

Legislative Council,

Wednesday, 30th November, 1910.

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Bills: Fisheries Act Amendment, 3s.	1814
Aborigines Act Amendment, 3s.	1874
Southern Cross-Bullfinch Railway Appropriation, 3s.	1874
Licensing, 2s.	1874

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

BILLS (3) — THIRD READING.

1. Fisheries Act Amendment (transmitted to the Legislative Assembly).
2. Aborigines Act Amendment (transmitted to the Legislative Assembly).
3. Southern Cross-Bullfinch Railway Appropriation, *passed*.

BILL—FREMANTLE FREEMASONS' LODGE No. 2 DISPOSITION.

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

On motion by Hon. J. W. Hackett, Order of the Day postponed.

BILL—LICENSING.

Second Reading.

Debate resumed from the previous day.

Hon. W. PATRICK (Central): I do not intend to make any elaborate speech on this measure. Of course I know that no more important subject could be brought before this House than the question of the liquor traffic. My intention is simply to go through the measure, to comment on the different clauses, showing what my opinion of them is, and what I intend to do when the Bill gets into Committee. So far as I can understand, having seen the original measure introduced in another place by the Government, it looks as if this measure has been through a tug of war, and the result is a sort of compromise between the two parties. The first and most important portion of the

Bill is the constitution of the licensing court. The proposal is that two members shall be elected. Now, I may say right out that I am entirely opposed to an elective licensing court to deal with matters which are really of a judicial nature. I think it would be a very unwise thing, indeed, to introduce the turmoil and clamour of an election into the appointing of men who have to deal with matters which require calm judgment and careful consideration. We have only to look at the example that America shows to the world in her election of judges. The ordinary judges, apart from the judges of the higher court, are appointed by election, and the result is that corruption is more rampant in the United States, so far as the carrying out of justice is concerned, than in any other part of the world. Personally, I think it would be a great mistake to introduce the elective system into the appointment of members of this court. If an alteration is to be made I would much rather see a well paid body of men appointed in somewhat the same way as our judges are appointed, men who would be entirely independent and who would do their duty without fear or favour. I notice that in the list of licenses proposed in Clause 28, the hotel is simply to apply to one existing hotel; I understand there is only one in the State. If properly conducted I should think that a house of accommodation, where the drinking is confined to guests, would be about an ideal hotel. Apparently, however, that is not the opinion of those who drew up this measure and has not been the opinion of members in another place. The Australian wine and beer license has been abolished so far as this list is concerned, but I understand that the Colonial Secretary has tabled an amendment to put that license in the Bill again. The one-gallon license has been omitted and two-gallon license has taken its place. I think that is a tremendous mistake, especially as the two-gallon license that is proposed means that anyone must purchase at least two gallons of each particular kind of drink. If at Christmas time a householder wants to lay in a stock of liquor to entertain his friends, he will have to buy two gallons of whisky, two

gallons of brandy, two or three different kinds of wine, and the same with ale and stout, and he would get together a stock fit for an ordinary store. I think that this proposal is perfectly absurd, and that the one-gallon license should be reinstated, although personally I would prefer to have the two-gallon license out of the Bill, and instead of the one-gallon license a quart bottle license. Most people know that the two-gallon license will be much abused. The law is not obeyed and never will be obeyed, and it is no use passing laws which the people will not carry out. I think it is unkind on the part of some people, unchivalrous I should say, to declare that it is going to encourage drinking among women folk. There is no doubt whatever that on the average, drinking among women is a mere bagatelle compared to the drinking among the men. I would much rather see a bottle license than a one-gallon license. I do not know that I am altogether in favour of the packet license. It seems to me that the main object of a packet license is to enable people to go in for a spree on Sunday, and that is the day when most of this packet business is done. I should be only too pleased to support anyone in the House to remove this license altogether.

Hon. M. L. Moss: You will stop the "Zephyr" for a start.

Hon. W. PATRICK: I do not see any harm in that. If people cannot travel on the river without drinking alcoholic liquor they may as well stay at home. A trip on the Swan is enough in itself without going in for a spree; at any rate, that is my opinion. It is right that men should let the House and the country know their attitude towards the different clauses in the Bill, and as far as possible that is what I am doing. In connection with the Australian wine license Clause 32 authorises the licensee to sell wine that does not contain more than 35 per cent. of proof spirit. The standard for proof spirit is given in Clause 172, and that is the well-known English standard; the indication on Sykes' hydrometer giving it at 58.8, which is equivalent to 50 per cent. of pure alcohol and 50 per cent. water.

Clause 175, Subclause 3 says that where the offence charged is in respect of liquor not adulterated otherwise than with water, proof that such admixture has not reduced the spirit more than 25 degrees underproof for brandy, whisky, or rum or 35 degrees underproof for gin shall be a good defence. In other words, as far as I can judge, wine can be sold up to 35 per cent. proof spirit, which is practically as strong as whisky. I do not know how wine is fortified here, but I know this coming from South Australia, which is the biggest wine-producing State in the Commonwealth, that there is an abominable drink there called "pinkey," which is simply a poison, and the chief characteristic of that stuff is that it contains a very large proportion of raw potato spirit which is practically poison; it is nothing else than raw spirit mixed with dirty water. It seems to me that 35 per cent. is too high an average, and if that is the usual drink which is sold at the wine shops I say it is a danger to the community. If the wine were fortified with old brandy which has been kept probably 10 or 15 years, which I do not think is likely to be the case, then I think it would be safe. I differ from Mr. Kingsmill with regard to the sale of Australian wine; I consider wine ought to be the proper drink of the Australian people. We live in a warm climate similar to that of Southern Europe, countries like Spain, Italy, and Greece, where they drink wine, and I have no doubt whatever that the future of our wine trade will depend on local consumption and not upon the old country. The people in the old country live in a cold climate and whatever wine they may take ought to be insignificant compared to that which should be consumed in Australia. The present import of wine into the old country—although that of Australian wine is increasing, is practically insignificant compared with the consumption of other liquor in that part of the world. If our wine trade is to develop we should be able to produce wine for consumption in Australia and it must be a wine which it will be safe for the community to consume.

Hon. W. Kingsmill: The industry will not develop on the sale of single bottles.

Hon. W. PATRICK: There are different ways of selling single bottles. I am entirely opposed to selling single bottles at the vineyards. Referring to exemptions, Clause 43 states that no license under this Act shall be required to be held by any person who sells on the premises of such person wine in quantities of not less than twenty-five gallons at any one time, the produce of fruit of his own growing within the State. I understand that means selling wine wholesale. The clause goes on—"Being the occupier of a vineyard or orchard, sells on such vineyard or orchard, in quantities of not less than one reputed quart bottle at any one time, wine, manufactured by such person and the product of fruit of his own growing." I am entirely opposed to that.

Hon. W. Kingsmill: That is the only part I object to.

Hon. W. PATRICK: As far as new licenses are concerned there is one extraordinary clause, No. 44, Subclause 2 of which says, "Notwithstanding that a resolution is carried that the number of licenses in a district may be increased, and a petition is presented pursuant to paragraph (b) of Section 78, every application for a license made pursuant to such resolution shall be granted or refused in the absolute discretion of the court." In the local option portion of the Bill the people, according to Clause 78, will have to vote as to new licenses as far as paragraph (b) is concerned. If the people vote in favour of an increase of licenses and it is followed by a petition of the majority of the adults in that particular district, then this court can flout the local option vote. That is to say, if the Bill carries the elective courts it seems to be perfectly absurd that the court should be able to overrule the previous decisions of the people. It is first of all a local option poll in the whole of the district and that is followed by a petition from the people immediately concerned, and then the court has power to overrule it. That may be proper, but, to my mind it is not democratic. If the court is to be constituted with powers of that kind I do not see any use in having local option.

Hon. M. L. Moss: If they vote for an increase you must give the court some discretion. If they carry the vote for an increase the court must get some discretion because there may be 100 applicants for new licenses in one district, and you must draw the line somewhere.

Hon. W. PATRICK: The vote should be a direction to the court if it is worth anything at all. There is an innovation in this measure that I do not think is a very good one. It is provided for in Clause 46, and it is the payment of a premium for a new publican's general license. I thought that would have included wayside and wine and beer licenses, but it only refers to publican's general licenses.

The Colonial Secretary: There is no wine and beer license now.

Hon. D. G. Gawler: But you intend to put it in.

Hon. W. PATRICK: Clause 46 says—"Every applicant for a publican's general license for premises not so licensed at the commencement of this Act, shall deliver to the clerk of the licensing court an offer in writing in the form of the seventh schedule of a premium to be paid by the applicant to the Colonial Treasurer for the grant of the license." In Clause 51, paragraph (b), it says, with reference to the renewal of licenses, that is of licenses issued after the commencement of this Act—"Provided also that the renewal of any license granted after the commencement of this Act shall, subject to the provisions of Part 5 of this Act, be in the absolute discretion of the court." I do not think anyone is going to give a premium where the renewal of licenses is in the discretion of the court unless the premium is to be an annual one.

Hon. J. W. Kirwan: They would give a good premium for a license at Bullfinch, for instance, irrespective of a condition of that kind.

Hon. W. PATRICK: They would give a premium of any kind at Bullfinch, I believe. This idea of a premium is a very good one. Further on in the Bill, where it deals with the question of fees, Clauses 70 and 71, a new schedule of licenses,

which it is proposed shall be levied, is mentioned, and I think the idea that is propounded in reference to the licenses for clubs, $2\frac{1}{2}$ per centum on the gross cost of the goods purchased, is a good one. In regard to all public houses that would be a much better way of getting revenue and much fairer. In that case the licenses would be based on the business done, whether large or small. I notice that the fee for the wayside house license is a great deal less than the publican's general license now, and I know, as a fact, in some cases wayside house licenses are quite as valuable as publican's general licenses. I think in place of the fees mentioned in Clauses 70 and 71, in reference to publican's general licenses, wayside house licenses and wine and beer licenses, it would be much better to charge on the basis mentioned in the other cases, that is $2\frac{1}{2}$ per centum on the gross cost of the goods purchased. That system was carried out many years ago in other parts of the world. I am entirely in favour of local option, but I am very sorry to see it is not going to be carried out straight away. If we are to have local option it is a farce to have it shifted 10 years ahead.

Hon. B. C. O'Brien: It was 15 years in South Australia.

