr. Cross: Do not carry out that threat.

Mr. LAMBERT: I had a motion drafted that the Government be requested to review the personnel of the court. I think that possibly a very small part indeed of the shocking exaggeration of the member for Murchison is true; but that is no reason why we should revert to the old system. No member of the House has made out a more forcible case in favour of the Licensing Court and our present system than has the Minister. There is no question about that. Because some disappointed applicant for a hotel license has made a complaint, that is not to say the court is corrupt. I know nothing about the Licensing Court, and about those who make applications for licenses. I do know, however, that the present system is infinitely better than, I shall not say the corrupt, but wrong system that prevailed previously.

Mr. NULSEN: I am sorry to have to speak at this hour.

Mr. Marshall: We have often been here later.

Mr. NULSEN: But I cannot refrain from speaking on the matter. I spoke the other night on the policy of the court—nothing else. I did not criticise the integrity of the members of the court; I criticised what they were doing. I most emphatically repeat, on behalf of 80 per cent. of the people of Norseman, that they object to a one-hotel monopoly. The member for Kalgoorlie doubted my statement about the rent.

Mr. Styants: One hundred pounds a week.

Mr. NULSEN: About £100 a week. I repeat what I said the other night, that the rent of the old hotel and the shop amounts to about £100 a week. The hotel and shop are connected, because the license was transferred from the Freemasons' Hotel, I think in 1934; and the lessee rented the old premises as well as the shop, and both naturally come under the one heading. The rental, as I say, is £100 a week, and if a calculation be made, it will be found that the owners have nearly recouped their capital expenditure. In any case, would not the hotel carry a capitalisation of half the amount expended upon it? Why should these people have all their money returned to them before another hotel is erected? On the other hand, I say emphatically that if consideration is to be shown to the owners to the extent of giving them the right to recoup their capital expenditure, they should conduct the hotel themselves instead of let-

ting it, because the lessee is probably making twice as much. Therefore, the capital would be returned in three years at the outside if the hotel were conducted on a proper basis.

I repeat that I have nothing at all to say against the owners and the lessee of the hotel. I candidly admit that the hotel could not be conducted better. At the same time 80 per cent. of the people want a second hotel, and some consideration should be given to their request. The whole of the unionists in Norseman have asked for a second hotel, and have asked me to do my best to get it granted. Against the 80 per cent. who want the second hotel, not one of the ministers of religion has objected, although the hotel business is against their principles. They agree that a second hotel should be granted. I was speaking to Sergeant Archibald in the street the other day, and he expressed regret that he had not seen me before I spoke previously on the Licensing Court. He said, "You could have emphasised what you said about the chairman, who was insulting to me and cast a slur on the integrity of the police of Western Australia. You can say that from me for what it is worth." Some members are acquainted with Sergeant Archibald and know that he is an outstanding man, earnest in his work, fair and just in every way, and by no means a bully. Yet we have the chairman of the Licensing Court abusing him and charging him with corruption. It is impossible to refute those facts. Is it right that when an application is made for a second hotel, the owners of the existing hotel should apply to make additions for one purpose only, namely, to block the building of the second hotel? Does not that indicate an understanding between the Licensing Court and the owners, namely, that if they spend so much money in making additions, whether those additions are necessary or otherwise, they will keep out a second hotel?

Mr. Styants: If the accommodation is sufficient, what is the virtue in having a second hotel?

Mr. NULSEN: Why should the residents have to tolerate the inconvenience of a bar crowded to the extent that this one is? Why should all nationalities be forced to mix in the one hotel? Why deprive the police of the control that could be exercised if a second hotel were granted?

Mr. Styants: Do not those men mix at work?

Mr. NULSEN: Yes.

Mr. Raphael: But it is a different matter mixing in liquor.

Mr. NULSEN: Quite different.

Hon. C. G. Latham: And there are other matters, the size of the glass, the brands of liquor, courtesy to customers, and all those considerations.

Mr. NULSEN: That is so. It is not nice for patrons to have to stand back and have a pot of beer handed past four or five people. No wonder trouble occurs. Further, the bar cannot be kept clean when it is so overcrowded. I have seen over 400 people in the bars and adjoining rooms. Such overcrowding is not desirable. The overcrowding is not confined to Saturdays. It occurs on sports days, pay days—

Hon. C. G. Latham: And Sundays?

Mr. NULSEN: I would not deny that. There are two sessions on Sunday—one of two hours in the morning, and one of two hours in the afternoon, but unless a man is very thirsty it is almost impossible for him to get a drink. On one occasion I went to get a drink, but was unsuccessful, as the bar was so crowded.

