Legislative Council.

Thursday, 8th December, 1910.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Perth Public Hospital—Report for year ended 30th June, 1910. 2, Department of Public Works—Report for year 1909-1910.

BILL — PERTH MUNICIPAL GAS AND ELECTRIC LIGHTING.

Recommittal.

Hon. W. Kingsmill in the Chair.

Clause 9—Votes of ratepayers, how taken:

The COLONIAL SECRETARY: It would be remembered that when on the previous occasion the Bill was before the Committee a new subclause had been inserted as follows:—"For the taking of such poll a special roll of ratepayers shall be prepared, revised, and authenticated in the time and manner prescribed in the first schedule hereto." It would be noticed that the subclause had reference to a schedule. He now proposed to include in the clause what had been thought should form the subject of a schedule. With that end in view it would be necessary to get rid of the reference to a schedule, and so it was his intention to move to strike out the whole of the subclause with the view to again reinserting it in altered form. He moved an amendment—

That Subclause (1) be struck out and the following inserted in lieu:—"That for the taking of such poll a special roll of ratepayers shall be prepared, revised, and authenticated in the time and manner prescribed. (a) The town clerk shall cause a list to be prepared which shall contain the names of all persons whose names appear in the current year's rate book for the municipality as owners or occupiers of rateable land. (b) The said list shall be available for inspection to any ratepayer at the town clerk's office not later than fourteen days before the date fixed for the holding of the poll. (c) On or before the tenth day before the date fixed for the holding of the poll (i.) Any person who claims to be the owner or occupier of rateable land in the municipality, and whose name does not appear upon such list, may apply to have his name inserted thereon. Such application shall be made in writing, delivered or sent through the post, addressed to the town clerk, and shall contain particulars of the land in respect of which the applicant claims to be a ratepayer. (ii.) Any person whose name appears upon such list or who claims to have his name inserted thereon may object to any other person as not being entitled to have his name retained thereon. Such objection shall be made in writing, delivered or sent by post, addressed to the town clerk. It shall be in duplicate, and shall specify the grounds upon which it is based, and it shall be the duty of the town clerk to post one copy thereof to the person objected to. (d) The council at a meeting to be held for that purpose before the date fixed for the holding of the poll, shall determine upon the validity of all such claims and objections, and shall make all corrections in the said list necessary to give effect to such determination. At least three days' notice of the date of such meeting shall be given by advertisement in a daily newspaper published in Perth. Any such meeting may be adjourned from time to time. (e) The determination upon the validity of claims or objections shall be by the majority of those present at the meeting or adjourned meeting, and in case of an equal division, the mayor or chairman shall have a casting vote in addition to his deliberative vote. (f) The mayor or chairman shall initial every addition or alteration in the list, and shall cause to be written at the foot or end thereof a certificate that

the same has been revised and is correct with the date thereof. The mayor or chairman and not less than two other members of the council shall severally sign such certificates, and the lists so revised and certified shall be the special roll of ratepayers hereinbefore referred to.

Amendment passed.

The COLONIAL SECRETARY: Perhaps he ought to remind hon. members that it was in deference to the wishes of the Committee he had brought down the amendment in the form of a clause instead of a schedule. However, he did not desire that this should be taken as a precedent, or that it should be understood that such things could not be inserted in a schedule. The Parliamentary Draftsman had given him to understand it would cause great inconvenience in certain Bills if such particulars had to be put into a clause instead of a schedule. Of course, it was not new to put things like this in a schedule, as would be seen by a reference to the Bankruptcy Act, the Workers' Compensation Act, and the Criminal Code.

Hon. M. L. Moss: The Criminal Code is a very poor instance.

The COLONIAL SECRETARY: Perhaps so. However, another instance was to be found in the Pharmacy and Poisons Compilation Act.

Hon. M. L. MOSS: Whatever the opinion expressed by the Parliamentary Draftsman he (Mr. Moss) was entitled to his opinion also; indeed, his experience was perhaps equal to that of the Parliamentary Draftsman. It would have been very irregular to do what had been attempted in respect to this amendment, and the Committee had acted quite properly in insisting upon the amendment being put into the body of the measure. In his opinion, this should be regarded as a precedent, indicating that it was only under unusual circumstances that we should put enacting parts of a Bill in a schedule. The province of a schedule was merely to embrace a number of forms, while the enacting parts of a Bill should always be in the body of a measure.

The Colonial Secretary: What about the Bankruptcy Act?

Hon. M. L. MOSS: There were in that Act a number of rules with reference to proving of debts, but these were not part of the general bankruptcy law. Speaking generally, however, we required to see in the body of an Act all its enacting provisions, while the province of a schedule should be restricted to the setting out of forms.

Clause as amended agreed to.

Bill again reported with a further amendment.

BILL—LICENSING.

In Committee.

Resumed from the previous day.

Hon. W. Kingsmill in the Chair.

Clause 44—New licenses:

The CHAIRMAN: On the previous day an amendment to the clause had been made providing that except where Resolution D. had been carried in a district a license could be granted for premises in any locality beyond the radius of 15 miles of any licensed premises. The question now was that the clause as amended be agreed to.

Hon. J. F. CULLEN: While anxious to defeat the proviso, and prepared even to divide the Committee on it, he was faced with the difficulty that he could not deal with the proviso without dealing with the clause as a whole.

