

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said that if the hon. member for Toodyay would call at his office on the next day, the grievance as to the truck not being supplied when promised should be fully inquired into, and he could only express regret at the incident. As to the new classification of rates according to distance, the longer distances were charged much less than previously, and for short distances the rates were increased, as a necessity of the new mileage system.

MR. LEFROY asked whether the exorbitant charge for trucking stock over the short distance from the Midland Junction to Perth, after travelling a long distance over the Midland Railway, could be reduced. As much was charged for this short run from the Junction to Perth as would be charged for a run of 20 or 30 miles.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said that if the hon. member would write him a note on the subject of the over-charge, or any other grievance, he would deal with it as quickly as possible.

MR. LOTON, referring to item 73, "Locomotive Foreman, salary £350," asked whether the appointment had been made.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said the Government had not been able to obtain a suitable person to fill the position of foreman of the locomotive workshops, the salary not being sufficient, and he had told the House in the previous session that it would not be sufficient to induce any suitable person to apply. The amount previously set down in the Estimates was at the rate of £400 a year, but the committee reduced it to £350. The present superintendent was considerably underpaid for his abilities and position, and could not well be replaced. The locomotive foreman, when obtained, would relieve him of a good deal of the detail business. He hoped that a suitable foreman might be obtained for the amount set down.

Vote put and passed.

Progress reported, and leave given to sit again.

MESSAGE FROM THE LEGISLATIVE COUNCIL—CONCURRENCE IN ADDRESS TO HER MAJESTY.

The following Message was delivered to and read by Mr. Speaker:—

"Mr. Speaker,

"The Legislative Council acquaints the Legislative Assembly that it has agreed to the address to Her Majesty the Queen, forwarded in its Message No. 22, praying for an increase in the number of representatives in the Federal Council of Australasia; and has filled up the blanks with the words 'the Legislative Council and.'

"The Address is returned herewith.

"GEO. SHENTON,

"President.

"Legislative Council Chamber, Perth, 14th September, 1893."

Ordered—That an Address be presented to His Excellency the Governor, requesting him to forward the Address to Her Majesty.

ADJOURNMENT.

The House adjourned at 11:19 p.m.

Legislative Council,

Monday, 18th September, 1893.

Greenbushes Tinfield: proposed lease by Mr. Reid: adjourned debate—Kensington Lane Closure Bill: third reading—Wines, Beer, and Spirit Sale Act Amendment Bill: committee—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 8 o'clock p.m.

PRAYERS.

GREENBUSHES TINFIELD—PROPOSED LEASE TO MR. REID:

Adjourned debate on the motion of the COLONIAL SECRETARY, "That the resolution of the Legislative Assembly, that the Government be empowered to enter into an agreement with Mr. J. S. Reid upon the basis of his proposals with reference

to the leasing of 1,000 acres of land at Greenbushes tinfield," be concurred in.

THE HON. G. W. LEAKE: Is the Colonial Secretary in possession of a copy of the leases of mineral lands in South Australia; such, for instance, as the leases of the great copper mines at Yorke's Peninsula?

THE COLONIAL SECRETARY (Hon. S. H. Parker): I have no such information, I regret to say.

THE HON. J. MORRISON: I shall say a few words on this subject. The last few lines of a leader in one of our leading papers read: "Important as it is to encourage settlement in the present, it must not be done quite regardless of the future prospects of the country which it is intended to alienate." These words, I think, are applicable to the question before us to-night. The inclination in Western Australia has been to let the colony work its own end out in a small way, and when success is shown and a profit is to be made, to let the big man with wealth in to reap the benefit. I am not one who would try by any means to drive capital away; but I am not altogether in accord with these proposals. They are, to begin with, ambiguous, and I am surprised to see the over anxiety of the Commissioner of Crown Lands to have them adopted. I see nothing particularly taking in them, nor do I see anything unfair; but there are one or two little points which should not be lost sight of when the agreement is prepared. Throughout the proposals there is nothing to show what the lease is required for. They do not say whether they are intended to bring about a water scheme, or whether the area is to be used for tin mining; they only say for "proving and working such lands." Will the area be used for mining for coal or gold or—

THE COLONIAL SECRETARY (Hon. S. H. Parker): This is intended to be a lease under the Mineral Lands Act.

