

the courage of their conviction, whereas those who came after them have never had the courage to dispose of the, to them, objectionable trading concerns. So long as we have Ministers who, in season and out of season, declare that individually they are opposed to the State trading concerns, how can we expect those concerns to succeed? Fancy appointing to a private business concern a manager who had no confidence in it and who did not hesitate to say so! What would the proprietor of such a concern do, but invite the manager to get out?

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

Ayes	..	..	15
Noes	..	..	5
Majority for	..	10	—

AYES.

Hon. A. Burvill	Hon. J. Mills
Hon. H. P. Colebatch	Hon. G. Potter
Hon. J. Duffell	Hon. E. Rose
Hon. J. Ewing	Hon. A. Sanderson
Hon. J. A. Greig	Hon. A. J. H. Saw
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. J. Nicholson
Hon. G. W. Miles	(Teller.)

NOES.

Hon. J. Cornell	Hon. H. Seddon
Hon. E. H. Harrie	Hon. T. Moore
Hon. J. W. Hickey	(Teller.)

Question thus passed.

Bill read a second time.

In Committee, etc.

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

ADJOURNMENT—SPECIAL.

The MINISTER FOR EDUCATION: I desire to intimate that, in order to meet the convenience of hon. members, it is my intention at the conclusion of the business tomorrow to move that the House adjourn for a period in view of the condition of our Notice Paper and of the time likely to elapse before any Bills will be available from another place.

House adjourned at 9.40 p.m.

Legislative Assembly,

Wednesday, 20th September, 1922.

Leave of absence	...	...	...	PAGE
Bill: Licensing Act Amendment, Com.	...	...	...	839

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

LEAVE OF ABSENCE.

On motions by Mr. Mullany, leave of absence for two weeks granted to Mr. Boyland (Kalgoorlie) on the ground of ill-health; and four weeks to Mr. Teesdale (Roebourne) on the ground of urgent public business.

BILL—LICENSING ACT AMENDMENT.

In Committee.

Resumed from the previous day; Mr. Stubbs in the Chair, the Premier in charge of the Bill.

Clause 21—Amendment of Section 49—Amendment by Hon. W. C. Angwin "That all words after 'premises' in line 4, down to 'nor' in line 14, be struck out" (partly considered):

Hon. W. C. ANGWIN: On reconsideration, I propose to withdraw the amendment. The words "within the city of Perth or town of Fremantle" can be struck out in another place. Moreover, I wish to give other members an opportunity to move an amendment to strike out paragraph (a). Consequently, I withdraw my amendment.

Amendment by leave withdrawn.

Mr. MUNSIE: I move an amendment—

That paragraph (a) be struck out.

I do not see any necessity for providing a separate door to a bottle department. I cannot understand why the provision was included. It is often said that gallon licenses are responsible for drinking in the home. Yet here we are asked to provide for a separate and private entrance to every hotel, which is to encourage what other provisions of the Bill propose to abolish. The provision of the extra door will mean an enormous expenditure to some licensees, and may prove to be a further inducement to the consumption of alcohol.

Mrs. COWAN: I hope the amendment will be carried. I regard this proposed extra door as a menace to our young people and to the women of the community. Moreover, I do not see why hotelkeepers should be forced to go to the expense involved in the architectural alterations.

The PREMIER: It is curious how, by entirely different reasonings, two members can be brought to support the same proposition. I have no objection to the amendment.

Amendment put and passed.

Hon. W. C. ANGWIN: I move an amendment—

That paragraph (b) be struck out.

The court will have discretion to say what accommodation shall be provided. It is inequitable to require that in every hotel there shall be 14 bedrooms over and above those required for the staff and the licensee and his family. Moreover, it does not seem fair that a man should be required by law to incur heavy expenditure in order to furnish accommodation greater than the requirements of the district, and that at the same time we should provide that the people shall have the right to close him up at the end of five years. It is not a fair proposition. Before the Licensing Court grants a license, an hotel has to be built that is suitable for the requirements of the people in the particular district concerned. The area which has to decide whether a hotel has to be closed or not is a larger one than that which has to decide whether an hotel has to be erected or not. The Licensing court can take into consideration the requirements of the district in which it is proposed to erect an hotel. The licensing court to be established under this Bill will be different in constitution from that now existing. Discretion should be given to the court to say what sized hotel should be erected.

Mr. CHESSON: I agree that the matter should come before the licensing court. At present plans and specifications have to go before the bench, and are only approved when it is thought they are suitable for the requirements of the district. It is wrong that 20 rooms should have to be erected before any house can be licensed.

The PREMIER: I am opposed to the amendment. I cannot think that if further hotels are to be erected in Perth they will be built merely for the sale of liquor. Does any member believe that in either Perth or Fremantle an hotel could be approved by the licensing bench which would not contain the number of rooms provided in this clause? If additional accommodation of this sort is not required there can be no reason for licensing the premises.

Mrs. COWAN: I support the amendment. Some years ago legislation of a similar nature to this was introduced in the United States, but was found very unsatisfactory. People learned a sharp lesson as a result of dictating to the licensing bench and the publicans concerning the number of rooms to be built. These rooms had to be used, and in many parts of the cities they were not used in a satisfactory manner. We do not want this kind of thing to occur here. It should not be made mandatory for the bench to order that such and such things should be done, but the bench should be given discretionary powers in the matter.

Mr. JOHNSTON: Twelve bedrooms as a minimum for a new hotel in the metropolitan area is a very small number to insist upon. I hope no licensing court would take that number as an indication of the minimum requirements for the metropolitan area. A new

hotel is now being built in Narrogin containing over 50 bedrooms, and that should be the minimum for Perth.

Mr. J. H. SMITH: Power should be given to the court to say how many bedrooms are required for any new hotel.

Mr. UNDERWOOD: It would be advisable to strike out all these paragraphs.

The PREMIER: You will strike out the whole Bill, if you are not careful.

Mr. UNDERWOOD: I want to see the Bill passed. If stipulations are put into the Bill the bench must act upon them. The clause should not refer to new licenses, but to all those that come up for renewal. In place of these paragraphs we should have a provision that the licensing bench shall only license premises that are in their opinion suitable for the requirements of the district in which they are situated.

Mr. RICHARDSON: I am surprised that the member for North-East Fremantle has moved this amendment. It is evident that members have not read the evidence given before the Royal Commission. The failure of the 1911 Act was due principally to the fact that too much was left to the discretion of the licensing magistrate. I cannot understand why anyone should suggest that a new license should not be granted in any part of the metropolitan area unless at least 12 bedrooms were provided for. Unless this is made mandatory, hotels may be established merely for the purpose of selling drink. It would be unreasonable to ask hotelkeepers to spend money on their properties in the near future. The Premier in bringing down this Bill has given a fair and just margin—five years—to enable people to bring their premises up to the proper standard. I would be disappointed, and even disgusted, if any magistrate granted a new license in my electorate and said, "You can build it with five or six bedrooms." Any number less than 12 would disgust people in the metropolitan area. I hope it will not be made discretionary as to the number of rooms a new hotel shall have.

Mr. McCALLUM: I hope the amendment will not be carried. It appears to me to be a question as to who is to lay down the policy. There should be some guiding principle for the board or the court to follow, and it is for Parliament to set up a standard. Where, therefore, can harm be done? We set out what is an absolute minimum. We have copied that minimum from the Victorian Act. It has to be kept clearly in mind that a license for an hotel is granted for the convenience of the travelling public, and conditionally on accommodation being provided for the public.

Mr. UNDERWOOD: Would those who are advocating the amendment give us an instance of an hotel in Perth that does not fulfil all the conditions set out? Why put in the amendment when it is not necessary? Why worry about these things? The present Act says that the bench shall see that the house is suitable for all requirements. Do

we need more than that? We had a freak Royal Commission appointed to deal with the question.

The Premier: You are not justified in saying that.

The CHAIRMAN: We are not dealing with the principles of the Bill.

Mr. UNDERWOOD: There are ample provisions in existence to deal with these questions. I cannot imagine anyone applying for a new license in Perth who would have conditions that were not far ahead of those provided for in the Bill.

Hon. P. Collier: Then why object to the Bill?

Mr. UNDERWOOD: A good workman does his work well. When we are legislating we should endeavour to do our work well. This rubbish, excess verbiage, is utterly useless and might possibly cause confusion.

Hon. P. Collier: Your objection is noted, so let it go.

Mr. UNDERWOOD: Very well.

