sociation, and the Royal British Nurses' Association. The Crown Law Department, however, advised the board that "authority" as it appears in the Act means some department or body which derives its functions from some Statute. The Bill, therefore, omits the words "authority outside the State," and inserts in lieu the names of the nurses' associations I have mentioned. Lest there should still be a danger of an injustice arising by the limitation of the recognised certificates of these associations the Bill provides that the certificates of any other association or authority recognised by the board may also be accepted. The amendments to the Act are not of a serious nature, and I think will commend themselves to the House. I move—

That the Bill be now read a second time.

On motion by Hon. W. C. Angwin, debate adjourned.

House adjourned at 10.28 p.m.

Legislative Council,

Tuesday, 24th October, 1922.

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

QUESTION—GERALDTON BOAT SLIP.

Hon. J. MILLS asked the Minister for Education: 1, Is it true that the boat slip at Geraldton is unsafe for use? 2, If so, will the Government repair and strengthen the same at once, so that fishing and other small boats may recondition there as usual during the summer months?

The MINISTER FOR EDUCATION replied: 1, No. It has been recently and successfully used to slip one of the largest boats at the port. 2, Some repairs are desirable, but the users of the slip have not yet complied with the conditions considered to be necessary in regard to finances.

RESIGNATION—MR. A. SANDERSON.

Seat declared vacant.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.34]: I move—

That in consequence of the resignation of the Hon. A. Sanderson as a member of the Legislative Council for the Metropolitan-Suburban Province, his seat is hereby declared vacant.

In submitting this motion I should like to echo the sentiments to which you, Sir, gave expression on Thursday in announcing to the House the receipt of the resignation of Mr. Sanderson. I do not think that during the period I have been in the House any member has left whose leaving has created a greater gap than will be left by the departure of Mr. Sanderson. Certainly no member has enjoyed in higher degree the esteem of all other members of the Chamber. His brilliant speeches, always full of well-reasoned argument and ornate with classical allusions, have been features of our debates. Personally, I have found myself in opposition to the hon. member more frequently than with him. I have endured his vigorous criticism, but all this has tended to cement rather than impair the close personal friendship which has existed between us for over a quarter of a century. Looking back, I remember when I was associated with the hon. member in the Federal fight. I now find myself amazed, after the lapse of all these years, at the wonderful foresight the hon. member showed at that time. During his 10 years as a member of this House he has done exceedingly good work, both for his constituency and for the country, and I am sure he carries with him the heartiest good wishes of every member of the House.

Hon. J. EWING (South-West) [4.35] It is with the deepest regret that I second the motion. All that has been said of Mr. Sanderson by the Leader of the House and by you, Sir, is quite right and fair. I have known Mr. Sanderson only since I have been in this House, but I have learned to recognise in him a splendid friend, an able debater and a man of first class ability. Whether or not he be successful in the coming campaign, we shall always regret that he is no longer a member of the House. I am quite sure he carries the good wishes of all of us.

Hon. J. W. KIRWAN (South) [4.36]: I hope it will not be out of place for me to add a few words to what has been said by way of appreciation of one who has been associated with some of us for the last 10 years as a member of the House. I do not know of any other member who has left us whose absence will be more keenly felt than will that of Mr. Sanderson. Nor do I know any other member whose speeches have so charmed us all. There was about Mr. Sanderson's observations a choice of diction and grace of delivery which all of us would like to emulate. We sincerely hope that, in the larger sphere of Federal politics into which

he is going, he will be a notable figure. He is even better fitted for Federal politics than for the politics of a State, because he has always taken a very broad view of public questions. It is perhaps fitting on this occasion to express regret that it is necessary for a member of a State Parliament to resign before he can contest a seat in the Federal Legislature. I remember, when the Bill imposing the restriction was before the Federal Parliament, I was one of the members who opposed it, on the ground that it was not right to place any restriction whatever on the choice of the people, and, furthermore, if the restriction were imposed it would tend to lower the calibre of the Federal Legislature. The State Parliaments ought to be the training ground for men going into the higher arena of national politics. The restriction that members of State Parliaments, Ministers and others, eminently fitted to take a place in the Commonwealth Legislature, have to resign their seats and run the risk of defeat and temporary, possibly permanent, exclusion from public life, has undoubtedly tended to restrain the men who are best fitted from becoming candidates for the Commonwealth Parliament, and to my mind has lowered the general calibre of that Legislature. I sincerely hope that Mr. Sanderson, in his future career in the Commonwealth Parliament, will be as acceptable to the members there as he has been to members of this Chamber.

Hon. J. DUFFELL (Metropolitan-Suburban) [4.40]: In Mr. Sanderson we have lost one of our ablest debaters. Although we have not always been able to agree with him, yet we had the satisfaction of knowing that his remarks were always the result of careful consideration. I hope our loss will be the gain of the Federal Parliament. Notwithstanding that Mr. Sanderson saw fit to change his views on State politics, I sincerely hope he will be successful in his campaign. Certainly anything I can do for him I will be only too glad to do, for I wish him every success.

Hon. A. J. H. SAW (Metropolitan-Suburban) [4.41]: As a colleague of Mr. Sanderson, I should like to re-echo the sentiments which have fallen from you, Sir, from the Leader of the House, and from others. I am sure the loss to this House will be a great one. Certainly it is very great to me as his colleague representing the Metropolitan-Suburban Province. There is also another tie which has bound the hon. member and me. Not only did we represent the same province, but I think we were the only two members of this Parliament who owed our education to those ancient seats of learning, Oxford and Cambridge. Mr. Sanderson and I did not always see eye to eye on every measure that came before the House—that, of course, would be impossible for any two members who used their individual judgment—but I think we all recognised the high standard that Mr. Sanderson set and maintained in this House; indeed his was a high standard of conduct both in public and in private life. I am sure we shall very much miss him.

Hon. J. CORNELL (South) [4.42]: As one who simultaneously entered the Chamber with Mr. Sanderson, I wish to join in the expressions of regret at losing him, and in offering good wishes for his future. Mr. Sanderson was the personification of a gentleman, painstaking in all his efforts, never ruffled, never rude. He was courtesy and consideration of all hon. members. If one might soliloquise on the lines of the Prince of Denmark, I would say, "The hon. member has left us for all in all. He was a man, and we shall never look upon his like again."

Question put and passed.

MOTION—MACHINERY INSPECTION REGULATIONS.

To disallow.

Hon. J. CORNELL (South) [4.45]: I move—

> That the whole of the amended regulations of "The Inspection of Machinery Act, 1921," laid upon the Table of the House on the 10th day of October, 1922, be disallowed.

It has fallen to my lot to move this motion because of the unavoidable absence of Mr. Harris, who left for Kalgoorlie last week. But for this fact the motion would have stood in his name. As there is a statutory period during which steps may be taken for the disallowance of regulations, it devolves upon me to give the notice required. If members will turn to the minutes of proceedings of this House, they will find that by 15 votes to five—a fairly emphatic vote—this House on the 19th September last passed a motion to disallow all the regulations and charges on pages 21, 22, and 23 of the regulations laid on the Table of this House on the 21st May, which come into force on the 1st July. That should have been a direction to the powers responsible for the framing of these regulations. I take it this House does not disallow regulations merely for the sake of doing so. We have some specific object in an action of that kind. The object in this case was to disallow the regulations on the ground that the fees were too high. Although the discussion on the subject was conducted for the most part by goldfields members, those other members who voted cannot have voted as a joke. They must have voted for the purpose of voicing their opinion that those regulations should be disallowed, as the fees were too high. Boilers, adjusters, vulcanisers, steam jacketed vessels, winders, machinery worked other than by steam, hoists, machinery driven by steam, and other types of machinery, are all enumerated in the second schedule. Concerning these various types of machinery, the regulations were disallowed on the ground that I have stated. All the regulations in fact, applying to the levying

of charges for the inspection of machinery were disallowed by this Chamber. In face of that vote the responsible officer has the brazen effrontery to put all these types of machinery back into the regulations, with the exception of about five. These five exceptions mean practically nothing. They only apply to the goldfields and, to a limited extent, to Collie. The regulations apply to boilers of a big capacity and to winding engines of 18 inch cylinders and over. Where will one find a winding engine in this country outside Collie or on the goldfields with a cylinder of over 18 inches? Digesters remain as they were. Vulcanisers are those that can only be used by dentists and also remain as they were. Altogether roughly 58 different types of fees were disallowed. Five alterations have been made out of the 58, which leaves 53 items to remain as they were. Speaking from a goldfields point of view, I suppose we must be thankful for small mercies, but the alleged concessions that these amended regulations make amount to nothing.

Hon. A. Lovekin: There is about £5 involved.

Hon. J. CORNELL: Two items remain as disallowed so far as the goldfields are concerned. With regard to the Holman hoist, when the cylinders do not exceed six inches the fee is 10s., and over that it is £1. These hoists have been worked for over 20 years in the gold mining industry. Their inspection by the Machinery Department is a mere subterfuge for the collection of fees, and nothing else. I pointed out during the previous debate on this question, and I invite contradiction from the Inspection of Machinery Department, that no living man can go on to a winding engine and point out any element of danger unless there is a palpable defect. A winding engine is kept up to the full pitch of efficiency. Even the man who drives it and the man who inspects it cannot say that some part may not break at any moment. A steam boiler is subject to a certain test which can be applied logically and intelligently, but that is not the case in connection with a winding engine. Every day an inspector of mines may visit one or more mines on the Golden Mile. If he wishes to inspect some underground working, which necessitates using the Holman hoist, he tells the man in charge to give it a run through before he goes below. I have been informed of this quite recently by inspectors of mines. They satisfy themselves that it is in order, notwithstanding the fact that it may have been inspected an hour before by an inspector of machinery. A Holman hoist has to be inspected twice a year, which is ridiculous. I have previously expressed the opinion that the Mines Department and the Inspection of Machinery Department could be consolidated and a great deal of expense saved in the inspection of machinery. In view of the unfortunate decline of our mining industry it is advisable that this amalgamation should be effected. A great deal of the work could be done by inspectors of the Mines Department, which would save overlapping. In the case of a Holman hoist, the Inspector of Mines and the Inspector of Machinery may be visiting the same mine at the same time of the day and may possibly meet in one of the winzes, so that both officials will have inspected the Holman hoist. This should be stopped. The only remedy which this branch of the Legislature has is to draw attention to these anomalies in the interests of economics, and if attention is not paid to our representations, to refuse to sanction regulations which are for the purpose of squaring the ledger. If we succeed in doing that, we will bring about a position in which the Inspection of Machinery Department will, as it is with the Mines Department, be a charge on Consolidated Revenue. Then, if the Government of the day are prepared to allow the Consolidated Revenue to be drawn upon, and not take into consideration the economies we suggest, or adopt the co-ordination we propose, it will be for the Government to accept the responsibility and this House will not have to answer for it. I do not intend to detain the House much longer, but I desire to ask those hon. members who did not voice their opinions on the last occasion this matter was debated except by recording their votes, to learn the lesson following on the speeches of those who did take part in the debate. It would seem that the Chief Inspector of Machinery, in re-drafting the regulations after that debate, only took cognisance of the opinions of those who spoke in favour of the disallowance of those regulations. What has happened has been that a sop has been thrown at goldfields members, who drew attention to certain of the regulations. We do not want a sop on those lines. We want fair and proper consideration given to the whole question, and to the representations of hon. members who supported us in getting the regulations disallowed.