THE HON. J. MORRISON: It might be for coal mining. Under the law as it is at present, 40 acres is the maximum area which can be granted, and I fail to see why, because a gentleman says he will spend £20,000, he should be allowed to have 1,000 acres. If the gentleman concerned has faith in the country, the proper course for him is to take up the land in 25 blocks of 40 acres each, and

work them under the law, like everyone else has to. Then we come to the labour conditions. Mr. Reid says that because he is going to spend so much money, the labour conditions should be dispensed with. The Mineral Land Regulations state that one man shall be employed to every five acres, and, therefore, had Mr. Reid taken 25 leases, he should employ 200 men; but we are going to allow him to employ only 50 men. This means either that the poor man who can only take up a 40-acre lease has to employ too much labour, or that Mr. Reid is going to be favoured to the tune of 75 per cent. Under Clause 55 of the Regulations, a reduction in the number of hands employed could be made on account of the erection of machinery, and I do not see why Mr. Reid should not come in under this as well as others. Again, I fail to see why the rent should not start at once. No one else could go to the Warden's office and say: I will pay this day six months, or this day nine months. If the country is worth having, Mr. Reid should pay the rent at once, and, after he has done so, exemption can be given to him for six or nine months; but I maintain that the Government have no right to go out of their way as they have done under this proposal. The amount involved is a small one, and I should like to see things done in proper form, and there should be no chance of its being said that the Government are treating Mr. Reid differently to anyone else. There is one provision which should be taken notice of, and that is that no interference in the washing arrangements of others should be allowed, and steps should be taken to see that the present holders of leases are put to no extra cost through the granting of this lease. One satisfactory omission is noticeable in the proposals, and that is that no power is asked for to transfer the concession to others. I believe the undertaking is a *bonâ fide* one, and I have only pointed out that which I think should be done in fairness to other leaseholders on the fields.

Question—That the resolution be concurred in—put and passed.

KENSINGTON LANE CLOSURE BILL.

THIRD READING.

This Bill was read a third time, and passed.

WINES, BEER, AND SPIRIT SALE ACT.

IN COMMITTEE.

Clause 1.—Short title:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the words "exemption and" be struck out.

Question put and passed.

Clause 2.—Repeal:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the whole of the clause be struck out, and the following inserted in lieu:—"Part I.—Clubs.—In this Act, unless the context otherwise requires, 'Club' means a number of persons associated together for social, literary, political, sporting, or other lawful purposes, and the lands, houses, and buildings occupied by them for the purposes of the club. 'Certificated Club' means a club which has obtained a certificate according to the Form B in the Schedule to this Act, which certificate is in force and not cancelled. 'Member' means and includes an ordinary and honorary member of a club. 'Principal Act' means 'The Wines, Beer, and Spirit Sale Act, 1880.'"

Amendment put and passed.

Clause, as amended, agreed to.

Clause 3.—"Principal Act and amendments not to apply to clubs."

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, as an amendment, that the whole clause be struck out, and the following words be inserted in lieu thereof:—"Nothing in the principal Act or in any amendment thereof contained shall apply to any person who sells or supplies liquor in a certificated club to a member of the club for the use or consumption of such member or other members of the club, or his or their guests."

Amendment put and passed.

Clause, as amended, agreed to.

Clause 4.—"Application for certificate:"

THE COLONIAL SECRETARY (Hon. S. H. Parker): Hon. members will observe that I propose to deal somewhat differently with the question of clubs to the method provided by the Bill as it came to this House. I have proposed to say that no liquor shall be sold except in a certificated club, and now I propose to show how a certificate can be obtained. I, therefore, move to strike out this clause

and substitute the following:—"Any club may, by its secretary, apply in writing, in the Form A in the Schedule to this Act, at any quarterly licensing meeting, for a certificate according to the Form B in the Schedule to this Act. The application, together with three printed copies of the rules and regulations of the club, shall be left with the clerk to the magistrates, at the Court House of the district wherein the club premises are situate, fourteen days before the licensing meeting at which such application is to be made, and a copy of such notice shall be published in some newspaper circulating in the said district for at least seven days before the licensing meeting."

THE HON. J. W. HACKETT: I may state again that the alterations which my hon. friend proposes are, in my opinion, for the better; but I may point out that there is one clause of the principal Act which will have to be altered if these quarterly licensing meetings are to be kept in this Bill. In some of the country districts it will be almost impossible to get justices to attend four quarterly meetings, and I would ask my hon. friend how he proposes to deal with this matter. Again, some justices are members of clubs, and under the principal Act they could not sit. Will the prohibition be removed as regards such justices?

