

whatever to the enactment of this measure. When I first gave notice to move for leave to introduce the Bill I informed the member for Kalgoorlie of its purport and told him I did not intend to proceed with it for some time in order to give him ample time to consult the master bakers of his district. The effect of the measure will be that the bread carters within a 14-miles radius of the post office of Kalgoorlie will enjoy the same privilege of the monthly holiday in the same manner as the bread carters within a similar radius of the general post office of Perth do. I do not think any further explanation is necessary. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 10.28 p.m.

Legislative Council,

Thursday, 15th December, 1910.

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

PAPER PRESENTED.

By the Colonial Secretary: Report of the operations of the Agricultural Bank for the year ended 30th June, 1910.

QUESTION — TITLES OFFICE DELAYS.

Hon. J. W. LANGSFORD asked the Colonial Secretary: 1. Has the attention of the Government been drawn to the delay in the Titles Office to clients when lodging documents for registration, both in the Strong Room and the Accountant's Room? 2. Is it because these offices are undermanned? 3. Will the Government have inquiries made with a view to remedying the inconvenience and delay caused to the public?

The COLONIAL SECRETARY replied: 1, Yes. 2 and 3, The delay is only temporary, owing to a large and sudden increase in dealings with land; but additional hands have been and are still being engaged in order to cope with the extra work.

BILL—LAND AND INCOME TAX.

Read a third time, and *passed*.

BILL—FREMANTLE FREEMASONS' LODGE No. 2 DISPOSITION.

Read a third time, and *passed*.

BILL—YORK MECHANICS' INSTITUTE TRANSFER.

In Committee.

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

BILL — PERMANENT RESERVES REDEDICATION (No. 1).

In Committee.

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

BILL—LICENSING.

In Committee.

Resumed from the previous day; Hon. W. Kingsmill in the Chair.

New clause:

Hon. S. STUBBS moved an amendment—

That the following be inserted to stand as a new clause:—"No person

shall be deemed to be a bona fide traveller within the meaning of this Act unless the place where he lodged during the preceding night is at least ten miles distant from the place where he demands to be or is supplied with liquor—such distance to be calculated by the shortest practicable route along or over any public highway or thoroughfare, or by or across any arm of the sea, inlet, river, or creek between the place of lodging and of supply."

The Committee would agree that the present Act required an amendment in regard to the bona fide traveller provisions. It was well within his recollection that men had appeared in the police court charged with having obtained liquor at South Perth on Sundays, and they had claimed that by taking a circuitous route over the causeway they had travelled the statutory distance of three miles. That defence, of course, had not been considered good and they were convicted. The Act required amending in the direction of making the distance that a man should travel, before being allowed to have a drink, more than three miles, and he considered that 10 miles should be the minimum distance which a man should travel before becoming qualified as a bona fide traveller.

Hon. M. L. MOSS moved an amendment—

That in line 4 the word "ten" be struck out and "six" inserted in lieu.

The COLONIAL SECRETARY: The trouble in administering the law at the present time was the short distance which a person had to travel before getting a drink. It was absurd to say that because a person had travelled three miles he had become a bona fide traveller. There was some excuse for making provision for bona fide travellers, but by no stretch of imagination could a man fit that definition if he had travelled merely six miles, as proposed by Mr. Moss. Much had been said about the laxity of the police in carrying out their duties in respect of Sunday closing. Having gone into the matter carefully he was satisfied that it was impossible for them to carry

out the Sunday closing law as the Act now stood, and even if the distance were six miles the difficulty would not be much less. A distinct improvement on the present law was contained in Mr. Stubbs' proposal that the traveller should not be served in a public bar. That was one defect about the present Act because it enabled the bar to be kept as open as the door. After studying the police reports he had come to the conclusion that it would be better if the New South Wales provisions were adopted, and a limit of 10 miles were fixed for metropolitan districts and 20 miles for country districts. He would like to see the distance in the new clause fixed at even 12 or 13 miles so as to exclude persons coming from Fremantle or Midland Junction to Perth, or from Perth to Fremantle or Midland Junction. If members wished Sundays to be observed and the Act to be enforced by the police, they would make that impossible if the minimum distance were kept down to anything like what it was at the present time. He opposed the amendment.

Hon. M. L. MOSS: If the distance were made six miles it would double the present distance. Under the new clause a man travelling up to nine miles would be unable to get refreshments. He could not believe for a moment that there was any reason in the statement of the Colonial Secretary that people would travel from Fremantle to Perth simply in order to get drink.

The Colonial Secretary: I did not say that they would travel on purpose to get drink, but thousands of people are in the streets on Sundays who are not bona fide travellers, and yet get a drink.

Hon. M. L. MOSS: People who travelled from their homes six or seven miles were entitled to get something other than soft drinks if they so desired.

The Colonial Secretary: Do you find the want of it?

Hon. M. L. MOSS: There were thousands of people in the community who travel six or seven miles from home on Sundays and holidays and wanted refreshments, and it was an undue restriction to say that they should not get

them. The Colonial Secretary's remark conveyed the impression that people would travel from Perth to Fremantle simply to get a drink.

Hon. J. F. Cullen: So they will.

Hon. M. L. MOSS: They would not. Only a very small percentage of the community would travel 12 miles to get a sixpenny drink.

Hon. J. F. Cullen: No: ten sixpenny drinks.

Hon. M. L. MOSS: They would not travel that distance for even 50 sixpenny drinks. The abuse of the present law was not on the part of bona fide travellers, but on the part of residents in the towns. The police, knowing these people and their addresses, yet allowed them to enter the hotels on Sundays and get drink almost under their very eyes, and all the police reports to the contrary would not convince him that there were not flagrant breaches of the Act taking place with the cognisance of the police.

Hon. D. G. GAWLER: If the distance were made 10 miles it would mean that no person travelling from Fremantle to the beaches around Cottesloe, for instance, would be able to get refreshments on Sundays, Good Fridays, and Christmas Days. That would be a hardship on a tremendous number of people. He agreed that up to the present breaches of the law were not by bona fide travellers but by the residents alongside of the hotels, and the drunken loafers about the place, and the Committee should not for that reason overlook the claims of the bona fide traveller. The six-mile limit would not allow of persons crossing from the suburbs to Perth or from Perth to the suburbs for the purpose of getting drink, but it would exclude the rights of many legitimate travellers.

Hon. J. F. CULLEN: The object of Mr. Stubbs was to give drink to a traveller, but the plain effect of the amendment would be to make travellers for drink. It was practically impossible for the police to administer the present Act when there was a limit of only three miles, and the insertion of six miles would mean only that the man who travelled for drink would have to go a little

further and get a little thirstier. It would still leave the community with the same bogus travellers in thousands, and, so far as the metropolitan area was concerned, it would mean merely the swapping of customers between suburbs and city for the purpose of dissembling. If members wanted to make it impossible for the police to administer the law they would agree to the amendment. If, on the other hand, they wanted to provide for the genuine traveller, they would agree to the new clause.

Hon. E. McLARTY: The new clause struck him as going not only a step too far, but also a few miles too far. He agreed with the amendment moved by Mr. Moss; in fact, it had been his intention to move an amendment to substitute five miles in lieu of ten. If people were travelling in the heat of summer, and after covering six miles stopped at an hotel or wayside house to get a glass of beer or other refreshment, they would be committing no crime. People were apt to confuse the habitual drunkard with the temperate man, who took his drink and went away. The latter people were very much in the majority, and it would be hard to deprive them of necessary refreshment because a few others took liquor to excess.