The Minister for Mines: Did not we lay the water on to Norseman a while ago?

Mr. NULSEN: The Licensing Court is not consistent. The population of Norseman is about 2,500. The member for Murchison said that the population of Wiluna is 7,000. There are four hotels at Wiluna, but there is only one at Norseman. I would not feel concerned if we had a second hotel at Norseman so that a man would have the option of patronising one or the other.

Mr. Styants: Are there 2,500 adults in Norseman?

Mr. NULSEN: No, that is the total population. If the court were consistent it would grant a second license at Norseman, seeing that it granted a fourth license at Wiluna for a population of 7,000. Greenbushes, with a population of 900, has two hotels. Bridgetown has a population of 2,000 odd, and has four hotels. The court should be consistent. I have no interest whatever in the matter, except that I am speaking on behalf of the people. I have not even a friend desirous of applying for a hotel, and have no connection whatever with any one interested in getting a hotel there. The

other day I received a letter from the Prospectors' Association signed by the chairman, stating that there were 50 members of the association and the 50 wanted another hotel at Norseman. Those people are entitled to fair treatment, and I cannot see any reason why it should not be granted. We have only one hotel for a fair-sized population, but when an application was made by a well-known storekeeper for a gallon license—his integrity could not be doubted—the application was refused. As the member for Murchison mentioned these storekeepers travel 20 or 30 miles and deliver their goods, but the Licensing Court would not grant a gallon license. There is only one billiard saloon in Norseman. Some men on the goldfields are apt to be rough in manner, though they are good within, but there are others who prefer a quiet game of billiards and prefer to play with their own friends. The Licensing Court, however, declined to allow a second saloon. Evidently the court considers that people can well wait for their game. The existing saloon cannot possibly cater for all who wish to play. I repeat that the court is injudicious and devoid of discretion. I have seen the evidence placed before the court, and I maintain that on the evidence another hotel is justified. The only opposition to the granting of a second license was that of the owners and licensee of the present hotel. I do not blame them for their opposition; I do not blame them a scrap. The member for Kalgoorlie inferred that there had been contact with the Licensing Court. I did go to the Licensing Court. I took the secretary of the A.W.U. in Norseman and we discussed the position with Mr. Burgess and Mr. Barker. The chairman was not present. We expressed the opinion that Norseman warranted a second hotel. If I had a chance again to do that, I would do it, because I represent people that want to be treated fairly and I consider I was justified in doing what I did. I am quite prepared to accept the responsibility for my action and to tell members of the Chamber exactly what I did.

Mr. Styants: Confession is good for the soul.

Mr. NULSEN: Perhaps, if one were guilty of a misdeed and wanted to escape the consequences, but I am not guilty of dishonesty. What I did was honourable.

I certainly consider that Norseman was entitled to a hotel in preference to the granting of a license for the Captain Stirling Hotel. People at Dalkeith do not have to travel very far to Claremont, or a little further down to Nedlands, in order to obtain the accommodation they need. But at Norseman there is congestion and if a man does not feel like pushing his way in and getting splashed with beer, he must remain dry.

Hon. P. D. Ferguson: He could go to Kalgoorlie.

Mr. NULSEN: Yes, or to Salmon Gums! I do not advocate the abolition of the court but I have spoken against its policy and I ask the Minister to give consideration to amending the Act. Members of the court have mentioned that they function only in accordance with the Act and if that were altered, they could review the position from a different angle. Since the court was created the hotels have been raised to higher standard. I have had quite a lot of experience in hotels, having travelled a good deal. The fact that people have demanded better accommodation has had something to do with the improvement. I have no complaint against the accommodation. The improvement is probably largely due to the introduction of the court. If the member for Kalgoorlie comes to my district, he is going to play a lone hand.

Mr. Styants: I am not going down there.

Mr. NULSEN: I know the feeling of the people and I am very sympathetic towards them. I give the hon. member an invitation to discuss the position with me at Norseman next Saturday. Then he will understand the true psychology prevailing there. It is my intention to represent my constituents and if more than 50 per cent. want something, I intend to do my best to obtain it for them. I defy the member for Kalgoorlie, or any other member, to deny that not less than 80 per cent. of the people at Norseman have asked for a second license, to which I consider they are entitled. I cannot support the member for Victoria Park. I hope the Minister will not be so traditional and orthodox in his views but will allow his mental faculties to expand. I hope he will not get into a groove and take notice only of what the court tells him. The evidence the court has got is only a precis. It does not take complete evidence. If the Minister looked at the evidence available,

he would see that there was not much opposition. When the police and the churches are in favour of a second license, there cannot be too much wrong.