THE COLONIAL SECRETARY (Hon. S. H. Parker): I did not make the quarterly meetings; they are provided by the principal Act, and as regards the question of justices sitting who are members of clubs, we can deal with that matter when we come to the proper clause.

Question—That the words proposed to be struck out—put and passed.

THE HON. D. K. CONGDON: I move that the following words be added to the Colonial Secretary's amendment:—"Provided that when a club has been already established for five years prior to this Act coming into force no such application shall be necessary in the first instance." It is unnecessary for me to state why I do this. I may say, however, that unless such a provision is made, some clubs which have been established for many years are likely to be extinguished.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I take it that this amendment is to protect certain clubs, as they

are called, which at the present supply or dispense liquors. I am not prepared to say whether some of these institutions are not liable at the present time to be prosecuted. Under the principal Act it is provided that any person or persons occupying any premises *bonâ fide* as a club shall be exempt from the provisions of the Act, which entails a penalty for selling without a license. True, there is no definition of a club, and it is partly in order that this shall be defined, and that magistrates shall have something to guide them, that this Bill is brought in. Under the present law, persons must occupy the premises *bonâ fide* as a club. They cannot open a bar and dispense liquors, even if they supplement the premises with a billiard room and call it a club. It is, however, discretionary with the magistrates to say, under the present law, whether any given premises and any given association of persons constitute a club; but under this Bill no persons will be exempt from the provisions of the Wines, Beer, and Spirit Sales Act, unless they obtain a certificate. The hon. member now proposes to insert something quite foreign to this, because he says that certain premises established for five years shall be taken to be clubs without inquiry, and without otherwise bringing themselves within the provisions of this Bill. All I can say is, that this would be most unfair to future clubs. One of the objects of this Bill is to put down so-called clubs, but which are not clubs, and which are nothing more or less than sly-grog shops. It has been said that this is virtually a publican's Bill, and in the light that it is a measure to put down sly-grog selling, I have no doubt that it is such. For my part, I have a great desire to see clubs established; but I do not wish to see these illegal and improper clubs, which are nothing more than drinking saloons. My object is to restrict the opening of sly-grog shops, which, under the name of clubs, sell liquor at all hours of the night and day, Sundays included. *Bonâ fide* clubs will have not the slightest difficulty in complying with the provisions of this Bill; but the proprietary club will cease, under it, to exist. A deputation from the Democratic Club came to me the other day, but they had no objection to the Bill, except that they wished the proviso as to the subscription reduced by one-half.

THE HON. J. W. HACKETT: Will you accept such an amendment?

THE COLONIAL SECRETARY (Hon. S. H. Parker): Yes. Again, the Exchange Club will have no difficulty in conforming to these provisions, neither will any *bonâ fide* club. If, however, the hon. member's amendment is carried the Bill will be rendered almost valueless.

THE HON. D. K. CONGDON: After the explanation of the Hon. the Colonial Secretary, I beg leave to withdraw my amendment.

Amendment, by leave, withdrawn. Original amendment put and passed, and the clause as amended, agreed to.

Clause 5.—“Conditions of grant of certificate:”

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the whole clause be struck out.

Question put and passed.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the following words be inserted in lieu thereof:—
 “Upon such application, the Licensing Magistrates shall require proof to their satisfaction—(a.) That the club, if established in Perth or Fremantle, consists of not fewer than fifty ordinary members, and, if established elsewhere, of not fewer than thirty ordinary members. (b.) That the club is established for the purpose of providing accommodation for and conferring privileges and advantages upon the members thereof, upon premises of which such club is the *bonâ fide* occupier. (c.) That the accommodation is provided and maintained from the joint funds of the club, and no person is entitled under its rules or otherwise to derive any profit, benefit, or advantage from the club which is not shared equally by every ordinary member thereof. (d.) That the premises of the club are suitable for the purpose. (e.) That the entrance and subscription fees provided for by the rules of the club have been paid by the number of ordinary members hereinbefore mentioned in this section. (f.) That the rules of the club (1.) Provide for the management of the club by a committee of its members, and for the appointment of a secretary, and set forth how such committee and secretary are respectively to be appointed, and the powers and