The CHAIRMAN: At the preceding sitting it had been explained to the hon. member that owing to the peculiar wording of the hon. member's proposed amendment to the proviso, as it appeared on the Notice Paper, he (the Chairman) had inadvertently put the Colonial Secretary's amendment first. The only course now open to the hon. member was to deal with the proviso on recommittal.

Hon. J. F. CULLEN: In accordance with the suggestion made he would await his opportunity on recommittal.

Hon. Sir E. H. WITTENOOM: Could only one license be granted in any one locality under this proviso?

The Colonial Secretary: Yes.

Hon. Sir E. H. WITTENOOM: Then it was a very reasonable provision.

The COLONIAL SECRETARY: The provision was to enable the granting of one license in a district more than 15 miles from any existing licensed premises so that people would have a certain amount of accommodation until a poll was taken. The Bullfinch district was within seven miles of Golden Valley, where until a few years ago there was a licensed house. If that hotel was now in existence it would prevent any license being obtained at Bullfinch.

Clause as amended agreed to.

Clause 45—Mode of applying for licenses:

Hon. M. L. MOSS: In Clause 25 it was provided that 14 days' notice should be published in the *Government Gazette* as to the holding of special sittings of the licensing court, and the clause now before the Committee compelled the applicant to give 14 days' notice of application: but as the *Gazette* might not reach a country district until some days after the issue, it would be impossible for an applicant to comply with the notice provisions for an application to a special sitting. Some amendment was needed.

The Colonial Secretary: I will have the clause looked into.

Hon. D. G. GAWLER moved an amendment—

That the following be inserted at the end of paragraph (a) of Subclause (1):—"Provided that notwithstanding that such notice is not so kept affixed, if the Court shall be satisfied that the applicant has used all reasonable care to keep it so affixed and that it is not due to any default on his part that it has not been so kept affixed, the Court shall be at liberty to deem the requirements of the subsection in this respect complied with."

People often facetiously removed notices of application from publicans' doors, and the provisions of the clause were not complied with if the notice was not continuously affixed.

Amendment passed; the clause as amended agreed to.

Clause 46 agreed to.

Clause 47—Application to be heard in open court:

The COLONIAL SECRETARY moved an amendment—

That in line 2 the word "or" be inserted before "removal."

The amendment was inserted to avoid conflict with another clause.

Amendment passed

The COLONIAL SECRETARY moved a further amendment—

That after "removal" the words "or forfeiture" be struck out.

Hon. M. L. MOSS: Why should not applications for forfeiture be held in open court?

Hon. A. G. Jenkins: Another clause provided that those applications be heard before justices.

The COLONIAL SECRETARY: The amendment was inserted according to departmental advice, but he would withdraw it pending further investigation.

Amendment by leave withdrawn.

Clause as previously amended put and passed.

Clause 48—Certain licensed houses to possess accommodation for travellers and guests:

Hon. J. F. CULLEN: This clause would have needed amendment had not the Committee restored wine and beer licenses. The amendment he had given notice of was now unnecessary.

Clause passed.

Clause 49—Temporary licenses:

Hon. J. W. LANGSFORD moved an amendment—

That the words "and occasional," in line 1, be struck out.

This was the first opportunity to test the sense of the Committee in regard to these occasional licenses which were granted to allow hotels to remain open after the usual closing hour. Gala days and sports days might reasonable come to an end at the ordinary closing hour.

The COLONIAL SECRETARY: There might be occasions when these licenses would prove useful, but personally he saw no need why publicans should be allowed to remain open after the ordinary hour on Christmas Eve and such like occasions. The proper place for people on Christmas Eve, or times like that, was at home. There were occasions when there

was a necessity for occasional licenses, especially when we were passing strict provisions as to the closing time in regard to bona fide travellers. In tropical places, and on the Eastern Goldfields when the miners came off work at midnight, it was almost a necessity that they should have something to eat and drink.

Hon. J. F. Cullen: But this provision did not cover that.

Hon. J. W. Langsford: Then, it would be every night.

The COLONIAL SECRETARY: The miners came off shift at midnight, and on an extremely hot night the publicans provided beer and supper for these men. The bench allowed these houses to remain open until a quarter-past or half-past 12. Members might leave it to the discretion of the licensing courts.

Hon. M. L. MOSS: Was it to be understood that the hotels alongside the mines were kept open until half-past 12 every night?

The Colonial Secretary: Most of them.

Hon. M. L. MOSS: Then it was a bad thing; but if members representing the goldfields said it was necessary in the interests of their constituents he would vote with them. But he went all the way with Mr. Langsford that occasional licenses were unnecessary, because these were only granted on the eve of Good Friday, Christmas Eve, and the eve of New Year's Day, and people would spend a more pleasant holiday if they got home before one or two o'clock in the morning. He would vote for the amendment.

Hon. J. F. CULLEN: The Minister had put up a very lame defence when one thought what this provision meant. There was an enormous number of hotelkepers who applied, in settled parts of the State, for these licenses, and if one publican asked for a license of this description then all his competitors also asked. The better class of hotelkeepers would like to see the amendment carried. He would support the amendment.

Hon. D. G. GAWLER: These occasional licenses were what were known as permits at present. Would the keeping open of the houses on the fields be covered by these occasional licenses?

The Colonial Secretary: Yes.