Hon. W. PATRICK: In some cases the Act is more rigid there than that proposed here. However, in my opinion it will be much wiser and better to revert to the proposal as originally made when the Bill was introduced in another place, to give compensation to houses that are not required, levied on those houses which are left. That would be eminently fair and eminently just, and much more satisfactory than to leave hundreds of houses in the State at the present time that ought to be closed up. In small towns, such as Yalgoo, we have six public houses. I believe, and I do not suppose there are 60 people there.

Hon. B. C. O'Brien: Six licenses!

Hon. W. PATRICK: Well, six licenses, and I am quite safe in saying there are not more than 60 people in that place. There are 10 licenses in Cue, which has a population of 700 people at the present time. If the Bill is carried in its present

form the licenses which remain will be of no benefit to the community nor to the benefit of the people who hold the licenses. It would have been better to have had the number reduced. There is a proposal in the Bill to establish State hotels. At one time I was entirely opposed to the State ownership of hotels, but I have changed my opinion; we get wiser as we get older. We have one State hotel which has been highly successful, and there is no reason why the system of State hotels should not be extended. If there are to be new licenses it is much better that these licenses should be in the hands of the State than in the hands of private individuals. There would not be the same inducement to multiply hotels in places where they are not required. I notice one innovation, which I am entirely opposed to, that is the proposal to extend the hours from 11 o'clock to 11.30. I think 11 o'clock is quite late enough for hotels to remain open; in fact, I am prepared to support 10.30 instead of 11.30. I think it will be a blot on the Bill if the hours are extended.

Hon. B. C. O'Brien: We are only following the other States.

Hon. W. PATRICK: The main object of the Bill is to improve the control of the drink traffic, and it will not be improved by extending the hours. I do not know that because people do unwise things in other parts of the world that we should necessarily follow their example.

Hon. B. C. O'Brien: That is a reflection on the legislation of Victoria.

Hon. W. PATRICK: I am not reflecting on the legislation of Victoria, but I know in other parts of the world the hotels close much earlier. I know it is 10 o'clock in Scotland. I think it would be a big mistake to extend the hours to half-past eleven o'clock at night. Taking the Bill as a whole it seems, in its present form, that it will have the effect generally of giving a tremendous monopoly to the holders of licenses which will remain. It will be a present of probably several hundred thousand pounds to the present licensees if the Bill is passed in its present form. Judging from the way Western Australia has increased in

population during the last 10 years, and without being a very optimistic prophet, we may say that the population will be increased at a much greater rate during the next 10 years; we may safely say that the population of the State in 12 years, that will be 1922 or 1923, will be something like 450,000 souls, and the population of the city of Perth will probably be nearly twice what it is at present. By giving a monopoly to the remaining hotels the State will be giving a huge bonus to the licensees. I do not think we are called on to do that, and it is not necessary. On the general question of drinking I confess I am a little broad-minded, perhaps I am wrong, but we are in the habit of looking at one side of a question only; there are very few people who turn a question all round and look at it from every side. We must not forget that the sale of alcohol in one form or another as a drink has been associated with the human race from time immemorial. It exists in every country on the globe, amongst the most civilised and amongst the most savage peoples. Mr. O'Brien has referred to the old country and said they do not do any drinking there. They do a great deal of drinking there, and probably too much, but they survive. I have seen in South America the way they drink there, and one would think it would be impossible for anyone to survive. After all, most people are under the impression that alcohol only exists in the liquor sold in public-houses and stores, but they are under a great delusion. Many years ago—anyone can find it described in the *Encyclopædia Britannica*—a company was formed in London to extract alcohol from bread. Some of the finest bread that was made, called aerated bread, was not very popular because it did not contain any alcohol. Bread contains a great deal of alcohol, and that is what gives it that nutty flavour.

Hon. Sir E. H. Wittenoom: But you cannot get drunk on bread.

Hon. W. PATRICK: If you ate enough you would be converting your stomach into a still, and the fermentation which would go on there would be very

uncomfortable indeed. One thing I would like to mention, that all the drinking races, especially the spirit-drinking races, are in the van of civilisation at this moment. The Southern races, as a rule, do not get drunk and are much more moderate drinkers. I will give a sample of how moderate they are. A few days ago—my friend, Mr. Drew, is in a position to confirm what I am going to say—I was talking to a gentleman, and I may say he is not of the Baron Munchausen type, but a staid, sober-minded man, one whom we are bound to believe. He told us that the actual allowance for a Spanish peasant working in the fields when he was a boy was 32 bottles of wine a day. I do not know whether it contained over-proof spirit. I inquired, "I suppose the bottles were very small—quart bottles," and he said, "No, they went six bottles to the gallon." That is to say, these men drank 30 bottles and were perfectly sober; that is the extent of their moderation. There is no doubt that the Northern races are drinking races. The Danes, the Norwegians, the Irish, the Scottish, the English, and the Germans are all in the van of civilisation. I do not say that the reason they are in the van is because they drink. Mr. Langsford said the other night that it was not right to draw conclusions from statistics; because these people drink a lot of spirit that is no reason that they are in the van of civilisation. You may take the criminal statistics and say that these are the result of drinking, but you may be wrong; but we are perfectly correct in saying that if crime goes down and drinking goes up, drinking is not the cause of crime. As to prohibition, that, of course, is absolutely impossible. I believe Sir Edward Wittenoom said that he would be prepared to vote for prohibition. It has been tried in parts of New Zealand and has proved to be a failure there. It was tried in the United States as long ago as I can remember, and I could tell you some curious tales from travelling in the State of Maine, but I will not do so now. One could get as much drink as he liked in prohibition places. It must not be

forgotten that anyone can make hop beer, and there is a certain amount of alcohol in that; and we know that anyone with a kettle can make as much malt spirit as he likes. Prohibition is an utter delusion and an impossibility. I never saw so many big piles of empty bottles in my life, and so much drinking in a single week, as I saw some years ago in a small town with less than 500 people; that was at Renmark, in South Australia. It was a prohibition colony, but the people themselves petitioned the Government to give them a license, some place to which they could go openly, and from the time they got that license the drinking became less, because it was legal. Of course the trouble is that we are all inclined to be a little extreme. Not long ago I read a letter written by a great historical man in English history, John Wesley. It was a letter on tea drinking, and it was a most elaborate letter of 10 or 12 pages. I believe it can be found in a book called the *Library of Famous Literature*. If we substitute alcohol for tea in that letter we could not have a stronger indictment against alcohol to-day than John Wesley made against tea at that time, its effect on the mind and on the body, and on the pocket as well. Of course at that time tea was about 10s. a pound. The only difference is it has become cheaper now, and most people would object to improving the drinking habits by reducing the price of alcohol. The same thing can be said about tobacco. There are anti-tobacco societies just as strong against using tobacco as some people are against drinking. The same can be said against food. There is a doctor in Melbourne running a sanatorium who considers that people ought to live on fruits and nuts. He says that people would be much healthier if they did this, and he says he can prove it. The same with clothing. There is an anti-clothing society in Switzerland. It was described in the *Western Mail* about a month ago. Well-to-do people have formed themselves into an anti-clothing association there. In order to meet the proprieties, and possibly to prevent their being put in gaol,

they wear a kind of calico shirt, both men and women; but they walk around the hills with no boots or hats and say clothing is unnecessary. What is the position? If we were to follow in the steps of all these different people we would not drink any spirits, smoke any tobacco, drink any tea, or take any food except fruits and nuts—because this doctor contends that cooking food destroys it, or takes the vitality out of it—and we would not wear any clothing. Then what would be the position? We would arrive at the same stage as the blacks of Australia and the Indians of South America, and I am sure we have no desire to go back to that condition. I think it is much better to take a kind of moderate view of the different factors in human life, and to act like reasonable human beings. Of course this Bill will be altered to a great extent in going through this House. If the licensing bench is made nominative, and if the compensation clauses, as they appeared in the Bill originally brought down to the Assembly, are inserted so that local option can come into force straight away, it would be a vast improvement, and would also very likely lead to a vast improvement in the drink traffic in the State. We are all conscious of the fact that there is no crime in drinking. At the same time, in many cases with some people it results in great poverty, misery, and disaster; and it is right that the State should do everything it possibly can to regulate this traffic. I trust that whatever form the measure may finally take, whatever law is passed, that law will be carried out. I have no hesitation in saying that the present law in reference to the liquor traffic is not carried out, especially in reference to Sunday drinking. I have seen many cases where this law was a perfect farce. Men knocked on the bar door; they were admitted and the door was again locked; and then when another knock came, they were passed out at another door. That is a scandal and should not be allowed. Again, in many ways the law is not carried out in reference to drunken men and women. I trust this law when passed will be carried out

and administered, and that it will result in a general improvement to the drinking habits of the people, while not interfering with the freedom of the individual. I support the Bill, but I trust it will be considerably amended and improved before it leaves this House.

Hon. M. L. MOSS (West): There can be no doubt that necessity arose a long while ago to deal with the principal Licensing Act which was passed in 1880, and the 15 amending Statutes which appear in the schedule to this Bill. Those people who are called upon to administer the licensing law of this country and the varied interests which that law is expected and intended to control, have the greatest difficulty at all times, unless they are special experts, in knowing exactly where they are when they are going to deal with questions involving any matters connected with the liquor traffic. It is, therefore, a matter of great importance that we should have a liquor code consolidating all these measures. I recognise that when one attempts to codify the law dealing with matters of this kind a hundred and one controversial questions must arise in bringing about innovations in connection with liquor control, and many of them no doubt will find their way into a Bill of this kind. If we were starting off on scratch and commencing to manufacture an ideal community, it would be a very simple matter. It could be well left to the people, and some simple questions could be sent to them. A public vote could be taken as to whether it would be expedient, or not, to have liquor at all in our community, or as to the conditions under which it was permitted to be vended throughout the State. But we are not in that happy position; Western Australia is not an ideal community; it is a country which has been populated for a large number of years; and many and varied interests in connection with the liquor traffic have grown up in the State, and grown up under the full sanction of the law of the country. It is a matter of pre-eminent importance that, in commencing to deal with these varied interests that have grown up under this law, we should act fairly to the community, and at the same time endeavour to act justly towards those in-