Hon. J. F. Cullen: Then why make them travel six miles?

Hon. E. McLARTY: Six miles was a reasonable distance, although, probably, a little too great. The difficulty was not with the genuine bona fide traveller, but with people who lived within a radius of a quarter of a mile of an hotel. There was not one case in ten where the genuine bona fide traveller transgressed the law half as much as the residents of a place. If the police were more zealous and enforced the law they would be fulfilling a duty to the whole of the public. If a man misrepresented himself as a bona fide traveller, he was liable to a penalty of £5. That was a wise provision, for the penalty should fall on the man who misled the publican as well as on the publican.

Hon. C. SOMMERS: It was not the bona fide traveller who caused the

trouble, but the residents around the towns. As a rule now a great deal of travelling was done by motor car, and people travelled about by this means very rapidly. It was wise to make the distance ten miles.

Hon. M. L. MOSS: It was not the traveller by motor car that he was thinking of, but the man who carried his swag in the North-West. That was the individual who was entitled to some consideration. If a man covered six miles on a hot day he was entitled to obtain refreshment.

Hon. C. SOMMERS: The swagman was disappearing in Western Australia. He was rarely to be met with; the bicycle carried the swag nowadays, although he thought a man who travelled ten miles on a bicycle was entitled to a drink.

Hon. W. PATRICK: If we were to get rid of the evil of the bona fide traveller, less than ten miles would be no good, and the ten miles distance would not affect the man in the North-West because public houses were very seldom to be found a less distance apart than ten miles.

Hon. B. C. O'BRIEN: The question of the bona fide traveller was a very awkward one to deal with; there was only one solution of the problem, and that was to recognise Sunday trading. However, he understood members were not agreeable to that. If we were to adopt a system of Sunday opening it would tend to public morality. There was no reason why a man who travelled ten miles should be any more entitled to a drink than the man who travelled three miles. The distance would not prevent the law being broken.

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

Ayes	..	..	..	5
Noes	..	..	..	9

Majority against .. 4

AYES.

Hon. D. G. Gawler	Hon. B. C. O'Brien
Hon. J. W. Hackett	Hon. E. McLarty
Hon. M. L. Moss	(Teller).

NOES.

Hon. E. M. Clarke	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. Sommers
Hon. J. F. Cullen	Hon. S. Stubbs
Hon. A. G. Jenkins	Sir E. H. Wittenoom
Hon. C. McKenzie	(Teller).

Amendment thus negatived.

New clause put and passed.

New clause—Penalty for obtaining liquor by false representations:

Hon. S. STUBBS moved—

That the following be added to stand as Clause 100:—Any person who, by falsely representing himself to be a bona fide traveller, lodger, or inmate, buys or obtains, or attempts to buy or obtain, at any licensed premises liquor or refreshment during Sunday, Good Friday, or Christmas Day, or between the prohibited hours on other days, commits an offence against this Act. Penalty: Five pounds.

This was consequential on the new clause just passed.

Hon. J. F. CULLEN moved an amendment—

That in the proposed new clause the word "between" be struck out and "during" inserted in lieu.

Amendment passed.

Hon. M. L. MOSS: The minimum penalty, if the Colonial Secretary carried out his promise might be £1. He moved a further amendment—

That in the proposed new clause the word "five" be struck out and "twenty" inserted in lieu.

The Colonial Secretary: Make it ten.

Hon. M. L. MOSS: There was every sympathy with the bona fide traveller but he had no sympathy with the man who made false representations in an endeavour to obtain drink.

Hon. E. M. CLARKE: It was not every man who would be in a position to pay such a fine. There should be an alternative provided.

Hon. A. G. JENKINS: The proposed penalty was extremely severe and if it were exercised we would find a large proportion of the population in gaol for the reason that they would not be able to pay the fine.

Hon. M. L. MOSS: It was not as if a man had made a slip on a trivial point;

the offence would be that of deliberately making false pretences in order to obtain drink, and such an offence might, if the magistrates were sceptical, land the publican in a heavy fine and perhaps the loss of his license. He did not believe a large proportion of the population would attempt to secure drink under false pretences. The big penalty would soon become known, and people would learn to keep clear of public houses on the prohibited days.

THE COLONIAL SECRETARY: What Mr. Jenkins had said was perfectly true. After all it was not such a great offence if we considered the position as it was to-day. For years past the so-called bona fide traveller had been able to obtain drink on Sunday without trouble. Mr. Moss would put all the blame on the bona fide traveller, but up to the present the blame had been attachable chiefly to the publican, who should be called upon to satisfy himself that the would-be customer was a bona fide traveller. For years publicans had been satisfied with the mere word of those who wished to obtain drink during prohibited hours and now Mr. Moss would abruptly alter this state of things by providing a severe penalty. As Mr. Jenkins had said, it would mean that a large number of people would go to gaol.

Hon. M. L. MOSS: The hon. member ought to have known that if persons convicted under the clause were unable to pay the fine imposed, there was always the prerogative of the Governor-in-Council to remit the whole or part. He desired to see a big penalty imposed with a view of stopping the evil of spending Sundays in public houses.

Hon. J. F. CULLEN: It would be a mistake to endeavour to completely revolutionise the existing order of things with the imposition of the penalty of £20; certainly £10 would be ample. If Mr. Moss would withdraw the £20 he (Mr. Cullen) would move to substitute £10.

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

Ayes	..	..	5
Noes	..	..	11

Majority against .. 6

AYES.

Hon. A. G. Jenkins	Hon. W. Patrick
Hon. C. McKenzie	Hon. J. W. Langford
Hon. B. C. O'Brien	Teller.

NOES.

Hon. E. M. Clarke	Hon. E. McLarty
Hon. J. D. Connolly	Hon. M. L. Moss
Hon. D. G. Gawler	Hon. C. Sommers
Hon. J. W. Hackett	Sir E. H. Wittenoom
Hon. R. Laurie	Hon. F. Connor
Hon. R. D. McKenzie	Teller.

Amendment thus negatived.

New clause as previously amended put and passed.

New clause:

Hon. S. STUBBS moved—

That the following new clause be added:—If in the course of any proceedings under section one hundred and ten or one hundred and eleven the licensee sets up as a defence and fails to prove that the purchaser was a bona fide traveller, lodger, or inmate, but the court is satisfied that he truly believed that the purchaser was a bona fide traveller, lodger, or inmate, and further, that he took all reasonable precautions to ascertain whether or not the purchaser was a bona fide traveller, lodger, or inmate, the justices may dismiss the case as against the licensee, and shall direct proceedings to be instituted against such purchaser under the last preceding section.

Honest hotelkeepers should be protected by legislation. If a man represented himself to be a bona fide traveller the landlord felt himself bound to supply that man with liquor; if it were subsequently proved to the satisfaction of the court that the hotelkeeper had done everything possible to ascertain whether his customer was a bona fide traveller, the court should not inflict any penalty on the hotelkeeper.

Hon. M. L. MOSS: While prepared to support the amendment so far as regarded the bona fide traveller, he was not prepared to include the lodger or the inmate. The licensee of a public house ought to know who were lodgers and inmates of his house. There could be no excuse for him supplying liquor to an absolute stranger on the pretext that the stranger had said he was a lodger or an

inmate of the house. He moved an amendment—

That in line 5 the words "lodger or inmate" be struck out.