"duties of the committee. (ii.) State the purposes to which the funds of the club are to be applied. (iii.) Provide for the payment of an entrance fee of not less than One guinea and a subscription fee of not less than One guinea per annum, payable half-yearly in advance, by every ordinary member. (iv.) Provide that notice of every candidate for election as an ordinary member shall be posted in the club premises at least fourteen days before the day of election. (v.) Provide for the mode and conduct of elections of ordinary and honorary members, and state the privileges to be accorded to the latter and the period or periods for which the same are to be enjoyed." I have considered this matter very carefully, and, as I have already said, I cannot see why any *bonâ fide* club cannot easily comply with these rules. With regard to whist clubs, and other institutions of the kind, such as have been mentioned, I do not think they should be entitled to sell liquor to members. These are clubs which meet once or twice a month and do not, as a rule, possess premises.

THE HON. J. W. HACKETT: They do elsewhere.

THE COLONIAL SECRETARY (HON. S. H. PARKER): They do not here. Besides, in the case of such clubs as these, there is nothing to prevent the members taking as much to drink as they like with them, and consuming it. They will not then be guilty of selling, and will not come under the 39th section of the principal Act. And further, this is not the kind of institution we should exempt. If we do, it would be the simplest thing imaginable for half a dozen people to start a whist club, and entirely evade the law. The desire of the Government is to see clubs established, because they have a tendency to prevent drink. With the club there is something other than drink to attract the members to it. Many persons go to publichouses because they have nowhere else to go, and they feel bound to drink for the benefit of the landlord. They feel that it is hardly fair to use the publican's room and burn his gas without purchasing some drink as a means of paying him for the accommodation they get. But with a properly conducted club the mere fact of seeing a majority of members not drinking to excess will, in

itself, have a good effect upon many. I repeat, the Government desire to see clubs for all classes established in our midst, but at the same time they wish to put down sly grog shops, which dispense unwholesome liquors night and day, and which are no more clubs than the lowest drinking bars in the place. I have often come across a man I am somewhat interested in the worse for liquor on a Sunday. I have asked him where he got the drink from, and he has told me that he obtained it from the Working Men's Club. I have asked him whether he was a member, and he has said no. I have then asked how he got the liquor, the reply being, "Oh, anyone can get it." This is the sort of thing we want to shut up—institutions which are not clubs, but sly-grog shops of the worst kind.

THE HON. J. W. HACKETT: I think every member of this committee must join heartily in assenting to the proposition the Colonial Secretary has laid down, that is, that the object of the Government in passing this Bill is to get rid of those institutions which are known as bogus clubs; and I am sure that every step the Government takes to put down such centres of mischief should receive not only the assent, but the warm assent, of both Houses. I, for one, entirely agree with my hon. friend in his desire to destroy these clubs, although I believe that there is a loophole, which will be discovered by and by, which will to some extent nullify the object of the Government. The centre and root of the bogus club is to be found in the proprietary club, and from this out these institutions will cease to exist, and nothing but mutual or joint clubs will be allowed. On this point the Bill is explicit, and that being so I believe that this House should join with the Colonial Secretary in making the measure as useful and advantageous as possible in dealing with the question of *bonâ fide* clubs. The Bill, in its altered form, says that a club means a number of persons associated together for social, literary, political, sporting, or other lawful purposes. I have no fault to find with that definition, especially as my hon. friend agrees to reduce the subscription. There is, however, one of the sub-sections I object to, and which, as it stands, will, in my opinion, have a contrary effect to that anticipated; it is that relating to