terests that have grown up under the sanction of these various Statutes. I admit broadly it is pre-eminently a question for the people to decide as to whether there should be an increase of licenses, and that it is pre-eminently a question for the people to decide whether or not there should be a reduction of licenses, or whether there should be an abolition; but as to the condition under which the first one should be decided by the people, and the safeguards with which the other two questions should be surrounded, in these two matters lies one of the great problems we have to deal with in the measure now before us. Taking this Bill and comparing it with the measure introduced to another place, a copy of which I got three weeks ago at Port Said, it is rather difficult to reconcile the two, because this measure is very unlike that which was introduced in another place. One of the cardinal features in connection with the question of local option was the payment of compensation for the deprivation of licenses, but now the compensation clauses are all gone and we have a time limit in lieu. In the first instance the Government set out with a definite policy on this question, but that policy has been moulded in another place; and after having listened to some of the very excellent speeches from hon. members, I perceive there is a diversity of opinion as to whether the Bill should be allowed to go on the statute-book without a time limit, or as to whether we should reinsert the compensation clauses. I am of opinion that a time limit is fair. We have to look at the conditions of Western Australia. The publicans of Perth, Fremantle, Geraldton, and Bunbury, and of all the settled parts of the State, would have to contribute largely to a compensation fund, whereas in all probability we would have some houses being shut up at Kanowna, and at other places on the goldfields, which are barely existing at the present time. We would have the settled portions of the community contributing largely to the compensation fund for the benefit of compensation to be paid to those places in the outlying parts of the State, particularly in the places such as I have mentioned. Consequently, from all points

of view, a time limit is a very much fairer way of dealing with the question than the payment of compensation. There seem to be three main points in this Bill, main points of alteration in the present law; firstly, the proposal to have an elective bench, secondly, the question of local option; and thirdly, the abolition of the supply to the bona fide traveller. Of course there are other important though minor points, to some of which I will refer presently. I am thoroughly opposed to elective benches for a number of reasons. In the Dominion of New Zealand nearly 20 years ago they adopted the system of elective licensing benches, and I lived in New Zealand many years after elective licensing benches were part of the law of that country, and if we are to enact these provisions here we will have exactly a repetition of what took place in New Zealand and what takes place there now. Those gentlemen who are candidates for election to licensing benches address the electors in the same way as Parliamentary candidates. They run on tickets. They are pledged to certain reforms. They are pledged on points which they will have to decide as a court of record. They have to decide on judicial functions after previously pledging themselves on a public platform as to the course they will pursue. In fact these pledges are given to such an extent in New Zealand, at least the redemption of them, that there are numbers of these licensing benches, almost without hearing any evidence, registering the decrees they had pledged themselves to bring into operation when they were before the electors; and in the early days of these elective licensing benches there were abundant applications to the Supreme Court for writs of mandamus to compel these benches to hear cases judicially, and in a number of instances the benches were compelled to put back the licenses they had reduced in a most wholesale manner and with absolute disregard to the large vested interests that had grown up in New Zealand. Because the system they adopted from the very commencement of local option in New Zealand was that as soon as a vote was recorded the places were shut up

without a time limit and without compensation, and these people were ruined right and left as the result of the administration and operation of a law of that kind. Now, the principle of electing judicial officers comes from the great republic of the United States, and you have only to talk to responsible men from those States to know the utter failure the elective judicial tribunal is in that country. Any reasonably minded American will admit that once you cross the Canadian border, witness the administration of justice in the Dominion of Canada and attempt to compare it with what takes place on the other side of the border, it will be found that they barely admit of comparison, the one with the other. In the United States the greatest condemnation of elective judges is manifest when they are compared with the Judges of the United States Supreme Court, which is a nominative body. The Judges of that tribunal, which is the great sheet anchor of the American Constitution, have been pretty well ever since the framing of that Constitution, appointed irrespective of political considerations. And in the very early days of our own Federal High Court it was laid down by the Chief Justice, Sir Samuel Griffith, that whenever in our Constitution language was used similar to that in the American Constitution, and where the judges of that great nominative court had expressed an opinion in regard to that language, the High Court of Australia would on all occasions hold that the three conventions which had framed the Australian Constitution had intended to abide by those rulings. And our High Court have on several occasions since followed that practice. I give that illustration as showing the difference between the work done by the two different bodies, the elective and the nominative. I do not think it would remain with our licensing court if we agreed to adopt the principle of elective courts, for I am afraid that we would have it extending to resident magistrates and, later on, to the Supreme Court Judges themselves.

Hon. J. W. Langsford: What is the practice in New Zealand to-day?

Hon. M. L. MOSS: They continue the practice, and a very bad one it is. I recollect the Chief Justice, Sir Robert Stout, being run on a ticket in Dunedin as a candidate for a seat on the licensing bench. There is a great man, one who can sit and fill the office of Chief Justice of New Zealand with distinction and credit; but he was a great temperance advocate, and his vision was so completely warped on this particular liquor traffic question that, eminent man as he was, he entered the lists on this ticket—he was leader of the Bar in New Zealand at the time—and he was prepared to sit on one of these licensing benches and vote on judicial questions according to the ticket on which he was elected. I think the system is thoroughly bad. Some members would say, "Oh, this is only a board, it is not a court." Well, if any hon. member will look up Clauses 17 to 24 he will find that the Court exercises very different functions from a board of management or, for instance, a boat licensing board. It is declared to be a court of record, with power to make rules, and to summon witnesses and punish for contempt or non-attendance. It is invested with all the functions which usually devolve upon courts of justice. It can imprison for contempt, and can administer oaths. And, apart from these, we know perfectly well that licensing courts in different parts of the State have important judicial functions invested in them. I will refer presently to later clauses of the Bill under which, in certain circumstances of judicial proceedings, they can go so far as to forfeit a license—not as the result of a local option poll, but for breaches of certain provisions of the Act. There are important judicial functions to be carried out by this body; a most cursory perusal of the clauses will indicate that. In my opinion the best men in the community should be put on these licensing courts to act in conjunction with the resident magistrate. And I do not think Mr. Patrick is far wrong when he says it would be unwise to put three men in each district and make their tenure of office as secure as that of a Supreme Court Judge, con-

sidering the enormous amount of money involved in the interests these people have to protect and the provisions of the Act they have to administer in connection with it. I hope the House will express a united opinion on this question of nominative bench as against elective. If you adopt the principle with regard to the licensing law it will only be another stage, only getting up one rung higher in the ladder, before you have your magistrates, and possibly your judges, elected in this way. I have already said that certain questions contained in the local option clauses are essentially questions for the people of the State to decide. The question of increase is one which I think may be very well left to the people, practically without any safeguard whatever. But I cannot find in the Bill any provision for the localities in which no town exists at the present time. It is well within the bounds of possibility that we may get another Golden Mile, and I think it would be opposed to the best interests of the public if a liquor license could not be granted in such a locality. I can find no clause in the Bill which enables the Governor-in-Council to suspend the provisions of the Act under extraordinary circumstances, nor is there any provision for a case of that kind being met in any other way. I think it would be unwise to pass this measure without some such provision.

Hon. R. D. McKenzie: A poll can be taken.

Hon. M. L. MOSS: Under the Bill, as I understand it, a poll can be taken in 1911, and every third year afterwards; so a locality might in three years become a very populous place, yet during that period it would be without a license. Need I suggest to hon. members what would happen in that community under such circumstances? Rampant sly grog-selling; and we are going to pass a law which deliberately offers a premium to that sort of thing. We have not to look at this from the point of view of the prohibitionist on the one side or that of the hard drinker on the other; what we have to consider is the best interests of the community.

The Colonial Secretary: But increases can go on from poll to poll.

Hon. M. L. MOSS: I am assuming there has been a poll taken and it has decided in favour of "no increase."

The Colonial Secretary: In that case, of course, there could be no increase for three years.

Hon. M. L. MOSS: It might be a perfectly legitimate decision at the time it is made, and yet, as I have suggested, lead to exceedingly bad practices before the time of the next poll. Are we to go on copying legislation from countries like New Zealand and South Australia, which are practically settled communities, and are we to legislate on that basis for Western Australia, which has only a little population round portion of the fringe of its territory, while inland there are great blank spaces we all hope to see one day filled up? There is no provision in the Bill to meet the contingency I have spoken of. I think it is of such importance that the Government should give some consideration to it, and see whether provision cannot be made for the extraordinary circumstances which may arise dozens of times before we again deal with this question. I think the community is much indebted to the *West Australian* for having this morning drawn attention to Clause 78 of the Bill. I have no hesitation in saying the real effect of that clause will be to absolutely prohibit the granting of another license in Western Australia, notwithstanding that the general public may vote for increase. That is the effect of it. For, assuming that resolution (a) or (b) is carried at a poll, I agree with Mr. Patrick that if there are legitimate applicants and plans for proper houses submitted to the bench, it would be the bounden duty of the bench to obey the mandate of the people; but Clause 78 will prohibit that mandate being carried out. Because, after the matter has been referred to the people, and they have agreed that the number of licenses shall be increased, the hands of the licensing bench will be tied even though a petition is presented requesting that a license should be granted within an area, and such petition appears to be signed

by a majority of the number of adult residents. In the leading article which I have mentioned the writer erroneously referred to "residents" as "ratepayers." If you were dealing with "ratepayers" you would know the number to seek out to sign the petition; but it is "residents," a much more comprehensive body of persons. You will never get them, and if you could you would never be able to prove the figures to the satisfaction of the court. Because those who have had experience of licensing—and you, Mr. President, as an old licensing magistrate will agree with me in this—know that any person may present a majority petition against the granting of a license, and, naturally, the applicant insists upon those signatures being proved. In order to prevent the thing being made a complete farce, the magistrate also insists that some person shall be brought forward to say that the signatures are proper and legitimate, and the result is that in the past there has been a great difficulty in proving the signatures in connection with these majority petitions. I wonder what possibility there is, in the first place, of getting a majority of these residents, and in the second place, having got them, of proving the signatures to the satisfaction of the court. This fully justified the statement that has been made in this leading article that Section 78 is simply a bar to the increase of licenses in Western Australia. That wants either radically altering, or it wants to be eliminated from the Bill. Now the bona fide traveller is not to have the right to be supplied with liquor out of hours, on Sundays, Good Fridays, and Christmas days, and in a country like Western Australia, particularly during the summer months, I think this is inflicting a hardship which is very ill-deserved. In other parts of the world there are limited trading hours on Sunday. One would think that the bona fide traveller had been abusing, to a large extent, the privilege that has been accorded to the licensee of supplying him; but the trouble is not with the bona fide traveller. As was indicated by Mr. Patrick, if ever a statute was laxly administered—I am not referring particularly to the present

