

swags and go into the bush rather than go to the Old Men's Home.

Mr. Chesson: That is quite true.

Mr. Broun: Some of them should not have been there.

The Colonial Secretary: If they are not suffering from T.B., they should not be there.

Hon. W. C. ANGWIN: They must have been suffering from it when admitted. Patients suffering from any incurable disease should be made as comfortable as possible. One or two of those put out have since died. I hope the Committee will see to it that Dr. Mitchell is allowed a free hand in running the institution in the best interests of the patients.

The COLONIAL SECRETARY (Hon. R. S. Sampson—Swan—in reply) [10.55]: The published statements that patients are not admitted unless able to pay is entirely false. Wooroloo is for the reception of all suffering from T.B. or other wasting diseases, irrespective of their ability to pay. Consideration and treatment are exactly the same for all. Dr. Mitchell and his staff, including the matron and nurses, are all of very high order.

Mr. Mann: The complaint is that Dr. Mitchell is interfered with by administration from Perth.

The COLONIAL SECRETARY: That is quite wrong. There is no interference whatever.

Mr. Mann: Is it left to him to say what patients shall go out of Wooroloo?

The COLONIAL SECRETARY: All questions of medical treatment at Wooroloo are left to Dr. Mitchell. Of course, some business arrangements are carried out in the Perth office. Dr. Mitchell determines whether or not a patient shall be received.

Mr. Chesson: Did not a Perth doctor go up to Wooroloo and order out a lot of patients?

The COLONIAL SECRETARY: I am advised that they were not suffering from T.B.

Mr. Chesson: They were not shifted by the direction of Dr. Mitchell.

The COLONIAL SECRETARY: They were not suffering from T.B., and consequently were not qualified to remain there. It has been said that unless a patient pays he is not welcome. That is not correct. Patients are not harassed for payment for treatment. The utmost consideration is extended to them.

Item, Commissioner for Public Health and Principal Medical Officer, £1,080:

Mr. WILLCOCK: There is a new regulation regarding the payment of fees. Matrons having been instructed that no set fees shall be charged, make an inquisitorial examination of the financial position of patients and are entitled to impose such payments as they think fit.

Mr. A. Thomson: Do not the doctors decide?

Mr. WILLCOCK: No. It is left to the matron. The doctors are not very pleased about being pushed out.

Mr. Broun: Do you mean fixing the doctor's fee?

Mr. WILLCOCK: Yes. This has occurred since the hon. member left office.

The Colonial Secretary: If a person can pay, he should pay.

Mr. WILLCOCK: Quite so, but there should be a scale of fees. If anyone can pay well and good, but if not, other arrangements should be made to recompense the doctor. The matrons at Kalgoorlie, Collie, Geraldton and Bunbury might fix different fees for similar cases. This is not a businesslike method.

Hon. P. Collier: It might depend on friendship with the doctor.

Mr. WILLCOCK: The doctor gets his fees from the department in respect of indigent cases. There should not be a dozen different scales of fees for operations or medical services.

The Colonial Secretary: I shall look into that matter.

Mr. WILLCOCK: The responsibility should not be on the matron.

Vote put and passed.

Vote—Agriculture generally, £58,449:

Progress reported.

BILL—AGRICULTURAL LANDS PURCHASE ACT AMENDMENT.

Message from the Lieut.-Governor received and read recommending appropriation in connection with the Bill.

House adjourned at 11.6 p.m.

Legislative Council,

Wednesday, 15th November, 1922.

	PAGE
Question: Closer Settlement Bill	1558
Bills: Pensioners (Rates Exemption)	1559
Pearling Act Amendment, 1a.	1561
Agricultural Bank Act Amendment, 1a.	1561
Licensing Act Amendment, Com.	1561

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

QUESTION—CLOSER SETTLEMENT BILL 1921.

Hon. J. DUFFELL asked the Minister for Education: Will he cause to be laid on the

Table of the House the various files from the Lands and the Works Departments, which were placed before the select committee on the Closer Settlement Bill in January last?

The MINISTER FOR EDUCATION replied: Yes.

BILL—PENSIONERS (RATES EX-EMPTION).

In Committee.

Hon. J. Ewing in the Chair; Hon. G. Potter in charge of the Bill.

Clause 1—agreed to.

Clause 2—Exemption from rates:

Hon. J. J. HOLMES: I move an amendment—

That in line 2 the word “shall” be struck out and “may” inserted in lieu.

If “shall” be left in, the Bill may have a very far-reaching effect. It is better that it should be left optional.

Hon. G. POTTER: I oppose the amendment. If it were carried it would destroy the whole object of the Bill.

Hon. A. BURVILL: I support the amendment. On the second reading I voiced the opinion of certain road boards and municipalities, who consider it is for the Federal Government to afford the pensioners relief by increasing the pensions. I am agreeable that the State should help those pensioners if the Federal Government will not do so, but I object to the responsibility falling on the local authorities. In any case, the pensioners are not as badly off as are some other people. The amendment will remove some of the difficulties.

The MINISTER FOR EDUCATION: I am afraid I shall have to oppose the amendment, for one reason alone. When the Bill was introduced it provided for exemption from municipal and road board rates. The local authorities protested on the ground that water rates and other rates accruing to the State were not included. That objection was overcome by the inclusion of such rates. The practical effect of the amendment will be that the pensioners will be exempted from the payment of Government rates alone; because the Government, not having opposed the Bill, could not consistently claim protection under the amendment.

Hon. T. MOORE: We might as well throw out the Bill as carry the amendment. “Shall” is the whole substance of the clause, indeed of the Bill. At present if any local authority does not wish to collect the rates it need not do so. So it is “may” to-day. It would have been more manly to oppose the Bill than to move such an amendment.

Hon. J. A. GREIG: Already road boards have the option of leaving the rates uncollected, and collecting them at a later date. Alternatively they can ask leave of the Government to write them off. Therefore there is no

necessity whatever for the Bill. I will vote against it on the third reading.

Hon. J. J. HOLMES: Mr. Burvill hit the nail on the head when he said the Bill proposed to assist those who were not the worst off in the community. If any additional assistance be required by the pensioners, and if the Federal Government will not provide it, I am prepared to ask the State to make the provision, so long as it covers everybody. Here, however, is a proposal to penalise local authorities. Had I been in the House last night, I would have called for a division on the second reading. In the circumstances, I move—

That the Chairman do now leave the Chair.

Motion put and negatived.

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

Ayes	..	..	8
Noes	..	..	14

Majority against .. 6

AYES.

Hon. A. Burvill	Hon. J. M. Macfarlane
Hon. J. Duffell	Hon. E. Rose
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. J. A. Greig
	(Teller.)

NOES.

Hon. R. G. Ardagh	Hon. R. J. Lynn
Hon. F. A. Baglin	Hon. G. W. Milles
Hon. H. P. Colebatch	Hon. J. Mills
Hon. J. E. Dodd	Hon. T. Moore
Hon. V. Hamersley	Hon. G. Potter
Hon. E. H. Harris	Hon. H. Seddon
Hon. J. W. Kirwan	Hon. J. Cornell
	(Teller.)

Amendment thus negatived.

Hon. G. POTTER: I move an amendment—

That all words after “1919,” in line 4, be struck out, and the following inserted in lieu:—“the water, excess water, storm water, and sewerage rates, meter rent, sanitary and pan rates in respect of land of which he is in occupation as owner. The payment of such rates shall be deferred, and the same shall be payable only on the sale of the property or the death of the pensioner, but in the meantime they shall become a first charge on the property, subject to any rights of a mortgagee existing at the date of the passing of this Act.”

The MINISTER FOR EDUCATION: The suggestion to pay no excess water at all is a bit hard, because there is no limit to it; a pensioner might have his tap running all day long. The amount of water allowed by the rates should suffice for the pensioner unless he is going to use water for some commercial purpose.

Hon. G. POTTER: I move an amendment on the amendment—

That the words "excess water" be struck out.

Hon. F. A. BAGLIN: Will that meet the case, in view of water rates being included?

Amendment on the amendment put and passed.

Hon. A. LOVEKIN: I think the words "sanitary and pan rates" should be deleted. It is unfair that the local authorities should do the work week after week without being paid for it.

Hon. G. POTTER: That suggestion is not exactly frivolous, but surely the hon. member should advance some statistics showing that the local authorities would be penalised.

Hon. G. W. MILES: If a pensioner had his property fully mortgaged, the local authorities would be rendering all these services without hope of any remuneration whatever. I understand that at present local authorities have a prior claim for rates.

Hon. G. POTTER: We desire to maintain secure the security of any person having a mortgage over a pensioner's property prior to the passing of this Bill.

Hon. J. J. HOLMES: If I were an old age pensioner and this Bill were passed, I should mortgage my property to the full limit, and ignore rates and taxes.