Hon. T. WALKER: If we make magistrates depend upon the literal expression of the law they will do so, and the consequence will be that instead of those magistrates seeing that the requirements of the district are met, they will say, "We have the requirements established by Act of Parliament—12 rooms." The function of the law is to act according to the requirements. I shall therefore support the amendment by refusing to stipulate the number of rooms to be provided. We put the whole responsibility on those who by Act of Parliament have to inquire, and not act mechanically, not act on the literal expression of an Act of Parliament, but to investigate, take evidence, and take the responsibility of their judgment. There is vitality in that kind of legislation. In this there is nothing but a penny in the slot style.

Mr. McCALLUM: The law as it is provides that there must be at least two bedrooms and two sitting rooms. Look at the standard the Perth bench has set up. Is there any hotel in Perth with two bedrooms or two sitting rooms? The argument of the member for Kanowna is that because we have set down 12 bedrooms, the court will accept that as a direction. In recent years the hotels which have been built in Perth have contained 50 or more bedrooms. They had to provide that accommodation before they were able to get a license. The suggestion of the Commission is that the minimum be raised to something like a decent standard.

Hon. W. C. ANGWIN: A person who builds an hotel provides plans, and the custom used to be for the court to determine what amount of money should be spent. The fact as to whether an hotel was necessary or whether a certain number of rooms were necessary, was not taken into consideration. I remember an instance in 1911 when the Fremantle court decided on plans submitted to it that sufficient was not being spent in rebuilding an hotel, and the result was that the applicants had to spend a larger sum of money in order

to get the license. The hotel at that time was owned by a family who could not afford to spend very much on it, and they had to borrow money in order to erect fancy verandahs around the building. This matter should be left to the discretion of the court. The Royal Commission advise that we should give the court full discretion as to whether a new hotel should be erected, even without the decision of the people affected.

Mr. Richardson: You are wrong.

Hon. W. C. ANGWIN: That is in the Commission's report. If we are to give the court discretion on the wider issue, we should be prepared to give it to them on the narrower issue. I do not think anyone would bring forward a plan for an hotel in the city of Perth which provided for only 12 bedrooms, but there is a possibility of that being done for the outskirts of North Perth or Victoria Park. The 10 years compensation was provided for those owners of hotel properties who had been compelled to spend more money on their houses than was necessary for the time being. I cannot see why Perth and Fremantle have been selected. Northam is a big place and in all probability there are more travellers requiring accommodation temporarily at that centre than at Victoria Park, yet it is proposed that six rooms shall be sufficient in such a place. If the amendment be carried, I will move later that the court shall have full discretion throughout the whole State.

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

Ayes	..	..	..	12
Noes	..	..	..	24

Majority against .. 12

AYES.

Mr. Angwin	Mr. J. H. Smith
Mr. Cheeson	Mr. J. M. Smith
Mrs. Cowan	Mr. Underwood
Mr. Harrison	Mr. Walker
Mr. Lutey	Mr. Willcock
Mr. Marshall	Mr. Heron

(Teller.)

NOES.

Mr. Broun	Mr. Mann
Mr. Carter	Mr. McCallum
Mr. Collier	Sir James Mitchell
Mr. Davies	Mr. Money
Mr. Denton	Mr. Munzie
Mr. Durack	Mr. O'Loughlin
Mr. George	Mr. Plesse
Mr. Gibson	Mr. Richardson
Mr. Hickmott	Mr. Sampson
Mr. Johnston	Mr. Simons
Mr. C. C. Maley	Mr. J. Thomson
Mr. H. K. Maley	Mr. Mullany

(Teller.)

Amendment thus negatived.

Mr. SIMONS: I move an amendment—

That after "feet" in the last line of paragraph (c), the words "and shall be provided with running water and fixed hand-basins" be inserted.

The paragraph applies to bedrooms, and it should be the aim of Parliament to exercise every possible influence to modernise hotels in the metropolitan area.

The Minister for Works: The size of the bedrooms now is too small.

Mr. SIMONS: No bedroom is too small to be fitted with a hand-basin. The amendment will mean the saving of much drudgery on the part of the women members of the hotel staff. In an hotel containing 40 bedrooms, the daily labour involved in filling earthenware vessels with water and emptying them three or four times during the day is a drudgery belonging to past ages.

Mr. J. H. Smith: Your proposal would cut out some employment.

Mr. SIMONS: The member for Nelson does not wish to see any improvement, so there is no good in the proposal! The cost involved in furnishing bedrooms with a washstand, jug and basin and other utensils represents a heavy expenditure, which would be almost sufficient to provide for the reticulation of a bedroom. The breakages in connection with bedroom ware in any of the large hotels involve a very heavy expenditure each year, while the maintenance of a fixed basin with a water supply would not be heavy at all.

Mr. MacCallum Smith: Will the Minister for Works guarantee to supply water?

Mr. SIMONS: We are proposing these things to speed him up in his intentions.

The Minister for Works: The trouble is that you cannot swing a kitten in some of these bedrooms.

Mr. SIMONS: A fixed hand basin would not take up more than a third of the space of a washstand. The system of carrying water to guests is hundreds of years old. Perth should be made a modern city. Our hotels are 15 years behind the first class hotels in the Eastern States and 30 years behind those in Canada.

Mr. CORBOY: The member for East Perth is not gaining by his amendment that which he seeks to achieve. His amendment means that a bedroom for one person shall be fitted with running water and fixed hand basins but it will permit a bedroom for more than two persons to be erected without those conveniences.

The Minister for Agriculture: Why not provide for insectibane as well?

Mr. CORBOY: That is a very necessary thing in some places in Perth.

Mr. SIMONS: Such a provision might mean the death of some Ministers.

Mr. CORBOY: The amendment read in conjunction with paragraph (c) only applies to single bedrooms, and leaves other rooms to the discretion of the owner of the hotel building.

The PREMIER: If we stipulate these conveniences, all the existing hotels will have to be brought up to this standard.

Mr. SIMONS: But not for five years.

The PREMIER: I want the Committee to realise what an enormous expense will be involved.

Amendment put and passed.

Mr. UNDERWOOD: Paragraph (c) deals with city hotels and provides that the licensing court, in their discretion, may demand the provision of a three-stalled stable. Can anyone imagine a three-stalled stable at the Palace Hotel?

Mr. Lutey: What about a garage?

Mr. UNDERWOOD: That is a different proposition, but I do not know that we should compel hotels to provide garages.

Mr. Mann: The paragraph states "where necessary."

Mr. UNDERWOOD: If it is not necessary, why insert the provision?

Capt. Carter: It might be necessary.

Mr. UNDERWOOD: That is what I want supporters of this provision to demonstrate. Can we imagine a three-stalled stable at the Savoy Hotel?

Hon. P. Collier: Down in the basement?

Mr. UNDERWOOD: Yes, or on the fourth floor.

Mrs. Cowan: Better cut out the lot.

Mr. UNDERWOOD: Yes, and leave it to the discretion of the court. We should be working in the reverse direction. I do not think we should have stables in connection with city hotels.

Hon. P. Collier: The horses would be stamping and neighing all night, and keeping the boarders awake.

Mr. SIMONS: And making a breeding ground for flies. I am with you on this.

Mr. Harrison: The Health Department are endeavouring to get stables removed from the city.

Mr. UNDERWOOD: They should be removed from the heart of the city.

Mr. SIMONS: I wish to amend an earlier portion of the paragraph. I move an amendment—

That in line 1 of paragraph (c) "baths" be deleted, and the words "one bath for every five lodgers" be inserted in lieu. I desire to ensure ample bath accommodation in city hotels.

Mr. Underwood: You will not make it compulsory to have a bath?

Mr. SIMONS: Not this year, out of regard for the Minister for Works and the water problem.

The Minister for Works: There is plenty of water.

Mr. SIMONS: One bath for every 10 lodgers is insufficient in this climate.

The PREMIER: I hope the hon. member will not persist in his amendment. It would mean that an hotel of 12 rooms, half of them double rooms, would require four bathrooms. This number is too great. People staying at hotels rise and bath at different hours and there are always attendants to keep the baths clean. It would not be

reasonable to ask hotelkeepers to provide a bathroom for every five lodgers.

Mr. DAVIES: Members are making the position intolerable and one is justified in wondering whether some architect has had a hand in drawing up these suggestions. There was an architect on the Licensing Commission.

Mr. Johnston: That is not the reason at all.