time, but rather to the last 20 years—it has been the licensing law. The whole administration has been an absolute farce, and the fewer statutes we make the better it will be if we are not going to administer them and are going to allow them to remain a dead letter. It is also made an unlawful thing to supply liquor to an intoxicated person. That calls to my mind a case in which I was engaged in the Supreme Court recently, when the judge asked the licensee when he considered a man sufficiently inebriated not to further supply him. The licensee took up a very indefensible position and the judge had to answer the question himself. He said, "I suppose you want a man to be blind drunk." That provision of the Act is being continually broken, and so it is in regard to Sunday trading, the law is an absolute farce. There is as much drinking on Sundays, in many of the houses, as on week days, and we might go through the whole gamut of the Act and find breaches going on, almost under the eyes of the police. That is a very severe indictment, I know, but I believe it is very accurate, and I think it is more accurate in country places than in settled districts, particularly country places where the policemen are allowed to remain in the one station for a long time, and especially where there is only one policeman. If this Bill does not get on the statute book it would be well if the Commissioner would shift some of the constables around and see if they cannot make a greater success of enforcing the penal clauses. Sir Edward Wittenoom said rightly, that a good deal of the crime, and I add lunacy, is attributable to drink, and no one can dispute that fact. We ought to try to control the drink traffic, and we have a fairly good law on the statute book to do it. One would think that this Bill was the first attempt that had ever been made to control the liquor traffic. There is plenty of provision now, but the prosecutions are few and far between, and one has only got to listen to the judges session after session in the Supreme Court to know how much crime is attributable to the flagrant breaches of the licensing law of this State. Now the gallon license is apparently not to be issued

in future. So far as I can see the only change will be to compel every holder of a gallon license to take out a two-gallon license, in other words, to compel him to pay a £15 fee instead of a £10 fee. That is really what it comes to. What I want to know from the Colonial Secretary, as the Minister controlling the Police Department, is what convictions have been obtained against holders of gallon licenses during the last year or two for breaches of the Act? On how many occasions has a grocer been discovered selling a single bottle? I do not know of one instance during the last few years. Certainly I do not remember any instance being reported in any of the newspapers. Perhaps the Minister can tell me what police reports he has in his office indicating that there is a danger in the further granting of these licenses.

The Colonial Secretary: The gallon license was in the Bill when it was first introduced.

Hon. M. L. MOSS: I want to see gallon licenses reintroduced, because I would much rather see men and women going into a grocer's shop to buy half a dozen bottles, than I would see them going into hotels to buy smaller quantities. The surroundings of a grocer's shop are much more conducive to the sobriety of the people than are the surroundings and the morality of hotels. When I speak of the morality of the public houses, I do not want all the houses in the State to be brought within the idea that is running through my mind, but I am more particularly referring to some of those places that are more in the nature of pothouses than they are deserving of the name of hotel. Of course in the number of years during which licenses have been granted, it must be admitted on all hands that a number of places have been licensed that should not retain the privilege of vending liquor now, and I would rather see the grocer's shops resorted to than the places I am alluding to. Mr. Patrick has alluded to the licensing fees as prescribed in the Bill. Hon. members will remember that until the Rason Government took office the licensing fee for a publican's license was £50 in Perth and Fremantle and £40 in other

parts of the State; but that Government, of which I was a member, and of which Mr. Kingsmill was a Minister, came to the conclusion that the publicans were paying very much below what was a fair thing, and purely as a temporary expedient we decided to ask Parliament to increase the fees to the amount set forth in Clause 70 of the Bill, but I do not think this is a proper way of dealing with the question. The liquor traffic imposes a tremendous burden on the State in regard to police protection and lunacy, and it has to be controlled by a large body of inspectors and others, and in those circumstances the license fees are obviously small. So far as I can understand, taking the hotel-keepers as a class, there are no men in Western Australia who, during the last 20 years, have made more money than have the men engaged in the liquor traffic, and this is a just and fair means of raising revenue. An excellent principle is contained in this Bill, where it deals with clubs, and I think that that provision should be made applicable to the public houses. It is fair that the publican who is doing very little business should get off with a light fee, and that those who are doing a big business—and they get much more than 5 or 10 per cent. from the sale of liquor—can well afford to pay a higher amount. We cannot make more than a suggestion to another place that an increase in the fees should be made, but I think that we should go to the extent of suggesting an increase and throwing the responsibility on that Chamber of saying, "No, we do not want the revenue increased from this direction." I think it is a good way of raising revenue, and it should be eagerly seized by the Government. The next point I desire to draw attention to is particularly for the benefit of the Colonial Secretary, because I do not want to take the Minister by surprise in drawing his attention in Committee to an obvious contradiction in Clauses 53 and 71. Under Clause 53, when licenses are transferred from one person to another, there is to be paid a "prescribed fee," and if hon. members will turn to the interpretation clause they will find that a prescribed fee means a fee prescribed by this Act or by any regulations made under the authority

thereof. In Clause 71 there is provision made for a fee for the endorsement of the transfer or removal of a license—for a general publican's license £5, and "for any other license" to £2. We therefore prescribe a fee in the Act, and I take it that it would be incompetent later on to alter the direct provision of the Act. The fee for the transfer of a license in the past has always been £2, and it was a most anomalous fee, because if we look up Clause 71 we see that the fee for an eating house or boarding house license is £1, and yet for the transfer of the license for the balance of the year, possibly one month, the fee is £2. This has always been an injustice and, apparently, it is proposed in the Bill to retain it; but £2 is far too big a charge for the transfer of a license that only costs £1 for the whole year. I hope that the Minister will bear these observations in mind, and see the fairness of reducing these fees in the case of, say, annual amounts of less than £3. Clauses 133 and 134 are a piece of very surprising legislation, and there was never a more misleading marginal note to a Bill than the marginal note to Clause 133: "Forfeiture by licensee convicted of crime. See W.A. 1880, No. 9, s. 62." That, of course, is almost telling hon. members that that is a transcript of that section. It is nothing of the kind, and I am going to show the injustice that would undoubtedly be perpetrated on innocent individuals if we were stupid enough to pass it. When I turn to Section 62 of 44 Victoria, No. 9, which is the principal Licensing Act in force in the State, and I compare it with Clauses 133 and 134 of the Bill before us, I find that the contents of these two clauses are indicated in Section 62 of the present principal Act. The power to forfeit a license on conviction for a crime could only be exercised on application to a resident magistrate. The words of the section are as follow:—

If any holder of a license shall be convicted of felony, perjury, or any other infamous offence, or if holding a publican's general license, or a wine and beer license, or a wayside house license, he shall permit any person to manage, superintend or conduct the business of such house during his ab-

sence for a longer period than 28 days in any one year, without the previous consent in writing of two justices . . . then upon complaint thereof, and proof of any of the facts aforesaid, to the satisfaction of any two justices, such justices shall, by an order under their hands in the form of the sixteenth schedule, declare such license to be forfeited.

What they have done in these two clauses in the Bill before the House is that they have made the conviction for a crime without a reference to the magistrate *ipso facto* the forfeiture of the license. Then with regard to the other matters alluded to in Section 62 of the principal Act, the magistrate is given discretion in the Bill. It is stated in Clause 134 that "The justices may, if they think fit, declare the license forfeited, and the same shall thereupon be void." If we pass these as two substantive clauses this will occur: a licensee is convicted of a crime, and without reference to a magistrate, the very instant he is brought in guilty, the license is forfeited, and a valuable house with a valuable license, and probably a mortgage too, will be absolutely gone. As it is, the law enables a mortgagee, or persons with interests which accrue when the licensee is convicted, to go at once and get a transfer of that license to a reputable person, and thereby save the interests which have accrued and grown up. But in the inconsiderate way proposed in the Bill a man is pronounced guilty and his license is gone, and then you cannot retrieve it until a poll comes along, and then it will be necessary to get a majority of the residents to vote "Yes." There never was a more ill-considered thing than that and there never was a more misleading marginal note to a clause. I think there is a worse thing in Clause 196; that apparently has no marginal note, and it has come from nowhere. I would like to know from whose mind it has emanated. It says that a licensee being the owner of the licensed premises, or with the consent of the owner, may, with the permission in writing of the chairman or any two members of the licensing court, surrender his license and

thereupon the premises shall cease to be licensed. That is a cheerful position again for the licensee who has a spiteful mortgagor. Look at the word "owner" in the interpretation clause and we find that it means the person for the time being entitled to receive either on his own account, or as mortgagee, or other encumbrancer in possession, the rent of such premises, etcetera. A man may have a life estate, and others may come along, and the owners may never get back there again. Apparently this has come from no other legislation. I do not know whether it was in the Bill as originally drawn, but it is certainly something that I think this House might well review. My point is that the owner of the premises may also be the licensee, and may have a tremendous mortgage on it and he may have a spite against the man who lent him the money. We know well of the value attaching to a lot of these places, and that the most important part is the license. There is no advertising to be done or public inquiry to be held, but the license may be surrendered in a hole-and-corner way. The licensee goes to the licensing magistrate, or perhaps to the board, who might be pledged to crush the traffic, and they might be willing to cancel the license. It has been a customary thing among business men in this traffic to lend up to the value of a lease or freehold in the hope of getting the trade, and to spite a man who is lending the money, probably if that man will not agree to something, he chooses to inflict the greatest amount of injury in a transaction of this kind.

Hon. W. Kingsmill: It would mean the total destruction of the security.

Hon. M. L. MOSS: Absolutely. No other member, it appears to me, has drawn attention to this; it is a matter of great moment indeed not only to the public at large, but to those people who have put their money into these concerns. I have drawn attention to a few important things but there are a number of others that I will allude to in Committee. If this Bill does get to the statute book—and personally I will do my best to see that it does, because a codification of these laws is something to be aimed at—

and if we can get a fair Bill I do not think any industry or effort will be wasted on the part of this House. If there are too many difficult questions to permit of this Bill being taken through Parliament at the first opportunity that it is presented to both Houses—

The Colonial Secretary: It is not the first occasion.

Hon. M. L. MOSS: It is the first occasion on which it has reached this Chamber.

Hon. B. C. O'Brien: It was before us 12 or 13 years ago.

Hon. M. L. MOSS: I am not going back into ancient history. This is the first occasion we have had an opportunity of reasonably reviewing such a measure, but we have never before had a Bill cast on definite lines by a Government and amended out of all shape by another place. I once more say that I think the existing law is enough, and has met a good many of the difficulties that people imagine exist in this community. Good administration will do much to make the evils of the drink traffic disappear, but the best law, if it is not administered, will only illuminate the statute book. I will ask the Colonial Secretary to see that, if this Bill does not get on the statute book, some effort will be made to have better and more stringent administration of the law, which affords great privileges to those persons benefiting from it, and that those people shall obey the prohibitory principles contained in it.

Sitting suspended from 6.10 to 7.30 p.m.