Amendment passed.

New clause as amended (also consequentially) put and passed.

New clause—Licensee may refuse to serve applicant for drink on Sundays, etcetera, subject to certain conditions:

Hon. S. STUBBS moved—

That the following be added to stand as Clause 102:—

(1.) *If any person on a Sunday, Christmas Day, or Good Friday enters any licensed premises and demands to be served with liquor on the representation that he is a bona fide traveller, the licensee, his servant or agent, shall require such person to write his name and where he lodged during the preceding night in a book kept on the licensed premises for the purpose.*

(2.) *If on such a demand being made such person refuses so to do, the licensee, his servant or agent, shall refuse to serve the applicant with liquor.*

(3.) *If on such demand being made the applicant writes in such book his name and where he lodged during the preceding night, and such place is distant at least ten miles, calculated by the shortest practicable route along or over any public highway or thoroughfare, or by or across any arm of the sea, inlet, river, or creek between the place of lodging and of supply, and the licensee, his servant or agent, has no reason to suspect that the entry so made is in any respect false or fictitious, he may serve the applicant with liquor, and he shall not be liable to any penalty for so doing in the event of it being afterwards proved that the applicant was not a bona fide traveller within the meaning of this Act.*

(4.) *Any person who makes a false or fictitious entry in any such book as to his name or the address where he lodged on the preceding night commits an offence against this Act. Penalty: Five pounds in addition to any other penalty for which such person may be liable under this Act.*

Hon. M. L. MOSS: This clause, if passed, would be a very fruitful source of Sunday trading. Signing the book kept on the counter would be a farce. The law as it stood now was much more sensible, because the licensee had to take reasonable precautions to see that the person supplied was a bona fide traveller. That was already provided in the clause just passed, but the hon. member now wanted to go further, and his present proposal was absolutely novel. It should be quite sufficient to provide that the licensee must use reasonable precautions. The hon. member's present proposal would aid Sunday trading and not check it.

The COLONIAL SECRETARY: Certainly the existing law provided that the publican must exercise reasonable precaution; but that, according to the practice, merely consisted in a man at the door asking the person desiring a drink, "Are you a bona fide traveller." The police often saw men enter a public house, and on entering the premises these men would, perhaps, make the excuse that they wanted to go to the lavatory. By the proposal put forward by Mr. Stubbs, any person entering the hotel on a Sunday would be required to sign his name. Certainly this should not facilitate Sunday trading. It should be an additional precaution to prevent it.

Hon. M. L. MOSS: No experienced magistrate would be satisfied with the defence that the publican had merely asked "Are you a bona fide traveller." He would require other questions to have been put, such as, "Where did you sleep; where is your railway ticket; or where is your buggy." The proposal now before the Committee would enable the publican to escape responsibility simply by a man signing a book, and it would cast upon the police the responsibility of proving that the publican had reason to suppose the entry in the book was false and fictitious.

Hon. D. G. GAWLER: The provision already passed in Clause 100 was sufficient. The publican would consider if the book was signed he had taken all reasonable precautions.

Hon. A. G. JENKINS: If we struck out Subclause 3 of the proposed clause it

would meet the case. Then Clause 101 could be read with it, and the court would still have the option of asking, even if the book was signed, whether the publican took reasonable precautions.

The COLONIAL SECRETARY: The clause would make it much easier to prove that the man was a bona fide traveller, because the book must be signed immediately the hotel was entered. If a man signed the book he set himself up at once to be a bona fide traveller.

Hon. M. L. MOSS: There was no objection on his part to Subclauses 1 and 2, because they were safeguards for the public. Neither had he any objection to Subclause 4 nor to the penalty clause. He desired, however, to protect the publican if possible and he did not wish to make Sunday trading easier than it was at the present time. It would be advisable therefore to strike out Subclause 3. He moved an amendment—

That Subclause 3 be struck out.

Amendment passed: the new clause as amended agreed to.

New clause:

The COLONIAL SECRETARY: It would be remembered that when the Committee were dealing with Clause 8, which provided for an elective bench, that clause was struck out; consequently it would be necessary now to delete the machinery clauses for the purpose of inserting others. The first referred to tenure of office. He moved—

That the following be added to stand as Clause 9:—Every member of the Licensing Court shall be, by virtue of his office, a justice of the peace for the State, and shall hold office for a period of three years from the date of his appointment, unless he dies, resigns, becomes disqualified, or is removed from office, in any of which events a successor shall be appointed, who shall hold office for the unexpired period of his predecessor's term of office.

Hon. A. G. JENKINS: The period of three years was rather long. The present practice was to appoint the members of the bench annually, and that was the better way. It might happen that the Governor might be dissatisfied with the mem-

bers of the bench and might desire to remove one or more of them.

The Colonial Secretary: They are not appointed annually now.

Hon. A. G. JENKINS: It was understood that they were appointed for 12 months.

The Colonial Secretary: No.

Hon. A. G. JENKINS: At any rate, in his opinion, three years was too long; these magistrates would have extensive powers, far greater powers in fact than were possessed by the existing bench. There might be serious breaches which, although not justifying the Governor in removing the members of the bench in consequence of these breaches, might justify him in declaring that their conduct was not all it should be, and if the period were less than three years it would be an easier matter not to reappoint the same members. The period might be made two years. As far as he was concerned, he would prefer to see it twelve months.

The COLONIAL SECRETARY: At the present time the appointments to the bench were made for life and it was for the very reason that the hon. member had mentioned that it was now proposed to make the term three years. The suggested period of twelve months would be far too short.

Hon. M. L. MOSS: It would be better to allow the bench to hold office exactly as all judicial officers held office, namely, during the pleasure of the Governor. The result would be that while these magistrates performed their duty satisfactorily the Governor would not exercise the right he possessed to dispense with their services.

New clause put and passed.

New clauses:

On motions by COLONIAL SECRETARY the following new clauses were added:—

10. (1.) *Every person shall be disqualified from holding office as a member of a Licensing Court who is interested beneficially in the manufacture or sale of liquor, or in any premises licensed or proposed to be licensed under this Act, or who holds any license whatsoever within the meaning of this Act,*

or is beneficially interested in any trade or calling exercised under any such license. (2.) Any person so disqualified who acts as a member of such court commits an offence against this Act. Penalty: One hundred pounds.

11. Any member of a Licensing Court may resign his office by writing under his hand addressed to the Governor.

12. Any member of a Licensing Court who absents himself from any two consecutive quarterly sittings of the Court, except in case of sickness or for other lawful excuse, shall be deemed to have vacated his office, and to have created an extraordinary vacancy, which shall, as soon as conveniently practicable, be filled up by the appointment of some other person.

13. Notwithstanding any alteration in the constitution of a Licensing Court by reason of the death, removal, absence, or resignation of any of its members, the jurisdiction conferred by this Act on such Court may be lawfully exercised by a quorum of such Court.

14. (1.) The Governor shall, from time to time, appoint a member of each Licensing Court to be the chairman thereof. (2.) The same person may be appointed the chairman and a member of two or more Licensing Courts. (3.) The chairman must be a police or resident magistrate.