the number of members of which a club shall be composed. To fix 50 as the number for Perth and Fremantle, and 30 for outside places, cannot be to prevent the establishment of bogus or proprietary clubs, for under the Bill they are dead. It seems to me that those who drafted this Bill have not been able to conceive a club which only consists of three or four members; but I would point out that if the numbers provided are not reduced, considerable harm will be wrought on many who would otherwise be able to fulfil all the other conditions which are stipulated. It cannot be that any door is being opened to the formation of bogus clubs by any reduction in the number of members; for it is not likely that six or eight members will be able to comply with all the conditions. In the first place, there will be the fullest publicity given to any application for a certificate. A notice will have to be given which will call attention to the fact that the proposed rules are on view at the courthouse; then there will have to be an entrance fee of at least 10s. 6d., and an annual subscription of 10s. 6d. Further, the club has to be licensed, a registration of £5 has to be paid, and it is open for any superior member of the police force, if the club is not properly conducted, to lay an information, and have the certificate taken away. It is hardly conceivable that eight or ten people will go through all these formalities unless perfectly satisfied that they are entitled to form themselves into a *bona fide* club, and unless they are in possession of a certain amount of money with which to carry out their objects. No harm can, therefore, be done by reducing the numbers. I do think we are falling into some mistake as to what a club is. My hon. friend thinks a whist club is not a club; but why should we limit the formation of clubs to large numbers of persons? If such associations are formed, when this Bill becomes law they will be placed in most dangerous positions, for perhaps my hon. friend has not had his attention specially directed to Clause 7, which declares that any person *consuming* any liquor shall be liable to a penalty not exceeding £50. My hon. friend only spoke of the sale and disposition of liquor; but this Bill goes further, and deals also with the consumption of it. In the case of a whist

club, therefore, any member who brought with him in his pocket a bottle of whisky, to refresh himself with, would, the moment he drank it, be liable to a penalty. And, again, if any member took with him a bottle of that excellent vintage which comes from Darlington, and partook of some of it, he would also render himself liable for consuming. In Adelaide, they have whist and cribbage clubs, and no doubt, in time, we shall have them here; but, if we make these stringent conditions, we shall drive the members to hold their meetings in public houses. Fifteen or twenty members are ample to form a club, and, in order to test the feeling of the committee, I move that sub-clause (a) be struck out.

THE HON. J. F. T. HASSELL: I think the provisions of this Bill are quite liberal enough. I do not agree with reducing the numbers, and I think a subscription of 21s. quite little enough to support a legitimate club.

THE HON. J. G. H. AMHERST: Reference has been made to such institutions as the Wine and Fruit Growers' Association and the Natural History Society. I may say that I belong to both, and when we meet we have so much to read and talk about that we do not require any liquor. But I can quite see, with the Hon. Mr. Hackett, that 50 members in Perth, and 30 elsewhere, seem to be too large. I should be prepared to make the number 30 in Perth and Fremantle, and 20 outside.

THE HON. J. W. HACKETT: I am quite prepared to accept that amendment.

THE HON. J. MORRISON: After what has fallen from the Colonial Secretary and the Hon. Mr. Hackett, I think we shall find that the proposed alterations will spoil the very thing the Colonial Secretary wishes for. What sort of a club can we expect to have with only 20 or 30 members, and an annual subscription of 10s. 6d, or what sort of premises are such a club likely to have? With only 20 or 30 members there would have to be an entrance fee of £20 and an annual subscription of £20, otherwise they would not be able to carry on. The Hon. Mr. Hackett has referred to small clubs, such as whist clubs; but we need not call them clubs at all—we can call them card syndicates, or card companies—and then they will not come under the Act.

THE HON. J. W. HACKETT: Why not?

THE HON. J. MORRISON: At any rate I do not see how a club can carry on with 30 members and a half-guinea subscription, and the result would probably be that the members would be induced not to play cards straight. I shall oppose the reduction.

THE HON. D. K. CONGDON: I intend to support the amendment. It is not intended to limit the subscription fee to 10s. 6d., and if the number of members be small they can make the subscription sufficient for their requirements. Many clubs would not have come into existence if it had been necessary to have 50 members at the outset.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I do not think it matters much what the number of members is, for I agree with the Hon. Mr. Morrison, that unless it is above what is suggested, no club would be able to comply with the other provisions. It is obvious that thirty members cannot obtain suitable premises, unless they are thirty wealthy men. Perhaps thirty members, who paid £10 each as subscriptions, might do it; but certainly thirty who paid 10s. 6d. a year could not. I shall, therefore, not oppose the amendment. The Hon. Mr. Hackett has mistaken the intention of the clause he referred to as to the consumption of liquor. It is quite true that to supply or to consume liquor renders the person supplying or consuming liable to a penalty; but the provision is limited to the supplying and consuming upon premises occupied as a club. Where a whist club meets occasionally, and the members drink their own liquor, they will, clearly, not come under the provisions of this Bill.