On motion by Minister for Education, debate adjourned.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.4]: May I make a personal explanation, Mr. President, dealing with the subject under discussion? It will be within the recollection of members that a motion dealing with these regulations and also with certain other regulations was submitted a few weeks ago. On that occasion, after allowing an opportunity for any other members to speak who desired to do so, I replied to the mover of the motion. After I had replied, several other members got up and spoke to the motion introducing a great deal of new matter. If that course is followed on this occasion it will be impossible for me to reply to their representations. The mover of the motion has the right to reply at the conclusion of the debate, but if it is desired that I should reply to and debate the cases brought forward by all those members who wish to

speak to the motion, I cannot do so unless they precede me. I cannot claim as a right what has been conceded as a courtesy to a Minister in this House. Therefore, I merely point out that I cannot reply to those hon. members who speak after me.

BILL—PENSIONERS (RATES EXEMPTION).

Second Reading.

Hon. G. POTTER (West) [5.5] in moving the second reading said: An examination of the Bill will prove to hon. members that it is short and very simple indeed. While it may be quite right to say that the Statutes cannot be based purely upon sentiment, still I would like hon. members to fully realise who the people are to whom this Bill, if passed, will mean so much. It may be pointed out by diverse interests in various parts of the State, and particularly in the metropolitan area, that because of the number of old age pensioners quartered in one district in greater numbers compared with other parts, a certain unfair incubus may be thrown upon that one particular district. Should there be any suggestion of that nature, I would draw the attention of hon. members to the fact that if the Bill becomes law, no new impediment will be thrown on anyone. If the Bill be passed, no one will be asked to shoulder an extra farthing by way of responsibility. The Bill will merely represent in a tangible manner some relief to the pioneers which I think they are justly entitled to. It will mean that arrears of rates will be a charge against the pensioners' property, but they will be recoverable on the sale of that property or at the death of the pensioner, whichever event may occur first. It will be seen, therefore, that the Bill does not put forward any suggestion whatever that the State or an individual or the community shall be in any way taxed by virtue of the passing of the measure.

Hon. E. H. Harris: Suppose the rates exceed the value of the property?

Hon. G. POTTER: In many cases it may mean that these old people who have reached the winter of their lives will be prevented from applying for admission to that refuge for old men and old women—the Old Men's Home and the Old Women's Home respectively. We all admit that those institutions are sympathetically administered, but I am sure no pioneer should be forced into such a place as one or other of those institutions, because one can readily appreciate the dread with which these pioneers would contemplate the ending of their lives in such homes. The people the Bill seeks to benefit are those who have been eulogised as the pioneers of Western Australia, as men but for whose efforts Western Australia would not be known as it is to-day. They are the fathers and the mothers of the progress of Western Australia as we find it to-day. They are people who have done much for this State and they deserve consideration in that they should not be asked to spend the winter of their lives in such institutions, especially when we remember that others are now more comfortably situated through reaping the benefit of the efforts of the pioneers. Surely our code and conception of Christianity to-day will not allow us to forget what these men have done for us and, not from the standpoint of sentiment but as a full recognition of what is due to them, we should concede them the privileges extended under the Bill. These rights which the Bill seeks to confer represent small recompense for what these people have done for the State. I emphasise the point that neither the State nor any section of the community is asked to contribute a single farthing towards the upkeep of these people but the passing of the Bill and the exemption from the payment of these rates will enable these old pensioners to live in surroundings more suitable to them than if they had to enter an institution about which, however sympathetically admitted, there is that cold austerity of routine discipline. If these people are forced to go into such institutions it will make them wonder if their efforts to develop the State in the past have been worth while.

Hon. J. Duffell: How many of these old pioneers are affected in the metropolitan area.

Hon. G. POTTER: I have not yet ascertained the number of pioneers affected, but I do not think the hon. member will find any difficulty in securing that information. I move—

> That the Bill be now read a second time.

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

BILL—LICENSING ACT AMENDMENT.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.10] in moving the second reading said: A Bill to amend the Licensing Act was presented to the Legislative Assembly during the last session of Parliament. I do not think it was debated at great length but was referred to a select committee and that select committee was subsequently appointed as an honorary Royal Commission. During the recess members of the Royal Commission traversed the State and examined a large number of witnesses. Subsequently it submitted its report. This Bill is founded in part on the Bill that was submitted to Parliament last session and in part on the recommendations of the Royal Commission. In fact, it follows the recommendations of the Royal Commission very closely. To those features which differ materially from the recommendations of the Commission, I will direct special attention as we proceed. I do not suppose for one

moment the Bill will satisfy everybody, or that it will completely satisfy anyone. There is no subject for legislation that is more difficult than the laws relating to the sale of liquor. That has proved to be the case not only in this country but in every other part of the world. The aim of the Bill is to secure better control of the trade and to obtain reasonable revenue from a State-created monopoly. Personally, I cannot help expressing my regret that the revenue proposed under the Bill is, in my opinion, altogether inadequate. However, that is a matter this House, unhappily, cannot interfere with. I will deal with that aspect of the Bill when we reach the clause dealing with fees. I do not intend to talk in a general way about the liquor trade at all. The Bill is a very big one and I shall best meet my obligations to the House if I confine myself to an explanation of its provisions. In looking up the matter I have been interested to learn that there appears to be a decided decrease in the consumption of liquor in Western Australia and that is, I think, something that will be welcomed very heartily. In 1911 the per capita expenditure on alcoholic liquor was roughly £9 5s.; in 1921 it was £8 15s. That decrease of 10s. per head would not be very considerable if it were not for the fact that in the meantime there has been an enormous increase in the cost of liquor, and therefore this decrease in the expenditure per head discloses a very much larger decrease in the quantity of alcohol consumed. The retail value of spirits consumed during 1911, valued at 50s. per gallon, was £1,014,000, whereas in 1921, with spirits valued at £5 10s. per gallon the retail value was only £734,000. While the price per gallon doubled, the value consumed was only 75 per cent. of what it was 10 years ago.

Hon. J. Duffell: It goes to show that if you raise the price sufficiently high you can do away with it altogether.

The MINISTER FOR EDUCATION: Probably the increase in price has had the effect of reducing consumption, but I think it may be fairly attributed in part to the more sober habits of the people. This increase in the price of liquor, which I consider has been altogether too great, has been in more rapid ratio than the increase in other articles of consumption, but there have been general increases in prices and in wages and salaries, so that one would have expected some increase in the amount spent on liquor, even if that extra price did indicate a decrease in the quantity consumed. As a matter of fact there has been a decrease in the amount per head actually spent, and this decrease applies most particularly to spirits. In 1911 the consumption of spirits was 1.3 gallons per head of the population; in 1921 the consumption of spirits was only .44; that is to say in 1921 the consumption of spirits was only one-third of what it was 10 years earlier. The consumption of wine in 1911 was .95 gallons per head, and in 1921 it was .89. There again is a reasonable but not very large reduction. In 1911 the consumption of beer was 19 gallons per head, and in 1921 it was 16 gallons per head. Therefore there has been a considerable decrease and, in the case of spirits, a really remarkable decrease in the quantity consumed. I do not for one moment suggest that because of these figures we are entirely satisfied with the present position, but it shows that the general tendency is towards greater sobriety among the people. I ask members to follow me through this Bill in order that when we come to its consideration in Committee they will be able to deal with the different clauses and know exactly what they mean. Clause 2 amends the definition of intoxicating liquor. Members have before them copies of the Acts which this Bill will amend. There is a reprint of the Licensing Act 1911, the Illicit Sale of Liquor Act 1913, the Licensing Act Amendment Act 1914, the Sale of Liquor Regulation Act 1915, and the Innkeepers Act 1920.

Hon. J. Duffell: We have not got a copy of the South Australian Act and Clause 2 deals with it.

The MINISTER FOR EDUCATION: The reference indicates that the alteration we propose is similar to the provision in the existing South Australian Act. The definition of intoxicating liquor at present reads—

> "Intoxicating liquor" or "liquor" means any spirits, wine, beer, or other fermented, distilled or spirituous liquor capable of producing intoxication; and "beer" includes ale, porter, and stout; and "wine" includes cider and perry.

In the new definition we propose to omit the words "capable of producing intoxication" so that the definition will then read—

> "Intoxicating liquor" or "liquor" means any spirits, wine, beer, or other fermented, distilled or spirituous liquor; "beer" includes ale, porter, and stout; and "wine" includes cider and perry.

And to the definition will be added these words—

> But the terms do not include any liquor which does not contain more than two per centum of proof spirit.

That will give us a much simpler definition and one which can be readily understood. There might be argument as to what is capable of producing intoxication, but when we set out definitely "more than two per cent. of proof spirit" we shall know where we are. Clause 3 seeks to amend Section 6 of the principal Act in which the minimum fines are provided. Section 6 stipulates that the penalty shall be not less than one-tenth of the maximum penalty set out. Under this clause the fraction will be altered to one-fifth. This will have the effect of doubling the amount of the minimum penalty.

Hon. A. Lovekin: Why should you interfere with the discretion of the bench?

The MINISTER FOR EDUCATION: The Act at present does that; in fact a great

many of our Acts limit the discretion of the bench in this way. It is considered that there should be a minimum as well as a maximum penalty. Clause 4 relates to the appointment of licensing magistrates and is more fully dealt with under Clause 7. This is one of the most important features of the measure. It provides for the appointment of one bench to have State-wide powers, and I think for many reasons a bench of this description will be highly desirable. At the present time the State is divided into a large number of districts and the practice is for the resident magistrate of the district to sit with two honorary justices as a licensing bench. Thus at present the bench differs in different parts of the State. I think it is desirable to have uniformity in the administration of the licensing laws, and to get uniformity it will be preferable to have one bench. Clause 7 reads—

> On and after a date to be fixed by proclamation the licensing courts shall be constituted as provided by this section, and all persons immediately before the day so fixed holding office as members of the licensing courts shall cease to hold office as such.

It is provided that the Governor may appoint three persons to be licensing magistrates and there is provision for one of the magistrates to be chairman. Provision is also made for vacancies in the absence of temporary incapacity of the chairman and other things such as are usually found in measures of this character. Power is to be given to the licensing magistrates with the approval of the Minister to delegate to one of their number or to any resident magistrate any of the powers, authorities, duties and functions conferred or imposed upon licensing courts relating to the renewal, transfer, and removal of licenses and the granting of occasional and temporary licenses, "and the powers, authorities, duties and functions so delegated shall be exercised by any licensing magistrate or resident magistrate under such delegated authority accordingly." That is to say, all the formal matters which licensing benches have to deal with may be delegated to this licensing court, but such matters as the reduction of licenses or the granting of new licenses, no matter in what portion of the State, are the functions of these licensing magistrates and cannot be delegated. The delegation to a resident magistrate of minor functions such as renewals and transfers is necessary, because otherwise the court might have to travel all over the place for matters of practically only a formal nature. Clause 8a provides for the insertion in Section 24 of the words "November or" thus making it possible for the annual sitting of the licensing court, which now has to be held in December, to be held in November and December and thus give additional time to cover the ground. Clause 9 relates to the class of license and seeks to amend Section 27 of the Act by omitting "two gallon licenses" and inserting "brewers' licenses." The effect of that is set out in subsequent clauses. The same section is also to be amended by omitting "railway restaurant car licenses" and "hotel license" in subsection 4. It alters the naming of the different licenses and, when we come to that clause, I shall explain it more fully. The Licensing Act Amendment Act of 1917, Section 5, relates to Australian wine licenses and provides:—

> No Australian wine license shall be hereafter granted or renewed except in respect of premises used for the sale of Australian wine and in which no goods of any kind, except aerated waters, cigars, cigarettes, tobacco and newspapers are sold or offered or exhibited for sale or apparently for sale.

