

on our Land Regulations that a person taking up say 1,000 acres, after fencing a certain portion of it within two years, really need do nothing more to it for the remainder of his lease. If he only complied with the condition as to fencing some of his land in two years after he entered into occupation, there was not the slightest check upon him for the remainder of his twenty years. He thought that was a decided blot upon our land laws. He thought they might provide that the occupier should fence one-half the land in five years, and the whole of it in ten years.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) said he was fully in accord with the hon. member for the DeGrey in his views on this point. Everyone must now see that what the hon. member pointed out was a blot upon our present Regulations, and he thought it was highly desirable that something should be done in the way of providing a fine or penalty, if a man did nothing with his land after fencing in a portion of it.

MR. RICHARDSON thought they might report progress at this stage, so that the Government might consider this point.

Question put and passed.

Progress reported.

ADJOURNMENT.

The House adjourned at twenty-one minutes past 10 o'clock p.m.

Legislative Council,

Tuesday, 12th September, 1893.

Kensington Lane Closure Bill: second reading—Wines, Beer, and Spirit Sale Act Amendment Bill: second reading—Engine Sparks Fire Prevention Bill: first reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 2:30 o'clock p.m.

PRAYERS.

KENSINGTON LANE CLOSURE BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I have no doubt that hon. members are aware that recently the Commissioner of Railways resumed a considerable quantity of land westward of the present Perth Railway station, for the purpose of forming an additional goods station. The land taken crosses an old lane, known as Kensington Lane, which was formed principally for the purpose of forming a route for the water which ran away through the lakes down to Claisebrook. The lane is of no use now, and it is proposed to close it to the public, the Government, of course, taking the responsibility of keeping the waterway clear. I move the second reading of the Bill.

THE HON. J. W. HACKETT: I would only draw attention to one point. I believe a box drain has been provided instead of an open drain, and I think, if the Hon. the Colonial Secretary will make inquiries he will find that the low-lying lands in Perth are now above the level of it; at least that is the opinion of the City Surveyor. If this is so it will be necessary, for the health of the city, to lower the drain.

THE HON. E. T. HOOLEY: I am glad to hear the Colonial Secretary say that the Government will take the responsibility of coping with the water. It seems to me that a blunder has been made in connection with this drain, where it runs past the railway station, and the same thing may be at Kensington Lane. Near the railway station, since this new drain has been put down, I know one man who has to pump his cellar for six hours a day, and this he is obliged to do at the instance of the health officer. Of course a heavy expense is thrown upon him, and it seems to me that before we pass such a Bill as this we should have some guaran-

tee as to what is going to be done to make provision for the escape of the water of the city.

THE HON. R. W. HARDEY: The same thought occurred to me. I should like to know whether the Railway Department has put in cross drains where the goods shed is now standing, for if not they will have the whole place flooded. What the Hon. Mr. Hooley has told us is just what I expected to hear when I saw the new drain being put in.

THE HON. G. RANDELL: I think we should have some more information on this subject. Passing near the drain the other day, I saw that it had been opened and the water turned into the railway area and allowed to go into soakage. I do not think the city has been at all well used in the matter, for the only means of getting the surface water and drainage away has now evidently been closed up. I am under the impression that the drain which has been laid down is of a higher level than the old one, and that would account for the adjacent cellars being flooded. Perhaps the Hon. Mr. Hooley may be able to say whether, in previous years, these same cellars have been flooded.

THE HON. E. T. HOOLEY: Not at all.

THE HON. G. RANDELL: This seems to show that what I thought is the case. I must say I anticipate great difficulty will arise through the construction of this drain.

THE HON. G. W. LEAKE: If in consequence of the Railway authorities meddling with the drains, people's cellars are flooded, there is an admirable opportunity for an action to be brought against the Government. I think it will be better, before we pass this Bill, to ascertain what will be the effect of the alterations on the natural drainage of the land.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I may say that I will try, as far as I can, to get the information asked for by hon. members before we go into committee on the Bill.

Question—That the Bill be now read a second time—put and passed.