Hon. J. W. Kirwan: Has the hon. member no conscience?

Hon. J. J. HOLMES: I have said before that if ever I reached the stage when I could not earn enough bread for my children, I would steal for them. Under this Bill all the local authorities and the Government will be left at the post without a hope of securing payment of their rates. It is a wrong principle to allow anyone with property behind him to evade his liabilities.

Hon. G. POTTER: I am astounded to hear Mr. Holmes incite old age pensioners to lawlessness. If the hon. member votes for the amendment and the Bill, he will be deferring the period at which he will feel called upon so to incite pensioners.

Hon. J. MILLS: I have a better opinion of old age pensioners than some speakers have voiced. I think the pensioners will be jealous of their rights in property so long as they can manage to pay the rates.

Hon. T. CORNELL: The position to-day is that the pensioner does not get what Parliament desires to give him. Are these rates a first charge on the property?

Hon. J. J. Holmes: The water rates are.

Hon. J. CORNELL: If they are a first charge and we pass this amendment, I am afraid we shall give the man who holds the mortgage a position of advantage that he does not occupy to-day. That is not what hon. members desire to see brought about.

Hon. G. W. MILES: I move an amendment—

That the words at the end of the amendment "Subject to any rights of a mortgagee existing at the date of the passing of this Act" be struck out.

The MINISTER FOR EDUCATION: We should carefully consider the amendment before agreeing to it. When we give a person an extended period running over a long number of years in which to pay, there is always the risk of someone losing his money. If we create that risk it may be a fair thing for the State or the local authority to lose, but it will hardly be a fair thing to put a mortgagee in that position. There is going to be a risk of someone losing his money, and we should not set up such a condition.

Hon. J. J. Holmes: Are water rates and municipal rates a first charge?

The MINISTER FOR EDUCATION: If a mortgagee seized a property, he would have to pay all rates.

Hon. J. M. MACFARLANE: I said before, and I say again, that the Bill is wrong for several reasons. One is that it will not benefit those pensioners who should be benefited most. I oppose the Bill generally, chiefly because this is a Federal matter and should be made to apply to all pensioners. I am not arguing that pensioners receive too much because I know that that is not the case. Many are finding it hard to exist on 15s. a week. From a conversation I had with the Federal authorities, I am convinced that if we pass this Bill the Federal people will take some of the benefits we desire to give to the pensioners.

The CHAIRMAN: The hon. member may not discuss the Bill generally. The question is the striking out of certain words.

Hon. J. M. MACFARLANE: I oppose the Bill on general grounds.

Hon. J. J. HOLMES: Mr. Miles should withdraw the amendment. It would not pay a wealthy person to advance money to a pensioner, but it might pay one of ordinary means, with a few pounds to spare, to make an advance to a pensioner, and if we struck out the words suggested, we would put the person who advanced the money in probably a worse position than the pensioner himself. Even with those words included, the clause might prove dangerous.

Hon. A. BURVILL: Whether the clause be struck out or left in will make very little difference to the man to whom the property is mortgaged. The rates can always be recovered irrespective of the owner. If the owner of a property cannot be found, or if he will not pay his rates, his property may be sold at the end of five years. There is almost a parallel instance in the case of the Agricultural Bank. We know of properties which have reverted to the bank, and road boards have been trying to collect rates that are due. The very moment the property is taken up again, it is liable to be rated and whoever becomes the owner, it will not be possible for him to evade payment, even though we delete the words in question.

Hon. E. H. HARRIS: Assume that a pensioner and his wife are living in the same house, owned by the husband, and that they

may have lived there for a number of years. On the death of the pensioner the property may be sold. There may be rates owing to the extent of £40 or £50, and on the property being sold and the widow being given the proceeds, less the rates, she will not be eligible to draw the pension because she will have money on which to live. At a later stage she may buy another house, but in the interval she will not receive any pension.

Hon. G. W. MILES: Having heard the explanation of the Leader of the House, I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. H. STEWART: I do not know that the Bill will confer a very great benefit on these people. It is quite likely that the mortgagees will call up the money in some cases, and where we seek to give benefit, we may be doing harm.

Hon. C. F. BAXTER: This seems to be a roundabout way of increasing the pension of a limited number of these people.

Hon. H. Stewart: That is the intention.

Hon. C. F. BAXTER: My opinion is that the Bill will hamper those who may desire to borrow. No one will advance money on property, not knowing where the liability is going to cease. If the rates become a first charge, there will be no chance of borrowing on such a property.

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

Ayes	..	..	..	14
Noes	..	..	..	10

Majority for .. 4

AYES.

Hon. R. G. Ardagh	Hon. R. J. Lynn
Hon. F. A. Baglin	Hon. T. Moore
Hon. H. P. Colebatch	Hon. G. Potter
Hon. J. E. Dodd	Hon. A. J. H. Saw
Hon. E. H. Harris	Hon. H. Seddon
Hon. J. J. Holmes	Hon. J. Mills
Hon. J. W. Kirwan	(Teller.)
Hon. A. Lovekin	

NOES.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. A. Burvill	Hon. E. Rose
Hon. J. Duffell	Hon. H. Stewart
Hon. J. A. Greig	Hon. J. M. Macfarlane
Hon. V. Hamersley	(Teller.)
Hon. G. W. Miles	

Amendment as amended thus passed; the clause as amended agreed to.

Title—agreed to.

Bill reported with amendments.

BILLS (2)—FIRST READING.

1, Pearling Act Amendment.

2, Agricultural Bank Act Amendment.

Received from the Assembly.

BILL—LICENSING ACT AMENDMENT.

In Committee.

Resumed from the previous day. Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 10—Amendment of Section 5 of Act No. 1, 1917:

[Hon. A. Burvill had moved an amendment to strike out of line 2 of Subclause 4 the words "Australian wine" and insert the word "a."]

The MINISTER FOR EDUCATION: Progress was reported because Mr. Lovekin raised a question regarding the numbering of the subclauses. I have gone into the matter with the Crown Law authorities who pointed out that it was necessary for subclauses 2, 3 and 4 to precede the subsections at present numbered 2, 3, 4 and 5 in the Sale of Liquor and Tobacco Act 1916. Therefore the clause is quite in order. If the clause is agreed to the subsections now standing as 2, 3, 4, and 5 will be printed as subsections 5, 6, 7, and 8.

Hon. A. LOVEKIN: I suggest that the clause be postponed. If the Minister refers to the Act which this clause will amend he will find that, notwithstanding the advice of the Crown Law authorities, there will be some conflict between the subclauses of the Bill and the subsections of the Sale of Liquor and Tobacco Act. The penalties, for instance, are different. If we have a little time, we can make an improvement.

The MINISTER FOR EDUCATION: I have no objection to postponing the clause, but I see no good purpose to be served by it. I move—

That the further consideration of Clause 10 be postponed until after the consideration of postponed Clause 7.

Motion passed.

Clauses 11, 12—agreed to.

Clause 13—Amendment of Section 36:

Hon. H. STEWART: The wine and Spirit merchants' license under the principal Act is very different from this provision. It dealt with only imported liquors and that restriction is removed. The quantity of beer which could be dealt with under such a license was eight gallons, and under this measure it is reduced to two gallons. We are approaching a position when the conditions of different licenses are becoming similar, and yet no steps are taken to reduce the number of licenses as they could be reduced. In regard to the two-gallon license which has been replaced by the brewers' license, there is a provision under Act No. 1 of 1917 for the keeping of certain records which I take it are necessary for the administration of the Act. No such provision is made in this Bill to apply to people selling liquor in two-gallon lots under brewers' licenses and spirit merchants' licenses. If the provision was necessary and desirable before, it is probably necessary and desirable now.

The Minister for Education: It does not arise under this clause.

Hon. H. STEWART: The position is that an alteration has been made in the old system involving spirit merchants and brewers' licenses, and I think the attention of the Committee should be drawn to that fact.

The MINISTER FOR EDUCATION: It is true that in connection with these licenses the eight gallons has been reduced to two gallons, but, on the other hand, it is worthy of notice that the fees for the licenses have been increased, so that they have to pay extra for their privileges.

Hon. A. LOVEKIN: There is a good deal in what Mr. Stewart suggests. Here is one way by which we could get rid of one of the licenses which empower the holders to sell two gallons. We could do away with this system, and provide for one license to enable people to sell liquors in quantities of not more than two gallons.

Hon. H. STEWART: The Royal Commission suggested that these two licenses should be merged and the Bill undoubtedly goes some way in pursuance of the Commission's suggestion. The fact remains, however, that under Section 3 of the Sale of Liquor and Tobacco Act, 1917, provision is made for the keeping of records in connection with the sale of liquor under two-gallon and one-gallon licenses. I am not prepared to move an amendment to deal with the matter at the present time, because that is rather difficult. In view of the provisions made to safeguard the position in connection with the gallon and two-gallon licenses, we should realise that that must have been done for some purpose seeing that it was only in 1917 that those provisions to regulate the sale of liquor under these licenses were agreed to.