Clause 10 of the Bill prohibits the sale of newspapers in places holding licenses for the sale of Australian wine. Another very important amendment in regard to wine licenses is contained in Subclause 4 of Clause 10. It reads—

> It shall be unlawful to have or use in any bar room or saloon of premises for which an Australian wine license is held any partition of wood or other material so as to wholly or partially prevent or limit the uninterrupted view of the whole of the place where the bar is situated, or so as to wholly or partially divide such place into two or more compartments.

This provision follows exactly the recommendation of the Royal Commission and is intended to prevent abuses which it is said on very good authority do occur in connection with wine licenses. Clause 11 is also very important. Section 34 of the principal Act relates to railway refreshment rooms and authorises the sale by these railway refreshment rooms of any liquor within half an hour before and after the arrival and departure of any passenger train. It does not restrict the sale of liquor to passengers by the train; it authorises the sale of liquor to anybody at those periods. The object of Clause 11 is to limit the sale of liquor even within those hours to bona fide travellers on the railway. In the past it has been competent for a railway refreshment room in a country district to open half an hour before the train came in and close half an hour after the train's departure, and to supply liquor to anyone. This Bill will restrict the right of the use of the railway refreshment rooms for the purchase of liquor to travellers on the train.

Hon. T. Moore: You will have great difficulty in keeping them apart.

The MINISTER FOR EDUCATION: There is always difficulty in administering the Licensing Act. Clause 12 repeals Section 35 of the Act which relates to railway restaurant car licenses.

Hon. J. Duffell: Is not that foreign to the title of the Bill?

The MINISTER FOR EDUCATION: No, this is a Bill for an Act to amend the Licensing Act.

Hon. J. Duffell: That is an amendment to the Railway Act.

The MINISTER FOR EDUCATION: No, it is an amendment to Section 35 of the Act of 1911, which provides for restaurant car licenses. Section 36 relates to spirit merchants' licenses. Clause 14 repeals Section 37 of the Act, as already explained. Clause 15 proposes the insertion of the following section in the principal Act, to stand as No. 37—

> A brewer's license shall authorise the licensee, being a person carrying on the trade or business of a brewer, to sell and dispose of beer on the licensed premises in quantities of not less than two gallons, not to be consumed on the premises, such beer being made in Western Australia.

Then Clause 16 amends Section 40 of the Act, which section refers to temporary licenses. The amendment makes provision under which a temporary license may be granted to the holder of a license, even though the place in which he intends to operate under the temporary license is in another district. Clause 16 also provides that—

> a temporary license may be granted to any club, committee; or other organising body of race-meetings, or agricultural shows, or other sports meeting if, in the opinion of the licensing court or the chairman or members thereof to whom the application is made, the granting of a license is desirable for the accommodation of the public, and that the number of persons likely to be in attendance is sufficient to justify the issue of a license.

At present, if any body of this kind desires to have a publican's booth on its ground, it is compelled to let the right to conduct that booth to some person holding a license.

Hon. J. J. Holmes: In the district?

The MINISTER FOR EDUCATION: Yes; under Clause 16 it will be competent for the bench to grant that license to a person holding a license outside the district, or to the club itself. The matter is entirely within the discretion of the bench.

Hon. A. Burvill: Football clubs and cricket clubs would be allowed to have temporary licenses?

The MINISTER FOR EDUCATION: It is entirely within the discretion of the licensing court, who must be satisfied that the granting of the license is desirable for the accommodation of the public, and that there is a likelihood of a sufficient attendance to justify its issue. Undoubtedly, from start to finish of this Bill it must be said that the successful working of the measure will depend on the personnel of the court. Unless the personnel is such as to inspire confidence in the public, and unless the court carries out its work in the manner intended, the reforms sought to be effected by the measure will not result. The next clause, 17, amends Section 44 of the Act, referring to the sale of wine by the occupier of a vineyard or orchard. Instead of limiting such occupier to the selling of wine of his own growing, the clause limits him to the selling of wine grown within the State; but provision is made that he cannot sell this to any person to whom the sale of liquor is prohibited, and that he cannot sell it during any hours in which the sale of liquor on licensed premises is prohibited. Clause 17 further provides—

> Subsection 3 of Section 44 of the principal Act is repealed, and a subsection is inserted in place thereof, as follows:—(3) The exercise by the Commissioner of Railways of the powers conferred by Subsections 2 and 3 of Section 59 of the Government Railways Act, 1904, shall be subject to the sanction of the licensing court, and to such conditions as the court may think fit to impose, and the court may withdraw its sanction on proof to its satisfaction that the conditions have not been observed or performed . . . . .

Section 59 of the Government Railways Act, 1904, is in three parts. Subsection 1 provides for the leasing of railway refreshment rooms and restaurant cars by the Commissioner. That power is not interfered with. Subsection 2 provides that the Commissioner may, from time to time,—

> grant to the lessee of any railway restaurant car or refreshment room a license to sell to bona fide travellers on the railway any spirituous and fermented liquors, upon such terms and conditions, and subject to such restrictions, as shall be prescribed in by-laws to be made as hereinbefore provided.

This undoubtedly interferes with that right given to the Commissioner.

Hon. A. Lovekin: Do you think this clause is within the title of the Bill?

The MINISTER FOR EDUCATION: That is a question which can be raised in Committee. It may be necessary to make some alteration.

The PRESIDENT: Which clause is the Minister on now?

The MINISTER FOR EDUCATION: Clause 17, Subclause 3. Clause 18 deals with new licenses. It repeals Section 45 of the existing Act. That section is, of course, dependent upon local option polls; and as this Bill does away altogether with local option, it is necessary to repeal Section 45. Provision is made for new licenses. The number of licenses shall not be increased beyond those existing in a district on the 31st December, 1922, except in a certain way. It is, however, provided that a brewer's license, or spirit merchant's license, may be granted to the holder of a two-gallon license or gallon license in lieu of such license. That is really a transfer from one character of license to another. It is further provided that a railway refreshment room license may be granted under this Bill, in lieu of a license under Subsection 2 of Section 59 of the Government Railways Act, 1904. Now, this is the only method for increase—

> Where a petition is presented to the Governor asking that the licensing court may have authority to grant a new license within any district, and such

petition is signed by a majority in number of the adult residents living in an area being a radius of 40 chains from the site—

That is a mile, taking the proposed site as the middle point—

where it is proposed that such licensed premises should be erected within the metropolitan district as provided in paragraph (2) of Section 109, and it is shown by such petition that (a) there has been an increase of population in such area, and that such increase is likely to be permanent; (b) there are insufficient licensed premises to meet public requirements, or no licensed premises, within such area, the Governor may refer such petition for inquiry by the licenses reduction board during the operation of Part V. of this Act, and thereafter by the licensing court.

There is no obligation on the board or court to recommend in favour of an application, but they may do so if they see fit. In cases where the desired new license is outside the metropolitan area, then the area to be covered by the petition shall be subject to the approval of the licenses reduction board or the licensing court as the case may be. The board or court then will say what area is to be taken as the area in which a majority of persons must sign the petition. The board or court, having heard the application, make their recommendation to the Governor; and on the receipt of the recommendation the Governor may grant the petition, and thereupon a license will issue.

Hon. J. Ewing: The final decision is in the hands of the Government.

The MINISTER FOR EDUCATION: It may be assumed that the Government would endorse the recommendation of the board or court. The matter is not referred to the board or court until the petition is received in the terms set out in this clause; and then, when a recommendation is submitted, the Governor would, I take it, endorse that recommendation. Provision is also made that when a new license is granted in these circumstances, the board or court, without calling for tenders, shall fix what they consider to be an adequate premium. The present Act provides for the offer of a premium, and I do not think that has worked very saisfactorily.

Hon. J. J. Holmes: Is the incoming tenant to pay the premium fixed by the board or court?

The MINISTER FOR EDUCATION: No. The owner of the premises is to pay it. He will get it back from the incoming tenant, and the incoming tenant will get it back from the public. There is no doubt who will pay it in the long run. Section 47 of the existing Act provides for the tender of a premium, and that section is accordingly repealed by Clause 19 of the Bill. Clause 20 is a very important provision, and the Bill contains two or three clauses of the same character to which I shall refer later. Clause 20 should tend to secure a good class of man as keeper of a licensed house; and that is most desirable. The subsection which Clause 20 proposes to add to Section 48 of the principal Act reads as follows:—

Every applicant for a license or the transfer of a license shall with his application deliver to the clerk of the licensing court testimonials as to the character and suitability for the particular premises of himself or the proposed transferee, as the case may be, and it shall be the duty of an inspector of licensed premises to make a searching investigation as to such applicant's or proposed transferee's character and suitability, and as to the genuineness and value of such testimonials, and to report in writing thereon to the court, and the court in dealing with every such application shall take into consideration such testimonials and report. The written reports above-mentioned shall be open to inspection by the applicant not less than 48 hours prior to the hearing of the application.

At present it is the duty of the court to satisfy themselves that the applicant is a suitable person, but this clause sets out in more detail the process that is to be followed in satisfying themselves in that direction. I think that by following the course laid down it should be rendered more certain that suitable applicants will be obtained. Another important provision is with regard to the accommodation that shall be provided in the case of all new licenses. In the city of Perth or the town of Fremantle no new license shall be granted unless the house contains not less than 12 bedrooms and two sittting rooms in addition to those occupied by the applicant and his family and by the hotel staff.

Hon. J. J. Holmes: Does that refer to new licenses?

The MINISTER FOR EDUCATION: Yes. At present only two sitting rooms and two bedrooms are required.

Hon. J. Nicholson: Would not the renewal of a license mean a new publican's general license under this measure?

The MINISTER FOR EDUCATION: No. No publican's general license, or hotel license, is to be renewed after the 31st December, 1927, unless the requirements of Subclauses 1 and 2 of this clause have been complied with. That is to say, hotels to which licenses have been granted in the past will be given until the end of December, 1927, to bring their premises into conformity with the provisions of this clause. Those provisions I consider entirely reasonable.

Hon. J. Nicholson: Take the provision as to running water and fixed basins in rooms. Do you think that is sanitary? I certainly do not. I think that method is one of the most insanitary conceivable.

The MINISTER FOR EDUCATION: In sewered areas it ought to be a very good system. Whether the details of that clause are necessary or not, we can discuss in Committee; but undoubtedly the obligation to supply 12 bedrooms and two sitting rooms, and also the general provision in regard to cubic contents of the rooms, and all that sort of thing, are most desirable. It is not only necessary to provide that these things shall be done in regard to new licenses; it is quite reasonable that by the end of 1927 all existing licensed premises shall have them. In fact, it is giving a very long time indeed for the licensees to bring their premises up to date. I do not think that the provisions are unreasonable in regard to publican's general licenses or hotel licenses elsewhere than in the city of Perth or the town of Fremantle. There must be six bedrooms and two sitting rooms instead of two bedrooms and two sitting rooms as at present. That is reasonable, because if the place does not justify the provision of half a dozen bedrooms, it does not justify the existence of an hotel. The licensing court may also impose other conditions, and particularly that the licensed premises shall be fitted with an approved system of sewerage. That is a discretion which the court may well exercise because, in these days of septic tanks and costeen systems there is no reason why such matters should not be properly attended to in country hotels. Section 50 of the principal Act relates to temporary and occasional licenses. It permits any one member of the licensing court to grant a temporary or occasional license, or even the clerk of the court may do so in the event of the application not being opposed. That, too, is reasonable. There should not be any great difficulty about obtaining a license of that character. Section 57 of the Act relates to the removal of licenses, and that is amended by empowering the court to require a premium to be paid for the removal of a license. That is fair. If a person is carrying on an hotel, and desires to transfer his license to a locality where it can be of greater value and profit to him, it is a fair thing, that if he is given the privilege to make the transfer, he should pay a premium. The next clause amends Section 50 with regard to the restoring of premises destroyed by fire. It also provides for the sitting of the court to deal with such applications at a time that the chairman may appoint.