Mr. DAVIES: Last night the member for East Perth spoke about having a bathroom for every individual. What about the Kalgoorlie express, on which are provided two hand basins and about half-a-dozen towels for every 25 people? This shows how people are catered for under a socialised system.

Mr. Underwood: But it is not compulsory to wash.

Mr. DAVIES: If these requirements are imposed on hotelkeepers we shall be stifling a trade which it is desired to keep in operation.

Hon. W. C. Angwin: And a man will have to carry a tent and blankets with him.

Mr. DAVIES: Did the Royal Commission take the opinion of anyone other than the architect who was on the Commission? Let members of the Commission turn up the evidence and show us the testimony of an expert that this is the minimum provision which should be made in our hotels. Nothing of the kind appears in the evidence. If the amendment were passed, every room in an hotel would be a bathroom, and there would be no bedrooms at all. Presumably the blankets would have to be stretched over the baths.

Mr. Underwood: It would be no good to a North-Wester.

Mr. DAVIES: We ought to retain the provision of the old Bill. That covers everything that is required. It is no use putting up ideal conditions without regard to the factor of economic cost.

Mr. O'LOGHLEN: The provisions in the clause have found their way there largely by reason of the evidence given by one of the leading architects in this State. He adduced numerous instances of faulty construction of hotel premises. Therefore a different standard should be set up. In the modern city of Kalgoorlie one finds hotels with frontages of only 50 or 60 feet. Such a state of affairs is no credit to a city. I oppose the amendment, however, as piling unfair burdens upon men who are called upon to cater for the public. The reason why one recommendation was not made by the Royal Commission was that the evidence showed that sometimes members of the staff were so indifferent that, if basins were placed in the rooms, the slops would be emptied into them. Let us not hamper the trade by demanding excessive accommodation. Even to-day it is impossible for the ordinary citizen to pay the high tariffs demanded by the hotels. To-day there is hardly an hotel dining-room in Western Australia that is paying.

Hon. W. C. ANGWIN: The object of the clause seems to be decentralisation, because

its effect must be to make living in an hotel in Perth or Fremantle so dear as to compel country people to stay away from these cities. Such an amendment would make no difference to residents of Perth and Fremantle, but it would make a considerable difference to people from the country visiting the metropolitan area. The tendency would be to drive them away to the Eastern States. Matters like this should be left to the discretion of the court.

Amendment put and negatived.

Mr. UNDERWOOD: I move an amendment—

That in proposed Section 49, Subsection 1, paragraph (e), the following words be struck out:—"and also where necessary in the opinion of the licensing court with stabling sufficient for the accommodation of not less than three horses."

The PREMIER: The provision is perfectly reasonable. No stabling would be required in the centre of the city, for instance.

Mr. Underwood: If the matter is left to the discretion of the court, why specify it here at all?

The PREMIER: I hope the words will remain.

Mr. MULLANY: If the amendment is carried, the existing provision will stand, and that is to the effect that before a license can be granted there must be stabling accommodation for six horses at least. The clause represents a distinct advance on the existing provision.

Mr. Money: The matter is discretionary under the existing Act.

Mr. MULLANY: It is mandatory, though there is a proviso that the court may, if it thinks proper, dispense with the stabling accommodation.

Mr. Money: This new provision reduces the accommodation to what is needed for three horses.

Mr. MULLANY: I do not wish to put any unnecessary burden on the licensed victuallers, but this provision lightens the burden in respect of stabling. The licensing court will give consideration to all the circumstances of an application. While stabling may not be a necessity in the case of the leading hotels of Perth, yet there are some hotels, in and adjacent to the city, at which stabling is absolutely required. I do not think we shall be going too far in giving discretion to the licensing court to insist upon the provision of due stabling accommodation. It is necessary that the court should have such discretion.

Mr. Underwood: They have it under the Act.

Mr. MULLANY: Yes. At present they can make the licensee provide stabling for six horses, whereas the clause prescribes accommodation for three horses. In view of the displacement of horses by motor cars, I think stabling for three horses sufficient.

Mr. UNDERWOOD: There are no stables in connection with any of the Perth hotels, except the United Service and, possibly, one or

two in the suburbs. The member for North-East Fremantle struck the keynote of the whole Bill when he asked, "Shall we increase costs unnecessarily?" Every time we add a stable or anything else to the prescribed requirements of an hotel, we add to the cost of the establishment and thus necessarily increase its charges. I stand for decreased costs, which is the only principle that can assist Western Australia. We should not slavishly adhere to the conditions of the past. Stabling is not necessary in any city hotel, nor has it been necessary for many years past. The present tendency is to displace horses by motor cars, and therefore stabling is less required in Perth to-day than ever before. Fancy, making the licensee of the Palace Hotel provide a three-stall stable! If any man building an hotel had the slightest idea that he would have horses brought there, he would build a stable. He himself is the best judge of what will be required. In the country, stables are required at every hotel, and so they are provided. In all Australian cities it is recognised that stabling ought to be kept as far out of the city as possible. We should be providing, not to compel licensees to provide stables, but to prevent it. A stable at an hotel in the heart of a city is an offence, and should be prohibited.

Mr. SIMONS: I hope all reference to horses will be cut out of the clause. The provision represents a harassing condition to be imposed on licensees. While the clause does not make stables mandatory, the mere reference to them will be taken as a direction to the licensing court. In a modern city we should not be even suggesting that stabling accommodation must be provided. I will support the amendment.

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

Ayes	13
Noes	27

Majority against	..	14
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AYES.

Mr. Angwin	Mr. Simons
Mr. Chesson	Mr. Underwood
Mr. Collier	Mr. Walker
Mrs. Cowan	Mr. Willcock
Mr. Heron	Mr. Wilson
Mr. Lambert	Mr. Munzie
Mr. Marshall	

(Teller.)

NOES.

Mr. Broun	Mr. Mann
Mr. Carter	Mr. McCallum
Mr. Corboy	Sir James Mitchell
Mr. Davies	Mr. Money
Mr. Denton	Mr. O'Loughlin
Mr. Durack	Mr. Plesse
Mr. George	Mr. Richardson
Mr. Gibson	Mr. Sampson
Mr. Harrison	Mr. J. H. Smith
Mr. Hickmott	Mr. J. M. Smith
Mr. Johnston	Mr. A. Thomson
Mr. Lutey	Mr. J. Thomson
Mr. C. C. Maley	Mr. Mullany
Mr. H. K. Maley	

(Teller.)

Amendment thus negatived.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. J. H. SMITH: I move an amendment—

That the following words be added to paragraph (c):—"and that some suitable accommodation be provided to house at least three motor cars."

It is often difficult for motorists arriving in Perth late at night to get accommodation for their cars. I do not say this accommodation should be elaborate, but it should be left to the licensing court to say what it should be. I hope the Premier will accept the amendment, as it is a necessary one.

The PREMIER: It is not necessary to provide hotel garages in the city where there are garages all over the place. At least the amendment should read, "where necessary in the opinion of the licensing court."

Mr. J. H. Smith: That was my intention.

The CHAIRMAN: I will amend the amendment to read—

"And that some suitable accommodation, where necessary in the opinion of the licensing court, should be provided to house at least three motor cars."

Amendment put and negatived.

Hon. W. C. ANGWIN: Is stabling accommodation for three horses sufficient in the case of a country hotel?

Mr. Johnston: Every country hotel has accommodation for at least six horses.

Hon. W. C. ANGWIN: I cannot see why certain rules should be laid down for city hotels, whereas no such rules are to be enforced in the case of country towns. The conditions with regard to the country should be left to the licensing court. I move an amendment—

That Subclause 3 be struck out.

I find from Subclause 4 that the licensing court has power to insert in a certificate that provision be made for any further accommodation it wishes.

The Premier: It can do anything it likes.

Hon. W. C. ANGWIN: There may be hotels in Perth and Fremantle which already provide all the accommodation necessary. The matter should be left in the hands of the licensing court without any mandatory provisions being made. It may cost as much to increase the accommodation as provided by the Bill as it costs to build an hotel. If in the opinion of the licensing bench an hotel needs to be altered or requires that additional accommodation shall be provided, the bench, in its discretion, can insert the fact as one of the conditions in the certificate issued. There are hotels to-day which have so many rooms that they do not know what to do with them, and in some instances those who are given accommodation there are compelled to pay more. Under the Bill licensees will be obliged to spend thousands of pounds in order to comply with the con-

ditions set out. It is very often the case that alterations cost more than the structure itself.