Hon. D. G. GAWLER: According to the proviso 48 hours notice had to be given before an aplication could be made, therefore, publicans would have to be constantly giving the 48 hours notice, for the hotels were kept open every night on the fields. The principle was a bad one. If it was necessary so that miners could get a meal, then that might alter his views.

Hon. A. G. JENKINS: The definition of "occasional license," according to Clause 41, only exempted the licensee on any special occasion, so that it would not take the form of the ordinary permit. At the present time permits were very much abused. It might be provided that one or two occasional licenses might be granted to any publican during 12 months and that might meet the case, for there were occasions when banquets were held at hotels, and if the amendment were carried no liquor could be supplied after 11 o'clock.

Hon. M. L. MOSS: It was obvious the clause was no use for the goldfields when one considered that 48 hours' notice had to be given. If the Minister desired to insert a provision in the Bill to meet the case of the goldfields districts then it would require a special clause. Members could vote against the amendment with a clear conscious that they were doing nothing against the goldfields.

The COLONIAL SECRETARY: Having read the clause again he saw that the occasional license was not applicable to the goldfields, it was under the permit system that the hotels there were kept open. Still he thought there ought to be some discretionary power given to the bench to grant occasional licenses. He asked the Committee to retain the clause and trust to the benches. It was not right to do away with the provision entirely. If the amendment were carried then he would ask the Committee to postpone the clause so that an amendment could be inserted to cover such cases as those mentioned by Mr. Jenkins.

Hon. M. L. MOSS: Some modification might be made to meet the cases mentioned by Mr. Jenkins.

Hon. J. W. LANGSFORD: The objection which he raised was to the opening of the public bar, it was not to supplying liquor at functions which were taking place in hotels. These permits had been granted in Perth and Fremantle on the eve of public holidays. Would the Colonial Secretary agree to striking out the words "and occasional"?

The Colonial Secretary: No, he would take the sense of the Committee.

Hon. J. W. LANGSFORD: If the amendment were carried the further consideration of the clause might be postponed.

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

Ayes	10
Noes	5
Majority for	5

AYES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. J. F. Cullen	Hon. S. Stubbs
Hon. J. W. Hackett	Hon. T. H. Wilding
Hon. A. G. Jenkins	Hon. D. G. Gawler (*Teller*).
Hon. J. W. Langsford	
Hon. C. McKenzie	

NOES.

Hon. J. D. Connolly	Hon. E. McLarty
Hon. R. D. McKenzie	Hon. T. F. O. Brimage (*Teller*).
Hon. W. Marwick	

Amendment thus passed.

On motion by COLONIAL SECRETARY, the further consideration of the clause was postponed.

Clauses 50 to 52—agreed to.

Clause 53—Transfer of licenses:

Hon. M. L. MOSS: The principle embodied in the clause was not an improvement on the existing law. At the present time a person who obtained a transfer of license obtained it from the first day succeeding the next quarterly licensing meeting, and he was bound to advertise it in the meantime. Thus if the magistrate had granted a temporary license to one who was of a disreputable character, people were enabled to go before the next licensing court and make objection. The course proposed in the Bill was different. The chairman or two members of the bench had the right to grant the transfer of a license from the day of application to the end of the year. The transfer might be granted in January and the person might hold the license for the remainder of the year without the public having any opportunity to object. However, he did not propose to do more than call the Committee's attention to the alteration.

Hon. D. G. GAWLER: The difficulty which was sought to be prevented by the provision in the Bill was that 14 days' notice of an application for transfer had to be given at the present time, and it often happened that there was not the necessary period in which to give that notice before the meeting of the licensing court.

Hon. J. F. CULLEN: Why not retain the old procedure of keeping the question of transfer open till the next succeeding licensing day? No serious trouble had ever arisen. Why should the bench be able, behind the back of everybody, to grant a transfer of a license which could be held for 10 or 11 months without the public having any say in the matter at all?

Hon. M. L. MOSS: It was quite true, as Mr. Gawler had said, that sometimes it did happen that there was no time to give the necessary 14 days' notice, but that could be met by providing that if there was insufficient time for the licensee to go before the first meeting of the licensing bench, he could go before the next practicable meeting, thus still giving the public an opportunity of objecting to a disreputable person being foisted on them as a licensee. The public hearing which now took place before a man was confirmed in his license was a very good thing, and the abolition of that safeguard was not in the public interest.

The COLONIAL SECRETARY: The reason why the clause had been altered had been correctly stated by Mr. Gawler. At the same time it perhaps effected more than was necessary, and it would, perhaps, be advisable to postpone the clause to the end of the Bill, when a proviso could be inserted on the lines suggested by Mr. Moss.

Clause postponed.

Clause 54—Interpretation:

Hon. M. L. MOSS moved an amendment—

That the following be added to stand as Subclause (e) "be convicted of a crime."

Clause 133 provided that if a licensee was convicted of a crime his license was *ipso facto* to be forfeited, and on the second reading he had drawn attention to the hardship that would be thus inflicted on the owner or mortgagee. His desire was to make it plain that if a licensee was convicted of a crime the owner of the premises or the licensee's successor might have the right to go before the licensing court within a reasonable time and have the license transferred to him or to his nominee. The amendment would prevent an injustice being done.

Amendment passed, the clause as amended agred to.