Hon. G. W. Miles: Is there any limit to the premiums to which you referred?

The MINISTER FOR EDUCATION: The amount will be fixed by the court. Of course, a licensee need not move his license.

Hon. J. M. Macfarlane: Will the premium be arranged between the licensee and the court?

The MINISTER FOR EDUCATION: It will be fixed by the court, and the licensee can determine whether he will pay it or not. Clause 24 is consequential on the repeal of the local option sections. Clause 25 amends the existing Act in regard to the granting of licenses to females. At the present time licenses to females can be granted only in the case of a female being over 30 years of age, a widow or a married woman divorced or judicially separated from her husband, or living apart from her husband under a deed of separation. It is now proposed to grant licenses to women who are unmarried, that is to say, any female over 30 years of age who is unmarried, will have the same privilege of holding a license as a widow or a divorced woman. Clause26 is an amendment which is consequential because of the method which this Bill adopts of assessing fees for licenses. The existing fees for any house or premises situated within a municipal district, if the annual value of a house does not exceed £500, is £50. Where it exceeds £500 it is £75, and where it exceeds £1,000 it is £100, and that is the maximum. The fees for publican's general licenses vary only from £50 to £100. Outside of a municipal district, if the annual value does not exceed £200 the fee is £40; if it exceeds £200 the amount is £50. During the last 10 years the revenue received by the State from liquor licenses has actually declined, for two reasons Under the Act of 1911 no new license could be issued except at a place 15 miles from an existing license. The result has been that very few new licenses have been granted in the past 10 years. On the other hand in many places on the goldfields licenses have been abandoned, and the number has been materially reduced. In addition to that there are quite a number of places which previously were municipalities and which have now become road boards, and in those cases the license fees have been reduced. To my mind there are two objections to the present system. One is that it does not return adequate revenue to the State and the other is that it is not fair as between one licensee and another. The monopoly privilege of selling liquor is one that should be paid for, and paid for in proportion to the extent to which it is exercised. That was the recommendation of the Commission, and that was the provision made in the Bill introduced last year and which we abide by now. Clause 28 provides—

> Subject as hereinafter provided, the fees payable in respect of licenses authorising the sale of liquor shall be assessed at a percentage on the amount paid or payable for all liquor purchased for the licensed premises during the 12 months ended the last day of December preceding the date of the license as hereinafter prescribed.

That was the form in which the Bill was introduced, but a little later certain amendments were made, and in another place they did not go back and alter this clause as they should have done. It will be necessary to amend the clause, because the intention is that the amount shall be paid on the liquor purchased in the licensed premises during each six months of the year. It was an oversight on the part of another place to make the consequential amendment.

Hon. J. Cornell: Do not say neglect after all the time they put in on it.

The MINISTER FOR EDUCATION: If the Bill be passed the amount at present set out as the license fee will be paid at once on the granting of the application or on the renewal. For instance, if the annual value of premises does not exceed £500, the sum of £50 will be paid at once, and so on. Having paid the fee, every licensee, other than a spirit merchant or brewer, shall on the 31st December and on the 30th June in each year or within seven days thereafter—

> . . . furnish to the Receiver of Revenue a return in writing, signed by the licensee or some person acting with his authority and on his behalf, setting forth with regard to the 12 months ended on the 31st day of December last preceding (a) the quantity of liquor of various kinds purchased for the licensed premises by the licensee or any other person during such period of six months; but not including liquor so purchased but still in bond.

That is, all liquor that has come into his premises—

> (b) the amounts actually paid or the net amounts payable therefor respectively (less duties of customs or excise and cost of carriage from place to place within the State) whether purchased in Western Australia or elsewhere; and (c) the names and addresses of the persons who sold or supplied such various kinds of liquor; and together with each such return the person furnishing the same shall, on the delivery thereof, pay to the Receiver of Revenue a sum equal to five pounds per centum of the amount so paid or payable for such liquors so purchased less one half of the minimum annual fee payable in respect of the license.

So that the £50 paid in the first instance is merely a deposit. I have already expressed my regret that we cannot increase this amount.

Hon. J. J. Holmes: Cannot we make a suggestion?

The MINISTER FOR EDUCATION: We can try when we get into Committee, but I am afraid it is not competent for this House to increase taxation. When the Bill was presented in another place the amount was fixed at 10 per cent. In Victoria the amount is 6 per cent. of the total purchase price. That includes duty. I take it when we say purchase price, that 60 per cent. would be the cost of the article and 40 per cent, or something like that would be the duty. Victoria charges 6 per cent. on £100, and we propose to charge 5 per cent. on only 60 parts of that 100. In my opinion that is too low. The revenue we received in 1920-21 was £37,234, and for 1921-22 it decreased to £34,427. The total gross purchases are estimated at £1,734,940, and from that amount £140,445 was collected as Customs duty, and £491,838 as excise. The total customs and excise amounted to £630,000. This would leave £1,100,000 as the cost to the retailer after deducting customs and excise. As the Bill was introduced, 10 per cent. was provided for, and that amount would have yielded to the State a revenue of £110,000, instead of the £34,000 which we received last year. The amount has been reduced to 5 per cent. and the effect will be to decrease the estimated revenue by one-half. Instead of obtaining £34,000 which we got last year, we shall receive £55,000. There will be some slight addition as well in cases where sales do not amount to sufficient to compel a person to pay more than his deposit.

Hon. A. Lovekin: You get half the fees besides this.

The MINISTER FOR EDUCATION: No. If in the first half of the year 5 per cent. on the liquor sold amounted to £50 he would send his cheque for £25. We cannot get less than the original fee, but we do not get the original fee on top of the percentage.

Hon. G. W. Miles: What is the idea of having half-yearly returns, instead of yearly?

The MINISTER FOR EDUCATION: I suppose the half-yearly period is considered to be long enough.

Hon. A. Lovekin: It is to convenience the hotelkeepers, who will not have to pay so much at once.

Hon. J. J. Holmes: Will the additional revenue pay for the additional police force?

The MINISTER FOR EDUCATION: There will be an increase of £20,000.

Hon. J. Duffell: And it will cost £20,000 to collect.

The MINISTER FOR EDUCATION: I do not think it will cost anything extra to collect.

Hon. J. J. Holmes: Will it not mean a special branch of the police force?

The MINISTER FOR EDUCATION: That will not make any difference. It means that certain members of the force will specialise on this work, that is all. I think the measure will be more easily administered than is the existing Act. At present a large percentage of police work is in respect of licensing. Whilst in the past we have been getting only £35,000 per annum, it is interesting to note that the Commonwealth collected from Western Australia £605,000 last year in liquor duties alone, being £462,053 excise and £143,000 Customs. That is more than ten times the amount we shall receive under the Bill. In the past, for every shilling we have received, the Commonwealth have received nearly £1, and in future for every shilling we receive they will receive 11s. or 12s. The Commonwealth Government return to the State a per capita payment of 25s., but takes 36s. from our State in liquor duties alone. The State Government collect only 2s. per head for licenses. The clause sets out penalties for failure to furnish returns and for furnishing false returns. The only exception I take to it is as to the amount. Clauses 30 to 36 deal with that question. Provision is made for division as between landlord and tenant. It is set out in detail. The next important clause is Clause 37, which repeals Part V. of the existing Act, the local option provisions, and sets up instead Clauses 38 to 54. No doubt there will be consider-

able difference of opinion and a good deal of debate on this repeal of the local option sections of the Act. Nobody can seriously contend that those provisions have worked satisfactorily. The first local option poll was taken in April, 1911, simultaneously with a Federal referendum. At that referendum 61,482 people voted, but on the question of whether or not there should be an increase in licenses, only 22,000 bothered to vote. A good many may have argued that it was not worth while voting, because there was no power to decrease the licenses. On the question of new licenses being held by the State, 41,000 voted. So that poll did not excite very much popular interest. The local option poll held on the 30th April, 1921, in which a very great deal of interest was excited, failed to bring more than about 50 per cent. of the electors to the poll. But probably its chief defect was that in those districts where it was common knowledge there were more hotels than there was any need for, "continuance" was carried. Coolgardie, where, certainly, there is not need for one-tenth the number of existing hotels, by a majority of 54 carried "continuance." At Kalgoorlie, where it is generally admitted there is room for reduction in the number of hotels, a majority of 363 carried "continuance." On the other hand, in a number of districts where licenses are very few indeed, and so there is no outstanding need for reduction, except in the minds of those who desire prohibition, "reduction" was carried. So it cannot be said that the system has proved altogether successful.

Hon. J. J. Holmes: It ruined a few hotelkeepers.

The MINISTER FOR EDUCATION: It made reductions where they were not needed, and failed to make reductions where reductions were greatly required. Under the Bill it is proposed that reduction shall be carried out by a licenses reduction board, that board being identical with the Licensing Court. It is also provided that this part of the Act shall come into operation on the 1st January, 1923, and shall continue for six years, but no longer. It is important to notice that the members of the Licensing Court are appointed for a period of three years, and that their appointment may be renewed. It may be worth while giving careful consideration to that point. The whole success of the administration of the Act will depend on the board, and it is worth considering whether a tenure of three years is sufficient security to give people who will be called upon to carry out those important functions.

Hon. A. Lovekin: Why "no longer"?

The MINISTER FOR EDUCATION: That is the usual phraseology when the period is limited.

Hon. A. Lovekin: But why limit the period?

The MINISTER FOR EDUCATION: That is a point worth discussing.

Hon. J. Cornell: It limits only one part of the Act.

The MINISTER FOR EDUCATION: Yes, The Licenses Reduction Board will have jurisdiction throughout the State. Provision is made for the appointment of deputy members, and it is provided that a deputy member may receive such fees and travelling expenses as may be prescribed. It will be a paid body, and its members will be expected to devote the whole of their time to the work. The expenses of the board will not be a charge on the taxpayers, nor will they come out of the revenue raised under the Bill. They are to come out of the amount which the trade is providing in addition to the 5 per cent., a fund called the compensation fund. There, another question is raised. When the Act of 1911 was passed it was considered that the question of compensation was finally solved. The trade was given a period of 10 years, and when that elapsed there was to be no compensation for the closing of hotels.

Hon. J. Duffell: Even in this they do not get anything from the State.

The MINISTER FOR EDUCATION: No, but I take it that if they are required to provide this compensation fund they will have to get it from somewhere.

Hon. J. Duffell: From themselves.

The MINISTER FOR EDUCATION: But before it comes out of their pockets, it will come from their customers; so the public has to find the compensation just the same. Under the 1911 Act it was provided that hotels should be closed as the result of local option polls, and that there should be no compensation. Now if Parliament decides that that method is no good, that local option polls will not close hotels where necessary, and that they shall be closed arbitrarily, without a poll, it may be said that the claim for compensation is justified. This is the argument in favour of this claim for compensation. The board will reduce the number of licenses in the State only to the extent of moneys for the time being to the credit of the compensation fund which will allow compensation being paid to the owners of the licenses. The Royal Commission suggested that Parliament should authorise the board to borrow money for the purpose of paying this compensation. That, however, the Government would not agree to. It might have been open to a great deal of abuse. There is to be no compensation in the case of hotels closed by a prohibition poll. Only when hotels are closed by the board is compensation to be paid. So the board might borrow a great deal of money and close up a number of hotels; following upon which a poll might decide upon prohibition, and so there would be no means of recouping the loan, which would thereupon become a charge upon the State.

Hon. J. J. Holmes: The board's remuneration is a first charge on the fund.