Mr. Mann: You would not object to an hotel having the sewerage system?

Hon. W. C. ANGWIN: No, but it would not be possible to enforce that in West Perth or even North Perth. Yet under the Bill it would be compulsory to provide it. However, I am not much worried about that because as soon as the system is extended I am certain the hotels will connect up. It should not be a hard and fast rule to compel licensees to increase their accommodation when what they have is regarded as sufficient. Let the licensing bench exercise discretion in these matters. If it is found that it is necessary that any particular hotel should provide additional accommodation, the bench then could say that the premises should be enlarged.

Mr. O'Loughlen: They have not said it in the past.

Hon. W. C. ANGWIN: Yes, but we should not make it compulsory on the part of the magistrates to declare that premises must be enlarged when it is considered that the accommodation provided is already sufficient. I hope the Committee will strike out Subclause 3.

The PREMIER: I understand the hon. member favours the rejection of Subclause 4. I think that clause will do all that he requires.

Mr. O'Loughlen: It will cover it.

The PREMIER: The standard we shall be setting if we pass this Bill will not be so high that the tariffs will be excessive, as the hon. member seems to think. I have no objection to Subclause 3 being struck out.

Mr. PICKERING: It is known that there are many hotels that require to be brought up to date. These buildings were not designed on hygienic lines and the Commission gave particular attention to this aspect.

Hon. P. Collier: This is the only point on which they were wrong.

Mr. PICKERING: I do not admit that. It is not desired that we should increase the number of hotels. We should, however, increase the standard, especially in the city. If we take out Subclause 3, we shall leave the matter entirely at the discretion of the bench, and, as we know, the bench has not proved altogether effective in this direction. I know of many instances where improvements should have been made, especially in country districts, and more particularly in regard to sanitary conveniences, which are absolutely shocking. If we give these people five years in which to bring their premises up to a decent standard, we shall be doing a fair thing.

Mr. McCALLUM: I hope the Premier has carefully thought over what he proposes to agree to. If my reading of Subclause 4 is right, it only deals with the conditions under which new licenses can be granted.

The Premier: No.

Mr. McCALLUM: Subclause 4 deals with new licenses only.

The Premier: It deals with all licenses.

Mr. McCALLUM: Where does it say that? It certainly only applies to new licenses.

The Premier: No; it applies to renewals.

Mr. McCALLUM: No fear. It only refers to new licenses. Section 49 of the parent Act includes the words "As granted or renewed." Those words do not appear in the Bill and this subclause takes its place. The whole clause deals with new hotels. This is a serious mistake, for it will mean that if the amendment be agreed to the court will have no power to renew licenses with any conditions at all.

Hon. W. C. Angwin: If your argument be correct, the court will have no power to renew at all.

Mr. McCALLUM: At any rate, this provision only deals with new licenses.

Hon. W. C. ANGWIN: This is the only clause in the Bill which deals with the issuing of certificates and when renewals are granted they are only granted for a period of 12 months. There must be new certificates issued.

Mr. J. H. Smith: That is for renewals. The certificate is that which you get when you apply for a license and are granted one.

The Premier: The court only issues certificates. The certificate is an order to get a license.

Hon. W. C. ANGWIN: When a man applies for a renewal, he is granted a certificate of renewal.

Mr. Money: Yes, and he takes that to the Treasury and his certificate is renewed.

Hon. W. C. ANGWIN: Full discretion regarding these licenses should be left to the court under Subclause 4.

Mr. Money: Subclause 4 is intended to refer to renewals because it refers to "further accommodation."

Mr. McCallum: Yes, but that is further accommodation than that set out in the previous clauses. It does not say anything about further accommodation to that existing.

Hon. W. C. ANGWIN: This should be left to the discretion of the court when granting renewals of licenses, so that they can stipulate that additional accommodation is necessary.

The PREMIER: Subclause 3 has no connection with Subclause 4 because Subclause 3 has a life ending in December 1927. Subclause 3 states that hotels now existing must be brought up to standard as required by the court in connection with new licenses and Subclause 4 sets out how licenses are to be issued and renewed. Even without Subclause 3, Subclause 4 would deal with hotels in an effective way. The court when issuing licenses could set up such conditions as they may deem necessary for additional accommodation and so on, in connection with the hotels affected. Subclause 4 is intended for all time, but Subclause 3 has only a limited

life. We can safely strike out Subclause 3 and we will be fully protected by Subclauses 4 and 5.

Mr. J. H. SMITH: I agree with the member for South Fremantle in his contentions and I consider the Premier is making a huge blunder. Subclause 3 is a vital part of the Bill. It gives the present hotel premises, provided they are run satisfactorily, immunity for five years, and gives the people concerned an opportunity to bring their hotels up to standard if necessary during that period. They are given up to the end of 1927 to be brought up to standard.

The Premier: No fear.

Mr. J. H. SMITH: That is the meaning of the subclause and it is a vital matter to the hotelkeepers. I hope the deletion of Subclause 3 will not be agreed to, because it will affect the life blood of many people in the back blocks, who are connected with the trade. If the subclause be retained, they will at least have till the end of 1927 to bring their premises up to the required standard.

The PREMIER: That is quite wrong. The subclause sets out that renewals may not be granted after 1927 unless the hotel is brought up to standard.

Mr. J. H. Smith: But the subclause gives the hotel keepers up to the end of 1927 to bring their premises up to standard.

The PREMIER: I can assure the Committee that if the licensing court think otherwise, the hotels may not be licensed up to 1927.

Mr. J. H. Smith: We want this as a protection for them.

The PREMIER: It is no protection. The subclause provides that the hotels shall not be licensed after 1927. It does not say whether they will be granted their renewals in the meantime. This does not protect the hotel keepers at all.

Mr. Munsie: Of course it does.

The PREMIER: The subclause means that they will not have their licenses after 1927 if the hotel is not up to standard. If the subclause is deleted then the renewals may be granted after 1927. In the meantime, notwithstanding Subclause 3, the court may say that the premises shall not be further licensed unless the buildings are improved. The court can order anything they wish.

Mr. O'Loghlen: That may not be fair.

The PREMIER: I think it should be clear that it was intended that those hotels not brought up to standard by December 1927 must go.

Mr. Munsie: But if you strike out the subclause the court can do away with them to-morrow.

The PREMIER: The court can do away with them to-morrow with or without this subclause. I assure the Committee the subclause is put in to the Bill to compel owners to bring their houses up to the standard required for new licenses.

Mr. J. H. Smith: And it gives them five years within which to do it.

The PREMIER: In the meantime the licensing court can require the owners to improve their premises. This subclause is against rather than in favour of the present licensees.

Mr. J. H. Smith: Well, why was it put in?

The PREMIER: Because it was suggested by the Commission.

Mr. Mann: It does not carry out the intentions of the Commission.

The PREMIER: The subclause does not afford the protection which the hon. member claims.

Mr. MANN: Whether Subclause 3 as it stands meets the intentions of the Commission or not, I am not prepared to say. It was the intention of the Commission that the existing hotels should be brought up to the standard required for new hotels and it was their intention that the hotel keepers should have a reasonable time to do that. Therefore the Commission decided that five years was a reasonable period within which to compel hotelkeepers to bring their premises up to the standard required. If the subclause does not express that intention, I ask the Committee to retain it in the Bill that it may be further considered. The Commission thought an hotelkeeper's finances might not permit of his doing immediately all that was required, and that five years would be a reasonable time.

Mr. MONEY: The subclause does not interfere with the discretion of the bench to renew under their other jurisdiction, but simply takes away their discretion to renew after five years unless the accommodation specified is provided.

Mr. MUNSIE: The member for Bunbury might have gone further. The subclause takes away the discretion of the bench after 1927, but if we delete the subclause we shall give the bench power to wipe out next year every hotel which is below the standard.

Hon. W. C. Angwin: They have it now.

Mr. MUNSIE: We have not a licenses reduction board at present, but such a board would consider the standard of a hotel. This being so it is only fair to those already holding licenses that a prescribed period be allowed whether the board likes it or not. The subclause provides a necessary protection for existing licensees. Every hotel should be brought up to the standard as early as possible, but five years is a sufficiently short space of time to enable this to be done.

Mr. LAMBERT: Subclauses 1 and 2 give the bench discretionary powers to order certain improvements until 1927. After 1927 it is mandatory that hotels comply with the standard. The difficulty might be met by inserting after "1927" the words "provided these improvements are not carried out."