The MINISTER FOR EDUCATION: The restrictions referred to by Mr. Stewart were chiefly to safeguard the position regarding the gallon license. It is true that they applied to two-gallon licenses as well, but it was mainly on account of the one-gallon license that it was deemed advisable to take these precautions. I do not think it is necessary, but if Mr. Stewart desires to provide for the same safeguards in connection with the licenses under discussion, all that is required is to move for the insertion of a new clause to deal with the matter accordingly.

Clause put and passed.

Clause 14—agreed to.

Clause 15—Brewers' Licenses:

Hon. J. W. KIRWAN: Yesterday I asked the Leader of the House a number of questions for submission to the Crown Law Department, on the bearing of the Commonwealth Constitution on the Bill. One of the questions I asked was: "Can the State discriminate in its legislation or administration between wine the produce of Western Australia, and wine the produce of other Australian States?" The answer to that question by the Crown Law Department was in the

negative. The Crown Solicitor, however, added a suggestion for the amendment of the provisions regarding wine so as to get over the difficulty I had in mind. The same provision which applies to wine will apply to beer. There is reference in the clause to beer "made in Western Australia." I suggest that, without the object the framers of the Bill had in view being interfered with, we could amend the clause by striking out the reference to "made in Western Australia" and inserting the words "the produce of a licensee's brewery." That would get over any possibility of conflicting with the Federal Constitution.

Hon. J. NICHOLSON: The amendment will deal with the position satisfactorily, because there will be no discrimination. There are other ways that the clause could be amended, but Mr. Kirwan's proposal will get over the difficulty.

Hon. J. W. KIRWAN: I move an amendment—

That in lines 6 and 7 "made in Western Australia" be struck out and the words "the produce of a licensee's brewery" be inserted in lieu.

I am merely following the suggestion made by the Crown Solicitor in the case of wine.

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

Clause 16—Amendment of Section 40:

Hon. A. BURVILL: I move an amendment—

That Subclause 3 be struck out.

The subclause makes a radical alteration in the Act, in that it grants temporary licenses to clubs and committees and other organising bodies of race meetings, agricultural shows or sports meetings. At present only licensed persons can get temporary licenses. Such persons are at fault with the law, whereas committees and clubs know nothing about it. Moreover, there are numbers of women and children present at such meetings and in consequence the granting of these temporary licenses to committees threatens to nullify the raising of the age at which children can be supplied with liquor.

The MINISTER FOR EDUCATION: The object of the subclause is to permit chiefly race clubs and agricultural societies to run their own liquor booths. The clause is subject to the proviso to Section 40 of the Act, in consideration of which there is no reason why race clubs and agricultural societies should not run their own booths.

Hon. I. DUFFELL: Mr. Burvill seems to forget that agricultural shows are held chiefly during the hot weather and that people travelling long distances to such shows are likely to raise a thirst. He would have them quench that thirst with water or with tea. Yesterday the hon. member moved an amendment the object of which was to do away with all privacy in places where drink is served. Now he falls out with the idea of having a drink in public, for the reason that there may be women and children in the vicinity.

Hon. J. J. HOLMES: I agree that if anybody is to be granted a temporary license, it should be the local licensee. When on a red letter day there is a little money to be made out of liquor, surely it is the local publican who should make it. I will support the amendment.

Hon. J. M. MACFARLANE: I will support the amendment, but for quite different reasons. I have been to many agricultural shows, yet never have I seen one suffering the disability of running its own booth. Generally, it is left to the local publican. That system has proved very satisfactory. Of course, the W.A.T.C. might possibly find it of advantage to have their own booth, but I know of no other sporting body which would benefit by the proposed change.

Hon. E. ROSE: I am opposed to the amendment. As a rule, the publican purchasing the booth rights pays, but a small fee and makes a large profit. If the various agricultural societies and other bodies had the right to take out temporary licenses for themselves, the local publican would be prepared to pay a much higher fee for the booth.

Hon. T. MOORE: I will oppose the amendment. In many country districts there is but one licensee, and consequently he can make his own price for the booth rights at agricultural shows and race meetings. Again, if the local committee had its temporary license it could decide what liquor should be sold at the booth. I have known clubs, with a view to reducing drunkenness, prescribe that no spirits shall be sold in the booth. Frequently, men coming in from outback are prone to drink more than is good for them, and if there be only beer available they are not so likely to get drunk, or, at all events, not quickly.

Hon. J. J. HOLMES: To get a license under the Bill a person must be of good repute. If in pursuance of a temporary license he were to do anything contrary to the Act, it would tell against him when next he applied for his general license. If the amendment be carried, the license will be in the hands of a person who may be relied upon to conduct the booth properly.

Hon. H. SEDDON: A point which may have been overlooked by Mr. Moore is that under Subclause 2 of Clause 16 a temporary license may be granted to a licensee holder beyond the limits of his permanent license. So there is no restriction to one particular individual.

Hon. H. STEWART: I presume that if Subclause 3 is not struck out, I shall be quite in order in moving an amendment on it, Mr. Chairman?

The CHAIRMAN: No, certainly not. If the hon. member wishes to move an amendment to the subclause, his motion will take precedence of the present amendment, provided the present amendment is withdrawn.

Hon. H. STEWART: Cannot I move an amendment in the subclause if the subclause is not struck out?

The CHAIRMAN: No.

Hon. J. J. HOLMES: Surely the Bill can be recommended for that purpose.

The CHAIRMAN: Certainly.

Hon. J. CORNELL: I hope the subclause will be retained. It is reasonable, and will tend to prevent evasion of the law. To-day the position is that only the holder of a permanent license can conduct a booth at a race meeting or an agricultural show, for instance. If the subclause is agreed to as printed, the committee of a race club or an agricultural show who want to run the booth themselves, instead of selling it by auction, may be granted a temporary license by the licensing bench, who presumably would have some cognisance of the applicants, and would refuse the license if they thought the applicants not fit and proper persons to hold a temporary license. I understand that to-day the Western Australian Turf Club cannot run their own booths. They ought to be permitted to do so if, in the opinion of the licensing bench, they are fit to do so. I believe they would do it just as well as, or perhaps a little better than, the people running the booths hitherto. Moreover, the profits then would go to a body of people who do a good deal for charity, instead of going to a publican. I know of certain bodies, which shall be nameless, and which run booths, and on the committees of which are several hotelkeepers. The hotelkeepers say it is a good thing that these bodies should run the booths, and the booths are run under the licenses of those hotelkeepers. The licensing bench would certainly not grant temporary licenses to people of evil repute.

Hon. A. J. H. SAW: What is the object of this Bill? Is it a Bill to increase the profits of race clubs and agricultural societies and sports clubs, or is it a more or less serious effort to minimise some of the evils of intemperance? If the latter, is that object promoted by restricting the sale of liquor at the hands of those who know the rules and penalties, and by the creation of a number of temporary publicans? I venture to say the object will not be furthered by inviting a number of amateur publicans to increase their profits. I support the amendment.

Hon. J. M. MACFARLANE: Agricultural societies and small country race clubs will be better off without this subclause. When a booth is sold the publican takes the risk of the weather conditions, and sometimes the weather proves so bad that the society or club benefits more from the fee paid by the publican than they would have benefited from running the booth themselves. A temporary license would be justified only in the case of the Western Australian Turf Club and possibly the other large racing clubs outside the metropolis. The small local race club can do better by letting the booth to the publican, who, moreover, is double-banked by having to give a prize.

Hon. F. A. BAGLIN: If the clause is passed as it stands, it will not be compulsory for an agricultural society to run their

own booth; they will still be able to let the booth to some licensee should they prefer to do so. The subclause is a wise provision. The average publican, I believe, will evade the law if he can do it, and resort to adulteration; or at any rate the publican who takes the booths at race meetings will do so. A society or a club running a booth would endeavour to supply the public with pure liquor. As regards the Labour Demonstration at Claremont, the managing committee for years were unable to obtain what they believed to be a fair price for the booth. The people who had the right to tender were exploiters, and therefore the committee decided to run the booth themselves. They were able to show a profit, and also to diminish drunkenness by supplying a better article. They operated under somebody else's license.

Hon. J. E. DODD: I shall vote against the clause as it stands, for it will certainly open up a very wide range for appealing to the licensing bench for temporary licenses. The provision we have here and the present law are much of a muchness. There is not the slightest doubt that if this clause is carried as it stands, a number of societies who do not at present apply for temporary licenses will in future do so, with the result that there will be much more drinking at the meetings than there is at present.