THE HON. J. W. HACKETT: My hon. friend is entirely wrong as regards whist clubs. In other places they have their own premises, their own furniture, and their own liquor.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Then there is no reason why they should not comply with the Act.

THE HON. J. W. HACKETT: If the number of members is large enough. I beg to withdraw my amendment in favour of that suggested by the Hon. Mr. Amherst.

Amendment, by leave, withdrawn.

THE HON. J. G. H. AMHERST moved that the word "fifty," in the second line,

be struck out, and the word "thirty" inserted in lieu thereof.

Amendment put and passed.

THE HON. J. W. HACKETT: I have now to move that the words "one guinea," in the third paragraph of sub-clause f., be struck out, and the words "ten shillings" be inserted in lieu thereof.

THE HON. G. RANDELL: I cannot see any reason why the annual subscription should be reduced, although, perhaps, the entrance fee might be. The guinea, after all, does not amount to sixpence per week, which is little enough to maintain a club upon. I would suggest that we make the sum one pound, instead of one guinea, guineas now not being known in the commercial world.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The legal fraternity know them well enough.

THE HON. G. RANDELL: I see no reason why it should be kept up. I shall propose that the entrance fee be 10s. and the subscription £1.

THE HON. J. MORRISON: I trust the clause will not be altered, for we are trying, I take it, to encourage first-class clubs, not bogus clubs.

Question—That the words proposed to be struck out stand part of the question—put.

The committee divided.

Ayes	...	...	...	8
Noes	...	...	...	4

Majority against ... 4

AYES.
The Hon. J. G. H. Amherst
The Hon. H. Anstey
The Hon. G. Glyde
The Hon. R. W. Hardey
The Hon. J. F. T. Hassell
The Hon. E. T. Hooley
The Hon. G. W. Leake
The Hon. J. Morrison
(Teller).

NOES.
The Hon. D. K. Congdon
The Hon. S. H. Parker
The Hon. G. Randell
The Hon. J. W. Hackett
(Teller).

THE HON. G. RANDELL moved, as an amendment, that the word "guinea," in the second line of the third paragraph of sub-clause (f.), be struck out, and the word "pound" be inserted in lieu thereof.

Question—That the word proposed to be struck out stand part of the question—put.

The committee divided.

Ayes	...	...	...	8
Noes	...	...	...	4

Majority against ... 4

AYES.
The Hon. J. G. H. Amherst
The Hon. H. Anstey
The Hon. G. Glyde
The Hon. R. W. Hardey
The Hon. J. F. T. Haasell
The Hon. E. T. Hooley
The Hon. G. W. Leake
The Hon. J. Morrison
(Teller).

NOES.
The Hon. D. K. Congdon
The Hon. J. W. Hackett
The Hon. S. H. Parker
The Hon. G. Randell
(Teller).

Question.—That the clause, as amended, stand part of the Bill—put and passed.

Clause 6.—“Certificate may be cancelled, whereupon exemption to cease :”

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, as an amendment, that the first eight lines of the clause be struck out, and that the following words be inserted in lieu thereof:—“Upon the complaint of any member of the police force of or above the rank of sergeant, the secretary, manager, or the chairman or any member of the committee of management of any certificated club may be summoned before the Licensing Magistrates of the district in which the club premises are situate to show cause why the certificate granted in respect of such club should not be cancelled; and, upon the hearing of the complaint, unless it be proved to such Magistrates that the conditions mentioned in section five of this Act continue to be fulfilled.”

Amendment put and passed.

Clause, as amended, agreed to.

Clause 7.—“Supply and delivery of liquor in uncertificated club to be deemed a sale :”

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, as an amendment, that the first word “the” be struck out, and that the following words be inserted in lieu thereof:—“So much of section three of the principal Act as exempts any person or persons occupying any premises *bonâ fide* as a club from the operation of the said Act shall, from and after the fourth day of December, 1893, be repealed, and from and after that day the.” This amendment will repeal the exemption in the principal Act relating to persons *bonâ fide* occupying premises as a club.

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

Clauses 8 to 11 passed.