Hon. W. C. ANGWIN: To my reading Subclause 3 means that the licensing court at present has discretionary power to order any licensee to bring his hotel up to a certain standard. That power is not removed by the subclause. No matter how good the condition

of the hotel might be, if it was a few rooms short of the number specified in Subclauses 1 and 2 and irrespective of whether the additional rooms were required, such an hotel could not be licensed after 1927 unless the rooms were provided. Some members have said that a licensee has five years in which to effect the improvements. If one of them owned an hotel and knew that a prohibition vote was to be taken in 1924, would he make the improvements right away?

Mr. O'Loughlen: Would the bench order them?

Hon. W. C. ANGWIN: I do not think so. If the people decide to have hotels and any house built provides all the accommodation necessary, the magistrates should have discretionary power. We should not lay down a hard and fast rule that so much money must be expended, failing which the license will not be renewed. If this were done it might be necessary for some persons to get rid of their hotels at less than their value, and thus an injustice would be done.

Hon. T. WALKER: Subclause 2, paragraphs (a) and (b) set forth the requirements by way of accommodation for a new hotel, and that there might be no discrimination between the holder of a new license for a newly built hotel and the holder of an old publican's license, Subclause 3 sets them on a par and says that, although the licensee of the old premises has not the accommodation expressed in paragraphs (a) and (b), if he does not comply and come on a par with the new licensee by or before 1927, when that date arrives he will get no license. In these circumstances it is necessary to retain the subclause.

Mr. McCALLUM: The question appears to me to be whether, if the proposed subsection is struck out, the court in renewing a license will have power to impose conditions. Section 52 of the Act, however, provides for those conditions; and that section is not affected by the Bill. Still, the power of the court is got under Section 49 of the Act, which section this Bill repeals. So the court will be deprived of the power to impose conditions in granting a renewal. The subsection now under consideration deals wholly with new licenses. If the amendment is carried, the court will be deprived of the power to make the old hotels come up to the standard of the new hotels.

Mr. LAMBERT: It is a pity that the Committee are not more clear regarding this matter. After 1927 proposed Subsection 3 would be mandatory.

Mr. MONEY: Proposed Subsection 2 really deals with new licenses. Proposed Subsections 3, 4, and 5 distinctly refer to renewals, and must be read all together in order to get at their meaning.

Amendment put and negatived; the clause as previously amended, agreed to.

Clauses 22, 23—agreed to.

Clause 24—Amendment of Section 58:

Mr. CORBOY: Section 58 of the Act deals with the special license to be granted in the event of premises being destroyed by fire, and makes it mandatory that the privileges shall not extend over a period exceeding 12 months. The period might well be left to the court to fix, and accordingly I move an amendment—

That the following be inserted at the beginning of the clause:—"Section 58 is amended by striking out the words 'for any period not exceeding 12 months,' and inserting in lieu thereof the words 'for such period as, in the opinion of the court, is necessary for the repairing or the rebuilding of the premises; and,'"

Mr. PICKERING: I oppose the amendment, having in mind a small hotel in the South-West, the rebuilding of which has been approved by the licensing bench since considerably over 12 months. The progress of the work there has not been by any means satisfactory. A period of 12 months is ample.

Mr. Mann: That is true as regards country hotels, but one could not build the Savoy hotel in 12 months.

Mr. PICKERING: One could do so if one wished to.

Mr. Corboy: The hotel to which you refer should not have a license now.

Mr. PICKERING: The public have been put to great inconvenience through not getting that accommodation to which they are entitled.

Mr. O'Loughlen: The present licensee held the license before the fire occurred.

Mr. PICKERING: For most country hotels a period of 12 months is ample.

Mr. CORBOY: During recent years there have been erected in this State hotels of the type of the Savoy, which if destroyed by fire could not, in ordinary circumstances, be rebuilt in 12 months. The better course will be to leave it to the discretion of the licensing court to decide whether an hotel should be rebuilt in three months or in 18 months, according to whether it was a country hotel or a large city hotel.

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

Clauses 24a to 27—agreed to.

Clause 28—Fees for licenses:

Hon. T. WALKER: I move an amendment—

That in Subclause 2 after "purchased," in line 4, the words "less duties of Customs and Excise" be inserted.

Mr. McCALLUM: This clause requires to be made a good deal more explicit. The Commission put up certain proposals which the Premier said he could not accept. However, his interpretation of our meaning was quite incorrect. The Commission, on taking evidence, found that at Geraldton there are sole agents for some of the metropolitan breweries, and that those agents do business with the Murchison hotels. Under the Bill

the tax will be collected on the invoice cost. But the invoice cost to the people on the Murchison will be not only the cost of the beer at the brewery but also the Geraldton agent's commission, the handling charges, railway freight and long distance cartage at the other end; as against the price to the metropolitan licensee, who will have to pay only on the invoiced cost plus cartage from the brewery to the hotel. The further back we go, the greater penalty on the licensee, notwithstanding which the retail prices of beer and whisky are the same out there as in Perth. Is it fair that the licensee out-back should have to pay 12 per cent. tax, not only on the cost price of the liquor, but on agent's commission, handling charges, railway freight and cartage over perhaps very many miles? The Commission recommended that the fees should be levied on a percentage basis calculated on the net cost of beer f.o.b. at the place of manufacture.

The Premier: Read Clause 29.

Mr. McCALLUM: But that is still plus handling charges, agents' profits, railway freight and long distance cartage. Why should the outback licensee have to pay tax on all those extra charges? I appeal to the Premier to give this reconsideration.

The CHAIRMAN: We are dealing with an amendment now.

Hon. T. WALKER: I will withdraw my amendment if I can get an assurance that the clause will be recommitted. The drafting of the clause requires clarifying. It gives enormous power to the tax-gatherer to raise more tax than is actually due or intended. I am sure the Premier meant the cost of the liquor at its fountain head, so to speak.

The PREMIER: Of course I do not intend to collect on the Customs dues or excise. Surely that much is clear. Then there is this question of how to determine what is the price which shall be taxed. I agree that the price of imported beer should be the price, not in Victoria, but at Fremantle. However, an invoice issued at Cue by a merchant of Cue must be accepted as the Cue price.

Mr. McCallum: Make him deduct the railway freight, handling charges, and his profit.

The PREMIER: The hon. member urges that the tax shall be on the price at the brewery.

Mr. McCallum: Yes.

The PREMIER: Or at the port of entry. That would be fairly difficult to get at.

Mr. Willcock: No, it will simplify the difficulty.

The PREMIER: If the brewery invoices beer to a man in Perth or Northam, it is easy; but if the man at Northam bought through some intermediate person, he would have to pay a little more for his beer. I do not quite see how the point is to be got over. However, I am perfectly willing to have the tax on the price at the brewery in Western Australia, or at the first port of entry. With beer it can be done, but I do not see how it can be done in respect of spirits. The spirit merchant will want his profit. The Perth man who buys from a spirit merchant must

pay tax on the price he pays to the merchant, notwithstanding the merchant's profit. The tax must be on the spirit merchant's price, not on the landed cost.

Mr. McCallum: A man in the country should pay on the same price as a man in Perth.

The PREMIER: If it could be calculated, that would be a fair thing. I wish to make it clear that the tax is to be on the cost of liquor less Customs duty or excise, and I undertake to look into the question of the price on which the tax is to be calculated.

Amendment by leave withdrawn.

Mr. WILLCOCK: In all the coastal ports certain people have distributing centres. Whisky is imported into Perth and sent to an agent at Geraldton, who sells to the publicans of Geraldton and all over the Murchison. The same thing applies to Carnarvon, Roebourne, Hedland and the other ports. I move an amendment—

That the following proviso be added to Subclause 2: "Provided in the case of liquor manufactured locally, the fees to be paid on the cost at place of manufacture; or if the article be imported, on the cost at first port of entry into the State."

That will meet every case that has been put up. As the clause reads, practically all the trade will go to Perth.

The Premier: I question if this is the right place to move such an amendment.

Mr. WILLCOCK: Very well, I do not want to see the fees collected on the second place of distribution.

The Minister for Works: You want to avoid any loading up.

Mr. WILLCOCK: Yes. In Geraldton there are certain people acting as agents for beer and whisky. If a man buys in Geraldton he has to pay the cost of the article as sold in Geraldton, whereas if he bought in Perth he would have to pay a lesser amount. The clause would debar people from acting as agents anywhere except in Perth.

The Premier: Clause 29 is the right place for this amendment.