Hon. J. MILLS: As a member of country agricultural societies and race clubs, I have never known of difficulty being experienced in getting someone to run a booth. The local publican looks forward to the race day or show day as an opportunity for making up arrears. I support Mr. Burvill's amendment.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR EDUCATION: I would like to correct a misapprehension which may arise from the remarks of Mr. Dodd. This clause does not propose to extend the granting of temporary licenses to all sports or entertainments for which occasional licenses may be granted. All the clause does is to permit a society to run a booth itself.

Hon. V. HAMERSLEY: I am satisfied that the provision is a good one. The societies, as a rule, are under great expense in working up one entertainment in the year, and they wish to reconp themselves for their heavy outlay. In order to do that they want to get all the revenue it is possible for them to obtain.

Hon. J. J. HOLMES: Mr. Hamersley has overlooked the concluding words in the preceding paragraph which allows any licensee in the State to become an applicant for a license for any particular show. We must remember that holders of licenses know their business and they know the penalties they are liable to. Moreover, at the close of the day's business the surplus stock goes back to the licensed premises, whereas an agricultural society may hold its surplus stock on the

premises, and it may be consumed at any future time on those premises, and perhaps consumed with the doors closed. The liquor having been paid for and the society being in need of funds, it may sell the liquor. We could not deal with a society as we could with a publican. The society having offended may dismiss the secretary and next year come along and say that they had a new secretary and everything would be all right.

Hon. A. BURVILL: The clause may work in a direction opposite to that intended. It was a surprise to me to hear Mr. Moore suggest that publicans' licenses should be increased by practically allowing anyone to come in and take on the trade. How would a suggestion like this act if it were made in connection with the Workers' Union and an outside body were invited to come in? I think that outside body would be called a blackleg. There is a principle involved, and moreover if the subclause is not struck out, the effect will be in the direction of loosening instead of tightening up the legislation.

Hon. E. ROSE: I suggest that the amendment be amended by striking out the following words: "Subject to the proviso to Subsection (1) a temporary license may be granted to any club, committee or other organising body of race meetings or agricultural shows."

Hon. A. J. H. SAW: This amendment can be moved to better advantage if Mr. Burvill will temporarily withdraw his amendment.

Hon. A. Burvill: I ask leave to withdraw my amendment.

Leave refused.

Hon. F. A. BAGLIN: If it is right that race clubs and agricultural societies should run their own booths, why should other bodies such as the Labour day committee be excluded?

Hon. J. J. HOLMES: You would not scab on the publican, would you?

Hon. F. A. BAGLIN: That is a silly interjection, worthy of the hon. member.

Hon. E. Rose: There are plenty of hotels to cater for your gathering.

Hon. F. A. BAGLIN: There are other sports organisations which should enjoy the same right as race clubs and agricultural societies.

Hon. A. J. H. SAW: I oppose the amendment because it seeks to strike out the latter portion of Subclause 3, and that will mean withdrawing the license from the jurisdiction of the court.

Hon. E. Rose: No, it will not.

Hon. J. W. KIRWAN: I appeal to those members who objected to the withdrawal of the amendment to now consent to the adoption of that course. It is most unusual to object to the withdrawal of an amendment; it is only embarrassing the business of the Committee.

Hon. A. BURVILL: I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Hon. E. ROSE: I move an amendment—

That in Subclause 3, the words "or other sports meeting" be struck out.

If my amendment is agreed to, cricket and football clubs will not be able to run booths except through a licensed person.

The MINISTER FOR EDUCATION: This is a matter entirely within the discretion of the licensing court. We are not entitled to differentiate between bodies in this way.

Amendment put and negatived.

Hon. A. BURVILL: I move an amendment—

That Subclause 3 be struck out.

Hon. J. NICHOLSON: I support the amendment. The effect of retaining the subclause would be to widen rather than restrict the scope of the Bill.

Hon. R. G. ARDAGH: It would be legalising what is illegally done to-day.

Hon. J. NICHOLSON: Quite so. It is for the authorities to exercise their powers and stop that which is illegal. The Royal Commission recognised the necessity for a strict supervision over registered clubs. That being so, surely there should not be thrown upon the authorities a burden which will increase the cost of administering the Act and accentuate many of the evils which we desire to see minimised. A licensee should be the man responsible, because his license can be dealt with. If these clubs are to have the right to run booths, they must store liquor and, if liquor is stored from one meeting to another, a period of perhaps 12 months—

The Minister for Education: They would probably be buying with the right of return.

Hon. J. NICHOLSON: They might have a carry over of liquor, and that would be undesirable. In the interests of the general public the subclause should be struck out.

Hon. Sir EDWARD WITTENOOM: I can see no objection to the subclause as printed. It is purely permissive and is hedged with the precaution that the license must be granted by the court. No doubt there is a great deal of truth in what Mr. Holmes said, but his objection is swept away. When the services of licensees can be secured, those people can run the booths better than other people. When they are available it is better to secure their services. The amendment is purely permissive and if the services of a licensee cannot be obtained, then a temporary license can be granted to those conducting sports meetings and so on. Take the case of the Murgoo Race Club. Their meetings are run on most satisfactory lines. Probably there are many other instances which can be recalled by hon. members where booths have been run satisfactorily under similar conditions. The clause provides an alternative which enables the club to handle the business with the permission of the Licensing Court, when the services of a hotelkeeper cannot be obtained.

Hon. G. W. MILES: It is fair to the person paying £50 for his license, to allow others to

come in and get a temporary license on a particular day?

Hon. Sir EDWARD WITTENOOM: Not as a right. If there is an element of injustice in the matter the Licensing Court will not grant the application. The provision is hedged around with precautions and enables the court to exercise its discretion. I intend to vote for the clause as it stands in the Bill.

Hon. J. W. KIRWAN: I intend to support the clause. There are several reasons to be advanced in favour of it. It is all a question of administration and if it is right to argue that because it is possible that the law will not be properly carried out in respect of this clause, equal exception can be taken to the remaining clauses in the Bill. Dr. Saw wanted to know what was the purpose of the Bill. It was freely announced that the main object was to increase the revenue.

Hon. A. J. H. SAW: That was not my interpretation.

Hon. J. W. KIRWAN: It was a fairly general interpretation at the time. That, however, has nothing to do with the case. The purpose of the clause is distinctly set out, and it indicates that in some cases it is desirable for the court to grant a license to accommodate the public. Where requirements of that nature are to be fulfilled, it is only right that they should be supplied.

Hon. G. W. MILES: Why should not the publican have the option of securing the license?

Hon. J. W. KIRWAN: That has nothing to do with the case. I do not see why a monopoly should be given to any particular man, such as the hon. member appears to have in his mind. There may be one hotelkeeper in a particular district. If that man had not catered properly for a meeting and had not supplied liquor up to the standard provided, or had not sufficient attendants, there would be an objection to that man securing the license again. The clause will enable those in authority to apply for a temporary license and run the bar themselves. That has to receive the sanction of the court before it is possible for the committee of a club to pursue such a line of action. There have been no serious complaints against the Licensing Court regarding the way they have carried out the provisions of the Licensing Act. There were difficulties as to the full extent of the powers of those courts, and they are remedied to a certain degree in the Bill before the Committee. A club may apply for a temporary license but the court may not approve. As provision already exists in the Act for these licenses, the clause will not increase the facilities for drinking as suggested by some hon. members.

Hon. A. J. H. SAW: If the clause remains as it stands, it will give rise to a great increase in the number of applications for temporary licenses. In that way it will increase the opportunities for intemperance. I look upon the Bill not only as an effort to diminish

the evils of intemperance but as the one opportunity those who indulge in alcohol without abuse, have of "saving their own skins." It is also intended to protect the publican and the liquor trade from one of their worst enemies, namely, the victim to intemperance. This clause will tend to increase drinking and intemperance and therefore I oppose it.

Hon. J. A. GREIG: It is not fair to charge a publican big licensing fees and make him build hotels costing thousands of pounds and then enable anyone who likes to come along and ask for a temporary license on special days, to get it.

Hon. J. W. Kirwan: Do you advocate a monopoly?

Hon. J. A. GREIG: We created a monopoly when we gave these people a license. We should give the publican the opportunity of securing the temporary license contemplated in the clause. I know of one case where a publican refused to run a booth because he said, the people could come to his hotel which was close at hand.

Hon. G. W. Miles: Under Clause 2 you could get a license from outside your district.

Hon. J. A. GREIG: That is so. I object to the granting of a temporary license for £1, because it is not fair to publicans who have to pay a higher price.