Clauses 55 to 66—agreed to.

Clause 67—Temporary and Occasional Licenses:

Hon. J. W. LANGSFORD moved an amendment—

That in line one the words "or an occasional" be struck out.

The COLONIAL SECRETARY: It would be better to postpone the clause till the end of the Bill when it could be dealt with in conjunction with other clauses. To that end it would be advisable to withdraw the amendment.

Amendment by leave withdrawn.

On motion by the COLONIAL SECRETARY, further consideration of the clause postponed.

Clauses 68 to 70—agreed to.

Clause 71—Fees for other licenses:

Hon. M. L. MOSS: The reason why he had not moved an amendment on the preceding clause, as he had intended, in the direction of having the fees based on a percentage of the liquor sold was that after consultation with the Colonial Secretary, he found that in many instances a percentage on the liquor sold would not amount to as much as the fees proposed in the Bill.

The COLONIAL SECRETARY moved an amendment—

That after "For an Australian wine license, five pounds" the words "For an Australian wine and beer license, five pounds" be inserted.

With regard to the amount of the license fees, the question was fought out some two years ago, and after going into it fully it was found that a high fee would have to be charged on the percentage basis in order to get the amount which was then being derived from licenses; that would have had to be five per cent., and it would have been necessary to add another one per cent. to that because of the costly process which would have been involved. It was entirely on the score of expense that it was decided to allow the matter to remain as it stood.

Hon. M. L. MOSS: Would it not be creating a tax if we made this amendment; should it not go forward as a suggestion?

The CHAIRMAN: All amendments which were made to this measure would go forward as suggestions.

Hon. C. Sommers: But £5 seems to be a very low fee for the wine and beer license; it ought to be increased.

Hon. M. L. Moss: The wine and beer license could very well pay a little more.

The Colonial Secretary: Make it £10.

Hon. C. SOMMERS moved an amendment on the amendment—

That the word "five" be struck out of the amendment and "ten" inserted in lieu.

The COLONIAL SECRETARY: If the hon. member would withdraw his amendment the alteration could be made in the amendment which he (the Colonial Secretary) had moved.

Hon. C. Sommers: There was no objection to that course.

Amendment (Mr. Sommers') on amendment by leave withdrawn.

The COLONIAL SECRETARY: If the Committee would permit it he would alter his amendment to read—

For an Australian wine and beer license, ten pounds.

Amendment passed.

The COLONIAL SECRETARY moved a further amendment—

That after "For a two-gallon license" the words "For a gallon license, fifteen pounds" be inserted.

This amendment was consequential on the reinstatement of the gallon licenses.

Amendment passed.

Hon. J. F. CULLEN moved a further amendment—

That the following words be inserted to stand as Paragraph (b):—"For an eating and boarding house license, ten shillings."

The annual license fee for eating houses and boarding houses was £1, and the transfer fee should be less; but as the clause now stood the transfer of a boarding house license would cost £2.

Amendment passed; the clause as amended agreed to.

Clauses 72, 73—agreed to.

Clause 74—Application of this part:

The COLONIAL SECRETARY moved an amendment—

That in line 2 after "publican's general license" the words "hotel license" be inserted, and after "wayside house license" the words "Australian wine and beer license" be inserted.

Amendment passed.

Hon. J. F. CULLEN: Why was the Minister not going to add the two gallon and the one gallon licenses?

The Colonial Secretary: It is proposed to make them the subject of local option.

Hon. J. F. CULLEN: But would it not be playing a little bit of a farce if we closed up all the other houses and left the two and one gallon houses open? It was well known that the holders of these licenses did a roaring trade now, but what would their trade be if they had a monopoly. They would all become public houses in disguise. Why should not these licenses be subjected to a local option poll? The only restriction on a local option poll should be club licenses, where the question of personal gain did not enter. Unless the Minister colud show good reason against it he (Mr. Cullen) would move the inclusion of gallon and two gallon licenses. He moved—

That after "license," in line 3, the words "gallon license and two gallon licenses" be inserted.

Hon M. L. MOSS: The amendment should not receive the support of the Committee. If in the licensing district of Perth a resolution was carried to the effect that all licenses should be refused, then, under the amendment, two gallon licenses would be incorporated in the resolution. It was to be remembered that the various breweries held two gallon licenses, and, therefore, the amendment would inflict a tremendous amount of harm in such a case, for it would prevent a barrel of beer being sold in any "no-license" district. Surely hon. members would not agree to that. In his opinion the gallon license was a good form of license. The hon. member had declared that premises having a gallon license were public houses in disguise, but this was manifestly wrong. The gallon license was on a footing altogether different from that of general publicans' licenses.

Hon. A. G. JENKINS: While agreeing with the remarks made by Mr. Moss in regard to two gallon licenses, he thought there should not be the slightest objection to including the gallon license within the scope of a local option poll. Unless this was done the carrying of prohibition would have but little effect; for what would be the use of withdrawing all other forms of licenses and leaving the gallon license untouched? It would entirely nullify the effect of the local option poll. Why should the gallon license be placed on a footing different from that of the other licenses? If, without inflicting hardship on the breweries, the two gallon license could be brought within the scope of a local option poll, he would support its inclusion, but in any case he would give his support to the inclusion of gallon licenses.