Hon. C. SOMMERS (Metropolitan): I would like to congratulate the Government on introducing the Bill although, of course, it is not the measure we would like to have seen, but it is a distinct move towards the betterment of the liquor traffic. I hope when the Bill leaves the House it will be amended in a shape that will improve it and be acceptable to another place. It is a great achievement on the part of the Government at this stage of the session that they should have got so important a measure through in another place. The local option clauses

really mean the time for bringing into effect local option, and that is deferred for 12 years instead of 10 years, as it was generally supposed was the intention. I think if we can improve that in some way so that the real effect will be found at the end of 10 years it will give general satisfaction. Any move in that direction will have my hearty support. When speaking on this question I have always advocated local option with compensation. It would be better in the event of local option being carried for a reduction of licenses, if we could make a monetary compensation and thus do away with the time limit; it is not too late now for that move. If that can be done without a strain on the finances, I think it would be desirable if we could carry it out.

The Colonial Secretary: That has already been rejected in another place. It was in the Bill as introduced.

Hon. C. SOMMERS: Still, I think it would be a great improvement. It seems to me unfair that those people who desire local option and could carry a poll should have to wait for 10 or 12 years. There is no prospect of getting that altered, therefore it is idle to discuss it at length. The difficulty pointed out by Mr. Moss was that owners and licensees and the trade generally in the coastal districts would have to provide a large amount of money, if the funds were to come out of the trade itself to provide for closing houses in deserted or semi-deserted gold-fields districts. Kanowna was mentioned as one of these districts, and at Yalgoo it was said that there were six houses. I do not know whether it would be possible to provide in the Bill for the care of inebriates. I suppose we cannot, but I would like to say a word or two on that subject so that possibly the leader of the House, at a later stage, may bring in a Bill or an amendment of the Police Offences Act, or something like that, so as to enable the lower courts to provide for these unfortunates.

The Colonial Secretary: It is already provided for.

Hon. C. SOMMERS: It is already provided for in the Lunacy Act I know, but it is rather a cumbersome and expensive

proceeding. Connecting an inebriates' home with a lunatic asylum is not desirable, although some inebriates, I suppose, do carry on in the style of lunatics, and after they may have been unfortunate enough to be confined in a lunatic asylum and have recovered, the remembrance may not be nice in after life. I was reading in the Press the other day, I think it was the *Daily News*, where Margaret Jones came before the bench for the seventieth time and was again sentenced. It is ridiculous that an unfortunate woman should come before a bench 70 times for the one offence, and still go on. I think some provision should be made in this way: say, that after three, or four, or seven convictions in one year the bench should take upon itself to say, "It is not safe to give you a fortnight or a month's imprisonment, we will send you away for 12 months or two years, or until such time as we think you can take care of yourself and lead a better life." It is only waste of time to sentence these persons to short terms of imprisonment. In the case of the unfortunate woman I have spoken of I think the sentence was a fortnight. Probably it would take a fortnight for this female to recover from the drink; she is let out and the desire comes on her again, and she is re-arrested. I think some attention should be publicly drawn to these matters, because if there is one case there are others, perhaps, in a lesser degree. Steps should be taken to keep these unfortunates incarcerated, make them work, until they can take care of themselves. I hope some amendment will be made by which the local benches, when these cases come before them will be able to have power to convict. In regard to elective courts, I am totally opposed to them. Mr. Moss drew attention to America, and anyone who has been for any time in the United States must have had borne home to him that the election of minor judges and other officials has already led to a great deal of corruption. I was for a short-time in the United States, and in talking to public men I found that they all seemed agreed that election was undesirable. In some States they elect their

county court judges and I think, if I am rightly informed, they are elected annually, and the result is that some solicitors who do not stand very high in public estimation are able, owing to party clamour and high feeling, to be elected to these high offices. Thus undesirable persons are elected. It means these men are under a certain amount of obligation to those who voted for them. Can you imagine a man standing for a high office and addressing the electors, promising all sorts of things to them. If we elect two members of the licensing bench, as the time comes round these men will have to address the voters, tell them why they seek office, and what they propose to do. The campaign would be divided into two parties, those controlling the liquor traffic and others interested in running that candidate, while those opposed to the liquor traffic would run their candidate. If the party representing the liquor traffic returned their member to the board a great injustice would be done to the people representing those opposed to the liquor traffic, and it may be that the election would be carried by a few votes. We had an instance only the other day of the mayoral election being won by 10 votes. Whichever candidate got in is bound to be a partisan. I think it would be undesirable to have such a state of affairs existing. This is one of the most important clauses in the Bill, and we must have confidence in the licensing courts. We nominate our judges and we have had no causes of complaint; we nominate our magistrates and we have nominated our benches in the past, and I hope this House will insist that in future we shall have our benches constituted as they have been constituted in the past. In Clause 19 it is set out that two members shall form a quorum. I have no objection to that because at times it would be impossible to get the three members of the court to sit, but I think we should insist in that case that the police magistrate should form one of the two. That is a safeguard that we should have. In regard to licenses, I see it is still provided that beer licenses can be granted. I do not think the beer license should be continued; it does not

fill any want other than that which can be supplied by the publican's general license and, in any case, if a license is granted it debars a general publican's license which might have been granted in the district from being allowed. Recently at a new township on the Midland railway, Three Springs, to wit, a locality which has recently sprung into existence, there was a demand for a place of good accommodation. Several persons were desirous of building an hotel, but they were unable under the present state of the law to make an application, and the bench granted a beer license. The licensee has to provide one or two rooms, no sleeping accommodation, no place for meals, but simply a pot-house where only beer can be drunk, not even spirits. That is a form of license which we do not want. If persons will provide accommodation for man and beast, let it be a publican's general license or none at all. As to the gallon license, I am glad all the speakers so far are in favour of renewing the provision that gallon licenses shall be granted. I strongly object, if I want a gallon of liquor, to go to an hotel or be compelled to purchase two gallons, which I may not require. We all know that hotel-keepers as a rule are independent, and a person would be required to carry away the liquor himself, but with the grocer, if you order a gallon of liquor, it is delivered to you and you can get what brand you require. Some public houses are tied houses and only certain brands of liquor are kept. The gallon licenses in the past have given general satisfaction and there is strong reason for returning to them. Just to get back to the licensing benches. I notice that provision is made that members interested in the trade, such as shareholders in breweries and so forth, are eligible for the bench. I think those interested in the trade should not take part in these elections.

Hon. W. Kingsmill: That will go by the board. We will have nominee courts.

Hon. C. SOMMERS: I think 11 o'clock is quite late enough for the closing hour. I do not think the want for liquor after 11 o'clock is as great as it is made

out to be, and from my own knowledge of the trade I know that there is considerably more drinking between 11 and 11.30 than at any other time, and that more harm is done during that half hour. For that reason I will vote for the closing hour being 11 o'clock. With regard to bona fide travellers, I think we should retain the provision in the present Act, as was intended when the Bill was introduced in its original form in another place. I know the provision has been considerably abused in the past and that probably it will be abused in the future, but surely there should be some means devised by the police who administer the Act to control this to a greater degree. It is only a matter for administration. In order to penalise those who break the law, I do not think it is fair to penalise the general public and those in the trade who observe the law. It is too much to absolutely lock public houses in this way on Sundays and say that nobody shall be served. Such a state of affairs will not have any support from me. I am of opinion that the part of the Bill relating to clubs needs amending. Generally speaking, the provisions are all right; but there is a large club in the City upon which, if the provisions are carried in their present form, a great injustice will be inflicted. There is no harm in mentioning the name of the club, it is the Commercial Travellers' Club. Clause 140 provides that clubs shall only be carried on for social and such like purposes, and that they shall be for no person's benefit. The Commercial Travellers' Club has branches throughout Australia, and there are large funds connected with it; and although no one has any individual benefit from the accumulated funds, the association grant certain benefits to widows and families of deceased members for funeral expenses and so on, and provide scholarships for the children of members, and make provision in many ways for members who suffer loss. There is a fund providing for those who are sick and incapacitated and out of work. A great deal of money has been invested by the association in this and in other States, but if this clause is carried as printed a

great injustice will be inflicted on the club. In Committee I intend to move an amendment to the effect that clubs already in existence may be licensed notwithstanding that they may have this, what may be termed, objectionable power.

The Colonial Secretary: But why cannot they pay into this fund through the association and not through the club?

Hon. C. SOMMERS: This is the only club that carries on this sort of thing, and we should encourage it instead of discourage it. The difficulty could be got over by an amendment to the effect that in the case of a club existing, and in respect to which a certificate that it is a bona fide club has been given by the licensing bench, such club shall be entitled to register under the provisions of the Act, notwithstanding that it does not comply with the provisions of paragraphs (c) and (d) of Clause 140. It would only apply to one club, and would preserve the rights conferred on that club under the present law. I think it is a mistake having a special day for a local option poll. Mr. Cullen has pointed out that it will cost the State something like £10,000 or £15,000 to set aside a special day for this poll, and that it will be a tremendous tax bringing men away from their farms and from their work and factories in different parts of the State to record their votes. I do not think we will get that full expression of opinion on a day set apart as we would be likely to get on election day. It is said that the issue would be confused. I do not think the elector is so dull in intellect, taking him all round, that he could not vote on this subject on election day. I certainly hold the opinion that the poll should be held on general election day. There is no reason why the poll should be taken in April next. Let us say it should be taken on election day.

Hon. J. W. Kirwan: The Federal referendum was taken in April last, and permission was given to the South Australian Government to hold a referendum.

Hon. C. SOMMERS: It would be preferable to have the poll on a day like that than to have it on a day set aside at such expense to the State. In Clause 111 it is a crime against the licensee to permit

children to enter a bar. In a leading house in the City recently I saw a man who brought a child, three or four years of age, into the bar. It was a boy he carried on his shoulders. There were about four or five entrances to that bar, yet the landlord would be liable to a heavy penalty for allowing that child in the bar.

Hon. J. F. Cullen: Allowing it to stay.

Hon. C. SOMMERS: The child stayed over ten minutes to my knowledge. We should penalise the man or woman who brings the child in. A person may have a grudge against the licensee and may say, "He has been fined once or twice for trivial offences, I will make another offence and take a child into the bar"; or a man may do it unintentionally. Nevertheless, it is an offence.

The Colonial Secretary: The provision is that a child must not be found in the bar. The licensee can order him out.

Hon. D. G. Gawler: There is no penalty if the publican shows due diligence in preventing the child being in the bar.