Clause 12.—“Disqualification :”

THE COLONIAL SECRETARY (Hon. S. H. Parker): It has been pointed out that the 23rd section of the principal Act, which is not repealed by this Bill, dis-

qualifies any justice from sitting on a licensing bench who is interested in any licensed premises, and that most justices are members of clubs. It is not desirable, I think, that in a matter of this kind they should be disqualified, and I therefore, propose to strike out the clause and insert the following in lieu thereof:—“The provisions of the twenty-third section of the principal Act shall not apply to any Justice of the Peace by reason only of his being a member of, or interested as owner or otherwise in, the premises occupied by a club, whether certificated or not, but no justice of the peace otherwise disqualified by the said Act, or being an officer or agent of any society interested in preventing the sale of liquor, shall be appointed as one of the Licensing Magistrates of a district under this Act.”

THE HON. E. T. HOOLEY: It appears to me that there are two or three words in this which should be struck out. It reads, “whether certificated or not.” Now, there will be no uncertificated clubs.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I put these words in advisedly, because the twenty-third section of the principal Act says that a Justice shall be disqualified if he is interested in any premises proposed to be licensed.

THE HON. G. RANDELL: I fancy there is some misunderstanding as to the words “officer or agent of any society interested in preventing the sale of liquor.” I take it that no person will be ineligible by reason of being only a member of, say, a total abstinence society.

THE COLONIAL SECRETARY (Hon. S. H. Parker): This will only apply to the special licensing magistrates it is proposed to appoint. An officer or agent means more than a member. I do not think much harm would be done to the Bill if these words were struck out, for no doubt the Government will take good care only to appoint such persons as will be perfectly impartial. As it will be their duty not to select persons interested in the sale of liquor, so also will it be their duty not to appoint persons interested in the prevention of the sale.

THE HON. G. RANDELL: I hope the Colonial Secretary does not understand me to express a desire to have the words eliminated from the clause.

Amendment put and agreed to.

Clause, as amended, passed.

Clauses 13 to 17 passed.

Clause 18.—“No wayside house license to be renewed in certain cases:”

THE HON. G. RANDELL: The clause states that no person holding a wayside house license for premises in or within ten miles of any townsite shall, after the population of such townsite exceeds fifty persons, be entitled to a renewal of such license. Does it mean 50 men, women, and children, or 50 householders? If the former, it may act prejudicially to the holders of wayside house licenses.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The hon. member will observe that this applies only to the holders of wayside house licenses within ten miles of a townsite. The 50 persons include men, women, and children. To consider this properly we have to bear in mind the provisions of the principal Act. We must have some provision of this kind, otherwise we shall have houses in the same townsite paying two different license fees. The old house may hold a wayside house license, but a new one would have to pay the full fee. If the hon. member thinks 50 too small a number he might move to increase it.

THE HON. G. RANDELL: It struck me that a wayside house might exist near to where a townsite might be declared, but the house might not be in any way affected by the townsite, it being, for instance, on a main road. Acting on the suggestion of the Colonial Secretary, I move that the word “fifty” be struck out and “one hundred” inserted.

Amendment put and passed.

Clause, as amended, passed.

Clause 19 passed.

Clause 20.—“Repeal of Section 10 of principal Act”:

THE HON. J. G. H. AMHERST: I move to strike out the word “twenty-five” in the eighth line of the clause and insert “thirty.” This will make the proviso read:—“Provided that if any such “wine, cider, or perry shall contain more “than thirty per centum of proof spirit, “it shall be deemed to be for all purposes of the law ‘spirituous liquors.’”

THE HON. H. ANSTEY: I think I can give one or two reasons why it is advisable to increase the percentage. Hon. members who are not technically acquainted with this matter might imagine that 25 per cent. of proof spirit is equal to 25 per

cent. of alcohol. Now, proof spirit only contains about 50 per cent. of alcohol; therefore 25 per cent. proof means only $12\frac{1}{2}$ per cent. of alcohol. Most of the wines of this colony contain about 22 per cent. of proof spirit, but they vary from 18 to 28 or 29 per cent. The variation depends on the amount of sugar contained in the grapes, and this is regulated by climatic influences. In a hot summer the grapes will abound in sugar, and the wine will, of course, abound in alcohol. If a grower is selling wine he will try to keep it uniform, and this he cannot do unless he possesses a certain amount of chemical and scientific knowledge. Wine must contain a certain amount of proof spirit in order to make it drinkable, and as the variation I have named takes place owing to climatic influences, I think 30 per cent. is a very fair thing to allow.