Hon. J. F. CULLEN: The original intention with respect to two gallon licenses had been to restrict them to breweries. If the Minister would undertake to once more limit the two gallon license to breweries he (Mr. Cullen) would limit his amendment to one gallon.

Hon. M. L. MOSS: If we were going to include gallon licenses within the scope of a local option poll, then to be logical we should go farther and make it a penal offence for any person to bring liquor into a district which had declared for prohibition. Would hon. members be prepared to go that far?

Hon. J. F. CULLEN: The argument of Mr. Moss was directed, not against gallon licenses but against local option. We knew that if prohibition were carried in one district before it had been agreed to in the neighbouring district there was bound to be a certain amount of importation. Following on his suggestion to the Colonial Secretary, with the permission of the Committee he would withdraw his amendment.

Amendment by leave withdrawn.

Hon. J. F. CULLEN moved a further amendment—

That after "license," in line 3, the words "and one gallon licenses" be inserted.

The COLONIAL SECRETARY: It was to be hoped the Committee would not agree to the amendment. In no State in Australia where local option had been in force for any time had gallon licenses been brought within the scope of a local option poll. It had been tried in one or two districts in New Zealand, and in some of the American States, but in each instance it had proved to be an absurdity.

Hon. C. SOMMERS: It would be a mistake to have gallon licenses subject to local option polls. He admitted he had previously held the contrary opinion, but the points advanced by hon. members convinced him otherwise.

Hon. J. W. LANGSFORD: It was on the understanding that gallon licenses would be subject to local option polls that the amendment was passed inserting them in the Bill. They should be subject to the will of the people. He would support the amendment.

Hon. B. C. O'BRIEN: It was surprising the Colonial Secretary should put up such a battle for gallon licenses, and that the hon. member should say this class of legislation was mainly directed against hotels; but if we were to have a full measure of local option why should the holder of a gallon license be afraid to take his chance before the people just as the holder of the hotel license would have to do? The holders of gallon licenses sold in large quantities and in small quantities, and the sale of small quantities by them was rampant in the City. Of course it was very difficult to have it detected. If the people desired, as was said, to have these gallon licenses retained, there was a very simple way of letting the people say they should be retained, by submitting them to local option polls.

Hon. R. LAURIE: This was an amendment that lent itself to advocates on either side of the liquor question. It was directed towards knocking out one of the most useful licenses in the Bill. It was said that the gallon licenses were abused, but there was no evidence of it. We must recognise that if a person wanted to have drink in his house that person was going to have it, and if there was prohibition in the district he would get the drink delivered from the holder of a gallon license outside the prohibited area. It was not the object of the temperance party to prevent people getting drink at all; the idea was to get a chance of closing some of the disreputable places for which general licenses were held. At any rate there was no abuse of the gallon license.

Hon. W. MARWICK: To include gallon licenses seemed to be going from one extreme to the other. We would be extremists in attempting to prohibit the sale of liquor wholesale. It was surprising to hear members say the gallon license was abused. There was certainly no abuse of it in country districts. One difficulty would be the fact that people in country districts who were supplied by the holders of gallon licenses from towns perhaps 50 miles away, would have no say in any local option poll that would perhaps deal with these licenses.

Hon. T. H. WILDING: Gallon licenses should be brought under local option. There were many small agricultural centres which would probably decide against having hotels, but if we allowed gallon licenses it would be the means of affecting those holding farms worked by employees. It would enable these employees to purchase drink at these centres, and much harm might be done to the horses under their charge.

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

Ayes	..	..	8
Noes	..	..	19
Majority against	..	..	2

AYES.

Hon. D. G. Gawler	Hon. B. C. O'Brien
Hon. A. G. Jenkins	Hon. S. Stubbs
Hon. J. W. Langsford	Hon. T. H. Wilding
Hon. C. McKenzie	Hon. J. F. Cullen (*Teller*).

NOES.

Hon T. F. O. Brimage	Hon. W. Marwick
Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. J. D. Connolly	Hon. E. McLarty
Hon. J. W. Hackett	Hon. M. L. Moss
Hon. R. Laurie	Hon. C. Sommers (*Teller*).

Amendment thus negatived.

Sitting suspended from 6.15 to 7.30 p.m.

The COLONIAL SECRETARY moved a further amendment—

That the following proviso be inserted:—Provided that Resolution B. shall not extend to hotel licenses or Australian wine and beer licenses.

Amendment passed; the clause as amended agreed to.

Clause 75—Place and date of voting:

Hon. J. F. CULLEN moved an amendment—

That in Subclause 1 all the words after "district" in line 2 be struck out and "simultaneously with every general election" be inserted.

This would make the local option poll fall on general election day. The object of everybody on such a vital question as local option should be to get the fullest possible expression of the public mind, and to do that the poll must be on a day when voters could attend. Patriotic duty required every elector to give up work on general election day. If we held the local option poll on general election day we would get the fullest expression of public opinion. If we held it on another day we asked the people to give up their work for one social issue. It was easy to say that if people were interested they would go to the poll, but interest was a relative quality. Holding a separate poll meant doubling the expense to the State and doubling the cost too of the voters who would take part.

Hon. M. L. Moss: What would happen in the case of two or three general elections in a year?

Hon. J. F. CULLEN: If there should be an extraordinary election after a year or two years, there would be no difficulty, if the principle was accepted by the Committee, in providing that where an extraordinary election took place within, say, 18 months, that the poll should go to the next general election.