WINES, BEER, AND SPIRIT SALE ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): It will be observed by

hon. members that one of the principal reasons for the introduction of this Bill is to deal with the very vexed question of clubs. Under the law as it stands at present any person who sells liquor on premises *bond fide* occupied as a club, is exempt from the provisions of the Wines, Beer, and Spirit Sale Act, and the effect of this is that every unlicensed person who is brought up for selling liquor says he is selling in a club. It is now found necessary, in order to prevent evasions of the law, that clubs should be explicitly defined, and placed upon some such footing as is proposed by this Bill, that is, that they should be registered and licensed, and subjected to certain restrictions and regulations, so as to prevent persons setting up their privilege to sell by the formation of bogus clubs. It will be observed that it is proposed to repeal the section of the principal Act at present in force with regard to clubs, and to provide that no person selling in a club shall be exempt unless such club is licensed, and the license remains uncanceled. In order to obtain a license, the secretary of the club must prove that it is really a club, and that it consists, in Perth and Fremantle, of not less than fifty persons, and in the country of at least thirty ordinary members; that it has the necessary accommodation and suitable premises; that the club is the *bond fide* occupier of such premises, and that no person is to derive any other benefit or advantage which is not equally shared in by all the ordinary members. The Bill also provides that members of clubs must pay an entrance fee and a subscription of not less than one guinea per year. It is further provided that the club must be managed by the secretary and committee, and the rules must contain a provision for the election of members, and that the notice of candidature of any member must be posted up for fourteen days before his election. The mode and conduct of such election must also be provided for. If all these conditions are proved to the magistrate as having been fulfilled, then a license is to issue, the effect of which will be to allow the sale of liquor without the person who sells being liable to the provisions of the Wines, Beer, and Spirit Sale Act. It is further provided that any member of the police force, above the rank of sergeant, may lay an information

against a club with a view to having the license revoked, and if it is shown to the magistrates that any club is not conducted in the manner provided by the rules, or that the whole of the provisions mentioned in Clause 2 of this Bill are not carried out, the license may be revoked, and that being done, any person selling liquor will be subject to the law as an unlicensed person under the principal Act. There is also a further provision in the Bill in regard to the licensing benches. For the Perth and Fremantle districts the Resident Magistrates and two justices appointed by the Governor will constitute the bench, and they will hold office for a year, or until others are appointed in their stead. In the country districts any two justices may be appointed by the Governor-in-Council, with the Resident Magistrate to form a licensing court. By Clause 12 no justice disqualified under the principal Act from sitting, or any officer or agent of any society interested in preventing the sale of liquor, can be appointed as one of the licensing court. The object of this is that whereas all persons interested in the sale of liquor are disqualified, it is deemed reasonable that persons interested in the prevention of the sale should also be disqualified. We shall, therefore, have persons on the bench who are neither interested one way or the other. Then it will be observed that widows of the age of 30 and upwards are exempt from the disqualifications of the previous Act with regard to the holding of licenses, and in the event of the marriage of any such person the license held by her shall confer upon the husband the same privileges and obligations as if such license had been granted to him, unless he is already disqualified, or within 30 days after the marriage disclaims the transmission of the license. Clause 18 provides that certain wayside house licenses may not, in certain cases, be renewed. In towns a question has arisen whether a house which has always held a wayside house license can retain it, and pay only a small licensing fee, while another house just erected is compelled to pay the higher fee for a publican's general license. In the principal Act it is provided that a license once obtained shall be held for three months before it can be transferred, but the present Bill repeals that. Some cases of difficulty and