Hon. J. J. HOLMES: This is a special trade and we will be establishing a certain class of people under its provisions. Once a man becomes a publican the authorities will commence keeping his record so that when he makes an application for a temporary license, the bench will know exactly to whom they are granting the license. That will not apply to secretaries of clubs or others who may apply for these licenses. A secretary may have trouble with his club and may know that he is to be dismissed from the society. He may conduct this business in a scandalous way and know that there will be trouble. Under this Bill we are building up a class of publican so that the Act will be administered in a way that will be a credit to the State. Many of our publicans are persons of high repute, but a great number are a disgrace to the trade. The Bill aims at eliminating the discreditable section, but the subclause proposes to bring in anybody at all as a holder of a temporary license.

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

Ayes	..	..	..	10
Noes	..	..	..	9
Majority for	..	..	..	1

AYES.

Hon. A. Burvill	Hon. J. Mills
Hon. E. H. Harris	Hon. A. J. H. Saw
Hon. J. J. Holmes	Hon. H. Seddon
Hon. A. Lovekin	Hon. H. Stewart
Hon. J. M. Macfarlane	Hon. J. A. Greig
	(Teller.)

NOES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. F. A. Bagnall	Hon. G. Potter
Hon. H. P. Colebatch	Hon. Sir E. H. Wittenoom
Hon. J. Duffell	Hon. E. Rose
Hon. V. Hamersley	(Teller.)

Amendment thus passed; the clause, as amended, agreed to.

Clause 17—Amendment of Section 44:

The MINISTER FOR EDUCATION: I have an amendment on the Notice Paper.

The CHAIRMAN: Mr. Burvill's, by a word or two, is the earlier one.

Hon. A. BURVILL: I move an amendment—

That all words after "Act" in line 2 down to and inclusive of "and" in line 4, be struck out.

Under the old Act a vine grower was able to sell without a license wine of his own growing. The clause proposes that a vigneron who manufactures so much as a barrel of his own wine shall be able to sell any wine made from fruit grown within the State. In other words, the vigneron gets a license to sell any local wine, and to sell it down to a quart bottle. The clause will make for a great deal of drinking in the country, since a consumer will be able to buy at the one vineyard any wine made from fruit grown within the State.

Hon. J. W. KIRWAN: I think the Minister's amendment aims at the same object. Certainly the clause requires amendment. The amendment suggested by the Solicitor General would have the same effect as the amendment before us.

The MINISTER FOR EDUCATION: I do not follow the object of the amendment. Does the hon. member propose to put in words in place of those to be struck out?

Hon. A. Burvill: No, the amendment will leave the existing Act as it stands.

The MINISTER FOR EDUCATION: I cannot see what objection there can be to a vigneron selling a wine he manufactures himself even though he may have purchased some of the grapes from a neighbouring fruitgrower who does not make wine.

Hon. G. W. Miles: But the clause enables him to buy from others.

The MINISTER FOR EDUCATION: My amendment will mean that he can sell wine which he manufactured himself, although he may have purchased the fruit from a neighbour.

Hon. J. W. KIRWAN: The amendment before us will achieve the very purpose of the amendment standing on the Notice Paper in the name of the Minister. In the Act will be found the exact words which the Minister proposes to insert, "fruit of his own growing."

The Minister for Education: Those are the words I propose to delete.

Hon. J. W. KIRWAN: I would suggest that as there is considerable confusion over this, the Minister might postpone the clause.

The MINISTER FOR EDUCATION: There is no occasion for any confusion at all. Following upon the point raised by

Mr. Kirwan, the Solicitor General thought that would be held to be discrimination in favour of the product of one State as against the other States, and so the Solicitor General suggests that instead of striking out the words "of his own growing" and putting in the words "within the State," we strike out the whole of the words, "and the product of fruit of his own growing," thus imposing no restriction as to where the grapes come from. Now, Mr. Burvill has moved to strike out all the words after "Act." If that is not agreed to, what will be my position if I wish to strike out the words after "words"?

The CHAIRMAN: Your position will be that the words have already been dealt with.

The MINISTER FOR EDUCATION: Then, Mr. Chairman, on your ruling, which gave Mr. Burvill's amendment precedence, whether his amendment is carried or lost, whatever happens to his amendment, I cannot move my amendment.

Hon. A. BURVILL: In view of the Minister's explanation, I ask leave to withdraw my amendment.

Hon. J. J. HOLMES: I do not think Mr. Burvill understands the position; otherwise he would not agree to withdraw. I am opposed to the withdrawal of his amendment.

Leave to withdraw the amendment refused.

Hon. J. W. KIRWAN: I ask the Minister to postpone the clause. If he looks at the original Act he will see that the words "of his own growing" occur more than once; and so it may be necessary to amend other portions of the clause as well. In view of the confusion it is well to postpone the clause in order that the amendment may be printed.

Hon. J. J. HOLMES: The clause is a dangerous one. According to the fruit inspectors almost any man with a tree is an orchardist, and any man with a vine in his back yard, even if next door to an hotel, will be able to buy grapes from any part of the State and turn them into wine and enter into competition with the hotels. This clause represents an absolute injustice to the publican, and the Leader of the House would do well to postpone it.

The MINISTER FOR EDUCATION: I move—

That consideration of Clause 17 be postponed until after the consideration of Clause 12.

Motion passed; the clause postponed.

Clause 18—Amendment of Section 45:

The MINISTER FOR EDUCATION: I move an amendment—

That the following proviso be added to Subsection 1 of proposed Section 45:—
"Provided also that premises for which a provisional certificate has been granted

prior to the 31st day of December, 1922, shall be deemed to be licensed premises. Provided also that the words 'licensed premises' in this subsection, shall not include premises for which a billiard table license is granted, if such premises are not licensed for the sale of liquor."

The grant of a license following upon a provisional license already held is not to be deemed an increase in licenses.

Amendment put and passed.

Hon. A. BURVILL: I move an amendment—

That in proposed Subsection 2, between "a" and "majority," in line 4, "three-fifths" be inserted.

If it is necessary to carry prohibition by a three-fifths majority, that should cut the other way and a three-fifths majority should be required in order to get a new license. The districts which voted reduction at the last poll were those which had the smallest number of hotels in proportion to population.

Hon. A. Lovekin: Are you prepared to agree that prohibition shall be carried on exactly the terms you now suggest?

Hon. A. BURVILL: Yes, provided that the three-fifths majority operates in both cases.

Hon. J. Duffell: Here it is a question not of a vote but a petition.

Hon. A. BURVILL: I am quite aware of that, but the reduction issue is cut out completely. The reduction board would operate in the districts which voted continuance. It is a fair thing, if we are going to have a three-fifths majority to cut out hotels, that we should have a similar majority to get them.

The MINISTER FOR EDUCATION: To my mind this is practically prohibiting the establishing of any new license. It certainly is much more severe than the prohibition clause. Those who advocate prohibition would protest strongly if we said that prohibition could be arrived at only by obtaining an absolute majority of the whole of the adult population of the State.

Hon. J. A. GREIG: I have a petition signed by residents of a country district in this State who voted under the local option poll for the closing of a hotel. To-day I am told that every person in that district, with the exception of perhaps four, have signed a petition to have the hotel re-opened. My experience in the past has been that if you go around with a petition people have not grit enough to say "no." They will sign anything put before them. I would like to see this clause postponed until after we have dealt with Clause 57. I desire to make the two clauses similar.

Hon. A. J. H. Saw: Does this clause apply to all kinds of licenses including wine and spirit merchants?

The Minister for Education: No. Wine licenses, yes.

Hon. G. POTTER: It would be wrong to insert "three-fifths." Possibly the hon. member has in mind that the provisions of the clause are similar to those which apply to three-fifths of the people who go to the poll.

Hon. J. DUFFELL: There is a misapprehension regarding this clause which provides for a petition to be presented to the licensing board. One is a direct vote and shall be final, but this is a petition for a request that the licensing board shall have power to refuse or to grant as the case may be. The three-fifths majority as suggested by Mr. Burvill should not be permitted to go into the clause.

Hon. J. A. GREIG: How will it be possible to know how many people there are in a given area when their names are not on the roll, and when they may not be ratepayers? Nobody would know what the majority would be.

[Hon. Sir Edward Wittenoom took the Chair.]

Hon. H. SEDDON: It might be possible for persons who are working in a district to sign a petition for a license and to find that after they had gone the license was still there. Imagine that taking place in connection with the construction of a railway. A travelling gang might apply for three or four licenses.

Hon. A. J. H. SAW: Would the licensing bench have no discretion?

Hon. A. BURVILL: There is a big difference between taking a petition round and having it signed by one side only, and taking a vote.

Amendment put and negatived.

Hon. A. BURVILL: I move an amendment—

That in Subclause 2, line 4, "adult residents" be struck out and "electors" be inserted in lieu.