Hon. M. L. Moss: What did the hon. member call an extraordinary election?

Hon. J. F. CULLEN: An election before effluxion of time. If we fixed as a nominal thing general election day we guaranteed a full expression of public opinion without any added cost to the State. As to the allegation that electors might confuse between the two issues, the average elector to-day was quite equal of voting two ballots.

The COLONIAL SECRETARY: It was to be hoped the Committee would not agree to the amendment. As a beginning it would be better to have a separate day for taking the local option poll than to have it on the day of a general election. Until the people were educated to voting local option it would be fatal to the matter to have the poll on general election day, because sometimes very short notice might be given of a general election. As years went by, when people had been educated there were still good reasons why the poll should not be taken on a general election day. The Prime Minister of New Zealand, where local option had been in existence for years, was decidedly against having the local option poll on general election day, and this was the opinion expressed by a late Minister of Victoria and was also expressed by Ministers in New South Wales. There could be no fixed time for a poll if it was to be taken on general election day, whereas, according to the Bill, there would be a local option poll every third year. It would be much better to have the question fought out independently of the personnel of the candidates for

Parliamentary honours. If the poll were taken on general election day, it would have a big influence on the electors of the Assembly. It was not in the interests of Parliamentary Government that the local option poll should be taken on the same day as a general election day. On the question of liquor reform, feeling ran very high, and the feeling would be such that people would not be in a frame of mind to judge of the candidates for a Parliamentary election.

Hon. R. LAURIE: The advocates of local option wish to give their cause a fillip by having the poll taken on election day. If the drink traffic was such a curse, then those who were interested in it would come forward, no matter when the poll was held. Mr. Cullen had said that there was a patriotic question and a social question. The last time the people were asked to vote on a patriotic question only 65 per cent. of the electors voted. The poll for local option should not be mixed up with politics.

Hon. J. W. LANGSFORD: In New Zealand the local option poll was taken on the day of election, and in New South Wales and South Australia the same principle obtained. It would be impossible to obtain the proportions that were required to carry a vote for reduction in a number of the licenses unless the poll was taken on a general election day. It had been said that general elections might follow each other very closely, possibly within 18 months, but his idea was that the local option poll should take place every three years.

Hon. M. L. Moss: What are you going to do if there is an extraordinary general election?

Hon. J. W. LANGSFORD: Provision could be made for that contingency.

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

Ayes	..	..	4
Noes	..	..	12
Majority against		..	8

Ayes	
Hon. T. F. O. Brimage	Hon. J. W. Langsford
Hon. J. F. Cullen	(*Teller*).
Hon. C. McKenzie	

Noes.	
Hon. E. M. Clarke	Hon. B. C. O'Brien
Hon. J. D. Connolly	Hon. C. Sommers
Hon. D. G. Gawler	Hon. S. Stubbs
Hon. R. Laurie	Hon. T. H. Wilding
Hon. R. D. McKenzie	Hon. A. G. Jenkins
Hon. E. McLarty	(*Teller*).
Hon. M. L. Moss	

Amendment thus negatived.

Clause put and passed.

Clause 76—Resolutions to be submited:

Hon. J. F. CULLEN moved a further amendment—

That Resolution A be struck out.

Resolution A was no issue at all, and as the resolutions were drawn up a trap was set for local optionists. Resolution A was put as an alternative to Resolution B, but the proper alternative to Resolution B was yes or no. It was this trap which had completely capsized the local optionists in New South Wales, where the same two resolutions had been put before the electors. The effect had been that the local optionists had said that they could not vote for either of the resolutions. They did not want the number of existing licenses to continue and they did not want them to be increased, so they were compelled to refrain from voting.

The Colonial Secretary: They could vote "no" to both.

Hon. J. F. CULLEN: The trap was that they could not vote "no" to both, because that was not the issue. The real issue was "that the licensing court may in its discretion increase the number of licenses, yes or no?" That was a very fair issue to put before the public, but the ballot papers put this issue—"that the number of licenses existing in the district continue." No temperance man would vote for that. Resolution B on the ballot paper was "that the number of licenses in the district be increased." All publicans would vote for that.

Hon. M. L. Moss: No. Publicans will not vote for an increase.

Hon. J. F. CULLEN: Those who were fond of drink would vote for Resolution B every time. The result of putting such issues before the electors would be that increase would be carried by immense majorities, just as had happened in New South Wales a few weeks ago. Some local optionists had voted there for con-

tinuance, believing that to be an alternative to increase, but the majority had refrained from voting. If the amendment was agreed to he would move to substitute the words "Do you vote that the licensing court may at its discretion increase the number of licenses in the district, yes or no?"

The Colonial Secretary: That is exactly the issue in the Bill.

Hon. J. F. CULLEN: That was all he wanted. If the Colonial Secretary would accept the amendment he would be quite content.

The Colonial Secretary: The issue arises in 1920.

Hon. J. F. CULLEN: The issue did not arise at all. All that could be dealt with until 1920 was, "Shall we allow these licenses to continue or shall we increase them?"

The COLONIAL SECRETARY: If members turned to the schedule it would be seen there was a note showing that the two Resolutions C and D would not come into force until after 1920. The arguments of the hon. member would be good if we had reached that period but the only issues to be put before the people prior to 1920 were A and B. That was that the number of licenses in the district continue, and that the number of licenses existing in the district be increased.