Amendment by leave withdrawn.

Mr. McCALLUM: I understand the Premier undertakes to look into the proposition I have made and to recommit the clause, and that the Government have no intention of imposing a tax on freight or handling charges, or upon the second loss of profit.

The PREMIER: I will make the clause clear so far as duty and excise are concerned. I will also go into the other question, and if possible draft a clause to meet the situation. At any rate I will give the Committee another opportunity to discuss this question.

Hon. T. WALKER: I move an amendment—

That in the paragraph commencing "for a spirit merchant's license" the word "twelve" be struck out and "fifteen" inserted in lieu.

I question whether the holders of spirit merchants' licenses would be covered by a radius of twelve miles from Perth.

The Premier: I have no objection to the amendment.

Amendment put and passed.

Hon. T. WALKER: I move an amendment—

That in the paragraph commencing "for a brewer's license" the word "twelve" be struck out and "fifteen" inserted in lieu.

[Mr. Munsie took the Chair.]

Mr. UNDERWOOD: I do not know why country breweries should be permitted to pay a smaller fee than a city brewery. All should pay the same fees. The difference is only a matter of £10.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 29—Assessment of fees on returns of liquor purchased:

Mr. MANN: I move an amendment—

That after the word "licensee" in line 2 all the words down to "liquor" at the end of paragraph (c) be struck out, and the following inserted in lieu: (1) Save as otherwise expressly provided, every licensee (other than the holder of a spirit merchant's license or of a brewer's license) shall on the 31st day of December and the 30th day of June in each year, or within seven days thereof, furnish and deliver 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 six months ended on 31st December and 30th June respectively—(a) the quantity of liquor of various kinds purchased for the licensed premises by the licensee, or by any other person during such period of six months, but not including liquor so purchased but still in bond; (b) the amounts actually paid or the net amounts payable therefor respectively (less duties of Customs or Excise) whether purchased in Western Australia or elsewhere; (c) the names and addresses of the persons who sold or supplied such various kinds of liquor.

The Bill makes the collection of revenue annual, and also makes the tax retrospective for the last financial year. That is not fair. My proposal will give the Government a ten months revenue from the trade instead of 12 months. No licensee considered last year that he would be taxed in the way now suggested. If he had known that, he would probably have adjusted his expenses and carried on his trade in a different way. He could not be expected to provide for a tax about which he knew nothing, and to fling the tax at him now will be unfair and inequitable. It is because I hold those views that I submit the amendment.

Hon. W. C. ANGWIN: Is the hon. member in order in moving to strike out certain words and inserting similar words? The amendment he has moved is in some respects exactly the same as portions of the clause he proposes to delete.

The CHAIRMAN: The hon. member could have attained his object in one particular paragraph of his amendment by moving to strike out the word "six" and inserting other words.

Mr. MANN: I am prepared to submit my amendment in that form if it is the wish of the Committee.

The CHAIRMAN: It might have been better if that had been done in the first place, but if we proceed in any other way at this stage we might get into a bother.

The PREMIER: I am not worrying about the manner in which the amendment is worded; I am concerned about the tax. The hon. member declared that the tax would be retrospective. It will not be so. The tax is not for the present year. The amount of the tax this year will be 10 per cent., and it will be based on last year's purchases instead of this year's purchases. The question is whether we shall collect the tax on the purchases of this year or whether they shall be calculated on those of last year. It will be far more convenient to adopt the course proposed in the Bill. The object of the amendment is to reduce the period of taxation from 12 months to 10 months.

Mr. Mann: You desire to collect 10 months tax immediately and under the amendment you will collect four months immediately and six months next June.

The PREMIER: The tax will not be on last year's sales. It will be on this year's sales calculated on those of last year.

Hon. T. Walker: The Bill to enable you to do that is not yet passed.

The PREMIER: We shall soon alter that if the House is willing. The question is whether we are to have the tax for 12 months or 10 months. I say we should have it for 12 months.

Hon. P. Collier: The amendment provides for 10 months from the time the Bill is introduced. Yours is for 12 months; it is retrospective.

The PREMIER: I assure the House that we shall not collect the tax twice over. I hope the House will not agree to the amendment. I do not think it makes the slightest difference to the man who has to pay the tax. I hope the House will not accept the amendment.

Hon. T. WALKER: I cannot quite approve of the amendment, because it goes too far back and allows too much. The Government have entered into a partnership with the trade and they must be fair to their partner. Liquor purchased before the Bill was introduced and certainly before the Bill was agreed to, was bought under a contract with the Government in the shape of the existing Act which regulates the fees. The 1911 Act does not terminate until the Bill

becomes law. We must respect that position and the Government should stand by their contract. If they do so, they will not make the Bill apply to liquor bought under the old Act. To do such a thing is not allowable in ordinary cases and should not be tolerated here.

The Premier: The same thing might be said of taxation.

Hon. T. WALKER: That is not so. I do not think the alteration contemplated should affect the publicans except from the termination of the old contract, which will mean as from the time the Bill becomes law. Of course, the Government are in the position of making a wrong a right simply by the application of the dictum that might is right. That is the principle of highway robbery.

The Premier: I do not think you should say that.

Hon. T. WALKER: I do not say it offensively. If we went back to the time when the Bill was introduced and made the taxation apply as from that date, there might not be the same objection because that might be taken as the warning.

Mr. Mann: That is my amendment.

Hon. T. WALKER: If the amendment does that, while it may not be right, still it is backed up by precedent.

Hon. P. Collier: It should only take effect from the date of the passing of the Bill.

Hon. T. WALKER: If there is no better way, I will support the amendment, but we should make the tax date from the time the Bill becomes law.

Mr. CORBOY: The Premier is mistaken regarding his references to the payment of income tax. I am under the impression that the income tax is paid in a manner similar to that suggested by the member for Perth, except as regards the period. The taxpayer puts in his return for the year completed, and the assessments are made upon that return, after which he is requested to pay in accordance with the assessment. I support the amendment, although I regret that it does not provide for the operations of the Bill commencing from the time it becomes an Act. It may be that some hotel keepers will purchase heavy stock before the Bill becomes law and so avoid a certain amount of taxation, but I do not think there are many who will be in that position. I consider it unfair to go back in the matter of taxation. If a man purchases liquor on a certain basis, it is unfair to say he must pay a tax on those purchases, of which tax he was then unaware.

Mr. UNDERWOOD: I do not think the tax should come into operation until the Bill is passed. A tax of 10 per cent. on the purchase of liquor is a large amount to charge licensees who have been running their houses on a very small margin of profit.

Hon. P. Collier: It may have the effect of turning what was a profit into a loss.

Mr. UNDERWOOD: Yes, into a heavy loss. Some licensees are just gaining a living from their premises, and to ask them to pay this tax retrospectively is very fair. There

is no analogy between this and either a tariff or an income tax. As soon as a tariff is announced, it becomes operative and a person affected can add the extra cost on to the price of the goods he sells. In this instance, we are to ask hotelkeepers to pay on something for which they have paid already. I hope the Premier will not persist in his attitude, because it may have the effect of ruining some of these licensees. It will mean ruin and confiscation to some.

Mr. RICHARDSON: I want to be clear both as regards the motion and the amendment. As I read the clause, I understand that the Premier desires to have the figures for the last preceding year up to the 31st December so as to fix the tax for the then current year. If the Premier is not in possession of those figures how can he say what the license fee for the next year will be?

Mr. Mann: We are prepared to send them in from September to December, but the Premier wants from January to December.

Mr. RICHARDSON: The hon. member wants to assess the current year on a three months' basis.

Mr. Corboy: It is from January to June and then July to December.

Mr. RICHARDSON: I want to get some information on the point.

Hon. T. Walker: The Premier wants the tax for the year.

Mr. RICHARDSON: In the first year the Premier must have some means of assessing. If the amendment be carried, the assessment will be made on the purchases of the last four months of this year. Thus eight months of sales will be cut out of the assessment, and how will it be possible to arrive at the amount?

Mr. Corboy: Is he entitled to tax on the eight months which have gone?

Mr. RICHARDSON: He would not be taxing for this year, but for next year.

Hon. P. Collier: What does the current year mean?

The Premier: The current financial year.

Hon. P. Collier: No, the licensing year.

Mr. MONEY: Whatever percentage is charged ultimately becomes the annual license fee. The amount payable on the 1st January is only a temporary payment. When the returns are furnished the fee already paid goes into the melting pot, and a reassessment is made for the year, and that amount becomes the annual license fee.