The MINISTER FOR EDUCATION: Yes. The board determines the licensed premises to be deprived of licenses, and assesses the amount of compensation payable in respect of licensed premises deprived of licenses. In coming to this

decision the board has every facility for getting the fullest possible information, can summon persons to appear and give evidence; and in reducing licenses the board has to consider the convenience of the public and the requirements of the district. That is the main consideration and, subject to that, the character of the accommodation afforded by the licensed premises, the manner in which the place has been conducted, and the distance between such premises and the nearest licensed premises thereto. Under Clause 48 the method of dividing or assessing the compensation as between the owner of the freehold and the licensee is provided.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR EDUCATION: Before tea I was referring to Clause 48 of the Bill which deals with the granting of compensation to licensed houses closed by the Licenses Reduction Board, as against licensed houses closed under local option, in which case there is no compensation. When we compare the rival merits of local option with the reduction board principle, we have to guide us, not only the fact that local option has been tried in this State with results that cannot be said to be satisfactory, but we also have the lengthy experience of Victoria under both systems. Victoria between 1885 and 1907 closed 217 hotels at an average cost of £980 each. The licenses reduction board in Victoria commenced its work in 1907, when the local option arrangement was suspended, and up to 1919, a period of 12 years, closed 1282 hotels at an average compensation of £524 each. There was not much more than half the average compensation paid to close 1,282 hotels in 12 years than was paid to close 217 hotels in 22 years under local option. The population of Victoria to the 30th June, 1920, was 1,504,000. They had, after all these hotels had been closed by local option and the licenses reduction board, 2,155 hotels or a total of 698 persons to each hotel. In Western Australia at the end of June last we had 339,000 people and 471 hotels, giving an average of 721 persons for each hotel. We have more persons for each publican's general licenses than has Victoria. That is due to the fact that in the last few years very few hotel licenses have been granted, whilst the population of the State has steadily increased. The Temperance Alliance in Victoria has, I believe, agreed that the principle of the licenses reduction board is more effective than the principle of local option. The compensation fund, out of which the expenses of the licenses reduction board are to be met, and compensation is to be paid, will be provided by the payment of an additional two per cent. when the returns to which reference is made in an earlier clause are forwarded to the Treasury. The trade will pay 5 per cent. on the amount of liquor purchased, and in addition, 2 per cent., which will make up this compensation fund.

Hon. J. Duffell: Is that paid to the Treasury?

The MINISTER FOR EDUCATION: Yes, and it is retained there for the purpose of the fund. The 5 per cent. will return to the State a revenue of about £55,000. The 2 per cent. compensation will return naturally two-fifths of that amount. Something over £20,000 will be paid per annum into this compensation fund. Out of that will have to be paid the fees connected with the licenses reduction board and certain other expenses. I take it that upwards of £15,000 yearly will be available for the purpose of compensation.

Hon. J. Duffell: Will not the Treasury become responsible for the whole of the payment allowances by reason of that fact?

The MINISTER FOR EDUCATION: I do not understand what the hon. member means?

Hon. J. Duffell: The trade pays 2 per cent. to the compensation fund, and the Treasury by accepting that would naturally become responsible for any allowances which would be made available by the licenses reduction board.

The MINISTER FOR EDUCATION: The board can only operate on the money that is in hand or is available. It cannot anticipate its revenue. This is set out clearly in the Bill. The apportionment of the compensation between the different interested parties is fully provided for. Clause 55 repeals Part VI. of the principal Act. That part of the Act relates to the establishment of State hotels under local option; where local option is carried for an increase of hotels, and also that new licenses are to be held by the State. As these local option clauses are to be abandoned, that part of the Act is to be repealed. In its place, we put in the portion of the Bill dealing with prohibition.

Hon. J. Duffell: It is proposed to appoint the State hotel inspector as an inspector under the Act?

The MINISTER FOR EDUCATION: I do not know what the hon members means. There is no special reference to inspectors in this Bill.

Hon. J. Duffell: There is.

The MINISTER FOR EDUCATION: It is proposed to make State hotels subject to most of the provisions of the Act.

Hon. J. Duffell: And the inspectors are to condemn their own hotels. They should be appointed by the Health Department, and not by that department.

The MINISTER FOR EDUCATION: The position does not arise under this Bill. In regard to prohibition, the Royal Commission proposed something different to what the Bill provides. The Commission proposed that prohibition should be put to the people on a State-wide poll with a State-wide vote. That principle is in the Bill. They also proposed that it should be carried by a simple majority vote, but that not less than 85 per cent. of the electors should go to the poll. Most of us would be content to abide by the result of a simple majority if we could secure a poll of

85 per cent. That would give a substantial indication of the will of the people. We know that at election time, which certainly excites more interest than a local option poll, it is impossible to secure a poll of 85 per cent. Our past experience of local option polls suggests that about 50 per cent. is the most we can expect. The Commission suggested that this 85 per cent. poll should be obtained by compulsory voting, and that a provision should be inserted for any person not voting to be fined £5. The Government could not see their way clear to adopt that principle. I would not agree to fine a person for not voting on a local option poll. I do not know that it is a sound principle to fine a person for not voting on anything, but it is unreasonable to tell a man he must vote on a question of this kind or be fined if he does not. We abandoned that proposal. Instead of that we retained the provision that in order to carry prohibition there must be a three-fifths majority vote in its favour. Under the existing Act the local option poll is effective on a simple majority in regard to all questions excepting no license in a district, or restoration of licenses when they are abolished. The Bill provides that 30 per cent. of the electors on the roll shall vote in favour of the proposal, that is the proposal to abolish licenses or to restore them after abolition. The Bill as presented in another place provided for the three-fifths majority in the case of prohibition or to restore licenses where prohibition is carried, and further for a 30 per cent. vote in favour of the proposal in either instance. That provision has been struck out. The poll will now be effective, no matter how many persons vote, provided a three-fifths vote is in favour of the proposal, whether it is for prohibition or for the restoration of licenses after prohibition is carried. Many people think that a 30 per cent. poll in favour of the proposal should also be retained, but we can discuss that in Committee. There is a good deal to be said in its favour.

Hon. J. W. Kirwan: How can State prohibition be made effective under the Commonwealth constitution?

The MINISTER FOR EDUCATION: I do not know why it should not be effective. This State still controls its liquor laws.

Hon. J. W. Kirwan: You could not prohibit the importation of liquor.

The MINISTER FOR EDUCATION: It would be difficult to prohibit the importation of liquor.

Hon. A. Lovekin: This Bill does not prohibit the importation but only the sale of liquor.

The MINISTER FOR EDUCATION: We can prohibit the manufacture or sale of liquor.

Hon. J. W. Kirwan: Private people could import for their own consumption from South Australia.

Hon. A. Burvill: Will it take a three-fifths majority to reinstate licenses.

The MINISTER FOR EDUCATION: Yes. If prohibition has been carried then at the next poll the question submitted is in the form of Schedule 17, "Do you vote that licenses be restored. Yes! No!" These polls for prohibition are taken at intervals of five years, the first being taken in 1925, but in order to restore licenses after prohibition has been carried there will have to be a three-fifths majority vote.

Hon. A. Burvill: Does the Bill state that?

The MINISTER FOR EDUCATION: Yes. It says that when either of these proposals is submitted, that is the one for prohibition or the reinstatement of licenses, there must be a three-fifths majority before it is carried.

Hon. A. Burvill: Will the wine growers be allowed to export their product?

The MINISTER FOR EDUCATION: Yes, but if prohibition is carried I suppose they would be in a bad way.

Hon. J. J. Holmes: If the board closes an hotel, and if a poll is subsequently taken in favour of the reinstatement of that hotel, would this override the decision of the board?

The MINISTER FOR EDUCATION: A poll could not be taken which would favour the reinstatement of the license of any particular hotel. That would not be submitted as a question to the people. The broad question of license or no license alone can be submitted.

Hon. J. Nicholson: Should Clause 55 not be under Part 5?

The MINISTER FOR EDUCATION: No. Part 5 relates to local option which is repealed. Part 6 of the Act relates to State hotels established in response to the decision of the local option poll. That is repealed because the local option poll is done away with. In the event of the proposal for prohibition being carried, it takes full effect throughout the State at the expiration of the year in which the vote is taken.

Hon. A. Lovekin: What do you mean by the term "prohibition"?

The MINISTER FOR EDUCATION: I mean the prohibiting of the manufacture or sale of intoxicating liquor.

Hon. J. W. Kirwan: Can the State prohibit the manufacture of a commodity on which the Commonwealth collects excise? Has legal opinion been taken on that point?

The MINISTER FOR EDUCATION: I do not think there is anything to prevent us doing that. If the hon. member desires it, we can get legal opinion on the point. Under the existing Act the local option vote applied to the following licenses: publican's general, hotel, wayside house, Australian wine and beer, and Australian wine.

Hon. J. J. Holmes: Not to State hotels?

The MINISTER FOR EDUCATION: Some of the State hotels are carried on without a license. No special license was applied for regarding some of them. Others are carried on by virtue of special Acts of Parliament. The prohibition poll, unlike the old local option poll, will apply to all licenses and to clubs as well. The Bill provides that when the proposal for prohibition takes effect "all licenses for the sale of intoxicating liquor shall cease to be in force within the State and the registration under this Act of all

clubs within the State shall be annulled.'' So that it will be seen the present proposal goes much further than any former legislation.

Hon. J. Nicholson: You cannot have a club at all under the Bill if prohibition is carried. It sets out that it shall not be lawful to grant or renew the certificate of the registration of a club.

The MINISTER FOR EDUCATION: Provision is made that the Licensed Victuallers' Association, the W.A. Alliance, and the Anti-liquor League shall be entitled to have scrutineers at each polling place during the polling and at the scrutiny of the votes, to represent them.

Hon. J. Duffell: We will be too good to live soon.

The MINISTER FOR EDUCATION: Under Clause 66 it is provided that where a license is taken away as the result of the poll, no compensation shall be paid. That is in keeping with the provision in the 1911 Act that no compensation should be granted to licenses closed by virtue of a poll in favour of reduction. Provision is made that this prohibition poll shall not be taken on the day of an election of members of the Legislative Council or the Legislative Assembly, or of the Commonwealth Parliament. It is deemed advisable that this matter should stand on its own merits and not be mixed up with the issues arising at a general election.

Hon. J. Duffell: You will want the 30 per cent. pool all right.

The MINISTER FOR EDUCATION: Clause 69 makes provision for a more stringent penalty. That applies to cases where unauthorised structural alterations may have been made. Clause 70 increases the penalties. Section 94 of the 1911 Act provides the penalty that may be imposed upon licensees who refuse entertainment, and Clause 70 increases the penalty from £20 to £50. This is a very important matter because one complaint that has been urged against the holders of licenses is that they have not always met their obligations to the public. In many cases, public-houses that are being carried on make no pretence to supply food or sleeping accommodation for the public. They exist solely for the sale of liquor. Clause 70 is intended to tighten up the law on that aspect. There is a proviso inserted which sets out that the burden of proof that there was reasonable cause for not complying with the section shall lie upon the licensee. That applies to the necessity for the licensee providing refreshment, meals or whatever may be required by bona fide applicants.

Hon. A. Lovekin: You seek to double the penalty and have a star chamber inquiry.

The MINISTER FOR EDUCATION: I do not know that there is any reference to a star chamber inquiry. What we seek to do is to compel the holder of a license to do what they have not done in the past.

Hon. A. Lovekin: What about the inquiry in camera?

The MINISTER FOR EDUCATION: There is nothing about hearing such a case in camera.

Hon. A. Lovekin: Look at Subclause 6 of Clause 94, which says that all proceedings under Subsection 1 shall be heard in camera.

Hon. J. W. Kirwan: That refers to another matter altogether.

The MINISTER FOR EDUCATION: That does not refer to this question at all.

Hon. A. Lovekin: Yes, I think it refers to this provision.