Hon. J. F. Cullen: No local optionist can vote for either.

The COLONIAL SECRETARY: The only vote the local optionist could give would be to leave the licenses as they were or to vote for an increase. Why could not a local optionist vote? The issue was very plain.

Hon. J. F. Cullen: He cannot say they shall not be increased.

The COLONIAL SECRETARY: If the suggestion the hon. member had made were carried out the elector would be misled.

Hon. A. G. JENKINS: The hon. member should not move the amendment to strike out Resolution A for the reason that it became of value only in 1920; until then it was meaningless. No matter how the electors voted on Resolution A it would not have the slightest effect. On the question that the number of licenses existing continue, they would vote "yes," and they would continue. If they voted "no" it would have no effect and there would be no power to carry it out. There was only one issue that should be before the electors until 1920 and that was "Shall the licenses be increased?" It was no good voting continuation until after 1920. It would be advisable in Subclause 3 to provide that Resolutions A, C, and D should not be submitted until 1920. In the meantime the resolution put to the electors should be "Shall licenses be increased?" After 1920 the four issues could be put to the people.

Hon. R. LAURIE: The hon. member who moved the amendment claimed that local optionists could not vote. One of the strongest local optionists in the House was Mr. O'Brien: could not Mr. O'Brien or himself (Mr. Laurie) vote? Both were local optionists; why could they not vote? The local optionist that Mr. Cullen spoke of, it was understood, was a temperance man. By their votes members had given local option; surely it was not to be said that we were giving local option only to one set of people?

Hon. E. M. CLARKE: There were four questions to be determined and one man could not vote for the four. With regard to the first, the man who voted for that was the moderate man; the man who voted for the second was the man who held another view; the man who voted for the third held still another view, and the man who voted for the fourth would have yet another view. It was clear that if the first were struck out the man who wanted the position to remain as it was would be barred from voting; none of the other issues would suit that man. Again, we would rob the temperance man; he could not vote for the first because it would be contrary to his principles, nor would the man who wanted to vote "no" to the first, vote for the last because it was contrary to his principle. The extremists who wanted to do away with licensing altogether would simply vote for the last one, and the man who wanted to vote for continuance would vote for the first.

Hon. C. SOMMERS: The view expressed by Mr. Jenkins was the correct one. The Colonial Secretary might explain how an elector was going to vote according to the schedule by putting a cross inside the square. If an elector wanted to vote reduction, would he have to put a cross in the square, and if he did not want continuation would he still have to put in that cross? The ballot paper was certainly confusing and required some attention. With regard to the first issue, it was of no use voting on it until 1920.

Hon. J. W. LANGSFORD: When, in 10 years' time, this issue was put before the people there would be a great many conscientiously temperate men who would vote for continuance; nor would they be belying their temperance principles in doing so. To submit the question next year, when there was no possibility of reduction for 10 years, would be misleading.

The Colonial Secretary: The alternative will mean altering the ballot paper in 10 years' time.

Hon. J. W. LANGSFORD: If that was the best reason to be advanced in support of putting the issue next year, then we ought to alter the ballot paper now. What on earth was the use of asking people if they desired continuance when there was no alternative?

Hon. J. F. CULLEN: Resolutions C and D were fairly alternative to each other, but Resolutions A and B were not. Still, every voter would think he was asked to vote one way or the other. As a matter of fact, a temperance man could vote for neither. The local option principle had been smashed up in New South Wales by the fact that no temperate man could conscientiously vote one way or the other; and that would happen again in Western Australia. What the Minister wanted the people to vote upon was as to whether the licensing bench should have discretionary power to increase licenses. Was not that the real issue at the present time, and the only issue the Minister could put to the people? Why, then, should it not be put in that form?

The COLONIAL SECRETARY: It was to be hoped the Committee would not agree to strike out Resolution A, because if they did there would have to be an amendment of the Act after 1920.

Hon. J. F. Cullen: That is easily made.

The COLONIAL SECRETARY: The Committee would not be justified in passing a Bill to which there would have to be an amendment before it could come into full operation. The issue of continuance could be put to the people, notwithstanding what had been said, but if Resolution A were struck out there would have to be an amendment of the Act before we could give full effect to the exercise of local option.

Hon. J. F. CULLEN: Mr. Jenkins' proposal was a good one, and with reservations he was prepared to adopt it. He would leave Resolution A in, and have it explained in a footnote that it did not come into force until 1920. Then Resolution B could be made to read, "That the licensing court should have discretionary power to increase the number of licenses—yes or no." On that understanding, with the permission of the Committee, he would withdraw his amendment.

The COLONIAL SECRETARY: It would be better if the Committee voted against the amendment. Then he would consent to add Resolution A to the schedule, and thus the matter would be fixed up until we came to the schedule.

Amendment by leave withdrawn.

Hon. J. F. CULLEN moved a further amendment—

That in line 1 of Subclause 3 after "resolutions" the letter "A" be inserted.

Amendment passed.

Hon. J. F. CULLEN moved a further amendment—

That all the words after the letter "A" in line 1 be struck out with a view to inserting the following:—"and C shall not be submitted until after 31st December, 1915, and that Resolution D shall not be submitted until after 31st December, 1917."