Postponed Clause 8—Licensing Courts:
The COLONIAL SECRETARY moved an amendment—

That Subclauses 3, 1, and 5 be struck out.

These amendments were consequential on the amendment previously carried.

Amendment passed, the clause as amended agreed to.

Postponed Clause 9—Disqualifications:

The COLONIAL SECRETARY moved an amendment—

That Clauses 9 to 16 inclusive be struck out.

All these clauses would have to be consequentially struck out because they dealt with the elective bench.

Amendment passed.

Postponed Clause 17—agreed to.

Postponed Clause 18—Deputy members of the court:

On motion by the COLONIAL SECRETARY clause amended by the addition of the following words:—"and may be appointed deputy chairman of two or more courts."

Clause as amended agreed to.

Postponed Clause 19—Quorum:

Hon. A. G. JENKINS moved an amendment—

That the word "any" in line 1 be struck out.

His object was to later add to the clause the words "and one of such members shall be the resident or police magistrate." He wanted to insure that no business should be dealt with in the absence of the magistrate.

Hon. M. L. MOSS: In Clause 12 which had been passed it was lawful for one of the three licensing magistrates to be absent from two quarterly sittings, which represented six months, before he vacated his office; then in the clause under discussion two members of the licensing court would form a quorum, whilst in Clause 20 it was provided that when only two members were present and there was a disagreement, the decision was to be adjourned until the three members were present. The third member might not turn up for six months and in that case the whole business of the court would be hung up.

The COLONIAL SECRETARY: The purpose of the mover would be met if it was provided that one of the two members forming a quorum should be the chairman or the deputy chairman. If the hon. member would withdraw his amendment he would move to add words to that effect.

Amendment by leave withdrawn.

On motion by the COLONIAL SECRETARY the following words were added to the clause at the end of line 2:—"Provided that one of such members shall be the chairman or deputy chairman."

Clause as amended agreed to.

Postponed Clause 20—Majority to decide:

On motion by the Hon. M. L. MOSS the clause was amended by striking out of line 3 the words "the proceedings be-

fore the court shall be adjourned until three members are present" and the insertion of the following in lieu:—"the decision of the chairman or deputy chairman shall prevail."

Clause as amended agreed to.

Postponed Clauses 21 to 24—agreed to.

Postponed Clause 33—Packet licenses:

Hon. A. G. JENKINS moved an amendment—

That the following words be added to the clause:—"Provided that such license shall not authorise the sale of liquor on any vessel whilst on any river or estuary unless such vessel is one which ordinarily plies between ports separated by more than 50 miles."

The object of the amendment was to stop the sale of liquor on passenger boats on the river. In no other State in the Commonwealth were boats, which plied in small harbours or rivers, allowed a license. In Sydney, where there was a very fine ferry service, no liquor was allowed to be sold on the boats. In South Australia and Tasmania the same restriction applied, and in Melbourne there was a limit of about 50 miles.

The Colonial Secretary: What about the boats running from Perth to Rottnest?

Hon. A. G. JENKINS: It did not matter what amendment was moved so long as the boats that travelled exclusively on the river had their bars closed.

The Colonial Secretary: These boats travel to Mandurah.

Hon. A. G. JENKINS: The one object of the amendment was to block the sale of liquor on river steamers. People who patronised those steamers did so for the purpose of getting an outing and enjoying a quiet time, and it was impossible to have quietude if a hotel bar was under one's nose all the time.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. G. JENKINS: Liquor was not to be sold on the river boats unless the boats were going down the river, or within an estuary. Members would be astonished if they knew the quantity of liquor sold on these boats. He had gone to the trouble to get some figures, and they were accurate, because he had ob-

tained them from the co-operative bottle exchange that bought the bottles from these boats. These bottles were purchased from the "Zephyr." The average purchase of empties from the "Zephyr" worked out at £10 per month, which meant 250 dozen bottles; the average was 50 dozen bottles of spirits, which would mean £210 a month, and 200 dozen bottles of beer, which would work out at £180 a month. That gave the total sales at £390 a month from one boat alone, the average weekly takings were about £95, and the profit on that would be between £50 and £60 a week. That showed that a considerable quantity of liquor was drunk on the boats, and he desired to restrict the packet license to what was originally intended, for ocean going boats, and that boats running up and down the river should not be converted into what were practically floating hotels. These boats were open houses from one end of the year to the other. As soon as a boat left the wharf the bar could be opened, and could be kept open until the boat reached the wharf again: that was not desirable. The license fee was £10 a year, whereas the hotelkeeper had to pay a heavy license fee. These boats obtained a tremendous concession for £10 a year, and they paid, perhaps, an additional £10 for a passenger license. Why should people who went down the river want a drink at all. Hotels were shut up on holidays and Sundays, but people could go on a river boat and drink to their heart's content, and there was nothing to stop them; there was no necessity for liquor to be sold on the boats at all. This was the only State in Australia where such a thing was permitted. In Sydney boats ran all over the harbour and no liquor was allowed to be sold on those boats. The same law applied in Tasmania, South Australia, and Queensland. Why was an exception made in this State for practically two boats owned by one company. The alteration in the liquor law was made to meet the convenience of these two boats. If the Committee did not carry the amendment, he hoped some amendment would be carried to prevent liquor being

sold on the boats when running up and down the river. If an amendment was not carried to prevent the sale of liquor on these boats, then these boats should be prevented from selling liquor on Sundays, Good Friday, and Christmas Day.

The COLONIAL SECRETARY: While there might be something in what the member said, it would be going too far to pass the amendment the hon. member desired. The boat referred to by the hon. member frequently made trips to Rottnest and Mandurah, and it was unreasonable to say that liquor should not be sold on these trips. On boats running to South Perth, the Canning or Melville Water, there was no necessity to allow drink to be sold, but there was a necessity for the sale of liquor on a boat crossing to Rottnest. He had been on the boat mentioned, and in justice to the owners he must say it was a credit to the people who ran it, and it was run creditably. It was a great acquisition to Perth. He did not see much evidence of the bar on the boat; but he had not been on the boat on Sunday. He did not see any objection to the provision being confined to the Sunday. Having done away with the bona fide traveller clause there might be some drinking done on the river on Sundays. This provision had been in force for a number of years.

Hon. M. L. MOSS: It was always his desire, when a member made a statement, to accept that statement, and the hon. member (Mr. Jenkins) was acting perfectly bona fide in making his statement to the House, but those people who had given him the information had supplied the member with inaccurate figures. He (Mr. Moss) had gone to the people who were running the "Zephyr" and ascertained the correct figures. The amount of money taken on that boat during the past two years was £1,400 per year; £400 of which was for the sale of soft drinks, and the other £1,000 was mainly derived from the sale of spirits and beer. The hon. member had said that the owners of the boat made a profit of £50 or £60 a week; that would mean a profit of £2,000 a year, which hardly tallied with the figures

which he (Mr. Moss) had obtained, and the owners of the boat were prepared to submit to any member their books to show exactly what they derived from the sale of liquor on the boats. For 30 years there had been packet licenses granted in this State, and they were a great advantage to the North-West of Australia. The "Zephyr" had cost £15,000 to build and put on the river, and she had been brought here largely on the strength of securing a packet license.

Hon. A. G. Jenkins: She was brought here to put passengers on the mail boats.