The PRESIDENT: We have not come to that point yet.

The MINISTER FOR EDUCATION: Under Section 128 it is set out that upon proof being given to the satisfaction of any two justices of the peace that any person by excessive drinking of liquor, is likely to impoverish himself to such a degree as to expose himself or his family to want, or to seriously impair his health, such justices may order that no licensee shall sell or supply such inebriate with any liquor for not exceeding the space of one year. That is the only case which can be heard in camera and I think Mr. Lovekin, with his experience of courts, will agree that it is only proper that such an application should be heard in camera. I do not think it possible that the law can be made too stringent to compel licensees to properly cater for their customers. Years ago I used to travel extensively in the country and it was by no means unusual to arrive at a country town between 10 or 11 o'clock at night after a very long journey. The licensee would not get anything for the party to eat when we arrived at such an hour. That was a clear evasion of the letter and spirit of the Act. A man who would refuse to provide refreshments under such circumstances should not be allowed to hold a license.

Hon. G. W. Miles: If the law had been administered, you would have got the meal.

The MINISTER FOR EDUCATION: I admit that the law was there and that he could have been forced to provide the meal, but it was a difficult matter. I think that is an aspect regarding which the law can well be tightened up and that will be welcomed by the decent section of the trade themselves. I know a number of instances where premises exist purely for the sale of liquor. As a matter of fact, hotels of a considerable size in big towns do not run even a dining room. They will not take any boarders and will not provide sleeping accommodation. The position in that regard has been greatly improved since the last local option poll because it was then made clear that such hotels would be the first to go if they did not make provision to cater for these requirements.

Hon. J. Duffell: Their motto is, give the horse a drink and have one yourself.

The MINISTER FOR EDUCATION: The Bill provides that where the Licensing

Court is satisfied that a licensee is not genuinely catering for the requirements of the public, the court may prescribe tariffs to be charged for meals, and the licensee will have to provide meals at a price not exceeding the tariff so fixed. That is done in order to prevent those people who, in the past, have conducted their places purely for the sale of liquor and who, under the new Act, will be compelled to provide meals. The clause will prevent them from charging say, 20s. for dinner and 10s. for breakfast. They must provide meals in a bona fide manner and the board can exercise power and fix the tariff if necessary. Clause 71 deals with the question of trading hours and perpetuates the hours that we have in existence to-day, with some slight alterations. Early in the war this question arose and it was then decided that trading hours, except in the North-West and on the goldfields, should be from 9 to 9. On the goldfields, they were to remain at from 6 a.m. to 11 p.m. unless altered by the local option poll which was to be taken. The poll was taken in due course and the decision was in favour of continuing the hours from 6 to 11. In the North-West no provision was made for a local option poll and the hours were left as they are now, from 6 a.m. to 11 p.m. In some of the other States, the hours were reduced to twelve—6 a.m. to 6 p.m., although giving the 12 hours the same as we have here. Some of the States have altered their hours to 9 to 6. From what I have seen, I think our 9 to 9 provision is the best of the lot. The provision for 6 o'clock drinking in the morning is a bad business. I took a prominent part, when the question of introducing limited hours was under discussion, and I was one of the members on the committee from this Chamber who met a committee from the Legislative Assembly to discuss this matter. I feel confident now that my attitude then was the right one and that 9 o'clock closing has proved very beneficial, particularly in the country towns. A man might get too much drink over night and if the hotels were open at 6 a.m. such a man would be there ready for his drink, whereas if the hotels did not open till 9 o'clock he would have had time to get a meal and be ready for work. In such circumstances, that man would go to work rather than start drinking again. Under the Bill we perpetuate the hours of 9 to 9 in the city, and for the goldfields and the North-West we will allow them to remain open till 11 p.m., but make them start at 9 a.m. That, I think, should be suitable.

Hon. G. W. Miles: There will be no gin-slings before breakfast in future!

The MINISTER FOR EDUCATION: The usual provisions are made for the selling of liquor to bona fide lodgers and for the consumption of liquor by a licensee and his family. There is also provision for the closing of hotels on Sundays, Good Friday and Christmas Day. The Royal Commission advocated the retention of what is known as the "bona fide traveller" section. The Government disagreed with the Royal Commission on that point and when the Bill was introduced in another place no provision was made for bona fide travellers. I direct the attention of hon. members to the fact that while Clause 75 seems to make it quite clear that the bona fide traveller is intended to have these privileges, he is not included under Clauses 71 to 72. If this Chamber agrees to the bona fide traveller, we will have to deal with that omission by the Lower House. The Legislative Assembly intended that he should have these privileges, but it is not really provided for in the Bill as it comes before us. The provision in the Bill is that a person must travel more than 10 miles and the place where he receives liquor must be more than 20 miles from the Town Hall, Perth. Clause 75 dealing with the matter is unnecessarily complicated and if the principle is adopted we can put the Clause into language which will be much more simple. It says that no person shall be deemed to be a bona fide traveller if the place where he demands to be or is supplied with liquor is in the licensing district of Perth, Fremantle, Claremont, Subiaco, Leederville, Canning, or Guildford, and also that he shall not be deemed to be a bona fide traveller if the place where he demands to be or is supplied with liquor is within any other licensing district unless such place is more than 10 miles from the place where he lodged during the preceding night. It then goes on to set out that the section shall operate only over the districts named in respect of hotels situated within a radius of 20 miles of the Perth Town Hall. That simply means that a man cannot be supplied within 20 miles of the Town Hall. I still think it would have been better to have left out all provision regarding the bona fide traveller, but in any case the provision in the Bill as it stands is a great advance on the old legislation. There will not be any Sunday trading within 20 miles of the Town Hall for the future, and the distance a person will have to travel to get drink has been increased from 5 to 10 miles from where he slept on the previous night.

Hon. C. F. Baxter: It will be rough on country travellers if you cut them out.

The MINISTER FOR EDUCATION: It will represent a big improvement on the existing legislation and it will satisfy most people. Clauses 76 and 77 have both been left in, but obviously, when the Legislative Assembly made provision for the bona fide traveller, they should have been struck out, because they will have no meaning if we restore the bona fide traveller to the Bill. There are quite a number of amendments consequential upon those made in the Legislative Assembly which will have to be made in this House and that matter is receiving the careful consideration of the Crown Law Department.

Hon. J. Ewing: Why do not they attend to those things up there?

Hon. A. Lovekin: Do not ask conundrums.

The MINISTER FOR EDUCATION: Clause 83 is very important. It refers to the supplying of liquor to intoxicated persons, a most difficult matter. Section 112 of the existing Act reads:—

> Any licensee or other person who, on any licensed premises, supplies any intoxicating liquor to any person who is at the time in a state of intoxication, commits an affence against this Act. Penalty: £20.

The whole point is what is "a state of intoxication." I have never found a satisfactory definition. I remember many years ago I was correcting proofs in a little office adjoining a composing room and a report came through of some person having committed a crime apparently when under the influence of liquor. This raised an argument amongst the compositors—as keen debaters as would be found in any Assembly—on the question as to when a man was drunk. The argument which appealed most to me and which closed the debate was put forward by one member of the chapel who said, "I do not need to fall down on the door step to know that I am drunk. When I walk along the street with my head up, rattling my last two coppers in my pocket and fancying I am a millionaire, then I know I am drunk." For the purpose of Section 112 it has not been possible to get a satisfactory interpretation of when a man is in a state of intoxication. I do not pretend that the amending clause will overcome that difficulty, but it will help. It seeks to insert after the word "intoxication" the words, "or visibly affected by liquor or who aids or abets any person in a state of intoxication or visibly affected by liquor in obtaining or consuming any liquor." I do not know that that is conclusive, but I think it will help. Anything that we can do to tighten up the law in this respect and make it easier to obtain convictions against persons supplying liquor to intoxicated people should be done. A penalty is provided against a servant or agent who offends in such cases. Under Clause 85 the responsibility for running a dining room is fastened on the publican. Under the existing Act he cannot sublet his bar, but he can sublet his dining room. This clause will not permit him to sublet his dining room. It will fasten on him the responsibility for providing accommodation in the way of meals as well as of liquor. Clause 86 lays down that there shall be only one bar except with the permission of the court. Then we come to some very important clauses with regard to the supply of liquor to children. The age is increased from 18 to 21 years. This proposal came before the House during the war and I, for one, opposed it at that time, because I considered that if we were calling youths of 18 to enlist and go into camp, we could not then treat them differently from men of 22 or 23. I hope such an emergency will not occur again, but in normal times I think it is a good thing to increase from 18 to 21 the age at which liquor may be supplied. In the Children's Court Mr. Lovekin has had experience of children under the age of 18 being supplied with liquor. Even if we raise the age to 21, some under that age will get it, but if under the present law, which limits the age to 18, boys of 17 do obtain liquor, then by increasing the age to 21 some boys of 20 might get it, but we shall be doing good service by increasing the age. There is one clause which I find is rather difficult to understand, namely, Clause 91. The previous clauses refer to supplying liquor to persons under 21 years of age. Section 117 of the existing Act, which it is proposed to amend by altering the age from 18 to 21 years, reads—

> No licensee shall sell, supply, or give or permit or suffer to be sold, supplied, or given any liquor, in any quantity whatsoever, either alone or mixed with water or any other liquid to any person apparently under the age of 18 years for himself or for any other person.

I direct special attention to the words "for himself or for any other person." Clause 91 reads—

> Any person who sends or causes to be sent any person under the age of 16 years to any licensed premises for the purpose of procuring liquor commits an offence.

The licensee cannot supply any person under 21 for either himself or any other person and yet Clause 91 suggests that it is lawful to send any person over 16 for liquor. That is an inconsistency which must receive consideration in Committee.

Hon. A. Lovekin: Clause 87 provides 16 in the case of a child in a bar.

The MINISTER FOR EDUCATION: That refers to permitting a child to be on the premises—a different matter. The present age is 14 and this measure will increase the age to 16 in that respect, but being on the premises is very different from being supplied with liquor.

Hon. A. Lovekin: Do you think it a good thing?

The MINISTER FOR EDUCATION: I was merely pointing out an obvious inconsistency. What the hon. member refers to is not altogether inconsistent. Clause 93 amends Section 135 by omitting the words "lawful purpose" in Subsection (4) and substituting the words "purpose not made unlawful by this Act or any other Act relating to the sale of liquor." The proviso to Clause 93 states—

> If it is proved that the licensee took all reasonable care to prevent such person coming or remaining on the licensed premises for an unlawful purpose, or took all reasonable care to ascertain and actually believed that the purpose for which such person had come or remained on the licensed premises was a lawful purpose, the court may dismiss the case against the licensee.

The proviso needs some consideration but, as it is within the discretion of the court, I do not know that it matters very much. Now we come to Clause 94 which relates to the placing of people on the prohibited list, or

under the "Dog Act" as it is generally spoken of. When a person is proceeded against on the ground that his excessive drinking is likely to expose him and his family to want, the case may be heard in camera. This is the matter to which Mr. Lovekin referred. Clause 95 is a consequential amendment. Clause 96 is new. It imposes on every licensee employing an Asiatic, the obligation of registering him and only those Asiatics employed before the 15th August, 1922, may be employed on hotel premises. There is a proviso that this section shall not apply to persons of the Jewish race.

Hon. J. J. Holmes: Have you found them objectionable?

The MINISTER FOR EDUCATION: I am merely drawing attention to the clause. I am not discussing its merits.

Hon. J. J. Holmes: I do not think they drink much.

The MINISTER FOR EDUCATION: Section 131 of the Act reads—

> No licensee shall permit drunkenness, or any indecent or disorderly conduct to take place, or any reputed prostitute or thief to remain on any part of his licensed premises. Penalty £30.