The effect of the amendment would be that questions of reduction would be submitted to the electors any time after

1915, while the question of prohibition would not come on until after 1917.

The CHAIRMAN: It would be best to move first to insert the word "and" between "A" and "C."

Hon. D. G. GAWLER: It was his intention to move to strike out 1920 and insert 1915. How would that be affected by Mr. Cullen's amendment?

The CHAIRMAN: The Committee had better decide on the question to insert the word "and." Then it could afterwards be decided whether 1917 be inserted or 1915, or whether the period fixed in the clause should be retained.

The COLONIAL SECRETARY: If the amendment were passed it would make a very drastic alteration. The Bill provided there should be no reduction for 10 years. In other States where money compensation was not given the longest period was 10 years, and in some cases it was 12 years' notice.

Hon. B. C. O'Brien: Fifteen years in South Australia.

The COLONIAL SECRETARY: If hotels were closed without some compensation it would be doing an injustice. In country districts especially hotels deprived of a license would not be worth 10 or 20 per cent. of the present value. We could not deprive a man of his business or his property without notice, and 10 years' notice was not a very long period.

Hon. D. G. GAWLER: As a matter of fact, the notice, according to the Bill, would be 12 years and four months. The first poll was to take place in April, 1911, and the subsequent polls were to be every three years afterwards. Thus there would be a poll in April, 1920, and the first poll available after December, 1920, would be in April, 1923. That would mean 12 years four months' notice. The publicans did not anticipate that. They thought it would be 10 years. If his proposal to make the time 1917 were passed, it would work out to be nine years and four months. That would be practically 10 years.

The Colonial Secretary: The amendment is that it be 1915.

Hon. D. G. GAWLER: It was hard to avoid trespassing on his proposal, because it was so closely linked with Mr. Cullen's amendment.

The CHAIRMAN: There were practically three amendments before the Committee, the first being to insert the word "and." If that were defeated it would be fatal to Mr. Gawler's amendment, which proposed to insert 1917 in lieu of 1920.

Hon. D. G. GAWLER: Those who were interested in the trade would get ample notice if the first poll took place in 1917. There were hotels paying enormous rents, and in many cases there was a large ingoing, therefore compensation had been received in that way.

Hon. B. C. O'BRIEN: In view of the importance of the matter he moved—

That the further consideration of the clause be postponed.

Motion put and negatived.

The COLONIAL SECRETARY: Because the clause was important that was no reason why it should be postponed. Mr. Gawler had pointed out that, according to the Bill, the poll could not be taken for two years after the 10 years' period. That argument was not a fair one to use. The principle was that there should be a 10 years' period, and the amendment would reduce the period to five years. Mr. Gawler wished to reduce the period to seven years, the argument of that member being that the poll could not then be taken until 1920. By fixing the period as 1917 that was a seven years' period, but the hon. member would argue that the poll then could not be taken before 1920, which gave a period of nine years and four months. If the amendment was made, what was more natural that in two years time there would be a request for the seven years' period to be given effect, as that was the intention of Parliament.

Hon. D. G. Gawler: But it did not say a seven years' period.

The COLONIAL SECRETARY: It said in 1917, and therefore a request might be made that the decision, if that

was adopted, should be given effect to in seven years.

Hon. J. F. CULLEN: There was a big difference between reduction and no license vote, everybody knew that there were houses that ought to be closed, and that was his reason in putting the difference between reduction and no license. There was another point the Minister confused; he knew that neither reduction or prohibition would be carried straight away, there would have to be an education of the people for two or three years before it would take place.

Hon. M. L. Moss: That was not the experience in New Zealand.

Hon. J. F. CULLEN: It was exactly the experience. In the first big fight they gained practically nothing and very little more at the next. He asked leave to withdraw his amendment in favour of fixing the poll definitely for April, 1920. That was as early as we could have it under Mr. Gawler's amendment. We were keeping the spirit of the bargain if it was made 10 years.

Amendment by leave withdrawn.

Hon. J. F. CULLEN moved a further amendment—

That in Subclause 3 the words "After the thirty-first day of December" be struck out and "the month of April" be inserted in lieu.

Progress reported.

BILLS (3)—FIRST READING.

1. Supply (£207,443).
2. Permanent Reserves Rededication.
3. Land and Income Tax.

Received from the Legislative Assembly.

House adjourned at 9 p.m.

Legislative Assembly,

Thursday, 8th December, 1910.

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

QUESTION — UNCHARTED ROCK, "PERICLES" WRECK.

Mr. PIESSE (for Mr. Murphy) asked the Premier: In face of the fact that after a search extending over a week by the s.s. "Penguin," and a further search of four days by H.M.S. "Fantome," they have been unable to locate the rock upon which the "Pericles" is supposed to have struck, will he officially inform the British Board of Trade and other bodies concerned of the results of such searches?

The PREMIER replied: Yes; the information is already in course of transmission.

QUESTION—ARBITRATION COURT AND MR. JUSTICE BURNSIDE.

Mr. HUDSON asked the Attorney General: 1, Has he article appearing in the *Daily News* of yesterday referring to Mr. Justice Burnside and the Arbitration Court been brought under his notice? 2, If so, what is he going to do about it?

The ATTORNEY GENERAL replied: 1, Yes. 2, As regards amending the Arbi-