Mr. McDONALD: I was pleased to hear the member for Kalgoorlie make a speech in which he put forward something of an answer on behalf of the Licensing Court. Members are sometimes concerned about the fact that people who occupy offices in the Civil Service, and particularly high offices, can be the subject of attack in this Chamber and have no opportunity of replying. I do not care what is said by one member of the Chamber to another because he is here and has an opportunity of answering the charges, but it is by no means desirable that our civil servants should feel that they might be the subject of severe attacks in this Chamber and not have an opportunity of presenting their case and probably a complete answer to what has been said. I do not care whether the member for Kalgoorlie is right or wrong; he has done something which is only natural and proper justice. I have intervened at this late hour chiefly to suggest that it would be a good thing if we had a clearer conception of how matters stand. Year after year we have listened to attacks on members of the Licensing Court, who have no means of replying. They cannot attend at the Bar of this House and cannot put forward what might be in some instances a good answer to the attacks made. A principle is involved in this matter. The member who makes charges of this kind should follow them up by a demand for a proper inquiry, which the people concerned should have an opportunity to attend. I do not refer to matters of policy, for they can be ventilated in the House. All matters involving a suggestion of incompetence or abuse of office are personal matters affecting the holders of the offices. One of two things should happen. The Minister in charge should investigate the facts and hear what is said by those who are attacked, and then defend them in the House. If the House accepts the Minister's reply on behalf of the officers concerned, that will be an end of the matter. If the House does not accept the reply, some opportunity should be afforded to the people concerned to present their views. This business has gone on for a long time. With the exception of the member for Kalgoorlie, no one has yet spoken

for the officers concerned, and they have had no opportunity to deal with the points raised. The Minister himself has not gone into the matter. He has very properly defended the people concerned, as he is head of the department, but has done so only in general terms. Apart from what the member for Kalgoorlie has said, no opportunity has been afforded to the members of the court to present their side of the case.

Mr. Raphael: The Bertie Johnston incidents will take a lot of explaining.

Mr. McDONALD: I am dealing only with those who, by the passing of the proposed motion, will be deprived of their offices. I do not intend to support the amendment, for I do not think that is a right way to go about it. The officers concerned were appointed as a result of the passing of an Act of Parliament. That Act we can deal with.

Mr. Hughes: Then why go through the farce of passing the Estimates?

Mr. McDONALD: Whilst officers fill such offices, certain sums of money must be appropriated by means of the Estimates. The way in which members express their opinions concerning the Estimates is by moving for slight reductions which do not affect the amounts to be paid to the officers concerned, but serve to mark the disapproval of the Committee on matters of policy for which the Government or the Minister may be held responsible. I do not think the wiping out of a vote or the making of a substantial reduction would be in accordance with English constitutional practice as a means of declaring that the occupants of a certain office were incompetent and that the office itself should be abolished.

The Minister for Mines: This is not a matter of policy, but a matter of an Act that was passed by Parliament.

Mr. McDONALD: We should deal not so much with the offices held by these people as with the question of amending the Act. To reduce the vote in the way suggested would indicate that the Committee accepts as proved the statement that the officers concerned have done something to warrant the termination of their positions. I am not prepared to accept the situation in that way. I do place every reliance upon the good faith of those members who have spoken, but I am not prepared to agree to the proposal of the member for Vic-

toria Park before the occupants of the office have had an opportunity to be heard. The member for Kalgoorlie referred to Press statements, and attributed something to me I did not say. What I did say was that in my opinion the time had arrived to review the Licensing Act and that I held the view that the work could be carried out by a stipendiary magistrate without the assistance of a justice of the peace. Any other Press statements printed in juxtaposition to my statement have nothing to do with me, and I knew nothing about them until I had read them. We might well adopt a different method of dealing with this question than we have adopted year after year. It may be extremely painful to important members of the civil service, and may cause them pain that they do not deserve. I do not propose to support the amendment for the reduction of the item. I regret that the member for East Perth should have weakened any case he put forward by referring to Sir Walter James and Mr. H. C. F. Keall. Those two members of the profession to which he and I belong have been too long known here to be associated with any act of conscious wrong-doing, even though they may have committed some error of judgment, such as any one of us is likely to commit at any time.

Mr. Hughes: You think they did not know what questions to ask?

Mr. McDONALD: Those gentlemen should not have been brought into the matter.

Mr. Hughes: Why not?