Clause 97 seeks to amend the penalty. The present penalty is £30 and in place of that the Bill provides for a first offence £50 and for any subsequent offence after a previous conviction £100. It is well that the penalty should be made very substantial. Clause 98 contains a proposed new section which reads—

> No licensed person shall placard, post up, or exhibit or permit or suffer to be placarded, posted up or exhibited in or on or about his licensed premises any information or notices relating to betting or the results of horse racing.

Hon. A. Lovekin: What is the reason for that?

The MINISTER FOR EDUCATION: It is considered that this posting of results interferes with the orderly conduct of hotels.

Hon. J. Duffell: What, when posted outside the hotels?

Hon. G. W. Miles: Yes, walk around Perth on any Saturday afternoon and see for yourself.

The MINISTER FOR EDUCATION: I think it is a good provision. Hotels are established to cater for the convenience of the public, and they should not be permitted to draw crowds by placarding or posting up betting or horse racing results to the obvious inconvenience of the public who look to hotels to meet the requirements for which they were established.

Hon. A. Lovekin: A club would come under that.

Hon. J. W. Kirwan: What is the interpretation of the words "about the premises"?

Hon. A. Lovekin: A club would be licensed premises.

The MINISTER FOR EDUCATION: Clause 99 deals with betting in licensed premises. Clause 100 needs examination. This clause is to amend Section 132 of the Act, which reads—

> Where any licensee is charged with permitting drunkenness on his licensed premises, and it is proved that any person was drunk on his premises, it shall lie on the licensee to prove that he did not permit such drunkenness. (2) The presence of any reputed prostitute or thief upon licensed premises shall be prima facie evidence that the licensee permitted such reputed person to be present with knowledge that such person was a reputed prostitute or thief.

Under a former clause we have increased the penalty. Clause 100 might be regarded as making it more difficult to secure a conviction. It says—

> Section 132 of the principal Act is amended by omitting the words "did not permit such drunkenness" in Subsection (1), and inserting in place thereof "and the persons employed by him took all reasonable steps to prevent drunkenness on the premises."

I do not like the clause, and I hope that in Committee it will receive careful consideration. Clause 101 provides that in no licensed premises within a radius of 12 miles of the Perth General Post Office shall billiards, bagatelle or other games be played after the closing hour, but in licensed premises more than 12 miles distant, such games may be played up till 11 o'clock.

Hon. J. Duffell: Does that apply to outdoor games on licensed premises?

The MINISTER FOR EDUCATION: What games?

Hon. J. Duffell: I know where bowls are played on licensed premises.

The MINISTER FOR EDUCATION: There is also a new provision in the proposed new Subsection 3.

Hon. J. Duffell: You do not seem to be able to give an answer.

The MINISTER FOR EDUCATION: The proposed new subsection provides that billiard licensees outside of hotels must close their premises at 11 o'clock and at all times on Sunday, Christmas Day or Good Friday. Under Clause 102 a licensee is prohibited from allowing any person to play any unlawful game on the licensed premises. Clause 103 gives power to the police or the resident magistrate, in the event of any riot or tumult happening or being expected to take place, to order or direct the closing of licensed premises. During the war we had an emergency measure which vested in the Governor-in-Council the right to close hotels at any time. That Act was continued from year to year until quite recently; it is not now on the statute-book. To me it seems highly desirable that some person should have this authority, and the Bill vests it in the police or resident magistrate. Clause 144 provides additional offences for which a licensee may lose his license. It should be carefully examined in Committee. Personally, I think that so long as we maintain justice, the more

rigorous these penalties are, the better; and I know that the trade generally has no objection whatever to provisions which will compel licensees to conduct their hotels properly. Clause 105 makes provision, additionally to Section 144 of the existing Act, for the taking away of a license. Any person who commits certain offences specified in Section 144 of the Act may have his license withdrawn, and this clause adds that if the licensee—

> . . . (e) is of drunken or dissolute habits and unfit to hold a license; or (f) knowingly suffers his licensed premises to be used for immoral purposes; or (g) fails to keep a well-appointed eating house with requisite appliances in operation for the daily preparing and serving of meals to guests on his licensed premises,

his license may be forfeited.

Hon. J. Duffell: Will you define "licensed premises"?

The MINISTER FOR EDUCATION: The interpretation section says—

> "Licensed premises" means premises in repect of which a license has been granted and is in force.

Hon. J. Duffell: I suppose that is the whole of the boundaries, the whole of the enclosure?

The MINISTER FOR EDUCATION: The definition means what it says. I think it will be agreed that for any of those offences it is quite proper that the court should have the power to take the license away. The clause adds a provision under which a fine of not more than £100 may be imposed. Under the present Act the court has power to take away the license for those offences, but that is all. This Bill, besides providing that the license may be forfeited for certain additional offences, also gives the court power to inflict the lesser penalty of a fine. Clause 106 provides—

> All liquor sold under the authority of this Act, in a quantity not less than half a pint shall, if required by the purchaser, be measured and delivered according to Imperial standard measures . . .

There is another provision I should very much like to have seen inserted in this Bill. I agree it is entirely right that the publican in selling certain liquors should limit to a reasonable thing the quantity of spirits that the customer shall take. I do not see how anybody can raise the slightest objection to a glass with a mark round it, or to the measure that is generally used. Nobody is entitled to take more than is fair. But I think it would be a very good thing to compel the publican in connection with certain spirits to supply the customer with a glass that will enable him to dilute the spirit according to his taste. In many cases—I have experienced it myself over and over again—the customer is given a glass which will hold perhaps three times the measured nobbler; that is, the measured nobbler and twice as much water. I have known cases where the glass held still less. This has one of two results. Either the customer, knowing that it is not good for him to drink liquor so strong, takes less than the full nobbler, and is thus defrauded——

Hon. J. Duffell: Would not that come under the Weights and Measures Act?

The MINISTER FOR EDUCATION: No. He has either to take the full nobbler, and if he takes the full nobbler, he must drink the liquor stronger than he likes and stronger than is good for him, or else he takes less than the nobbler and is therefore defrauded. From my observation I consider it beyond all doubt that it is drinking strong spirits that does most harm. I think it would be a reasonable provision, and one to which the trade could not take reasonable objection, that the publican must supply spirits in a glass which would hold not less than five times the measured nobbler. That, however, is not provided for in the Bill. I think it ought to be. Under Clause 107 the manager of a State hotel is deemed to be a licensee, and a State hotel shall be deemed licensed premises as regards hours of trading, and as regards conditions imposed by this measure on licensees, and also for the purpose of certain sections of the existing Act, sections requiring the licensee to keep his premises in good order, not to serve intoxicated persons or have them on the place, and to exclude children.

Hon. C. F. Baxter: Who would pay the fine?

The MINISTER FOR EDUCATION: I think the manager of the State hotel who was fined for that sort of thing would stand a good chance of losing his position. I quite see Mr. Baxter's point as to one State department paying a fine to another.

Hon. A. Lovekin: Would this measure repeal the Act under which State hotels exist?

The MINISTER FOR EDUCATION: No, but it makes them subject to this measure and the parent Act. I think the provision should have a salutary effect on managers of State hotels, who will know that they are liable to prosecution. Although, as Mr. Baxter suggests, the fine would be paid by one department to another—a difficulty which exists in connection with all State trading concerns—yet the manager who was fined in this connection would have very short shrift. Clause 108 is very important, dealing with the vexed question of clubs. The framers of the clause seem to have gone very much on the lines of Hamlet's suggestion with regard to matrimony, that those married stay married, but that no more marry. The clause practically says that so far as we have clubs, they may remain, but that we shall have no more clubs. I can read nothing else into the clause. It provides—

> The number of registered clubs in a district shall not, except in pursuance of the special authority granted under the next following subsection, at any time exceed the number of registered clubs in the district on the 31st day of December, 1922.

Now, these are the only conditions under which new club licenses can be obtained——

> where a petition is presented to the Governor asking that the licensing court may have authority to grant the registration of a club for certain specified premises, and such petition is signed by a majority in number of the adult residents living in an area therein defined . . .

Perth is a growing city. We have a number of clubs here at the present time. Let us assume that in a certain period the population of Perth will be doubled. Then there will be need for at least another club. Where will that club be situated? Probably in handsome, commodious premises on St. George's-terrace. What earthly sense is there in providing that in such a case there must be a petition "signed by a majority in number of the adult residents living in an area therein defined"? The majority of the adult residents would in such a case have no relation whatever to the demand for a club, and would probably include very few, if any, of the proposed members of the club.

Hon. J. J. Holmes: It would include all the members of opposing clubs.

The MINISTER FOR EDUCATION: I do not know that one club would necessarily oppose the registration of another club. But what would be the area for petitioning? There would not be an increase of population in the immediate vicinity. As regards the metropolitan area, that provision is ridiculous. However, I am not so much concerned with the matter as it applies to the city, but as it applies to country towns. Many of our country towns which are growing, and growing rapidly, have no clubs, and why should they be compelled to obtain such a petition as contemplated by this clause? Personally I do not like the provision at all. Clause 109 fixes the minimum number of members at 100 if the club premises are situated in the metropolitan district, and 50 if they are situated elsewhere. Regarding a prohibition poll, I do not see why clubs generally should not be brought under the same restrictions as hotels. If we are going to have prohibition, let it apply to clubs as well. But I do think that the first portion of Clause 108, with regard to the establishment of clubs, needs very careful consideration. As regards the closing hour of clubs, it is provided that they may keep open from 9 a.m. to 11.30 p.m., but that the period during which the strangers' room may be open shall terminate at the same hour as the trading of hotels, namely 9 p.m. A great many clubs have adopted the practice of closing their strangers' rooms at 9 o'clock. Further, the supply of liquor in a club must cease at 11 p.m., except to bona fide lodgers in the club. In that connection there is a provision that—

> no person shall be deemed to be a bona fide lodger in club premises unless such club contains 10 bedrooms, together with a suitable complement of bedding and furniture.

There it would appear as though we were legislating entirely for the city, because a first-class country club, catering in every possible way for the requirements of members, might not contain 10 bedrooms. That provision requires some alteration. Otherwise I take no exception to the provision that the sale of liquor to strangers at a club shall cease when the hotel is closed, nor do I object to 11 o'clock being the closing hour for members of a club other than lodgers. With regard to the renewal of a club certificate, provision is made that for a city club there must be not less than 100 members, nor less than 50 for a country club. Clubs at present pay 2½ per cent. on their purchases. This Bill brings them into line with hotels, and they are to pay 5 per cent. on their purchases less Customs and Excise duties. Provision is made that hotelkeepers may deduct, in addition to Customs and Excise duties, the cost of transport from place to place within the State. That is provided in order that hotels conducted at a great distance from the metropolitan area shall not suffer because of the cost of the carriage of their liquor by sea or land. I consider that a similar provision should be made in behalf of country clubs. In regard to Sunday trading, it is provided that clubs shall be on the same footing as hotels. These restrictions may to some people appear arduous, but there is always a very strong possibility of clubs being abused, and it is necessary to legislate to prevent abuses.

Hon. G. W. Miles: Can a lodger get a drink on Sunday under this Bill?

The MINISTER FOR EDUCATION: Yes.

Hon. G. W. Miles: In an hotel or a club?

The MINISTER FOR EDUCATION: Yes. It may be contended that reducing the trading hours of hotels means popularising clubs, particularly if these can go on trading after the hotels are closed. I do not think there should be any undue interference with the liberties of club members, but still I think we should refrain from endeavouring to provide the clubs with facilities which will react unfairly upon hotels.

Hon. G. W. Miles: You could not take a guest to a club.

The MINISTER FOR EDUCATION: Yes. Further provision is necessary to permit of occasional late evenings in clubs. This permission is granted to hotels at the present time.