THE HON. J. G. H. AMHERST: I might add that sweet wines have to be fortified in order to make them marketable, and such wines, containing less than 30 per cent. of proof spirit, would not be saleable. Thirty per cent. of proof spirit would be 15 per cent. of alcohol. In South Australia the percentage allowed is 35, in Victoria 32; so that by allowing 30 we are striking a fair mean.

Amendment put and passed.

THE HON. G. RANDELL: Does any machinery exist for the prevention of the sale of other than colonial wine?

THE COLONIAL SECRETARY (Hon. S. H. Parker): The price will be the principal criterion.

THE HON. J. G. H. AMHERST: And the duty.

THE HON. G. RANDELL: That implies that the colonial article would be sold cheaper than the imported.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Yes.

THE HON. G. RANDELL: It struck me that this clause would lead to the establishment of a large number of places for the sale of colonial wine, and the consequent increase of drinking habits; but having talked the matter over with some hon. members, I have been assured that there are many wine shops in the other colonies and in England, and that no evil results ensue. Our colony may, however, be different. I quite agree that if people will drink, it is better for them to drink wine which is

made here rather than the imported article.

THE HON. R. W. HARDEY: I am glad to find such a clause as this in the Bill. In the other colonies there are numbers of wine shops, which are nicely kept, and where good wine is sold. In South Australia, I believe, Mr. Hardy has half-a-dozen places. There is no use, it seems to me, in people planting vineyards if they have no means of disposing of their products.

THE HON. J. G. H. AMHERST: This is the first time that any legislation has been proposed dealing with wine shops, and I think it right that it should be limited to the towns first. If we start in the country as well, many difficulties may arise.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Under this clause whist clubs will be able to take out a colonial wine license.

Clause, as amended, agreed to.

The remaining clauses were passed.

New clause, to stand as Clause 6:

THE COLONIAL SECRETARY (Hon. S. H. Parker): I have to move the following new clause:—"Upon such proof as 'aforesaid being made to their satisfaction, the licensing magistrates shall, on 'payment of a fee of five pounds, deliver 'to the secretary of the club a certificate 'according to the Form B in the Schedule 'to this Act." In the Bill, as it came to this House, the fee of £5 appears, although I do not know what the object of making it so heavy is. Our desire is to prevent the establishment of bogus clubs. This fee will not do it, and I shall be glad, therefore, if some hon. member will move to reduce it or strike it out altogether.

THE HON. J. W. HACKETT: I shall certainly move that the words "on payment of a fee of five pounds" be struck out. When a Newspaper Bill was brought in by a distinguished Attorney General, it was proposed to levy an annual registration fee of £10, but, at the instance of another member of the House, it was reduced to 2s. 6d., for the reason that if newspapers were to be taxed it should be done directly. On the same principle we should deal with clubs.

Amendment put and agreed to.

New clause, to stand as Clause 19:

THE COLONIAL SECRETARY (Hon. S. H. Parker): I have to move that the following new clause be added to the

Bill:—"Nothing in the principal Act contained shall apply to any person who "(a) sells liquor in a refreshment room "at either House of Parliament by the "permission or under the control of such "House; or (b) causes to be sold by the "holder of a spirit merchant's license "any liquor before it is landed in the "colony, or while it is under the control "of the Customs." A considerable quantity of liquor comes to this colony hypothecated, either to a merchant or a bank, and if the consignee does not meet the draft the liquor has to be sold. It is questionable whether there is any such power, and we propose to make the matter certain.

Clause agreed to.

Schedules:

Two new Schedules were added to the Bill. (*Vide "Council Minutes," 1893, p. 81.*)

The Bill was then reported.

ADJOURNMENT.

The Council, at 10:40 o'clock p.m., adjourned until Tuesday, 19th September, at 2:30 o'clock p.m.

Legislative Assembly,

Monday, 18th September, 1893.

Proposed Appointment of a Water Supply and Sewerage Board—Width of Tires Bill: first reading—Tariff Bill: adjourned debate on second reading—Message from the Legislative Council: Mr. J. S. Reid's concession—Message from the Legislative Council: concurrence in Bills—Adjournment.

THE SPEAKER took the chair at 7:30 p.m.

PRAYERS.

WATER SUPPLY AND SEWERAGE BOARD.

IN COMMITTEE.

MR. TRAYLEN: Mr. Canning—Sir, I rise to move, "That in the opinion of this committee it is expedient to make