Hon. M. L. MOSS: The "Zephyr" had been brought here to make as much money as she legitimately could. Without the packet license we would not have the "Zephyr" very long; still he did not desire to use that as a threat. The owners of the steamer had spent £15,000 on the boat, and she was an extremely useful acquisition to the river. It was unfair to state that the issuing of a packet license to the steamer did not conduce to the proper conduct of affairs, thus implying that there were unseemly incidents on the steamer from time to time. As a matter of fact there was always a policeman on the boat during these river trips, and the cost of that policeman's attendance was borne by the company, the desire of the owners being that the boat should be conducted in the best possible manner. He did not recollect a solitary prosecution against anybody for misbehaviour on that boat.

Hon. A. G. Jenkins: There was one less than three weeks ago.

Hon. M. L. MOSS: It went to show that the prosecutions were so few and far between that the case referred to was an exception to be remembered. Either the Co-operative Bottle Agency had mixed up the number of these bottles with others, or in making up the sum the clerk had worn magnifying glasses as spectacles. It was to be hoped the Committee would not agree to the proviso, for the result would be that the "Zephyr" would be taken off the river.

Hon. C. SOMMERS: We had made the conditions very stringent with regard to Sunday trading on shore. A man had to

go ten miles by road before he could get a drink on shore, yet he had only to step on to one of these river steamers and he could get as much as he chose within reason. It was very unfair to the licensees ashore, and it was by no means desirable that liquor should be sold on these boats, at any rate until they were outside the harbour. He would support any amendment which had for its object the limiting of the trade on these boats while within the harbours and rivers.

Hon. R. LAURIE: The hon. member's whole argument had been that the trade should be protected.

Hon. A. G. Jenkins: That is not correct.

Hon. R. LAURIE: Neither Mr. Jenkins nor Mr. Sommers had travelled on these steamers on Sundays, whereas he had travelled on these boats and could honestly say he had never seen on them anything that could be taken exception to. The whole objection was for the protection of trade interests. The ruling of Mr. Dowley at Fremantle three years ago had been brought about by the action of certain publicans who desired to have these packet licenses abolished. If there was any abuse of the packet license on the river he would be one of the first to condemn it. Had Mr. Jenkins's information really come from the bottle exchange or had it come from still further back—had it been handed to the bottle exchange to be passed on to Mr. Jenkins? The proviso meant the difference between running these steamers on the river and taking them off. If they were unable to get refreshments on board people would travel on these boats in such sparse numbers as to make the running of the steamers altogether unprofitable. The desire of Mr. Jenkins was to stop the sale of liquor altogether on these steamers. No trouble had arisen through the granting of these packet licenses, nor could it have meant any real difference to the trade in Perth or Fremantle.

Hon. C. SOMMERS: Mr. Laurie had endeavoured to draw a red herring across the trail by inferring that other members had insinuated that the boats were not well run. He (Mr. Sommers) had never suggested anything of the kind. He

held we should be consistent. Seeing we made it impossible for a man to get a drink unless he travelled ten miles by road we should not allow him to be supplied with liquor immediately he stepped aboard one of these steamers. As to the contention that the withdrawal of the license would represent a heavy loss to the steamers it was to be remembered, on the other hand, that now we had made the conditions of Sunday trading so stringent people who wanted liquor on Sundays would go aboard these steamers with the result that large numbers of women and children who were in the habit of using them to-day would have to remain ashore. The plea was raised that if we restricted this trade possibly the boats would be taken off the river, but other boats would come on and the traffic would be increased if the restriction was enforced. Let the boats ply their traffic outside the river going to Rottnest or Garden Island, but immediately they entered the harbour let the bars be closed, as was the case with the mail steamers.

Hon. W. PATRICK: The object of the hon. member would have been brought about better by striking out the proviso "Provided that Section 97 of this Act shall not apply to packet licenses." There was no need to refer to the number of empty bottles, or to the comfort and respectability of these boats. The conditions would entirely change the moment the Bill became law. We laid it down as a principle that there was to be no drinking on Sundays, or on Christmas Day, or Good Friday, and we would stultify ourselves if we allowed these boats to sell on those days. If hotels were closed on Sundays the only opportunity for drinking would be provided by these boats; and instead of the steamers being comfortable and well conducted as now, they would be more likely to be the reverse of comfortable and very badly conducted.

Hon. Sir E. H. WITTENOOM: Prohibition was absolutely the only cure for the liquor evil, but there were people accustomed to a little alcohol all their lives and if they required it they should have the opportunity to get it. From his ex-

perience of these boats he had never seen one sign of drunkenness on them.

Hon. E. M. CLARKE: In order to be consistent, having done our best to prevent the sale of liquor on Sundays, Good Friday and Christmas Day, we should apply the same principle to the rivers, and if the amendment were altered so that permission to sell on these days on these boats could be restricted to outside the harbour, he would support it.

The Colonial Secretary: We do not prohibit selling drink to travellers.

Hon. E. M. CLARKE: We could not call people on these boats travellers. A traveller was a man going from one place to another on business. These people were on the boats only for pleasure. It was understood things were well conducted on these boats and that there was nothing unseemly on them for which the owners of the boats were responsible.

Hon. M. L. MOSS: The amendment was not to prohibit the sale of liquor on Sundays, Christmas Day and Good Friday; it was to throttle the packet license altogether and prevent the sale of liquor on any day. Mr. Sommers talked about the harbour as if it were down to the mouth of the river. It was nothing of the kind. Fremantle harbour extended to Rottnest and Rockingham. The amendment was that if the boat was not 50 miles from Perth the packet license was not to be availed of. The packet license was now in existence 30 years; and on the assumption that the law would remain as it stood, one company spent £15,000 on a boat. Such a poor thing was the packet license that one boat, the "Westralia," had changed hands half a dozen times and nearly made bankrupt every person having anything to do with it. It showed how valuable the license was and how little credence could be put in the figures of the co-operative bottle exchange quoted by Mr. Jenkins. According to the principle laid down in the Bill no person was to be deprived of a license for a period of 10 years, but if this amendment was carried we would deprive the holders of these packet licenses of vested interests right from the jump. It would be useless to hold the license though the actual license was named in the Statute.

Hon. A. G. JENKINS: To argue that the owners of one boat had put £15,000 in it on the assumption of the law standing was not a sound one. We might as well argue that a person spent £50,000 on a hotel on the assumption that the law would stand as now. Was not the trade entitled to some protection? They paid heavy rates and taxes and heavy licenses fees and kept up big armies of servants and spent a lot of money, whereas the boats got this concession for £10 a year.

Hon. M. L. MOSS: Do they not spend money in the State?

Hon. A. G. JENKINS: But how much? They kept a crew of three or four men going, and possibly spent £10 or £12 for the passenger license. The desire was to stop the sale of liquor on the river, and it was to be hoped the Committee would put the amendment in the Bill.

Hon. C. SOMMERS: A strong point had been made by Mr. Moss that members should bear in mind that in endeavouring to do away with this license we would do so without compensating the holders of it. He (Mr. Sommers) would be the last one to take away such a right. For that reason he would withdraw from the position that he had previously taken up to a certain extent, and later he would see that the trade was put on a footing similar to that which existed on shore.