The vote should be taken amongst electors and not amongst those who might just happen to be there at the time.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That in Subclause 2 the following words be struck out: "being a radius of forty chains from the site where it is proposed that such licensed premises should be erected within the metropolitan district, as provided in paragraph (2) of section one hundred and nine," and "therein defined" be inserted in lieu.

The amendment is really to put the clause in better form.

Amendment put and passed.

Hon. A. BURVILL: I move an amendment—

That the following proviso be added to Subclause 2: "Provided that where there

are no licensed premises within the area defined in the petition, a three-fifths majority in number of the electors in such area shall be required to sign the petition."

I again stress the point that in a place where there are no licenses, there should be a three-fifths majority. In East Fremantle there are 5,000 electors and two hotels. In parts of that district residences have been built at great expense in order to be away from hotels. If an hotel were required in that district, it is only fair that a three-fifths majority should be obtained.

The MINISTER FOR EDUCATION: We have already amended the clause to cut out temporary residents and to confine the decision to permanent electors and an absolute majority is required. Now the hon. member wants 60 per cent. of the permanent electors.

Hon. J. DUFFELL: There is a vast difference between a petition and a vote. If the amendment is carried, the licensing bench will have no alternative to granting the license.

Hon. A. LOVEKIN: In order to put an hotel in, the hon. member asks for three-fifths of the whole of the electors. To put an hotel out, he will have to vote for the three-fifths of the whole of the electors.

Hon. J. A. GREIG: Mr. Lovekin has not put the position quite fairly. Three-fifths of the electors will be required to sign the petition, but when it comes to a poll, people might have to travel 10 or 15 miles to vote.

[Hon. J. Ewing resumed the Chair.]

Hon. A. J. H. SAW: I support the amendment. There are no vested interests to consider here. An overwhelming majority of people residing in an area where there is no license should be required to sign a petition before the court has the right to say whether a license should be granted.

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

Ayes	..	..	..	..	9
Noes	..	..	..	..	13

Majority against .. 4

AYES.

Hon. A. Burvill	Hon. A. J. H. Saw
Hon. J. A. Greig	Hon. H. Seddon
Hon. E. H. Harris	Hon. H. Stewart
Hon. J. J. Holmes	Hon. J. Nicholson
Hon. J. Mills	(Teller.)

NOES.

Hon. R. G. Ardagh	Hon. A. Lovekin
Hon. F. A. Baglin	Hon. J. M. Macfarlane
Hon. C. F. Baxter	Hon. G. W. Miles
Hon. H. P. Colebatch	Hon. G. Polter
Hon. J. Duffell	Hon. E. Rose
Hon. V. Hamersley	Hon. J. W. Hickey
Hon. J. W. Kirwan	(Teller.)

Amendment thus negatived.

The MINISTER FOR EDUCATION: I move an amendment—

That Subclause 3 be struck out and the following inserted in lieu:—“(3.) The area defined in a petition—(a) shall be the area comprised within a circle having a radius of forty chains from the site of the proposed licensed premises if the new license is required for premises within the metropolitan district (as defined in Section 145); or (b) shall be subject to the approval of the Licenses Reduction Board or the Licensing Court, as the case may be if the new license is required for premises not situated within the metropolitan district. In either case the petition shall within seven days after its presentation be published by the petitioners in the “Gazette” and a newspaper circulating in the district.”

This will really give effect to the subclause as passed in another place but will put it in a proper form.

Hon. H. SEDDON: I take it there will be sufficient time before the consideration of a petition by the court to allow of a counter-petition being circulated in the district.

Hon. H. Stewart: Do not take anything unless it is in the Bill.

The MINISTER FOR EDUCATION: The amendment will make provision for the publication of the petition in a newspaper and the court will have to hold an inquiry and hear evidence. If the hon. member thinks it necessary to state a time there would be no objection.

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

Clause 19—agreed to.

Clause 20—Amendment of Section 48:

Hon. J. W. KIRWAN: This is the most useful clause in the Bill, because it enables the licensing court to inquire into the suitability of an applicant for a license or the transfer of a license. The clause, however, is rather awkwardly constructed, and is capable of being improved. I speak as one who has had 15 or 20 years' experience of the licensing court. I move an amendment—

That after “testimonials” in line 3 the following words be added:—“and the court may call and receive evidence.”

Amendment put and passed.

Hon. J. W. KIRWAN: I draw the Minister's attention to the next line which seems to be difficult to understand. It refers to the “suitability for the particular premises of himself.”

The Minister for Education: That refers to the applicant or the proposed transferee.

Hon. J. W. KIRWAN: The sentence could be altered so as to make it clear, because as it stands it is indefinite.

Hon. H. Stewart: But it refers to the suitability for “the particular premises.”

Hon. J. W. KIRWAN: That suitability is implied. Naturally we would not require the same type of man for a country hotel, as we would for one in the city.

The Minister for Education: All you need do is to substitute “of the applicant” for the word “himself.”

Hon. J. W. KIRWAN: That is so. I move an amendment—

That in line 4 “himself” be struck out and “the applicant as a licensee” be inserted in lieu.

Amendment put and passed.

Hon. J. W. KIRWAN: The amendment involves a consequential amendment in line 14. I move—

That the word “and” be struck out and the words “and evidence” be inserted after “report.”

Amendment put and passed.

Hon. J. W. KIRWAN: I move an amendment—

That the following words be added to the clause:—“The court may in its absolute discretion refuse an application for the transfer of a license.”

That will give the court full power to deal with this aspect.

Hon. J. Nicholson: Is that not provided for in another clause?

Hon. J. W. KIRWAN: I do not think it is clear.

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

Clause 21—Amendment of Section 49:

Hon. A. LOVEKIN: I move an amendment—

In Subclause 1, paragraph (b), “one thousand two hundred” in lines 3 and 4 be struck out, and “two thousand” inserted in lieu.

It is generally considered that those hotels which are merely drinking premises must be got rid of as quickly as possible, and that future licensed premises shall be first class hotels. The paragraph refers to the dimensions of double bedrooms to be provided in future hotels. The provision for 1,200 cubic feet of air space is not sufficient, particularly in a climate like that of Western Australia. I think it should be increased to 2,000 feet. Later on I will move to increase the cubic space of single rooms.

Hon. V. HAMERSLEY: Is there any particular reason or merit in the amendment? Plenty of air can be admitted to bedrooms by having windows, or the fanlights above the doors, kept open.

Hon. A. Lovekin: You cannot always have windows and doors open in hotels.

Hon. H. STEWART: The Committee should hesitate before adopting the amendment. It means additional expense to proprietors and those who use the rooms. I think Dr. Saw will admit that a room 10 feet high is satisfactory, and with a provision for 2,000 cubic feet it would mean that the room would have to be 17 feet x 12 feet.

Hon. V. Hamersley: That is ridiculous.

Hon. H. STEWART: I do not think we need go to that extent.

Hon. A. J. H. SAW: This not only applies to new hotels, but to other hotels after the 30th December, 1927, because, if the requirements of the Bill are not complied with by that date, their licenses cannot be renewed. I am not prepared to say whether the dimensions provided in the Bill for double and single rooms are adequate or not. I would like expert opinion on that point before arriving at a decision. I presume that those responsible for the Bill consulted with the health authorities on the point, and I do not see that it is necessary to alter the clause.

Hon. C. F. BAXTER: Considerable difficulty arises in connection with the proposal. I do not know that existing hotelkeepers or proprietors would be justified in breaking up their present buildings to provide rooms of the increased dimensions suggested.

Hon. A. LOVEKIN: Is it fair that in a climate like this, double rooms only 10 feet high, and 12 feet x 10 feet, should be available in hotels? I think that a room 12 feet high, and 14 feet x 12 feet, which would give 2,016 feet, would be more in keeping with our conditions here. Certainly, as Dr. Saw has pointed out, in 1927 licenses cannot be renewed unless these conditions are observed. Is there anything harsh in saying that by 1927 the hotels of Perth and Fremantle shall be up-to-date?

Hon. C. F. BAXTER: Will Mr. Lovekin suggest how the owners of these premises will increase the height of the rooms so as to conform to his suggestion?

Hon. A. LOVEKIN: I am dealing only with the cubic area. The room may be increased in width or length.

Hon. H. STEWART: If it is a simple matter of cubic contents, it is regulated by the Public Health Department. The provision in the Bill is a minimum, and as such is quite reasonable.

Amendment put and negatived.

Hon. A. LOVEKIN: I do not think it right that new hotels should have even single rooms measuring 9 x 8 x 12, as provided in the clause. I move an amendment—

That in line 6 of paragraph (b) "850 cubic feet" be struck out.

Amendment put and negatived.

Hon. H. SEDDON: I move an amendment—

That in lines 7 and 8 of paragraph (b), the words "and shall be provided with running water, and fixed hand basins" be deleted.

