particular class of work that nothing but extreme good fortune could preserve many farmers in the districts referred to from failure. It was extremely unwise to push out so far, because it only required a very small set back and a large number of the men concerned would be ruined. These dry areas should not have been cut up for any purpose other than grazing, and no areas of less than 5,000 acres should have been granted. The great majority of these small areas averaged little more than 1,000 acres, which, even with continued good seasons and other advantages, was not sufficient for the success of the men on them. He did not desire to do anything to discourage the men in these districts, but he thought a pause should be made and we should absolutely prove that the average man was able to make a success in that country before we encouraged others to settle upon it. In connection with the Forestry Department, he understood the Minister had issued instructions that before any areas now being applied for in the Darling Ranges close to Perth were granted for orchard purposes an inspection was to be made by an officer of the Forestry Department with a view of seeing if there was any marketable timber on the blocks, in which case the applications were not to be granted. In the areas in the Darling Ranges close to railway lines marketable timber had been cut out long ago, and although there might be some young stuff growing up, he considered the Minister would be wrong in refusing applications for orchard blocks. At any rate a forest per acre could not compare with an orchard as a commercial proposition, because once an orchard was brought into bearing the value of the annual product was not less than £30 per acre. He did not know where a forest could be found in the State which would give anything like a similar return. If it was a question between orchard and forest from an economic point of view, the orchard must have first consideration. Still, as we possessed a large area of forest country which was not, perhaps, particularly suited to orchard purposes, it would be wise to reserve that area from settlement; but so far as these suburban blocks in the hills were concerned, it was unfortunate that any action of the Minister should be allowed to discourage people from selecting them for orchard purposes. He understood it was the intention of the Minister to deal with matters coming more particularly under the head of agriculture when that division was reached; consequently certain remarks he had to make under that heading would be reserved. In conclusion he wished to impress upon the Minister and the Government responsible for the settlement of these dry areas, that they should be guided by the advice of their expert officers and see that nothing was done calculated to lead to a disaster through the settling of country unsuitable for settlement from the point of view of rainfall.

Progress reported.

House adjourned at 10.50 p.m.

Legislative Council,

Wednesday, 14th December, 1910.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Fremantle Harbour Trust—Amendment to Regulation 118. 2, Plans of the following proposed railways:—(a) Wagin-Dumbleyung Extension; (b) Wongan Hills-Mullewa; (c) Bridgetown-Wilgarrup Exten-

sion; (d) Naraling-Yuna Area; (e) Quairading-Nunajin; (f) Dwellingup-Hotham; (g) Northampton - Ajana; (h) Wickepin-Merredin.

QUESTION — ROADS, BULLFINCH TOWNSITE.

Hon. W. KINGSMILL (for Hon. T. F. Brimage) asked he Colonial Secretary: 1, Is it the intention of the Government to macadamise the main street of Bullfinch? 2, Are they aware that the place where the townsite is situated is very soft and will soon be useless for traffic? 3, Are they considering any proposal to assist in making the roads of the new town?

The COLONIAL SECRETARY replied: A report upon this matter is being obtained by the Public Works Department, and when it has been received consideration will be given to the nature of the ground at the new townsite, with a view to determining whether exceptional treatment is requisite.

BILLS (2)—THIRD READING.

1. Perth Municipal Gas and Electric Lighting Bill. (Returned to the Assembly with amendments.)

2. Supply, £207,443, *passed*.

BILL—FREMANTLE FREEMASONS' LODGE No. 2 DISPOSITION.

Report of Committee adopted.

BILL—PERMANENT RESERVES REDEDICATION.

Second Reading.