Mr. McDONALD: It has served no good purpose, and it could not be believed that they would be guilty of any wrong-doing. I oppose the amendment and if it is desired to deal with the Licensing Court, I hope that will be done by some other means.

Mr. STYANTS: I wish to clear up one or two matters. It appears that the member for Murchison is under the impression that I said he was dishonest. I speak fairly plainly, and I leave it to members to say whether I even inferred, let alone said, that the hon. member was dishonest. The hon. member himself said that had I been placed in the positions of trust that he had held in the community, he would doubt my honesty. That is what he said about me. He also said that if he were in the position of being able to make something under the lap, such as the position in which members of the Licensing Court are placed, he was not

too certain he would not have strayed off the straight and narrow path.

Hon. P. D. Ferguson: I would not mind taking a ticket on both.

Mr. STYANTS: The hon. member would be right, too. I wish also to refer to a remark made by the member for Kanowna. I have a distinct recollection that in answer to an interjection in the nature of a question by the member for East Perth, the member for Kanowna said, "They were paying about £100 a week in rent for this particular hotel." I have refreshed my memory on the point, and can say there is no reference in the hon. member's speech to any rent being received for any building except the hotel in question.

Mr. Nulsen: I thought it was understood that this was connected with the hotel.

Mr. STYANTS: My sole object in speaking on this question was that I might take up the cudgels on behalf of those who, because of their official position, were not able to defend themselves, and to place the other side of the case before members. I also made it quite clear that from my knowledge of Norseman I would say, off-hand, that a second license was necessary because of the population. But whether a second license is granted or not, I assure the member for Kanowna, it does not concern me one iota. If the Norseman people want a second license, they can have it so far as I am concerned. But certainly I shall not accept the hon. member's invitation to go to Norseman to convince the people there that a second license is unnecessary. I am not wedded to the present Licensing Court, or the system under which it has operated for years. If anyone can show me some system that I consider better, I might be inclined to vote for it, as it is desirable to have something that will give more universal satisfaction than apparently is the case with the present system. Still, it seems that no matter what board or court or method may be adopted to decide on the granting of licenses, those whose applications fail will impute corrupt practices to the court or board or person as the case may be. I have corrected the misapprehensions in the minds of certain members. The member for Kanowna was quite fair in his criticism. He did not impute dishonest motives to the court, nor did he criticise its personnel. He did criticise the policy, which he was perfectly entitled to do.

Mr. SAMPSON: I wish to indicate my feelings and my impressions, and what I have ascertained concerning the work of the Licensing Court. I do not know the members of the Court, and I do not think I have ever spoken to one of them. However, I do know the condition of Western Australian hotels, and am quite convinced that under the present system of licensing, our hotels are much better than was the case before that system came into force. Many of our hotels were models of the way in which these establishments should be conducted, but others again were not, and the work of the Licensing Court has done a great deal to put those establishments on a far better footing. Hotels have been greatly improved in the bar, in the dining room particularly, and in the sanitary arrangements, as well as by the provision of running water in the rooms and of better linen. Because of those facts I feel that I could not conscientiously support the amendment.

Amendment put and negatived.

Mr. HUGHES: I move—

That the item be reduced by £1.

Mr. Raphael: I called for a division on my amendment.

The CHAIRMAN: There was only one voice.

Amendment (Mr. Hughes') put and a division taken with the following result:—

Ayes	..	..	..	..	15
Noes	..	..	..	..	20
Majority against ..					5

AYES.		NOES.	
Mrs. Cardeil-Oliver	Mr. North	Mr. Nulsen	
Mr. Doust	Mr. Patrick	Mr. Pantou	
Mr. Ferguson	Mr. Seward	Mr. Redorede	
Mr. Hill	Mr. Waits	Mr. Sampson	
Mr. Hughes	Mr. Welsh	Mr. F. C. L. Smith	
Mr. Latham	Mr. Willmott	Mr. Styants	
Mr. Marshall	Mr. Raphael	Mr. Tonkin	
Mr. McLarty		Mr. Willcock	
		Mr. Wise	
		Mr. Wilson	(Teller.)
AYES.		PAIRS.	
Mr. Coverley		Mr. Johnson	
Mr. Cross		Mr. Collier	
Mr. Fox		Mr. Troy	
Mr. Hawke			
Mr. Hegney			
Mr. Lambert			
Mr. Mann			
Mr. McDonald			
Mr. Millington			
Mr. Needham			
AYES.		NOES.	
Mr. Doney			
Mr. Keenan			
Mr. Stubbs			

Amendment thus negatived.

Vote put and passed.

House adjourned at 1.11 a.m. (Wednesday).