Hon. C. SOMMERS: The child may be in the bar and the licensee know nothing about it. However, the matter needs amending. The penalty should certainly be on the person who brings the child in. I think hotel licenses should be continued. There are not many in the State, but it is a form of license which is a good one. There are many localities where there are establishments providing for the boarding and lodging of guests, and if they are well-conducted hotel licenses should be granted to them. I see no reason why we should debar these people from getting these licenses. In the United States and on the Continent there are many large hotels without public bars. You never see people drinking in the ordinary way at these places. Drink is served to the guests just as it is served in private houses. I think it is a desirable form of license; and though it has been abused here before, I think it is a form of license we should permit to be granted under the powers conferred in the Bill.

Hon. D. G. Gawler: It is not a license subject to the local option vote.

Hon. C. SOMMERS: There seems to be no reason why it should not be. I think the local option vote should control all licenses. We can amend the Bill in that direction. It seems to me to be rather difficult for one to obtain a license in a new district. It would almost discourage one attempting to get such a license. Considering the machinery that is necessary to obtain one, first in having to submit a premium and then in having to get up a petition, I do not think a man would attempt to get a license. We have the Bullfinch find; we may have others like it—I hope we will—we have many new agricultural districts; new railways have been pushed out in directions where the climate is fairly hot and the rainfall is small, and there will be a demand for houses of accommodation; but it appears almost impossible to obtain licensed premises in those districts. There is a new line projected from Goomalling to Mullerwa; as there will be need for liquor for persons along that route, there will be justification for the erection of public houses in this district. However, if it is thought desirable to leave the Bill as it is now with regard to these new licenses, then I think we should give power to the State to erect State hotels in these localities.

The Colonial Secretary: You are presuming that the no-increase issue will be carried in that district.

Hon. C. SOMMERS: Even if it is not carried you have to get a petition.

The Colonial Secretary: That is the same in the present Act.

Hon. C. SOMMERS: That is a petition of ratepayers, which is different to a petition of residents. As Mr. Moss has pointed out, it would be impossible to get a majority petition of residents. It is too difficult altogether; it will be almost impossible, with these provisions for premiums and petitions, to get licenses; people will not bother their heads about it. Something is needed in Clause 51, Subclause 1, Paragraph (b.)—

If the license has been allowed to expire, or is liable to be forfeited or cancelled. . . the Court may refuse the application for renewal, and against such refusal there shall be no appeal.

This seems to be very drastic. Surely there should be the right of appeal? The licensee may not be the owner, or there may be a mortgagee.

The Colonial Secretary: That is provided for in another part of the Bill.

Hon. C. SOMMERS: Then Subclause 5 of Clause 54 reads—

Provided also that if no owner shall enter within a period of thirty-five days or such extended time as the chairman or two members of the Court may allow after the happening of any event mentioned under headings a, b, c, or d of Subsection four, then the license shall become absolutely void.

Certainly the owner should have some notice from the clerk of court. However that is a matter which can be attended to in Committee. Clause 127, Subclause 2, makes it an offence if the licensee allows bad characters to be in the hotel. Of course, as a general rule, that is quite right; but it might work very hard indeed against the licensee, and I think that to assume in every case he knows the character of those persons is too drastic.

The Colonial Secretary: It is in the existing law.

Hon. C. SOMMERS: Then it should be amended. Under Clause 136 the license is void if repairs are not carried out; surely there, also, the owners should have notice. For an offence against Clause 175 the court may forfeit the license. That is quite right as against the licensee, but as against the owner it is a matter of grave moment to forfeit the license, which might perhaps be worth as much as the freehold. That, I think, should be modified. I am glad Mr. Moss called attention to Clause 196; had he not done so I would have drawn attention to it myself. There are many other minor amendments which will be necessary to make the Bill workable. Generally speaking, I am glad the Bill has been brought forward, and I think when it leaves the House it will be in a form more acceptable to the general public than it is at the present time. I shall support the second reading.

Hon. C. McKENZIE (South-East): I desire to congratulate the Government on having brought in the Bill. No doubt it

requires many amendments, and I shall endeavour to assist in putting it into better form when in Committee. I may say I am very much in favour of the reduction of licenses, for the reason that the number of houses is altogether too great in many localities, and I think those surplus places should be done away with. In that event, I make no doubt, better liquor and better accommodation will be provided in the remaining houses. I would like to see all reference to bona fide travellers wiped clean out of the Bill. That is a very undesirable provision in the existing law, and tends to get a lot of people into trouble, not excepting the publicans. Then there are the restrictions on bogus clubs. There are clubs and clubs. Some of them we could do very well without, while others are excellent places to go to, where a man may meet his friends and enjoy himself in wholesome surroundings. I think we shall require to make a few amendments in that part of the Bill dealing with clubs. I very strongly object to children being supplied in hotels, and I agree with Mr. Gawler that to deal effectually and properly with this phase of the drink question we should start in the schools. Certainly in this regard we cannot start too soon. I object to people being able to get bottles of wine at vineyards. Many people, we know, thus provided will go off and consume the wine, and having, perhaps, worked up a bit of a thirst, will subsequently hang round the public houses. The wine and beer license clauses require looking into. Under a wine and beer license a man has practically the same privilege as he would enjoy under a general publican's license, and this, I think, has caused a lot of trouble in the past. As for the licensing courts, I cannot see that it matters much whether they are nominated or elected, so long as there is a resident magistrate as chairman of the bench. With that resident magistrate presiding we have a guarantee that the finding of the court will be based on justice. It really seems to me that with a resident magistrate and a representative from each of the opposing parties, the court will be soundly consti-

tuted. In Committee I intend to move one or two amendments, so I do not think I will say anything more on the subject to-night. I hope it will be our united endeavour to frame a good Bill.

Hon. R. LAURIE (West): The importance of the Bill is, I think, measured by the interest displayed in the instructive speeches we have heard from both sides of the House, speeches which leave very little for one to say beyond indicating how he intends to vote in respect to the different clauses of the measure. With regard to local option, my colleague, Mr. Moss, has declared it is very proper that the people of a district should have the right to say what houses should be in that district. I agree with him, and like my friend, Mr. Gawler, I have no doubt on the question whatever. With respect to the question of bona fide travellers, I am also in agreement with my colleague; that if the provisions of the present Act had been carried out, we would not have seen the bona fide clause struck out of the Bill. I can speak from personal observation, and I hope to see the clause reinserted. It is hard that in a country like Western Australia a man may travel 10 or 15 miles to a wayside hotel and not be able to take some form of refreshment that he thinks it is right and proper he should have. A good deal of feeling has been brought in by certain parties since this measure was introduced, namely, the teetotal party and the party opposed to them, and we know one of the parties say there should be no public house open on Sunday. One would think, from what has been heard, that the people of the State were strong drinkers, and that you might expect to meet in the street every day men in a state of drunkenness. I am sure every one in the House is sorry for the man who gives way to drink; but to say that men who go away on Sunday as far as, say, Armadale, should not be allowed to have some refreshment when they get there is absolutely wrong, and as far as I am personally concerned I shall do my best to have the clause reinstated. With respect to the question of the courts, there is one point which has been missed throughout, namely, that the moment a

man is elected to one of these courts, during the whole period for which he will be elected, no provision is made for removing him in the event of his misbehaving himself. That is a point that has been missed by every other member. We have had nominated boards in the past, and we know what whispers have got about concerning the actions of members of these boards. What has been the result? Steps have been taken by the Minister controlling the department to see that the offending member was removed. But if we look at the clause in this Bill we will see that members are to be elected for three years, and nothing can be done to remove them. Under Clause 15, however, it is provided that a member of the court "being an appointed member, can be removed." Removed for what? Removed for some offence he may commit. The Governor may remove the member whom the Government have appointed, but there is no word about removing the other two members. Those men are elected for three years, and they may abuse their powers flagrantly and act in a way which the community does not like, but they cannot be shifted. That fact in itself is quite sufficient to kill the proposal for an elective board, and in Committee I will assist to have that provision struck out. It will be far better for the people generally if the board is nominated, because the responsibility will fall upon the Government of the day to see that the board is carrying out its duty in a proper way. With respect to the gallon license much has been said, but there has been no evidence beyond mere assertion that the gallon license has been abused. *Ex parte* statement is worth nothing. In any case, what difference will it make if instead of a one-gallon license we have two-gallon licenses?

Hon. W. Patrick: It will make it worse.

Hon. R. LAURIE: It has been said that women—and I am sorry that men are so ungallant as to make this charge against the women of the State—go to grocers and order a bottle of beer and have it put down as a pound of sugar. But if that is done will the two-gallon license stop it?

What proof have we at the present time that this is being done, and what proof have we that it will not be done even under the two-gallon license? It will be just as easy. There is no provision for the examination of grocers' books, but even if there were any such provision made how are we going to check the practice? Are we going to catch the grocer red-handed? No. The grocer can make up a gallon of assorted spirits, or he may sell a bottle of spirits under the guise of something else, and he can do that as easily under the two-gallon license as under the existing gallon license. It is absolutely a farce to alter the provision, and I for one will vote for a continuance of the one-gallon license because, to my mind, there has been no reason adduced for an alteration.

Hon. J. F. Cullen: It is not a change; they both exist now.

Hon. R. LAURIE: They both exist, but we are going to have only one in future. A grocer put it to me the other day, "So far as my license goes I do not care a rap whether it is a two-gallon license or a one-gallon license. So far as spirits are concerned, I sell very little." And we can understand that the small grocer does not sell many half dozen bottles of spirits. There are only two such licenses in Fremantle proper and I am satisfied, at all events in regard to one, that there will be no possible chance of any person having a bottle of whisky booked up as anything other than whisky, or of getting anything less than a gallon. After all, it is only the workman who wants to be able to have the advantage of a gallon license; the man who can afford it, buys his liquor wholesale and has it sent to his home, but the poorer man has to go either to the grocer or to the public house, and I for one would much rather see him go to the grocer than to the public house. With regard to clubs, Mr. Sommers called attention to the case of the Commercial Travellers' Club, and I was pleased to hear that he intends to move an amendment. I would like to call the attention of hon. members to the fact that a measure of this character was introduced in Victoria some time

ago and it contained a clause exactly the same as the one in our Bill. On introducing it, however, it was found that it would be such a hardship on the Commercial Travellers' Club that members of the Assembly in Victoria in their wisdom accepted an amendment such as Mr. Sommers intends to move. If it is not inserted the Commercial Travellers' Club will be in a very unfair position. In Victoria last year the Association gave over £2,000 in charities, they find employment for their members, and they do much that is good; and I do not think members desire to stand in the way of members of the community who are willing to be helpful to each other. The Colonial Secretary asked why the Association did not do that work. I want to point out that there are both club and association members, and it is quite competent for the association to vote a sum of money to a member of either the club or of the association, or to his widow and children, and as we do not want to do harm to anybody I trust members will allow the proposed amendment to be inserted. It has been done in Victoria and I trust it will be done here. I have heard a good deal said about the Commercial Travellers' Club. It has been hinted that strangers to that club are perhaps more privileged than they ought to be. If that is the case the fact that it has been mentioned may make the committee carry out the rules more stringently than at present.