Hon. M. L. MOSS: If the hon. member desired to put the boats on the same footing as the ordinary publican, he should remember that the ordinary publican had the right to supply a bona fide traveller, and if he could persuade the majority of the Committee to go to the extent of prohibiting the holder of a packet license from selling at all on Christmas Day, Good Friday, and Sunday, he would put those people in a worse position than the holders of the publican's license.

Hon. R. LAURIE: It was pleasing to hear that Mr. Sommers was prepared to modify his views, and it was satisfactory to know that Mr. Jenkins would support an amendment which would prevent over-sea steamers from being placed under this ban. In the old days at Fremantle a Judge of the Supreme Court went down to see some of his friends off, and he

found that he was prohibited from getting refreshments on board the steamer which was at the wharf, and it was only some weeks before that the same Judge fined the master of that steamer £50 for supplying drink at the wharf. The same thing might happen to any hon. member. It certainly seemed to be a case of doing one thing in the Chamber, and quite another on board a vessel. If any harm had been done by the existence of these packet licenses he would have been the first to oppose them. Under the circumstances the Committee should take a reasonable view of the matter.

Hon. F. CONNOR: The opinion he held was that we were over-legislating. It should be recognised that we could not make people sober by Act of Parliament. Moreover individual cases did not prove that the public generally should be penalised. The law should be allowed to stand as it was. We did not want too many restrictions placed on the travelling public.

Hon. E. M. CLARKE: An explanation might be given of the proviso. His reading of it was that liquor could be sold on any day of the week.

Hon. M. L. MOSS: There was no desire to disguise the meaning of the proviso. It meant that while a boat was moving passengers could be supplied at any time, Sunday included. A publican could also provide refreshment to bona fide travellers on Sunday.

Hon. A. G. JENKINS: The amendment would only stop the sale of liquor on a river or an estuary. It would not stop the sale of liquor outside a river.

Hon. M. L. MOSS: It will.

Hon. A. G. JENKINS: The amendment would simply apply to the sale of liquor on a river or estuary and in such circumstances no hardship would be inflicted. If the amendment did not meet with the wishes of the Committee, and any hon. member moved another amendment to forbid these vessels from trading on a river or an estuary, he would support it.

Amendment put and division taken with the following result:—

Ayes	5
Noes	11

Majority against	..	6
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AYES.

Hon. E. M. Clarke	Hon. W. Patrick
Hon. D. G. Gawler	Hon. J. F. Cullen
Hon. A. G. Jenkins	(Teller).

NOES.

Hon. J. D. Connolly	Hon. B. C. O'Brien
Hon. J. W. Hackett	Hon. C. Sommers
Hon. W. Marwick	Hon. S. Stubbs
Hon. R. D. McKenzie	Hon. Sir E. H. Wittenoom
Hon. E. McLarty	Hon. C. McKenzie
Hon. M. L. Moss	(Teller).

Amendment thus negatived.

Hon. W. PATRICK moved a further amendment—

That the following words in line six be struck out:—"provided that Section 97 of this Act shall not apply to a packet license."

Clause 97 practically abolished Sunday trading throughout the State, and surely, if Sunday trading was wrong on land, it was wrong in the harbour. If these river steamers were to be allowed to sell liquor on Sundays they could not be conducted as well as in the past. If the majority of licenses in the State were closed on Sundays, and exemption was granted to a small minority, that minority must do a greatly increased trade. Undoubtedly the object of the measure was to bring about better conditions in regard to the drink traffic, and if the law was laid down that all sale of drink was to be stopped on Sundays, Good Fridays, and Christmas Days, the Committee, in order not to stultify themselves, must apply the same law to the steamers. If the proviso was allowed to remain the bona fide traveller would not need to travel at all, because he would only have to step on to a steamer and be able to get a drink immediately it left the jetty. He hoped the Committee would make the principle of Sunday closing complete by excising the proviso.

Hon. M. L. MOSS: Necessarily in the case of ordinary hotels or wayside houses some limit must be fixed with the object of ensuring that the person desiring to obtain liquor was a bona fide traveller.

To that end the Committee had fixed 10 miles, but the case in connection with boats was different. There could be no doubt that, when a man boarded a boat, immediately the boat left the jetty on a jaunt to Fremantle, a distance of 12 miles, he was necessarily a traveller.

Hon. C. Sommers: What about him getting off at Applecross?

Hon. M. L. MOSS: The boats to which he was referring were not utilised to any extent by persons going to Applecross. Even if a man was supplied with liquor when the boat was only thirty yards away from the jetty, the fact remained that he could not get back to Perth until he had completed the trip to Fremantle, and thus travelled twelve miles. These boats were not used for the supply of liquor.

Hon. C. Sommers: It was a deterrent, it stopped a number of people travelling.

Hon. M. L. MOSS: The conduct of people on board the boat was exceedingly good, and nothing in the nature of an adverse report had been made when the application for renewing the license was made to the bench. If the privileges were cut down, whilst injuring the holder of the license, the whole would be injured also.

Hon. E. M. CLARKE: What was the difference between a passenger on a boat leaving the jetty with the assumption that he was going to Fremantle and asking for a drink straightaway, and a passenger on board one of the trains going on a flower excursion 25 miles to Mundaring and going to the hotel straightaway and asking for liquor? He failed to see the logic of a man wanting a drink on the assumption that he was going on a journey. In order to be consistent he would vote that the proviso be struck out.

The COLONIAL SECRETARY: If the proviso were struck out it would affect every boat on the coast. The clause would not be workable at all. We should not take away this privilege without giving some notice or compensation, but a good deal had been said as to the boats on the river. From his knowledge of them there had been no excessive drinking on the boats. No greater privilege was given to the boats under the Bill than under the present Act. The boats were conducted

well and had been a distinct acquisition to the State. From what he knew the owners were not making a profit from the boats nor were they making the profits, which the hon. member stated, from the bar.

Hon. Sir E. H. WITTENOOM: The point was whether the licenses held by the boats were abused or not. If they were not abused there was no harm in the boats having them. His experience was that it was quite the other way. He happened to be a patron of a club in this City and went down the river on one of these boats two or three times a year, and he had never seen anybody on these boats the worse for liquor. It was a fair thing to let the owners of the boats have a license.

Hon. A. G. JENKINS: The Colonial Secretary seemed to make a big point that if the proviso was struck out drink could not be sold on any boat on a Sunday. He (Mr. Jenkins) had intimated that if his amendment was not carried he intended to move that the proviso be struck out, and the Government could then introduce an amendment to protect the boats on the North-West trade.

Hon. B. C. O'BRIEN: This was the only State in the Commonwealth where such a license was permitted. In Victoria there was a boat called the "Ozone" which went to Sorrento and other places and this boat had to be some distance from shore before the bars could be opened, but then that boat travelled a distance of 60 miles. In Sydney Harbour drink was not allowed to be sold on the many hundreds of ferry boats on that harbour.

Hon. C. SOMMERS: Although at present it was the custom to run these boats from Perth to their destination without stopping, it might suit the owners to alter their programme and stop at the Claremont jetty, or other jetties.

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

Ayes	..	..	..	7
Noes	..	..	..	9

Majority against .. 2

AYES.

Hon. A. G. Jenkins	Hon. W. Patrick
Hon. J. W. Langford	Hon. C. Sommers
Hon. C. McKenzie	Hon. E. M. Clarke
Hon. B. C. O'Brien	(Teller).

NOES.