hardship have occurred, and, as far as I can see, I do not know of any reason why a transfer should not be allowed at any time. Sometimes persons who let a house are placed in a difficulty, and are obliged to take the license until they can find a tenant, and when they do get one it is found, perhaps, a few days after the license was issued, that the tenant cannot take possession for some three months. Such a provision appears to me to be one without rhyme or reason for it. The Bill also repeals Section 10 of the principal Act, and substitutes other provisions in regard to colonial wine licenses. These are the principal features of the Bill. I may, however, point out that in consequence of several amendments which were made in another place, the Bill has reached us in such a form that there appears to be considerable difficulty in giving effect to what is intended. The immediate repeal, for instance, of the exemptions as to clubs is provided for, and it seems to me that, outside of towns, it would be impossible for any club to obtain a license in October, as mentioned in the clause, and, consequently, many clubs would have to be shut up. In order to meet this and other difficulties, I have prepared a number of amendments, which I have given notice of, and which will make it more clear as to what is intended by the use of the word "club;" and, also, that the exemption in the principal Act shall not be repealed until 4th December, 1893, which is the date of the first quarterly licensing meeting that will be held after the passing of this Act. Then it will be observed that, under Clause 12, no justice disqualified under Section 23 of the principal Act can sit on the Licensing Bench. It has been pointed out that the effect of this will be to prevent any Resident Magistrate being a member of a club, and hence I propose to provide that the fact of a justice being a member of a club shall not disqualify him from sitting on the bench. I may also mention, with regard to clubs, that it was proposed and carried, against the wish of the Government, that a license fee should be payable annually. I do not think this is a wise provision; I am rather inclined to think it is not. I take it that clubs are not established for the purpose of drinking or selling drink and making a profit out of it. As far as my experience goes, I believe very little drinking is

carried on. When in London, I, having gone home under the auspices of the late Legislative Council, had the honour of being made an honorary member of no less than seven clubs, and I do not remember ever having observed any drinking. Take our own Weld Club: you can pass through it any day and see many there, but you seldom see anything being drunk. Clubs are established for social purposes, to enable men to meet together and exchange ideas, or to enjoy a little recreation in a billiard room, or read in the library; they are not for drinking purposes. I should be very glad to see the working men have a club established on these lines—not for drinking, but for recreation—and I cannot but help thinking that if such a club were established it would do a great deal of good, and probably prevent many of the drinking habits among this class of people we now all lament. Such being the case, I do not think we should place any restriction on clubs. A fee of £5 a year is nothing to a club like the Weld Club, but it would in many cases deter a working-men's club from being established. In my amendments I propose that the fee shall be £5, but not payable annually, and I should much prefer even to see that swept away altogether. I have no desire to press this Bill to a second reading to-day. We have plenty of time, and as far as I can see we will enjoy each other's company for some considerable period yet, we having the Electoral Act, the Education Act, and other measures to come before us. If, therefore, any hon. members wish the debate adjourned I shall not object. I move the second reading of the Bill.

THE HON. J. W. HACKETT: I move that the debate be adjourned until Thursday next.

Question put and passed.

Debate adjourned.

ENGINE SPARKS FIRE PREVENTION BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

ADJOURNMENT.

The Council, at 3:10 o'clock p.m., adjourned until Thursday, 14th September, at 4:30 o'clock p.m.

Legislative Assembly,

Tuesday, 12th September, 1893.

Leave of Absence to Mr. Loton—Loan Bill, 1893: in committee—Adjournment.

THE SPEAKER took the chair at 2:30 p.m.

PRAYERS.

LEAVE OF ABSENCE TO MR. LOTON.

On the motion of MR. PHILLIPS, leave of absence for fourteen days was granted to the hon. member for the Swan.

LOAN BILL, 1893.

IN COMMITTEE.

Debate continued on Item No. 1.—*"Completion of Yilgarn Railway, £34,000."*

MR. R. F. SHOLL said they were told yesterday by the Commissioner of Railways that this additional sum was required for providing a water supply; he should like to ask the Commissioner whether, in originally estimating the cost of this railway, the question of water supply was taken into consideration?

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said that the Engineer-in-Chief had not been in a position to form any idea of the cost of water conservation on this line until after the contract for the construction of the line had been accepted.

MR. R. F. SHOLL thought that according to the evidence of the Engineer-in-Chief himself, he did form an idea of the cost of providing water. He was referring to the evidence given before the select committee that sat to consider the route of this railway. One of the questions asked the Engineer-in-Chief by the chairman of the committee was this: "In your abstract, showing the estimated cost of the railway both for the York and the Northam route, I notice there is a special mention, at the end of the estimate for the York route, of water services, £750, which is not so apparent, without examination, in the estimate of the Northam route; will you please explain?" The Engineer-in-Chief, in reply, said: "The fact of the matter is, there were three water services provided on both routes, and in the Northam route