Hon. W. Kingsmill: The Bill will do that.

Hon. R. LAURIE: Yes. And that, again, involves the question of administering the law. I trust that the penal clauses of this measure will not be altered one iota. If there has been one fault in the past in the working of the Licensing Act in this State, and indeed in the working of many other Acts, it has been in the fact that they are not administered as they ought to be. Mr. Sommers called attention to the fact that the license may be taken from a licensee after he has been convicted on more than one occasion, and his idea is to protect the owner of the place,

because the license is of great value to the owner. But I would point out that he may be once convicted without any step being taken to deprive him of his license, and that is the time for the owner to step in.

Hon. C. Sommers: It might be a minor offence.

Hon. R. LAURIE: It might be a minor offence, but while this is an Act to amend and consolidate the licensing laws, the idea of a section of the community is that this trade should be regulated, and I say that if a man offends more than once he should be dealt with.

Hon. C. Sommers: What about the mortgagees?

Hon. R. LAURIE: No one knows better than the Hon. Mr. Sommers that the mortgagees in this State, and in every other State for that matter, can look after their own interests.

Hon. C. Sommers: That means that they will have to stay in the State all the time.

Hon. R. LAURIE: When they leave the State they take care to leave their interests in very good hands.

Hon. Sir E. H. Wittenoom: They make Mr. Sommers their agent.

Hon. R. LAURIE: Very likely they do, and they are perfectly safe in so doing. In those circumstances we can well leave these penal clauses as they are. At any rate, I trust that the penal clauses will not be altered. If they had been carried out in the past, as they ought to have been carried out, we would have had very little complaint from the temperance party in this State and they would have been unable to say that the bona fide traveller clause had been abused. Members know that on any Sunday they can see a policeman standing at the corner of the streets, while people are entering in one door of an hotel and going out through the other. Respectable publicans do not want to do that, and we should protect them against the others. I am satisfied that the man who journeys into the country should not suffer, but the man who is living in the town, and the publican who is abusing his position by allowing those persons, whom he knows

perfectly well, to obtain liquor, should be penalised. There is just one other matter I would like to touch on. Mr. Patrick said that he would do away with the packet license, and in saying so the hon. member made no statement that the license was being abused. The only statement he did make was that a person should stay at home if he could not travel on Sunday without liquor, and he also stated that the license would apply only to the river. I do not hold a brief for packet licenses, but speaking from a knowledge of the subject, and having travelled frequently to and from Rott-nest, I can say that on these boats the license is not at all abused; in fact the owners of the steamers carry a policeman on board to see that law and order are maintained, and that persons are not supplied with drink if they are already under the influence of it. Until it can be proved that the license is being abused I think those licenses should be continued; at all events, I trust that they will not be struck out of the present Bill. There is much in the Bill that commends itself to one, and seeing that local option is provided for, and that there is much that will be satisfactory and will, perhaps, bring a more peaceful state of affairs to the community, I trust that the Bill will receive fair consideration at the hands of hon. members and that the amendments, which may be the outcome of the deliberations of this House, will be acceptable to members in another place, and that the measure will find a place on our statute book.

Hon. B. C. O'BRIEN (Central): After the very able speeches we have heard in this Chamber on this important measure, and the able speeches delivered in another place, and also after what we have read and heard for the last five or six years in another place and in the Press and at public meetings, I find it somewhat difficult to say anything which might break new ground. I therefore intend to confine my remarks as briefly as possible to the main and salient points of the measure. There has been for some years past a great

demand, or I might say a clamour on the part of a large section of the community for a measure of reform with regard to the licensing laws. For the first time, this Bill has reached its present stage; it has found its way to this Chamber after a lot of wrangling and a lot of fighting, and I, for one, will do my utmost to endeavour to place on the statute book of the State a measure which, I hope, and which the people claim, will be of some use to the community. After all, we know that these measures do not give satisfaction to everyone. A measure of this kind is only really a matter of compromise by the time it is completed. There are many conflicting interests. We have the temperance party, on the one hand, clamouring for certain reforms; they maintain that this Bill, as it is at present, is not the Bill they require and, as a matter of fact, they have demanded its withdrawal. On the other hand, we have a large section of the people who have thousands of pounds invested in the liquor trade, and there are brewers, wine and spirit merchants, hotel-keepers, and various other persons dependent on the trade; and they are a section who deserve consideration. Furthermore, when we come to consider the vast amount of money derived from the trade in revenue, it is a matter to which we must give urgent consideration. We know, again, there is a large section of the people who are indifferent, who do not care very much and who may be moderate drinkers, and who may not be particular as to whether an hotel is closed up or whether it is allowed to remain open. We have to try to sail between the shoals and endeavour to place upon the statute book a measure which will do good to the community. What the people are clamouring for most is the right to say for themselves, whether we shall have licenses in our midst or not, whether we shall increase or reduce them, or deal with them as they think fit. That principle has been accepted, and it is practically accepted here, that is, the principle of local option. We have conceded them that, and they have henceforth the right to say whether they shall have licenses in their districts increased, reduced, or abolished. So far the measure is very

good. Much has been said as to when this local option poll should be taken. I hope in consequence of any remarks that I may make here that I will get the credit at any rate, without speaking egotistically, for unselfish motives. I am in the business, and I have been actively engaged in the hotel trade for the past 16 years, and I hope anything I may say will not be regarded as being uttered from a selfish motive, because I am anxious to do the best I can for my fellow men and for the community at large, and consequently here and there I might have to refer to some matter not to my liking; but whether I were in an hotel or out of it, I would hold the same views. It has been said that the trade should supply the compensation fees to be given to those whose licenses will be taken away, and that the local option poll should be held right away. Years ago in Victoria local option polls were held there, and they made a considerable reduction throughout the State in the number of hotels, but at that time the Government found the funds to compensate the people whose licenses were taken from them. In this State it was proposed originally that the trade should find the money and that the local option polls should take place immediately. With that proposal, as it was placed in the Bill at first, I disagree—

The Colonial Secretary: The trade will benefit by the closing of other hotels.

Hon. B. C. O'BRIEN: But it has not worked equitably and, as has been pointed out this afternoon, the trade, for instance, about Perth and Fremantle, and in other populous centres, would have to find the money to pay for the closing of hotels in places like Cue, Kanowna, and Yalgoo.

The Colonial Secretary: That is mere supposition. How do you know hotels will be closed in Perth?

Hon. B. C. O'BRIEN: At any rate, those gentlemen who favour the immediate taking of a local option poll desire that hotels should be closed. I submit that absolutely the fairest and most equitable manner of getting over the trouble is to give a time limit. In South Australia, 17 years ago, a measure similar to this was placed before Parliament, and a

period of 15 years was given to all the licensees in the State, and they were notified, and it was passed as an enactment in that Parliament, that after 15 years every license in the State would be subject to the will of the people, and if their licenses were taken away no compensation would be given. That period arrived in due time—it expired two years ago, when a new Bill was introduced, and since that time a number of houses have been closed in Adelaide, Port Adelaide, and other parts of the State and no compensation given. That was quite fair, and the owners of those licensed houses, and everyone connected with them, knowing what was going to happen made the necessary preparations. I submit that a similar procedure in this State would be fair. Here, we are fixing the period at 10 years. I, myself, think it should be a little more; however, we are prepared to accept 10 years. The conditions in Western Australia are more in favour of the time limit instead of money compensation, because, as we are aware, the population is steadily increasing and, according to present indications, it is likely to increase very rapidly in the near future: it does appear that there is not a great likelihood of any houses being closed, at least, for some time to come; rather are the indications the other way, and consequently, the fairest method has been adopted in fixing a time limit instead of giving money compensation. A good deal has been said with regard to the constitution, or the creation of the licensing bench. I have not any very strong feeling with regard to the election or constitution of this bench. I certainly think we have done the right thing in having as the chairman of that bench one of our stipendiary magistrates. With regard to the way in which the other two members should be elected or nominated, as I said before, I do not hold a very strong opinion. I do, however, hold that if the other two gentlemen are elected we shall be more likely to get a bench that will be biased. I honestly believe the nominee system would be the fairest way. I think there is a provision in the Bill

that anyone connected with the liquor trade, except one who holds some shares in a brewing company, shall not be elected to the bench. I think we have a good precedent in the Arbitration Court. We have there a judge of the Supreme Court, and we have sitting with him a nominee of the workers' association, and also a nominee of the employers' association. That tribunal has given every satisfaction in the past. Some hon. members may think not, but I believe that without this court we would fare much worse. I think a bench whereby the trade would have the right to a nominee representative, and the temperance party would also have the right to have a nominee representative, would be the fairest bench to appoint.

Hon. W. Patrick: What about the people, the bulk of the community.

Hon. B. C. O'BRIEN: There are always a large number of people who are indifferent, but we must have finality somewhere. In connection with the trade, thousands of pounds have been invested in it, and surely the trade should have the right to some representation; the tribunal will have great powers and the trade should be represented on it. With regard to the date of taking the poll, it has been said that we ought not to have it on the day of a general election. I think if this matter of licensing reform is so very important, the taking of the poll should be separated from everything else, because on a general polling day there are so many questions put to the people to consider, and more than that there is always a party feeling creeping in. Even though it would cost £10,000 or £15,000, I think it would be desirable that a local option poll should be taken separately. We shall soon be called on to record our votes in connection with the proposed alteration to the Federal Constitution. The Federal Government have wisely thought fit not to leave this until the general election, and it will be found that next year when that poll will be taken there will be as much interest in it as there was on the occasion of the last Federal elections. The same would apply in the event of a poll of this kind being taken. Both sides would be very

active and put their case before the public for weeks before the election. There would be great enthusiasm worked up, and greater success would attend a poll taken on a day by itself than on the day of a general election. I now come to the question of Sunday trading, and the bona fide traveller question generally. I have always advocated the idea of having hotels open on Sunday, but I am sorry to say the moment one mentions this to temperance reformers they seem to regard it as absolutely repulsive. Thirteen years ago Sir John Forrest, then Premier of the State, was courageous enough to introduce in the Legislative Assembly a new amending Licensing Bill, and in that measure there was a clause for trading hours of hotels on Sundays. The Bill passed the Legislative Assembly, passed quite easily by a number of votes, and was sent to the Legislative Council, where it was rejected. I say this, speaking as one with a vast amount of knowledge of Sunday trading and an old traveller from a boy, that under Sunday trading there will be less abuse of the drinking habits of the people than at the present time. At present most of the houses open as soon as the landlord and the servants can get up in the morning until midnight. If a few hours were granted, say two in the morning, two in the afternoon, and one in the evening, the authorities would have more peace of mind, the public generally would have more peace of mind, and the licensee would not be in a continual fever of anxiety as at present. If this was only tried for 12 months I am sure it would give general satisfaction. The idea sounds repulsive to some people but it would be much preferable to the present system.