Hon. R. D. McKENZIE (Honorary Minister) in moving the second reading said: I should like just briefly to state the reasons for this Bill being before the House. There is an institution on the goldfields known as the Eastern Goldfields Fresh Air League; it is an institution run on philanthropic and humanitarian lines, with the object of bringing down a large number of children to the coastal districts during the hot summer months of each year. During the past few years it has been the custom to divide the children between Albany and Bunbury. They have had the use of the quarantine station at Albany, and they have had a small building which, I think, the league purchased for themselves some two or three years ago, in Bunbury. There is a great danger that at almost any time the quarantine station at Albany will not be available for the children, and the accommodation at Bunbury has become so insufficient that it has been necessary for the league to seek premises more suitable for their objects. Previous to this they had in Bunbury a building on town lot 127. This was found to be unsuitable and too small, and, consequently, the fresh air league approached the municipality of Bunbury, and requested to be allowed to have portion of permanent reserve A. No. 4991, which is adjacent to the township of Bunbury and constitutes a municipal reserve. This reserve contains 28 acres, and the portion which the league wish to get is about 1¾ acres. I do not think there is any necessity for me to go any further into this matter, except to say that this Bill has been brought before the Legislature with the consent of the municipality of Bunbury. This 28-acre reserve was given to the municipality as a Class A reserve for the purpose of a public park, and the municipal authorities state that the taking away of this 1¾ acres and giving it to the fresh air league will in no way impair the usefulness of the park, and they are anxious to have that area given to the fresh air league of the Eastern Goldfields. I beg to move—

That the Bill be now read a second time.

Hon. J. F. CULLEN (South-East): I notice that there is no vesting power in this Bill; it simply dedicates land "to the purpose of a site for the Eastern Goldfields Fresh Air League institution." I assume that if there is no vesting clause there will have to be an amending Bill to vest the land in trustees.

Hon. J. W. Langsford: It is merely a transfer of land.

Hon. R. D. McKenzie: The vesting order will be made by the Governor-in Council.

Hon. J. F. CULLEN: Will that be sufficient?

The Colonial Secretary: That is the usual thing.

Hon. J. F. CULLEN: In those circumstances there is no need to say anything more.

Hon. J. W. LANGSFORD (Metropolitan-Suburban): I rise to echo the sentiments uttered by the Honorary Minister, and to congratulate him on his first effort at piloting a Bill through this Chamber. I am sure there will be no disposition to place any obstacle in the way of so humane an endeavour I have often been struck with the splendid manner in which the goldfields people try to help the boys and girls of that portion of the State, who are not so well circumstanced as boys and girls on this part of the coast. Not only that, but the contribution which the Government makes to the fresh air league has my hearty support. The area which is being asked for is, I think, a very small one. I suppose that the league have looked into this very carefully, but if the numbers increase very largely I am afraid that 1¾ acres will not be found sufficient.

Hon. R. D. McKenzie: It is in the centre of a 28-acre reserve.

Hon. J. W. LANGSFORD: And they will have the use of that area as a playground?

Hon. R. D. McKenzie: Yes.

Hon. J. W. LANGSFORD: With that understanding I am content, but I should have thought that three acres would have been the least that the league would have asked for and obtained.

Hon. E. M. CLARKE (South-West): I have very much pleasure in supporting the second reading. In doing so I might mention that this is one of those pieces of land that is situated on the top of a sand hill at Bunbury, and either the council or the league will have to spend a lot of money in getting a decent approach to it. If I remember rightly the council have already indicated their intention to do something in the direction of making a road there. It is a nice site, commanding a view of the whole of Bunbury. I have had some experience of the league's work at Bunbury, and from what I have seen they are a body calculated to do a lot of good. A number of children go to Bunbury each year and they are well looked after by those in attendance. Up to the present time they have been living on what is known as the foreshore, but it is not at all a suitable place. However, they will now have a place of their own on a nice healthy spot, which is calculated to do good to the children sent there for the strengthening of their constitutions. As a resident of Bunbury I heartily thank the Government for granting this piece of land. A question has arisen as to the title. I think I am right in saying that although it is class A land and is vested in the council for the time being, it is, strictly speaking, Crown land, and no portion of it can be alienated without the sanction of Parliament. I hope that the measure will be agreed to.

Question put and passed.

Bill read a second time.

BILL—LAND AND INCOME TAX.

Second Reading.