Hon. J. Nicholson: Clause 112 clearly prevents a stranger going into a club.

The MINISTER FOR EDUCATION: A stranger cannot go into a club now after hours. Provision is made for the club premises to be open for inspection. I do not know that any exception can be taken to that by a club. Clause 119 provides for keeping a register of lodgers. That is

necessary in view of a lodger being the only person who can be served after 11 o'clock. Clause 120 extends to clubs the provision in regard to selling liquor to persons under 21. Clause 121 provides for a report being given on a club, particularly for use when an application is made for the renewal of a certificate. Clause 122 provides for the establishment of a branch of the Police Department to deal with the inspection of licensed premises. I do not think this should mean the appointment of additional officers because at the present time the work of the police is largely concerned with the conduct of licensed premises. There is also a provision in regard to the proof strength of beer. If members will look at the report of the Commission they will see therein the particulars of the strength of beer and stout in other countries. I have been approached by persons interested in the trade. One told me that the limit in regard to beer of 9 per cent. was quite right and that the limit of 12 per cent. in regard to stout was too low. Another said that the stout limit was quite right, and that of beer was too low. However, that is a matter on which we can get authoritative information.

Hon. J. Duffell: This clause would prohibit the importation of Guinness' stout.

The MINISTER FOR EDUCATION: We need not labour the point now; it is a matter on which we can get exact information and settle the point in Committee. Clause 125 refers to the apportionment of rent and premium. It perpetuates the provisions contained in the 1915 Act in regard to the adjustment of rents. I have endeavoured to put before hon. members the provisions of the Bill without dwelling on them at too great a length. We can discuss details in Committee. The Bill as a whole contains some very important amendments, notably the raising of the age at which children can be supplied with liquor, the alteration of the bona fide traveller provisions, the supplying of proper requirements for the public, the tightening up of the provision regarding punishment for offences, and the provision for licenses reduction in places where it is obvious that a reduction can be made. I commend the Bill to the favourable consideration of the House.

Hon. A. Lovekin: You have forgotten the revenue point.

The MINISTER FOR EDUCATION: That does not appeal to me as much as if the Bill had reached us in its original form. As it is we shall increase the revenue from £34,000 which we received last year to £55,000. There are amendments which will be submitted when the Bill is in Committee. I move—

That the Bill be now read a second time.

On motion by Hon. A. Lovekin debate adjourned.

BILL — WYALCATCHEM-MOUNT MARSHALL RAILWAY (EXTENSION No. 2).

Second Reading.

Debate resumed from 18th October.

Hon. R. G. ARDAGH (North-East) [8.40]: I join with other hon. members representing goldfields divisions in entering a protest against the introduction of this Bill at the present stage. The Government have broken a solemn promise which was made to Parliament, that the construction of the railway from Esperance northwards would be the first to be undertaken. Instead of that we find that it is proposed now to carry out this Mt. Marshall extension to enable settlers to be brought into closer touch with the market. But what about the settlers in the Esperance district who have to cart their produce 40 miles one way and 40 miles the other? Quite a number of the settlers in the Esperance district went there from the goldfields. They sold their homes years ago on the understanding that they would get railway communication at no distant date. Those unfortunate people are at the present time financially ruined. When the Wyalcatchem-Mount Marshall Railway Bill was passed in December, 1919, it was the last of the railways to be authorised for construction. Now we find it is the first put into operation, and in spite, too, of the fact that in February, 1918, a resolution was carried by Parliament to the effect that the first line to be constructed should be from Esperance northwards. The Government have flouted the instruction of Parliament and now we have the present Bill before us seeking permission to construct an extension of seven miles. We were told that there was no chance of getting railway material and when the rails were taken up between Coolgardie and Kalgoorlie and removed to Wyalcatchem, the excuse given was that the expense of conveying them to Esperance would have been prohibitive. But I think that by the time those rails were taken to Fremantle and transhipped to Esperance there would not have been very much difference between the cost of doing that and conveying them to Mt. Marshall. The settlers it is proposed to serve at Mt. Marshall are not nearly so badly off as are those in the Esperance district. I repeat that the Government should have kept their promise. I blame not only the present Government, but those before them for neglect in respect of carrying out the construction of the Esperance line. I remember some years ago when the present Minister for Mines was contesting his goldfields seat, the then Premier (Sir Henry Lefroy) told an audience at a meeting held midway between Boulder and Kalgoorlie, that in consequence of the good report received from the Commission which had investigated the Esperance lands, the railway would be built without delay. But the same old tale goes on to the disgust of the people on the goldfields. The Bill provides for the purchase of land within 15 miles of the line. That may be all right, but why should we add to our railways? Our

population is increasing very slowly, if at all, despite the reported number of immigrants arriving. Consequently, the construction of this line is but adding to the public indebtedness per head. If we must purchase land alongside railways, why not purchase some of the vacant lands adjacent to existing lines for the settlement of people who want to go on the land? It is nine or 10 years since the Bill authorising the Esperance railway was passed.

The Minister for Education: It was passed in 1915.

Hon. R. G. ARDAGH: Ever since then we have been promised that the railway would be built. If it had been constructed some time ago, a large number of miners would have taken up land and settled down there, and so probably there would have been alive at the present time many who have since died of miners' phthisis. The Government, by neglecting their promise to build this line, have deceived the people of the goldfields. Therefore I feel justified in opposing the second reading of the Bill. I have here a telegram from Esperance addressed to Mr. Cornell, as follows:—

> I am instructed by the Railway League to congratulate you, Mr. Seddon and Mr. Kirwan on your able advocacy of our railway and urge a full inquiry into the wastage and delay in construction.,

That is signed by the secretary of the league. It shows how keenly those people are watching the action of the Government respecting this line. I hope the Government will fulfil their promise by building the Esperance railway.

Hon. G. W. MILES (North) [8.48]: Without going quite so far as they do, I endorse what goldfields members have said of the action of the Government in failing to construct the Esperance line. It is but another instance of the centralisation which has existed in this State for a number of years. I hope the Government will fulfil their obligations to the extent of building that long authorised line. The goldfields people have every cause to complain of the way in which the Government have treated them by putting 23 miles of goldfields rails into an agricultural district, when the Esperance line is awaiting construction. I was right when I contended that there is but one section of the State being catered for, namely, the South-West, all other sections being allowed to go by the board.

On motion by Hon. E. H. Harris, debate adjourned.

BILL—ADMINISTRATION ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption of the debate from 18th October.

Question put and passed.

Bill read a second time.

BILL—COMPANIES ACT AMENDMENT.

Second Reading.

Debate resumed from 19th October.

Hon. A. BURVILL (South-East) [8.51]: The Bill will be of distinct advantage to co-operative companies, in that they will be able to give their shareholders bonuses from their profits. Mr. Holmes, in speaking to the second reading, said it was giving a bonus to non-shareholders. I do not see that. It only proposes to give a bonus to shareholders themselves. This will help all co-operative companies, in that it will provide an incentive to shareholders to assist their companies. Therefore, I have pleasure in supporting the second reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [8.52]: Mr. Holmes said he would oppose the second reading because the Bill would enable companies to compel non-shareholders to take shares. If the hon. member will look more closely at the provision, he will see that it cannot have that effect. It merely provides for the distribution of profits among shareholders.

Hon. J. J. Holmes: You did not give us much time to look into it.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 1—agreed to.

Clause 2—Bonus debentures and shares:

Hon. J. J. HOLMES: Even now I am not quite clear. I do not mind a company issuing bonus shares to the shareholders, but I do not see why a man should be compelled to take shares in the company.

The MINISTER FOR EDUCATION: The point is that under the memorandum a shareholder would be entitled to cash; he has to take shares instead of cash. It applies chiefly to small co-operative companies. It would be impossible for them to distribute their profits in cash; they can only distribute by way of shares. Under the memorandum they could not do that, in spite of which they have done it. This is to validate what they have done and entitle them to continue doing it. The shareholders themselves want the Bill.

Hon. J. J. HOLMES: I understood that these co-operative companies were of the nature of mutual benefit societies in which there were no profits. It now seems they have developed into profit-making concerns. At all events, they make a profit on paper and, so to speak, give a chit for it. Where is it going to lead, if not to bankruptcy?

Hon. J. NICHOLSON: There is a good deal to be said about the clause.

Hon. J. J. Holmes: It is loaded.

Hon. J. NICHOLSON: There is some danger. Section 26 of the Companies Act of 1893 has an important bearing on the clause.

That section corresponds almost exactly to Section 25 of the old English Act. There is a long list of decisions which have been given on the interpretation of that section. There is no provision for these shares being issued as fully or partly paid. There should be something inserted to provide that if bonus shares are issued they should be fully paid. It may be worth while adjourning the matter for further consideration.

The Minister for Education: I have no objection to that.

Hon. J. NICHOLSON: We want to give the shareholders something that they expect to get. They may receive shares which will carry a liability.

Hon. J. J. Holmes: And the company may continue to get increased capital.

Hon. J. NICHOLSON: A company ought not to be allowed to increase its capital by the issue of bonus shares beyond a certain limit, otherwise it may be receiving capital which is not bolstered up by any assets.

Progress reported.

BILL—MARRIED WOMEN'S PROTECTION.

Second Reading.

Order of the Day read for the resumption of the debate on the second reading of this Bill.

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

House adjourned at 9.4 p.m.

Legislative Assembly,

Tuesday, 24th October, 1922.

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

BILL—DAIRY INDUSTRY.

Report of Committee adopted.

BILL—PEARLING ACT AMENDMENT.

Second Reading.

Debate resumed from the 18th October.

Mr. DURACK (Kimberley) [4.37]: The Bill has been clearly dealt with by the Colonial Secretary in moving the second reading. A few amendments have been brought forward in it with the object of tightening up the Pearling Act and doing away as far as possible with the practice of dummying. Most members know that aliens were introduced into the Kimberley and Broome areas to develop this industry, and that they were allowed to enter the State only under certain conditions. It appears now that the industry is to a great extent getting into their hands, due to the tactics of unscrupulous operators who, I suppose, will always be in our midst and cannot be entirely got rid of. The Bill, I consider, is a good one, and it should meet the desires of the association. The system of dummying is carried on in two or three different ways. In one case a man allows his name to be used by an alien as the owner of a boat on the payment of a sum of £200 or £300. The shell is brought in and sold by the owner of the boat and the proceeds are handed to the alien. The pearls, I understand, are also sold by the owner and the alien gets the proceeds, the man effecting the sale taking 10 per cent. Another practice is to lease a boat to an alien who pays so much a month for it. In this case the shell is brought in and sold by the owner, the proceeds again going to the alien. Another way is for the alien to provide all the expense for gear, etc., the proceeds from the shell being divided between the European and the alien. Some people might contend that the system of leasing is justifiable and should benefit the industry, but it must be conceded that the conditions under which the aliens were allowed to come in were that they should work as divers in the obtaining of shell. They were not permitted to come into the State with a view to their participating in any of the proceeds from the pearlshell. A measure which aims at overcoming these difficulties should receive the endorsement of the House. There is a new provision with regard to a diver's tender, who also will be required to take out a license. The tender is the man who attends the diver, and the diver and his tender are the two men against whom the pearlers should be protected. The suggested limited dealer's license is a very good proposal. In the past we have had experience of unscrupulous buyers who refused to take out a license in the pearling area as required by the present Act. They were thus able to buy pearls at a reduced value and sell them to the jewellers south of the 27th parallel. Dealers now wishing to buy pearls in the State will take out a limited license, and it will be possible to trace the man from whom the pearls were purchased. Thus the association will be given a chance of tracing the sellers of pearls obtained illicitly and put on the market here. It would be a good thing