It is a question of hygiene. If some of the rooms are not used for a period, there is danger of the water traps drying up, and as a result, bad odours entering the rooms. Also there is the possibility of an improper use of those basins.

Amendment put and passed.

Hon. A. LOVEKIN: I move an amendment—

That in line 1 of paragraph (d), "baths" be struck out; and after "least" in line 2, the words "one bath and" be inserted.

Many modern hotels have a bath room to every bedroom. At the very least we should provide one bath for every 10 lodgers.

Amendment put and passed.

Hon. H. SEDDON: I move an amendment—

That the following be added to Subclause 2:—"(c) Nor unless such building is certified to by the Commissioner of Public Health, as complying with the public building regulations, in so far as they may be applied to hotels."

Certain buildings require to be modernised. Those buildings should be submitted to the Health Department, who have fixed standards for buildings. Some authority will have to be appointed, and I do not think we could do better than appoint the Commissioner of Public Health.

The Minister for Education: Public building regulations are not applied to hotels. I do not see how the thing could operate.

Hon. H. SEDDON: Certain regulations apply, such as those governing fire appliances, lighting and water supply, and sanitary appliances.

Hon. J. Nicholson: Would not the court see to that?

Hon. H. SEDDON: There would be a definite standard in the Health Department, and the department would insist upon that standard in the hotel.

Hon. J. J. HOLMES: Surely the plans of the building would have to be approved by the local authorities, who would see to it that proper provisions were made.

Hon. H. STEWART: The amendment applies only to buildings outside the metropolitan area. There is a good deal to be said for it. Seeing that an hotel is a semi-public place, if it be necessary in respect of a public hall that the plans should be approved by the local health authority, it should be equally necessary in respect of an hotel.

Amendment put and negatived.

The clause as previously amended, agreed to.

Clause 22—agreed to.

Clause 23—Amendment of Section 57:

Hon. A. LOVEKIN: Why should a licensee have to pay a premium as a condition of the removal of his license?

The MINISTER FOR EDUCATION: His reason for wanting to close up one place and remove to another would be that he was unable to do a profitable trade where he was, whereas he would hope to do a very good business in the new place, probably a rising locality. If we were to grant a

license in that new locality we would require a premium. So, too, in respect of a removal to that rising locality.

Clause put and passed.

Clauses 24 to 27—agreed to.

Clause 28—Fees for licenses:

The MINISTER FOR EDUCATION: I move an amendment—

That in Subclause 2 the words "during the twelve months ended the last day of December preceding the date of the license" be struck out.

The words are altogether superfluous, and should have been struck out consequentially on an amendment made in another place.

Amendment put and passed.

Hon. A. LOVEKIN: Why is there a difference in the fees for a spirit merchant's license? Within 12 miles of the Perth post office it is £30, and elsewhere, £20?

The Minister for Education: In most cases of license the fee is higher about the city than outside, for the reason that more business is to be done in the city. I think the difference ought to be greater.

Hon. A. BURVILL: I move an amendment—

That in Subclause 5 the words "One pound" be struck out, and "five pounds" inserted in lieu.

This refers to the daily fee for a temporary license.

The CHAIRMAN: The hon. member is not in order. He cannot move to increase a burden on the people.

Hon. A. LOVEKIN: Bearing in mind the last amendment of the Constitution Act, I do not think you are right, Sir.

The CHAIRMAN: The last amendment of the Constitution Act is very clear on that point. The Legislative Council cannot amend any Bill so as to increase any proposed charge or burden on the people.

Clause, as previously amended, agreed to.

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

Hon. J. NICHOLSON: I would ask the Leader of the House to allow this clause to be postponed. A member of another place has asked me to move an amendment exempting gallon license holders from making the returns under Subclause 1 and placing them under Subclause 3 in the same way as a brewer.

The MINISTER FOR EDUCATION: The gallon license holder sells to the consumer in the same way as do the other licensees mentioned in Subclause 1, and therefore he should make the same returns.

Hon. J. NICHOLSON: He may sell sometimes to a licensee, though. I would like an opportunity to confer with the member who spoke to me about the matter.

The MINISTER FOR EDUCATION: I move—

That consideration of Clause 29 be postponed until after consideration of Clause 17.

Hon. A. LOVEKIN: I have an amendment which goes to the very point raised by Mr. Nicholson.

Motion put and passed; the clause postponed.

Clause 30—Fee for eating house license:

Hon. J. W. KIRWAN: In proposed Subsection 3 should not the words "of the parent Act" be inserted after the words "Section 71" in accordance with the procedure followed almost throughout the Bill?

Hon. H. STEWART: Do not we deal with clauses in a Bill, and sections in an Act?

Hon. J. W. KIRWAN: I move an amendment—

That in proposed Subsection 3 after "Section 71" there be inserted "of the principal Act."

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

Clauses 31 to 37—agreed to.

Hon. A. LOVEKIN: Having gone through four parts of this measure, I suggest to the Leader that he report progress now.

Clause 38—agreed to.

Clause 39—Duration of this part:

Hon. A. LOVEKIN: I move an amendment—

That the words "and shall continue in operation for a period of six years, but no longer" be struck out.

If the licenses reduction board is a good thing, there is no reason for limiting its existence. It would be much better to have the board than to have from time to time local option polls, which reduce houses where there are no houses to be reduced, and leave out districts in which there ought to be reduction. With the board we shall have some principle. There is no reason for limiting its period to six years. At the end of six years, or even five years, we can get rid of the board if we desire to do so.

The MINISTER FOR EDUCATION: It would be a mistake to strike out the words. We should give the matter a fair test and at the end of that time we can decide whether to continue it. One year is quite long enough for the test.

Hon. J. NICHOLSON: It is wise that we should give this a fair test. The Victorian Act provides for the duration of the board for a certain period. It is right that we should give it a trial to see whether it will accomplish what has been claimed for it. If the results are good we can always continue the operations of that section of the Act.

Amendment put and negatived.

Clause put and passed.

Clause 40—Licenses Reduction Board:

The MINISTER FOR EDUCATION: This clause requires some amendment as the result of the alterations made in another place. The licenses reduction board is intended to be identical with the board referred to in the earlier part of the Bill and consequently Subclause 2 should be amended, while Subclauses 4 and 6 will not be required. I move an amendment—

That Subclause 2 be struck out and the following inserted in lieu:—"The Chairman or Acting Chairman for the time being of the Licensing Court shall be the Chairman of the board."

Amendment put and passed.

The MINISTER FOR EDUCATION: I move a further amendment—

That Subclause 4 be struck out.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move a further amendment—

That Subclause 6 be struck out.

I am leaving Subclause 5 in although in the other clauses there is a similar provision for fees. The reason for leaving the provision for fees in this clause is that all inspections under this portion of the Bill will be charged against the compensation fund.

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

Clause 41—Duties of board:

Hon. J. NICHOLSON: I move an amendment—

That after "board" in line 1 the following words be added:—"If in its opinion, having regard to the matters referred to in Section 45 (82) a reduction is necessary."

These matters have to be administered by the board, but by Clause 41 it is made obligatory on the board to reduce where it is desirable in the interests of the public or of any person.

Hon. G. POTTER: I support the amendment because one must read Clause 41 in conjunction with Clause 45. The board has been endowed with discretionary powers in matters that are equally important, and it is right that the board should be endowed with these powers so as to give effect to the needs of certain localities. The board may have a certain amount of accumulated funds and if the Bill is allowed to remain as it is, the board will be compelled to spend that money to the detriment of the requirements of residents in a certain area.

Amendment put and passed.

Hon. H. STEWART: I move an amendment—

That the following paragraph be added to stand as paragraph (d):—"To cancel the license of any person guilty of a breach of the Act which in the opinion of the board warrants such action."

A court of petty sessions is given power on a second offence to cancel a license, but as the Bill is being amended, the power seems to

be taken away from the court of petty sessions to cancel licenses. The amendment is one that is needed.

The MINISTER FOR EDUCATION: The amendment is not a good one. It is not intended that the board shall travel all over the State, and it is not intended that it shall take away the penalties that are imposed. We do not want to take away powers which it is intended other courts shall still exercise.

Hon. H. STEWART: I want to be sure that the courts which have power to cancel licenses will retain that power after this measure is passed. I am afraid the Bill will take away from the court of petty sessions the power of cancellation if warranted.

Hon. A. J. H. SAW: Is any power given under this Bill to the board to cancel licenses for conviction for offences without any compensation being paid? I have failed to find any provision, and it is a very important point.

Hon. J. W. Kirwan: Clause 46 gives that power.