Hon. R. D. McKENZIE (Honorary Minister) in moving the second reading said: This measure is quite an old friend, having been before us on three previous occasions. This will be the fourth year on which the Bill has been brought down. It is necessary that it should be enacted each year as the tax is only imposed from year to year. It is needless to say that the reason for bringing forward this Bill to impose a land and income tax is to raise revenue. There has been no alteration in the rate of the tax; it is the same as it has been during the past three years, namely, 1d. on unimproved lands as assessed by the machinery Bill, and 4d. in the pound on incomes, subject to certain exemptions. With regard to the income tax during the period 1909-10, the estimated revenue was £37,000, and the Government actually received £43,965. For the current year, 1910-11, it is estimated that £44,000 will be collected, almost the same amount as was received during the past year. With regard to the land tax, the estimate for 1909-10 was £33,000, while there was

actually received £34,344. For this year the estimated receipts are £40,000, an increase of £6,000 on the amount collected last year. This £6,000 will be arrived at principally by official values which have been put into effect. The cost of collection during the past 12 months was 6 per cent., including the collection of the dividend duty and the totalisator tax; eliminating these two items the cost would have been 11 per cent. It is claimed by the Government that this work has been conducted cheaply and efficiently. For instance, there have been only 150 appeals against assessment in connection with the land tax, and between 20 and 30 of those have been settled by the officials themselves. It is hoped that a majority of the appeals will also be settled by the parties interested, and that the appeals to the court will be few indeed. The arrears for the year, as far as the income tax is concerned, total £3,060, and land tax £6,485.

Hon. W. Kingsmill: Those are the arrears known of.

Hon. R. D. McKENZIE: That is so. With regard to the income tax, a few statistics will, perhaps, be of interest to members as the Commissioner's report has not yet been printed. There were 4,632 taxpayers, whose incomes range between £200 and £300, and of this number 996 were relieved altogether owing to rebates; that left 3,633 whose total incomes come to £1,213,000. Taking the exemptions from this total, roughly one million pounds, we have a total left of £213,000 subject to taxation. The amount received from this total was £2,047, an average assessment of 11s. 3d. per head. With incomes between £300 and £500 there were 2,736 taxpayers; we received £6,159 from them, or an average of £2 5s. 2d. Those receiving between £500 and £700 numbered £833, and the State collected £4,355, or an average of £5 4s. 11d. Those in receipt of between £700 and £1,000 numbered 564, and from them we received £4,778, or an average of £8 10s. Those in receipt of between £1,000 and £1,500 numbered 362 and they paid £4,992, or an average of £13 6s. 7d. Those in receipt of between £1,500 and £5,000 numbered 335, and they contributed £10,138, an average of £30 5s. 3d. per head. Incomes exceeding £5,000 numbered 52, and the total amount collected was £5,895, giving an average of £113 7s. 4d. This leaves a total of 9,514 taxpayers of whom 1,013 were exempt, the net number being 8,501, and they paid on £2,227,110 a total of £38,361, or an average of £4 10s. 3d. It is claimed by the Government that the incidence of taxation is equitable and fair, inasmuch as a man drawing a small salary pays a small amount indeed, while the man with a large income has to pay pretty stiffly towards the revenue.

Hon. W. Kingsmill: Is it part of the policy of the Government to take cognisance of the Federal land tax?

Hon. R. D. McKENZIE: I understand that does not come into operation until some time next year. This tax is for the year ending 30th June, 1911.

Hon. Sir E. H. Wittenoom: Surely the Government are going to withdraw the land tax this year.

Hon. R. D. McKENZIE: Certainly not.

Hon. W. Patrick: The Federal Government are supposed to collect from the 30th June last.

Hon. M. L. Moss: The 30th June next year.

Hon. R. D. McKENZIE: There is no necessity for me to say anything further. I beg to move—

That the Bill be now read a second time.

Hon. J. F. CULLEN (South-East): This is not the time to review the land tax; my desire is to point out that the jubilation of the Minister over the inexpensiveness of the tax is altogether misplaced. The cost of collection, 11 per cent., is very wasteful.

Hon. R. D. McKenzie: It is really 6 per cent.