Hon. R. Laurie: Suppose the law was carried into effect and those doing wrong were prosecuted?

Hon. B. C. O'BRIEN: If a few hours were granted on a Sunday it would overcome the difficulty. It is no use introducing such a proposal here because in another place it was lost by a large majority, and if such a proposal was to go back it would not be accepted. I am sorry, but if the people could be educated

and come to see the matter from my standpoint, and knew as much as I know, they would cheerfully accept such a proposal, and we should find the great difficulty overcome. Take the instance of a man who lives a quarter of a mile from an hotel, if he knows the hotel is open from say 10 o'clock till 12 o'clock, when he gets up he will have his breakfast, he will go out, and on his way perhaps to the river, he will have a glass of whisky. He spends his time on the river bank and then returns, and on his way home he will have another glass of whisky. Instead of that, now he runs in and out of the hotel like a hunted rat. There would be less blackguardism and drunkenness. I think I would make a very hard magistrate, but if I found a man selling drink to a drunken person on Sunday no penalty would be too great. I would not confine it to Sunday, even on any week day, if a publican will sell drink to a man or woman who has already had enough liquor, then no penalty would be too severe. I will now touch on the gallon license. In another place the gallon license has been knocked completely out and the Bill, as before members, contains no provision for a gallon license. Without speaking as a publican, I say the Assembly has done right in spite of what may be said in this House to the contrary. One or two members have said that we have had no proof why gallon licenses should be knocked out. No, it is very hard to bring proof, and we have been asked here why the Colonial Secretary does not stir up the Police Department and make them carry out the law more rigidly and stringently than they do at the present time. But the people who have gallon licenses are too difficult to catch. The gallon license is the most abused license in the State. I know for a positive fact there are only one or two honest gallon license holders in the State. These people not only sell liquor by the bottle but liquor is absolutely drunk in these houses after the closing hour.

Hon. R. D. McKenzie (Honorary Minister): Does not every hotel-keeper break the law?

Hon. B. C. O'BRIEN: Every hotel-keeper in the State breaks the law more or less, and we are in a continual fever all the time; we know that we break the law and sometimes we cannot help it. We try to do the best we can but we cannot help it.

The Colonial Secretary: You had better not make too many admissions or they will be taken down and given in evidence against you.

Hon. B. C. O'BRIEN: The gallon licenses are not only abused by selling single bottles, but some of the holders of these licenses have absolutely drinking houses. I know houses in the City and in the country where people go on Sunday and play cards, and they drink, not buying liquor by the bottle, but it is poured out by the glass, and it is paid for by the glass.

Hon. E. McLarty: Cannot they do the same thing with a two-gallon license?

Hon. B. C. O'BRIEN: There is a little more difficulty. Mr. Moss said that he would sooner see women go to a shop to get six bottles of beer than go to a hotel to get one bottle of beer. That is a very illogical statement to make. I maintain, with my experience of the general body of publicans, that they are just as decent as the shopkeepers. Where you have an open bar, and a passage-way where the publican is subject, any second of the day or night to be raided by the constable or the corporal, or the sergeant, it is far better than to see a woman creeping round the corner with something under her apron, or a man with something under his coat, under the pretence that he has something else and not liquor. In dealing with wine licenses, I think Mr. Kingsmill said that the wine industry of the State should not be encouraged in the way it was being at present by selling single bottles. If we could only realise the injury which is done by the sale of wine in the small wine shops, I can assure members it would make them shudder. Nearly every shop in the main streets of the City is a little wine shop where the windows are stocked with wine in large and in small bottles. That wine I think is absolute poison. Young women and old women, young men and old men, go there and get a few

glasses of the wine and then they do not know where they are.

The Colonial Secretary: Surely all Australian wine is not like that.

Hon. B. C. O'BRIEN: The wine sold in wine ships is. A decent hotel-keeper would not keep in his hotel the wine you can get in a wine shop. It is the drinking in these wine shops that accounts for the drunken women which we see about the streets. You see a drunken woman coming along with her child; she has not been served in an hotel, she has gone into a wine shop and obtained the liquor there. I think greater supervision should be kept over these wine licenses. I missed one little thing in regard to the gallon license. In country parts storekeepers have gallon licenses and they allow their stuff to be hawked through the bush to mill camps and to farms. The farmer wonders where his men get their drink from. He knows that they have knocked off work in the evening quite sober, but the next morning they are not to be found, and if they are found they are drunk. The drink has been obtained from these hawkers.

Hon. R. Laurie: It is taken out from the publican just as well.

Hon. B. C. O'BRIEN: It is abused by the storekeepers much more so. Captain Laurie referred to the penal clauses of the Bill. I think the penalties are severe and I think in some cases they are very stringent, some of them ought to be moderated. Members ought to be fair and humane. We shall not get a reasonable law on the statute-book until we deal fairly by each other. I am with hon. members to a large extent that this is a law bristling from beginning to end with matter of a controversial nature, and it is only in the Committee stage where the work can be done, and we shall all have a lot to say when the Bill is in Committee. I shall put no obstacle in the way of any reasonable amendment being introduced when the Bill is in Committee.

Hon. F. CONNOR (North): I have no objection to the Bill passing the second reading but there are certainly matters in the Bill I would like to have something to say about when in Committee. The best part of the Bill to my mind is that it consolidates all the Acts controlling the

liquor trade; that is the most important part of the measure. I think there are a few inconsistencies in the Bill. The question of the bona fide traveller comes before one. We see a provision, not in the present law, but which has been introduced into this Bill, and side by side with that we find the hours of trading are changed from 11 o'clock to 11.30. I cannot make the ideas coincide as being just. If there is an injustice in supplying a man who has travelled 30 or 40 miles on a Sunday on a bicycle in a dry arid portion of the country, then there is no necessity for an extension of hours from 11 to 11.30 on any day of the week. It is the most inconsistent thing I have ever seen before this Parliament, these two items put side by side. I do not know what hon. members in another place, who are so anxious to have this legislation passed, were thinking about when they allowed these two things to be side by side when submitted to this House. I am going to submit an amendment to have the bona fide clause put in the Bill, because I have had experience in the far North of the State and in the East of the State of many occasions where it was necessary for people to have refreshment on the Sunday. People nearly always arrived at Wyndham on Sunday, because it is the week-end and they make their arrangements accordingly; and after travelling 60 or 70 miles, they are to be debarred from getting a drink and there may be no water for many miles on the track. By the side of a proposal like that we are asked to extend the hours in the city to 11.30 o'clock. There is no sense in it. It should be altered. These two particular items should not pass this House as they are. I favour local option, if it is local option. I favour the elective principle as against the nominative principle if it is carried to its logical conclusion: but we are not carrying it out in the spirit in which it should be carried out if we do not give women the right to sit on these licensing benches. The woman is more interested than the man; the effects of the drink traffic come home more to her than to the man; the women and children feel the injustice and hardship of it more than the

men; and I say in every instance women should have the same right as the men not only to vote but also to sit on these licensing benches if elected. I support local option to this extent, but local option as it is here proposed I cannot support. The system of nominated boards has worked very well; and although perhaps an innovation like this may be of some benefit, I do not see the necessity for it at the present time. However, I repeat that if we carry this principle out to its logical conclusion we should give the women the same right as the men. I think the question of the gallon license is a storm in a teacup. I do not think it makes any difference whether it is a one-gallon license or a two-gallon license; because if people want to buy liquor in bulk, they will buy two gallons of it just as much as one gallon. It would have been better to have left the provision as it is now in the Act. I do not think the innovation is worth fighting for; but if it is proposed to reinsert the one-gallon license, I shall support it. One matter left out of the Bill is the abolition of poker machines, not only in connection with pubs but also in connection with clubs. Some discussion took place a short time ago in reference to this matter, but it seems to have dropped out of sight. If it is not too late I would suggest to the Colonial Secretary it might be possible to make provision for it in this Bill.

The Colonial Secretary: It is illegal now under the Police Act.

Hon. F. CONNOR: It is still carried on. Mr. O'Brien mentioned that Sunday trading was carried on illegally; we all know it; but I agree with him, after having travelled over a good deal of the world, that it would be far better for the morals of the community and the conduct of the trade generally if certain hours were set apart for opening on Sunday to supply the public. It would not make the people go sneaking for drink, and it would be following the rules of the older countries. On the Continent one is not debarred at any time; one can go to all houses of entertainment or any place on the Continent at any time on Sunday, while in London for more than half of the day people, if

they want to buy their glass of beer or grog, can get it, and it is the same in all the large towns of England, Ireland, and Scotland; and why we, in a climate like this, where there is really more necessity for a little indulgence, are not guided by the practice of the older countries I cannot tell. They know as much about the morals of the people as we do, yet here we are straining after legislation, running after it. If we had more of administration and less of these rubbishy details in Bills we would be far better off. We cannot make people sober by Act of Parliament. The less legislation introduced in connection with this the more practical good will accrue. There is just one other thing I want to speak about in connection with this matter, and it is also among those that should have been included when the Bill was being drawn. I think it is time we should approach the question of the abolition of barmaids. I am not a bigoted teetotaler. I like, when I go to have a drink, to be served with a clean glass and by probably the nicest party we can get to serve it; but I look further—I speak now as a man with responsibilities, as a father of a family—I say it is not in keeping with the importance of the people of Australia that some of the best of the women of Australia, the best educated, and the best looking, the finest women, should be dragged into the position where they serve out wallop to half-drunken fellows, who do not care what they say to them, whether they insult them or not. I am very much in earnest about this, and I would ask the Colonial Secretary now whether he is game—and I believe he would be supported largely—to introduce a clause in the Bill dealing with this question. I support the second reading of the Bill, and I hope the hon. member will take note of the suggestions I have made.

The Colonial Secretary: You can move that amendment yourself.

On motion by Hon. E. M. Clarke, debate adjourned.

House adjourned at 9.11 p.m.