The MINISTER FOR EDUCATION: I appreciate what Mr. Stewart is endeavouring to do, but that does not come within this part of the measure. This part deals with licenses reduction. If the hon. member desires that the board shall have the same power that the ordinary courts enjoy in regard to taking away a man's license for offences, it must be done under Clause 104.

Hon. H. STEWART: Where is it stated that the licenses reduction board are only to deal with reduction with compensation? My impression is that the Bill is making the licenses reduction board the only board with power to reduce licenses. I do not want to take away from the court of petty sessions power which that court can now exercise.

The MINISTER FOR EDUCATION: If the portion of the measure dealing with offences is not satisfactory, we can amend it, but Mr. Stewart's amendment would be out of place in this part of the measure, which relates to licenses reduction. When a man's license is taken away for an offence, that has nothing to do with licenses reduction or compensation.

Hon. H. SEDDON: In watching compensation so closely, we are overlooking reduction. The amendment will give the board power to reduce where premises which should have been wiped out are being carried on. There are certain hotels being carried on to-day only in the hope that this measure will afford them compensation. Many hotels on the goldfields should have been wiped out long ago.

Hon. F. A. Baglin: The goldfields people did not say that at the last poll.

Hon. H. SEDDON: The fact remains there are such hotels.

Hon. H. STEWART: I am not disposed to withdraw the amendment. I might withdraw it as paragraph (d) but I think it should be inserted as Subclause 2. This paragraph summarises the duties of the board.

The Minister for Education: As a licenses reduction board.

Hon. H. STEWART: Yes. Does not the taking away of a license for misdemeanour or for unsuitability constitute reduction?

The Minister for Education: No.

Hon. H. STEWART: Where is reduction interpreted?

THE MINISTER FOR EDUCATION: The cancellation of a license for an offence is a matter for the licensing court. It is not a matter for the reduction board, which will simply arbitrarily reduce licenses.

Hon. H. STEWART: I see nothing wrong with the amendment, but perhaps I shall receive greater support if I move it at another stage. I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. A. LOVEKIN: In view of the amendment inserted at the instance of Mr. Nicholson, the duties of the board have been somewhat modified. As the clause stands, the board can only reduce licenses to the extent of the funds in hand to pay compensation. With Mr. Nicholson's amendment, although the board may have funds to meet the compensation, they need not necessarily reduce licenses if they have regard to Clause 82. Assuming this to be so, and the board in their discretion do not reduce licenses, there will be a large fund in hand and no provision as to what is to be done with it. If prohibition came into force and every hotel ceased, there would be a large amount of money which would revert to the Crown.

Hon. J. Nicholson: It could go to the deficit.

Hon. A. LOVEKIN: This is not a taxation measure to that extent. The licensees will have contributed such money.

The Minister for Education: And have made that the excuse for cutting down their contribution to the State.

Hon. A. LOVEKIN: It is the fault of the State for having permitted them to do it. The licensees will have contributed this money to the fund and, if prohibition cuts them right out, the Government will have a nice little windfall. That fund, however, will honestly belong to the people who contribute it. If prohibition does come, the fund should be distributed among those deprived of their licenses. I suggest that, if something of the kind eventuates, the board shall have power to distribute the compensation fund to the persons who have contributed it.

Hon. J. J. Holmes: When and how will prohibition eventuate under this Bill?

Hon. A. LOVEKIN: I can quite understand it coming to pass with the three-fifths majority of those who go to the poll.

The Minister for Education: That must be dealt with under Clause 54.

Hon. A. LOVEKIN: Perhaps it would be more appropriate under Clause 54.

Clause, as previously amended, put and passed.

Clause 42—agreed to.

Clause 43—Powers and authority of board:

Hon. H. SEDDON: I move an amendment—

That in Subclause 3, a new paragraph, to stand as (f), be inserted as follows:—"Attempts to unduly influence a member of the board in the discharge of his duty," and that at the end of the clause the words "or in case of an offence against paragraph (f) of this subsection to imprisonment not exceeding three months" be added.

The necessity for some such provision has been stressed to me by a gentleman who has had a long experience in connection with these matters.

Hon. A. Lovekin: The Criminal Code provides for two years' imprisonment for this offence.

Hon. H. SEDDON: Provision should be made in the Bill so as to make the position clear.

THE MINISTER FOR EDUCATION: Sufficient provision is already made to meet the situation suggested by Mr. Seddon, and the amendment will not achieve the object he desires. The Criminal Code makes this a much more serious offence.

Hon. H. Seddon: Does a board have the same standing as a court?

THE MINISTER FOR EDUCATION: Yes.

Hon. H. STEWART: The inclusion of the paragraph cannot do any harm and if it appears in the Bill, persons who may not know what is contained in the Criminal Code will have this as a deterrent.

THE MINISTER FOR EDUCATION: My objection to the amendment is that it makes a trivial offence, what is regarded as a very serious offence under the Criminal Code. Mr. Seddon suggests that for the offence of unduly influencing a member of the board in the discharge of his duty, a sentence of three months' imprisonment will be sufficient. The Code provides that two years' imprisonment may be imposed for the same offence. I am not prepared to whittle down the punishment to three months.

Amendment put and negatived.

Clause put and passed.

Clause 44—Owners and licensees to be summoned to show cause:

Hon. J. W. KIRWAN: The notice provided is too short. While 14 days' notice may be sufficient in New South Wales and Victoria, we must realise that Western Australia is a large State and similar notice is insufficient. In common fairness, the period should be made 30 days. A prospector who may be interested in an hotel would have no chance of protecting his own interests if only 14 days' notice is provided.

The Minister for Education: Make it 21 days and I will agree to it.

Hon. J. W. KIRWAN: I move an amendment—

That in line 4 "fourteen" be struck out and "twenty-one" inserted in lieu.

Hon. G. W. MILES: If this is to apply to the whole State it would be better to provide for 30 days.

The MINISTER FOR EDUCATION: The clause says that "at least fourteen days" notice must be given. The provision for 21 days will be the minimum and a court would take into consideration the circumstances and would give a long period if necessary. We cannot expect to set out exactly what is necessary to meet every case coming within the purview of an Act of Parliament. For that reason minimum periods are provided and we rely on the court to give reasonable notice.

Hon. H. STEWART: In this instance, the period of notice is specified, but when it was a case of dealing with other parties who may be interested, we did not make such a provision in an earlier clause.

The Minister for Education: I have made a note of that point.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That in line 4 of Subclause 4 "notice" be struck out and the word "summons" inserted in lieu.

Obviously, the provision to be made refers to a summons and not to a notice.

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

Clause 45—Matters to be considered by the board:

Hon. J. W. KIRWAN: The clause could be made more explicit as to the matters to be reviewed by the board. It should be made clear that they are to consider the suitability of the premises for the accommodation and convenience of the public. I move an amendment—

That in paragraph (b) of Subclause (2), after "conducted" the words "as a place of accommodation and refreshment for the public" be inserted.

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

Clauses 46 and 47—agreed to.

Progress reported.

House adjourned at 10.45 p.m.

Legislative Assembly,

Wednesday, 15th November, 1922.

	PAGE
Questions: Jolimont Floods	1574
Federal Minister, Police protection	1574
Leave of Absence	1574
Bills: Pearling Act Amendment, 32.	1574
Agricultural Bank Act Amendment, 32.	1574
Industries Assistance Act Continuance, 22.	1574
Land Act Amendment, 22., Com., report	1575
Light and Air Act Amendment, Council's modification	1579
Closer Settlement, Council's Message	1607
Annual Estimates: Votes discussed—Agriculture, Colonial Secretary	1579

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

QUESTION—JOLIMONT FLOODS.

Mr. RICHARDSON asked the Premier: 1, Is it the intention of the Government to pay compensation to those residents of Jolimont who have suffered by reason of the flood waters? 2, If so, when?

The PREMIER replied: 1, Yes. 2, Immediately the compensation due to each claimant is ascertained. The inquiries are in progress.

QUESTION—FEDERAL MINISTER, POLICE PROTECTION.

Hon. W. C. ANGIN asked the Premier: Were the Government of the opinion that the residents of Fremantle and district were so incensed at the treatment meted out to Western Australia by the Commonwealth Government that they considered it advisable to send six policemen to protect a Commonwealth Minister when addressing a meeting at Fremantle on the evening of Monday, 13th November.

The PREMIER replied: No.

LEAVE OF ABSENCE.

On motion by Mr. Mullany, leave of absence for two weeks granted to Mrs. Cowan (West Perth) and to Mr. Royland (Kalgoorlie) on the ground of ill-health.

BILLS (2)—THIRD READING.

- 1, Pearling Act Amendment.
 - 2, Agricultural Bank Act Amendment.
- Transmitted to the Council.

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Second Reading.

The MINISTER FOR AGRICULTURE (Hon. H. K. Maley—Greenough) [4.36] in moving the second reading said: This is the