Hon. J. D. Connolly	Hon. E. McLarty
Hon. F. Connor	Hon. M. L. Moss
Hon. J. W. Hackett	Sir E. H. Wittenoom
Hon. R. Laurie	Hon. D. G. Gawler
Hon. R. D. McKenzie	(Teller).

Amendment thus negatived.

Clause put and passed.

Postponed Clause 40—Temporary licenses:

Hon. J. W. LANGSFORD: When previously the clause had been before the Committee he suggested the addition of a proviso which would prevent the granting of licenses for the purpose of school sports. Since then he had secured the services of the Parliamentary draftsman to put the proviso in shape. He moved an amendment—

That the following be added:—"Provided that no temporary license shall be granted so as to permit the sale or supply of liquor at any military encampment of cadets, or any athletic or aquatic sports, games, or contests wholly or mainly held or engaged in by scholars of any educational establishment, or by members of any association or society the majority of the members thereof are minors."

Amendment passed; the clause as amended agreed to.

Postponed Clause 49—Occasional licenses:

The CHAIRMAN: In this clause the words in the first line, "and occasional" had been struck out. The question was, that the clause as amended stand part of the Bill.

The COLONIAL SECRETARY: The clause had been postponed with a view to having defined the form of occasional license. Occasional licenses were really dealt with in Clause 41, and if any amendment were made in Clause 49 it would be necessary to effect the same amendment in Clause 41. He suggested that Clause 49 be passed as amended, and he would have it recommitted on Tuesday, when, if any amendment were made, it would be consequentially effected in Clause 41.

Clause, as previously amended, agreed to.

Postponed Clause 53—Transfer of licenses:

The COLONIAL SECRETARY moved an amendment—

That at the beginning of Subclause 2 the words "subject to this Act" be inserted.

Amendment passed.

The COLONIAL SECRETARY moved a further amendment—

That the following stand as Subclause 3:—"At least seven days before the hearing of an application under this section, the application shall be lodged with the clerk of the licensing court, and a copy thereof served on the officer in charge of the police station nearest to the licensed premises, and a copy thereof published in a newspaper circulating in the district."

It had been pointed out that a man might obtain a transfer and none but the police know anything of it for the remainder of the year.

Amendment passed; the clause as amended agreed to.

Postponed Clause 67—Temporary and occasional licenses:

The COLONIAL SECRETARY: This clause also might now be passed and re-committed on Tuesday. The chief objection to the occasional license was its present form. He was having the necessary amendment drafted.

Clause put and passed.

Postponed Clause 78—Section, N.S.W., 1907, No. 21, Section 3:

The COLONIAL SECRETARY moved an amendment—

That the first proviso be struck out, and the following inserted in lieu:—"Provided that no license shall be granted pursuant to such resolutions unless the applicant shall present to the court a petition in favour of the granting thereof which appears to the court to be signed by a majority of the electors of the district who live in the neighbourhood (as defined by the chairman of the court) of the premises in respect of which the license is sought. The chairman shall at least ten days before the commencement of the sitting of the court at which the application is to be heard define the area which shall be deemed the neighbourhood of such premises for the purposes of this proviso."

When previously the clause was before the Committee the difficulty had been pointed out of obtaining a majority petition of residents, and the proviso it was now sought to insert provided for a petition by the electors of an area, such area to be defined by the chairman of the bench at least 10 days before the sitting of the court. It was to be left solely to the discretion of the bench as to whether they were satisfied it was a majority petition of the electors in the area. The 10 days period was fixed to give the applicant, after the chairman defined the district, ample time to go round and get a majority of the electors in the area. After a poll was held in a district it was necessary for the electors in the immediate area to have a voice whether a license should be granted or not.

Hon. M. L. MOSS: The clause was absolutely unworkable as it stood, and would be a complete barrier against the granting of a new license. The suggestions he had offered were now incorporated in this amendment, but the Colonial Secretary had failed to adopt the suggestion put forward by Mr. Gawler. There might be a large number of persons qualified to be elected who would not be enrolled at the time the petition went round. To make the matter clearer he would move that the names on the petition must be those of electors on the last printed electoral rolls. Then it would be a simple matter for the bench to ascertain whether a petition contained a majority of the electors in the area fixed by the licensing magistrate ten days before the application was heard. Otherwise the applicant, after incurring considerable expense, might be ruled out because persons who were qualified to be on the roll but were not on the roll had signed the petition.

Amendment (to strike out proviso) put and passed.

Hon. M. L. MOSS moved an amendment on the amendment—

That the words "whose names appear on the last printed electoral roll, and" be inserted in the proviso proposed to be inserted in lieu.

The COLONIAL SECRETARY: There was no objection to offer to this. It was an oversight that these words were omitted.

Hon. D. G. GAWLER: It was not certain whether, strictly speaking, under the Electoral Act, persons were not entitled to vote until they were on the roll. However, the words sought to be added would have a good effect.

Amendment (Mr. Moss's) on amendment put and passed.

Amendment (the Minister's) as amended put and passed.

The COLONIAL SECRETARY moved a further amendment—

That in paragraph (c) the words subject to the provisions of Division 3 of this Part" be struck out.

There was no Division 3. This amendment was consequential on the striking out of the money compensation clauses in another House.

Amendment passed: the clause as amended agreed to.

Postponed Clause 95—License to be kept by licensee:

Hon. C. SOMMERS: It was understood the Minister was going to bring in some amendment.

The Colonial Secretary: No; I want the clause to stand.

Hon. C. SOMMERS: It would be dangerous to permit the licensee who might have little interest in the property to hold the license. It might cause the owner of valuable property considerable inconvenience.

Hon. M. L. MOSS: If the owner desired to enter at the expiration of a lease or if the mortgagee desired to enter for non-payment of money secured by mortgage, it might be necessary to take an action in the courts to secure possession of the license. If it was necessary to have the license produced in court the owner or mortgagee could do that. If the licensee held the license and proved spiteful it would cause considerable inconvenience to the owner or mortgagee, and might be the means of occasioning damage to the property. The owner or mortgagee was most entitled to the

license and generally held a blank application for a transfer.

The COLONIAL SECRETARY: As promised the matter had been carefully considered, but it was not deemed advisable to alter the existing law in this respect.

Hon. A. G. Jenkins: It is broken every day; it is impossible to work under it.

The COLONIAL SECRETARY: That might be the case, still it was the law and it was no new principle. It applied in other Statutes. The chairman of the Perth licensing bench reported that the provision should not be altered, that there were cases where lawyers had refused to give up licenses, claiming a lien on them for costs, and that it was the custom for brewers to hold the licenses as a curb against the misbehaviour of licensees. The same principle applied under the Merchants Shipping Act. A certificate of registration could only be used for navigation and could not be subject to any lien or claim or mortgage. The chairman of the Perth licensing bench claimed the licensee should not be allowed to mortgage the license. If it was understood that licensees were not permitted to mortgage the license there would be no hardship on anyone. The Act distinctly stated the license must be produced on demand to police officers and others.

Hon. M. L. MOSS: The experience of the police magistrate was valuable, but the experience of the people dealing with this license was of much more importance. All that a magistrate was entitled to demand from Parliament, in order to enable him to administer a measure like this, was that the license should be in no one's possession except the licensee or the mortgagee, or the owner of the premises; the solicitor should not have it. It was his desire to assist the Minister to put this on a practicable footing, but the Minister declined to have a clause drafted to meet the various contingencies which cropped up in connection with this class of property. The Government should assist owners of pro-

perty of this kind which was liable to so many assaults at the hands of a spiteful tenant.