Mr. Corboy: I should like to have the Premier's assurance on that.

Mr. MONEY: License fees are always paid in advance and, if the hon. member had had experience of these matters, he would know that he had to apply in the previous year for the next year's license.

Mr. McCallum: That is an entirely different question.

Mr. MONEY: The principle is exactly the same. With regard to the percentage, the licensee really pays a deposit in December or

January and the balance is paid when it is arrived at by the receiver of revenue.

Hon. P. Collier: Is the current year the financial year or the licensing year?

Mr. MONEY: The licensing year, because we are dealing with the licensee fees. When it is assessed it will be the license fee for 1923.

Hon. P. COLLIER: The position is not quite clear. There seems to be a confusion regarding the term current year. Assume that the Bill becomes an Act in the form in which it is printed: By March of next year licensees will have to furnish returns of their purchases for the period from January to December of the present year. On those returns they will pay, before the end of June, their 12 months' tax.

The Premier: That is so.

Hon. P. COLLIER: That will mean they will be paying 10 per cent. on all purchases made since January of the present year. As we are passing this Bill in September we shall be giving the tax a retrospective effect of nine months.

Mr. Money: No, that is only the method of arriving at the fee.

Mr. Pickering: That is the camouflage of it.

Hon. P. COLLIER: It must mean that the tax will have a retrospective effect. Some men have been trading since the commencement of the year, not knowing that the tax would take this form. There are houses doing a bottle trade content to make a small percentage of profit on a large turnover, and their small profit may conceivably be turned into a loss. In any case the principle of making taxation retrospective is always bad. People regulate their business according to the existing law, and if taxation strikes backwards it upsets their calculations. This measure should certainly not take effect as regards the taxation further back than the date on which it was introduced. Then we could at least say that people had a full knowledge of the possibilities. Even this would be doing something unusual because measures generally operate from the date on which they are passed. The member for Bunbury says this would date back to the commencement of June. If that were so, the tax would still have a retrospective effect of at least two months. In justice to the people engaged in the trade, the Premier cannot claim the tax for one day prior to the date on which the Bill was introduced, and I feel sure the Committee will not agree to his going further back than the 1st September.

Mr. MONEY: Clause 29 provides that the licensee shall within three months after the date of his license furnish returns for the preceding 12 months. How can that apply to any existing license? Licenses were granted in 1921. That, therefore, means that within three months of the date of the license granted in December, it will be necessary to make returns for the year 1922 and, before June of 1923, an assessment will

be made and the annual license fee will be payable.

Hon. P. Collier: The Bill does not say that at all. You must have a Bill of your own.

Mr. MONEY: Each license fee for 1923 will be based on the trading returns for 1922. A deposit is paid in December.

Hon. P. Collier: I said the fee was to be fixed in that way.

Mr. MONEY: Then what is the complaint about?

Hon. P. Collier: Publicans are to pay a tax on the sales for this year.

Mr. MONEY: True!

Hon. P. Collier: That is retrospective legislation.

Mr. MONEY: It may be a retrospective assessment, but it is not a retrospective license fee.

Hon. P. Collier: You are a most extraordinary man.

Mr. MONEY: It would be an easy matter to insert a clause providing that if, at the end of 1923, the purchases were less than they were in 1922, there might be a rebate, and the licensee agreed, if there was an increase, to pay an increased fee. That would put the whole thing right.

Hon. T. WALKER: I am unable to follow the member for Bunbury. According to him the publican would have to pay cash down for the purchases of liquor he made before the Bill became law. The publican is asked to pay a tax in June next on liquor purchased before the introduction of the Bill. I trust the amendment will be carried.

Capt. CARTER: Suppose also a licensee, having paid his assessment on 30th June, went out of the business on 31st December. What would his position be in respect to the tax for the following year?

The Premier: He would not pay.

Capt. CARTER: Suppose the license lapsed at the end of the year. Who would have to pay and how would the amount be apportioned? I cannot support the amendment in its present form.

Mr. McCALLUM: Last December licenses were issued to publicans in Perth enabling them to carry on for 12 months. They knew what the fee was and adjusted their business accordingly. It is now suggested that an extra 12 per cent. tax be added and dated back from January last. Surely that is retrospective taxation. When these licenses were granted the licensee had a right to expect that these were the terms under which he could trade for 12 months.

Hon. P. Collier: It was practically a contract made between the publican and the Government.

Mr. McCALLUM: Precisely. The Premier should consider himself lucky that a suggestion has been made to date the tax back as far as September.

Mr. CHESSON: Many licensees would not have applied for a renewal if they had known what this Bill contained. A contract

has been entered into between the parties and should be respected. This Bill should have effect only from the date it becomes law. I am opposed to retrospective taxation.

Mr. MANN: In reply more particularly to the member for Bunbury, the position is that in December of 1921 the licensees paid their license fees for the year 1922, and that in December of 1922 they paid the license fees for 1923. Credit will be given for the latter fee as against the assessment tax. According to the member for Bunbury, in March of 1923 the licensees would pay a tax running from January of 1922 up to December of the same year, and by June of the next year, being the end of the financial year, they would be due for another six months' tax, and thus would be liable to 18 months' taxation on 12 months' trading.

The Premier: No.

[Mr. Stubbs resumed the Chair.]

Mr. MANN: I hope hon. members have given the matter close attention, and seen the unfairness of the proposal.

Mr. JOHNSTON: The Government's proposals make no allowance for the changeableness of the Australian climate. Districts prosperous last year are faced with a very poor season this year. Last year, when things were prosperous, large purchases of liquor were made; and now, 15 months later, the Premier comes along and says, "You people were selling a lot of liquor 12 months ago, and now I want 10 per cent. on what you sold at that time." A man may have sold out of his hotel meantime, and the unfortunate purchaser will be called upon to pay taxation on the liquor sold by his predecessor. The tax is confiscatory. The Royal hotel until a few months ago made a practice of advertising liquor for sale by bottles and cases all over Western Australia at very low prices indeed.

The Premier: That hotel is not doing so now.

Mr. JOHNSTON: No. Since the Government first mooted taxation of this kind, the proprietor of the Royal hotel has altered his methods. His sales for the past 12 months were certainly very heavy, and the hotel, after disposing of that liquor at very low prices all over Western Australia, is now doing an ordinary business at ordinary rates. Yet it is liable to be charged a tax on liquor sold at very low prices 12 months ago. The Government would do well to accept the amendment of the member for Perth, resting content with so much retrospective legislation as would apply to the four months just before Christmas.

Mr. RICHARDSON: Members appear to have been losing sight of the main facts. The Bill is based on the belief that some publicans are not paying sufficient taxation. Therefore we propose what we regard as the equitable imposition of a license fee. Before 1922 all the license fees were paid in December or thereabouts. The contract in-

volved in the payment of the last fees will be observed. There will be no more contracts of that kind. Suppose that instead of our putting a tax on the purchases of the hotel-keeper, we raise the license fees by 300 per cent.; would it be said that that was retrospective taxation on this year's trading? I guarantee not one member would say so. Exactly the same argument applies to the proposed percentage. We hear about 10 per cent. going on. I do not believe 10 per cent. will go on. That is merely a red herring drawn across the trail. No matter what tax may be charged, we must bear in mind that it represents the license fee for next year, being in place of the present license fee. It is based on this year's trading—not on this year's profit—as a guide for next year. There is no other way of arriving at it.

Mr. Mann: I have given a way.

Mr. RICHARDSON: Only applying to four months. This Bill is no more retrospective than is a Bill for the increasing of the rate of income tax. Members have got mixed because they think the license fee has not been paid for this year. So I judge from the way they speak. They appear to think that the suggested taxation is in payment of this year's license fee. The argument of the member for Cue was on those lines.

Mr. Chesson: What is being done at the present time with regard to clubs?

Mr. RICHARDSON: I am not dealing with clubs just now, but the taxation will apply to clubs as well as to hotels. The payment demanded is not retrospective, but merely a payment in advance.

Mr. J. H. SMITH: The last speaker is mistaken. The percentage is to be paid on all liquor purchased during the year ending on the 31st December next.

Mr. Money: No. That is December of the coming year. It is the last December before you furnish your returns.

Mr. J. H. SMITH: Last year I owned an hotel, and did a good business mostly. Is my successor going to be taxed on my trading during last year?

Mr. Mann: Under the Bill he is.

Mr. J. H. SMITH: Yes, and I claim that that is distinctly unfair as well as retrospective. My successor has paid a license fee entitling him to trade until the end of this year. According to my reading, the clause is retrospective. If the Premier will give an assurance that the clause is not retrospective, there will not be so much opposition.

Mr. MUNSIE: Personally, I do not care much whether the amendment is carried or defeated. In my opinion the member for Subiaco stated the case according to the provisions of the Bill with absolute correctness. The Bill does not provide for retrospective payment. It is merely a retrospective assessment. How are we to charge a licensing fee on preceding sales unless we get some such method as is presented in the Bill? It has been argued that a man who has al-

ready paid his license on this year's sales is to be charged. The Bill does not propose anything of the kind. Any man who took out a license last December and who goes out of business on the 31st December of this year, will not have to pay one penny extra taxation.

Mr. MANN: But his successor will have to.

Mr. MUNSIE: His successor will have to, certainly, because the Bill is increasing the licensing fee; but it is only increasing it from the 1st January next year to the 31st of the following December.

Mr. Money: Quite right.

Mr. MUNSIE: That is all the Bill is doing, in respect both of hotels and of clubs. All the harm it might possibly do is this: If an hotelkeeper who agrees that this should be the means of assessing his licensing fee be located in an expanding city he will be in a good position, whereas an hotel keeper in a town which is going down will be penalised to some extent, because his sales this year may be greater than those in 1923. So he will have to pay for 1923 a licensing fee based on the purchases of 1922. I will support the clause as it stands, because the amendment does not give a reasonable means of assessing the licensing fee for the year.

Mr. Chesson: It gives four months.

Mr. MUNSIE: Four months are not sufficient on which to assess a fee for 12 months. The 12 months provided in the Bill is the fairer basis.

Mr. PICKERING: The hon. member has put up the best possible argument for the amendment. He admits that some must suffer in consequence of the change. The amendment will serve to minimise the suffering. A licensing fee ceases to be a licensing fee when it becomes a tax. It is suggested in the Bill that the tax should be assessed on the sales of the previous 12 months. Prior to the passing of the Act certain conditions will be in force which will not be in force after that time. The hon. member says the term is too short. The amendment provides that the first year's tax shall be on the preceding four months, and that in the following year it shall be on the preceding six months. The amendment makes a real attempt to meet the position, and we would be acting fairly by those called upon to pay this largely increased tax if we adopted the amendment.

Amendment put and passed.

Mr. MANN: I move an amendment—

That the following be inserted:—"shall on the 31st day of December and the 30th day of June in each year or within seven days thereof, furnish and deliver 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 six months ended on 31st December and 30th June respectively—(a) the quantity of liquor of various kinds purchased for the licensed premises by the licensee, or by any other person during such period of six months,

but not including liquor so purchased but still in bond; (b) the amounts actually paid or the net amounts payable therefor respectively (less duties of Customs or Excise) whether purchased in Western Australia or elsewhere."

Amendment put and passed.

Mr. MANN: I move an amendment—

That the following be struck out:—"From the return so furnished, the Receiver of Revenue shall assess the fee payable for the license for the then current year at a sum equal to ten pounds per centum of the amount paid or payable for the liquor purchased for the licensed premises as set forth in such return, less the minimum annual fee paid on the issue of the license, and the fee so assessed shall be payable by the licensee on or before the 1st day of June next following.

The PREMIER: The proposal of the hon. member is to reduce the tax from 10 per cent. to six per cent.

Mr. MANN: That is so.

The PREMIER: He proposes to reduce the revenue from £110,000 to £66,000.

Mr. MANN: I do not know the actual figures.

The PREMIER: It is simple to say what the hon. member proposes but I am informing the House what it will mean. On the liquor purchased by the retailers, £600,000 was paid to the Commonwealth Government. I do not remember anyone complaining about that.

Mr. A. Thomson: Not a word was said about that.

Mr. O'Loghlen: What remedy have we?

The PREMIER: I do not know, but nothing was said against the payment of that amount to the Commonwealth.

Mr. O'Loghlen: Two wrongs do not make a right.

The PREMIER: The whole cost of our police and the licensing and inspection of hotels, and everything in connection with the trade, is a charge against the State Government and not against the Federal Government.

Member: The Federal Government take too much.

The PREMIER: Yes, but there is no protest against what is paid cheerfully to the Commonwealth. We are justified in asking the Committee to say that the Government are entitled to receive £110,000 from the liquor trade. That is not very much when we come to consider that this is a State monopoly and that we have the right of saying how and when and where liquor shall be sold. In view of the monopoly, I think we are entitled to be paid for that privilege. The amount collected by the State and Federal Governments is not the only money collected from the trade. When a man goes into the hotel business he pays ingoing and rent. The percentage returned from hotel premises is higher than that from any other class of buildings. Everyone seems to get a good deal out of the trade except the Government who

control the monopoly. Both the ingoing and the rent in connection with some hotels represent large amounts. It is said that the amount cannot be passed on. The member for Perth proposes that the tax shall be six per cent. In other words, he proposes that the return to be collected by the Government, which is £34,000 to-day, will be increased by £32,000, making the tax collected amount to £66,000.

Mr. Clydesdale: That is a fair jump, is it not?

The PREMIER: No, it is not. I hope the Committee will be reasonable and agree to this additional taxation. I think 10 per cent. represents not one penny more than we are entitled to. The member for Perth has not said why he advocates six per cent.

Mr. Mann: It is as much as the trade can afford to pay.

The PREMIER: In Victoria the tax is six per cent.

Mr. Mann: If you overtax the trade you cannot expect to keep it clean.

The PREMIER: In Victoria, that tax is on all purchases made including duty and excise as well as the price of the liquor, and that would be £102,000.

Mr. Pickering: That includes compensation?

The PREMIER: Yes.

Mr. Pickering: And you have another two per cent. for that.

The PREMIER: If we take the Victorian tax at six per cent. as against the proposal in the Bill, hon. members will find that the 10 per cent. and the two per cent. which is provided to meet the outlay in connection with the reduction board, are equal to $7\frac{1}{2}$ per cent. on the Victorian basis. In Victoria the tax is on the total cost of the liquor. We tax on the cost less the excise and duty, and if members make a comparison between our proposal and $7\frac{1}{2}$ per cent. on the Victorian basis, it really means that we are asking $1\frac{1}{2}$ per cent. more than the amount Victoria has been collecting till now. If the member for Perth's proposal be agreed to our tax will come below that of Victoria.

Mr. Mann: Victoria is bringing in a Bill to make the tax three per cent.

The PREMIER: Only because they have closed down so many hotels. The liquor sold per head of the population in Victoria is much less than it is here. The total contribution by the trade last year was only £164,000. The member for Perth now asks that we should accept much less than Victoria collects. I hope the amendment will not be agreed to.

Mr. A. THOMSON: Shall we have an opportunity of discussing the six per cent. tax if the amendment be agreed to?

Hon. P. Collier: The amendment provides for that.

Amendment put and passed.

Mr. MANN: I move an amendment—

That the following words be inserted in lieu of those struck out:—"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 six pounds per cent. 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."

This is a half-yearly tax and the licensee gets a reduction on a half-yearly license. This is a fair and just tax on the trade and is as much as the trade can reasonably pay. We are asking the trade to comply with stricter conditions because the Bill is really a reform Bill tightening up the law. The Premier has mentioned Victoria. None of the money derived from the tax there goes into revenue. It is paid into the compensation, police and other funds. When that tax was fixed at 6 per cent., the duty was only 9s. per gallon but now it is £4 odd. So convinced are the Victorian Government of the inequity of the tax that they are bringing in a Bill to provide for a 3 per cent. tax.

Mr. MONEY: Under the Bill no return is furnishable until March, 1923. Under the amendment the tax is payable on the returns furnished at the end of the present year. Is it intended that the Government shall collect the extra six months' revenue?

Mr. Mann: In March, 1923, the licensee will pay for a year.

Mr. MONEY: An Act of Parliament comes into operation when it is passed and there is nothing in this measure to make it retrospective in this respect.

Hon. P. Collier: Do you mean that under the Bill six months' tax will be payable during the present financial year?

Mr. MONEY: It will be payable before June of next year. It is not clear whether the payment at the end of December is for this year's or next year's license fee.

Mr. Mann: It is only to December of this year.

Mr. MONEY: Then that is the answer to my question.

Mr. O'Loughlen: I think we had better sleep on it.

Progress reported.

House adjourned at 11 p.m.