Hon. C. SOMMERS: The Minister might be appealed to to assist in this matter; it could hardly be realised what a great amount of money there was at stake with regard to transactions of this sort. So many penalties were imposed under the Act that it would make it a difficult matter to have any transactions with regard to these houses, but for the protection of those who had already advanced moneys it was necessary that the protection should be as ample as possible. He repeated that very often these licenses were more valuable than the freehold, and a license might in a month or even six months run out, and the tenant who was inclined to be spiteful to an owner or the mortgagee, would do everything he could to jeopardise that license.

Hon. D. G. GAWLER: Under Clause 54 it seemed to him that the owner was fully protected. In the event of anything occurring the owner was given the right to enter and the license was vested in him. The clause was somewhat complicated, it was true, but if Mr. Moss and Mr. Jenkins looked at the various subclauses of this clause they would see that it very fairly protected all concerned.

Hon. M. L. MOSS: Clause 95 could be made much simpler. He did not see that any injury could be done to the community by allowing a license to be in the possession of a mortgagee or owner. He again appealed to the Colonial Secretary to further postpone the clause in order to see what could be done in that direction.

The COLONIAL SECRETARY: There was no objection to having the clause further looked into. He did not desire to inflict an injury on owners or mortgagees, and if protection could be given to them without interference with the administration of the Licensing Act he would be agreeable to do it.

Clause put and passed.

Clause 119—Liquors hawked about to be seized and condemned:

The COLONIAL SECRETARY: The clause had been postponed because the penalty was not considered quite right. The amendment had not been drawn; therefore he would ask the Committee to pass the clause *pro forma*, and he would have it recommitted, so that it could be dealt with at the same time as the other penalties.

Clause put and passed.

Postponed Clause 121—agreed to.

Postponed Clause 159—Supplying or keeping liquor in unregistered club:

The COLONIAL SECRETARY: Careful consideration had been given to the proposal to strike out the word "supplied," but it was not advisable to make that amendment because it would leave the door open for bogus clubs to indulge in the sale of liquor, and there was no other way of getting out of the difficulty so far as the Parliamentary draftsman could see. He therefore asked the Committee to allow the clause to stand as printed.

Hon. M. L. MOSS: It was not his intention to allow the clause to go further than the prohibition against the sale of liquor. It was going too far to penalise a man for keeping a flask of whisky in his locker and treating a friend, and to penalise any other person who might have seen him so treating his friend and did not become a common informer.

The COLONIAL SECRETARY: The clause would only apply to the large sale of liquor. If the clause was amended as suggested, what was to prevent an unregistered club keeping liquor on the premises and supplying it to members? A clause similar to that under consideration had recently been enacted by the Imperial Parliament.

Hon. M. L. MOSS: The conditions in this State were different from those in England. The clause was aiming a blow at small sports clubs, by making members subject to penalties for keeping liquors in their lockers and supplying it to friends by way of treating them.

Hon. R. LAURIE: There had been an understanding with the Colonial Secre-

tary that an amendment would be made to the clause. If the clause was allowed to remain unaltered it would mean that the W.A. Turf Club, for instance, which kept a few liquors in the office premises in Howard Street, would not be able to keep liquor there without committing an offence.

The Colonial Secretary: Your amendment on the notice paper would cover that.

Hon. R. LAURIE: Would the Colonial Secretary accept that amendment?

The Colonial Secretary: Yes.

Hon. R. LAURIE moved an amendment—

That the following be added to the clause:—"but nothing in this section shall render it unlawful, or make it an offence for the Committee of any club or any person on behalf of any such club to supply liquor gratuitously to any member or guest of the club on the club premises for consumption thereon."

Hon. M. L. MOSS: That would not meet one hundredth part of the objections which he had raised. If the question was to be dealt with it should not be dealt with from the view of the West Australian Turf Club or the racing clubs. There were cricket clubs, bowling clubs, and many other clubs that should be considered. If we passed legislation of this description we should make ourselves the laughing stock of the community.

Hon. R. LAURIE: As the Colonial Secretary had to deal with certain clauses later on he (Mr. Laurie) would have a clause drafted to meet the case and the clause could be again considered at the next sitting of the House if the Colonial Secretary would postpone it.

The COLONIAL SECRETARY: There was no need to postpone the clause. He wished to recommit the Bill on Tuesday next. The clause could be passed on the understanding that it would be recommitted on Tuesday.

Hon. M. L. MOSS: The Colonial Secretary might draft a clause to read, "If liquor is sold or supplied on the premises of any registered club by or on behalf of the club," and so on. That would exclude the individual person from becoming

ing branded as a criminal because he gave his friend a glass of whisky out of his flask. He was quite willing to agree to the formal passing of the clause to assist the Minister to advance the Bill one stage, but it must be on a distinct understanding that a full opportunity would be given to discuss the matter.

Hon. R. LAURIE asked leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

First schedule agreed to.

Second Schedule:

The COLONIAL SECRETARY: The second, third, and fourth schedules referred to members of the licensing court, and were therefore not now required.

Schedule put and negatived.

Third and Fourth Schedules put and negatived.

Fifth Schedule to Twenty-ninth Schedule—agreed to.

Bill reported with amendments, and ordered to be returned to the Legislative Assembly, requesting them to make the amendments agreed to by the Committee.

BILL—BREAD ACT AMENDMENT.

Received from the Legislative Assembly and on motion by Hon. B. C. O'Brien read a first time.

CHRISTMAS HOLIDAYS.

Hon. J. W. HACKETT: Could the Minister give members some information as to when it was likely the House would rise for the Christmas holidays?

The COLONIAL SECRETARY: So far as this House was concerned, indeed both Houses, the adjournment would probably be made this day week for the Christmas recess. This House would probably adjourn for three weeks; that was supposing we got through the Licensing Bill so as to get it back to another place before Christmas. In such a case there would not be the necessity to meet again quite as soon as the other House, and the recess, therefore, would be for about three weeks.

House adjourned at 10.16 p.m.

Legislative Assembly,

Thursday, 15th December, 1910.

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

PAPERS PRESENTED.

By the Attorney General: 1, Report by the Chief Electoral Officer on the principal electoral systems in self-governing countries. (Ordered to be printed.)

By the Minister for Works: 1, Plan of the route of the proposed Katanning-Nampup Railway.

By the Minister for Lands: 1, Papers re abandonment of lands by Mr. G. W. D. Breadon.

QUESTION—LANDS RESUMPTION, DONNYBROOK-PRESTON RAILWAY.

Mr. SWAN (for Mr. A. A. Wilson) asked the Minister for Works: 1, Has the land in connection with the construction of the Donnybrook-Preston Railway been resumed from the settlers? 2, Has compensation been paid for the land so resumed? 3, Is it the intention of the Works Department to securely fence the land so resumed? 4, When the Works Department constructs a railway that divides into sections settlers' farms that had previously been securely fenced, whose duty is it to fence off and "catle pit," if required, the said railway?

The MINISTER FOR WORKS replied: 1, No. The resumption has been delayed owing to a re-survey of the whole line having been necessary. 2, Compensation will be paid after resumption when claims have been considered.