Hon. J. F. CULLEN: Of course this 11 per cent. is a small part of the waste. There is the waste of making returns, which is a very important item. It is not only the taxpayer who has to make the returns, but a lot of other people, and many of these people who have to prepare returns are unable to do so, and they

employ agents and solicitors and others to do the work for them, so that the waste would amount to quite another 11 per cent. The Minister congratulated the country upon the fact that there were so few appeals. Why are there so few appeals? Just because the game is not worth the candle. Any number of landowners are harassed, vexed, and worried, but they say it would only prolong the agony to enter into a contest with the department. They would have to get expert valuations with which to contest the claims, and they would have to unroll miles of red tape before they could get a decision, hence the fewness of the appeals. A word of advice might be given to the valuer's and the Commissioner of Taxation, and that is that they should be very careful over the official valuations. Many of the valuations have been most preposterous, and I could give the Minister a few instances. The taxpayer declares that he is overtaxed, but as it would cost him three times the amount of the taxation to contest it, he lets the thing go. This is not, however, a good time to review the tax in the light of having presently to deal with the Federal impost, but I would point out that this little bagatelle of £33,000 means a waste of nearly half the amount, and the game is not worth the candle, and it is being imposed at least a generation too soon. In this young country, when we want to sell our lands and make land-owning and occupying popular, we could, without the waste of a penny, have obtained this £33,000. We could have written off this amount from our subsidies to local government authorities, and given those authorities a little extra power of taxation, if need be.

Hon. V. Hamersley: We have done that.

Hon. J. F. CULLEN: The country had been plunged into this premature form of taxation before I came to the House. I would not have said a word only I did not like the jubilation on the part of the Minister in the wrong direction over this little tax. We grin and bear it, but it is only because we see the country gets a litle out of it, although we waste a great deal over it that need not be wasted.

Hon. M. L. MOSS (West): This Chamber, and a very large majority of its members, cannot be accused of having consented to the imposition of a land and income tax without a constitutional struggle. We adopted the expedient of throwing a financial Bill out, that was the proposal to tax land only. Later on when the land and income tax was submitted we did our best to get things put on a more equitable basis as disclosed by the Bill when introduced in another place. These two direct taxes were imposed at a time when the finances of the State were in a very awkward position and the Government were severely taxed as to where to get funds to make both ends meet, and at most we were led to suppose it was only a temporary expedient and that as soon as the revenue would permit the tax would be repealed and we would get relief in that direction. It was mainly on that ground that the imposition of the tax was not contained in the Land and Income Tax Assessment Act, for it was necessary that it should be submitted to Parliament annually, and the taxes on land and income were to last only for one year. It is in consequence of that that the Bill is submitted again to both Houses for legislative sanction during the present session. I much regret that seeing the improved state of the finances and the general buoyancy of the revenue, and the speeches which have been delivered by the Premier in which he indicates a further large accession of revenue is expected, and the general improvement of the business of the country, the Government have not seen fit to wipe out these taxes. I feel especially strong against that portion of the Bill that deals with the continued imposition of the land tax. Taxes for municipal and roads board purposes are quite heavy enough in the metropolitan area, and it cannot be very long before taxes for purposes incidental to the metropolitan sewerage system will be imposed. We know there is the crushing impost which the Federal Parliament have carried, a graduated tax on land on which, particularly land exceeding £5,000 in value and on land under £5,000, a very heavy tax is imposed. If persons are absentees

within the meaning of the Bill introduced into the Federal Parliament—I do not know if memebrs have been sufficiently curious to consult the Act to find out what is included in the definition of absentee, but a person absent from Western Australia from the 1st June is declared to be an absentee. A man may be on the way to New Zealand or only three or four miles outside the coast of Australia; and he is an absentee within the meaning of the Act and will have to pay the absentee tax. Then there is the way in which joint owners of land are penalised. Under the Western Australian Land Tax Act only the individual is taxed. In order to burst up large estates and large properties the Federal law provides that where two or more persons are holding land jointly, the land is held to be the property of each individual. Land has to bear the impost of the local tax and the Federal taxation, and it is a pity the Government have not seen fit to abolish these direct taxes. I recognise this House is absolutely powerless in voting against a measure of this kind; I do not intend to vote against it. I must vote for it: the position of this House is such that having agreed to the principle, and another place having to deal with the finances, we must pass this Bill.

Hon. W. Kingsmill: I think we ought to give them a year's notice.

Hon. M. L. MOSS: The position is this, if the Legislative Council takes a measure of this kind lying down, so to speak, and passes it without any protest, it may be assumed by those responsible for the enactment of the measure year by year, that we by acting tacitly in the matter and are consenting to all that takes place. I feel very strongly opposed to the imposition of these two taxes, and this is the place for me to express my dissent from the further enactment of the measure. I recognise we cannot do anything more than make a protest, but we should be wanting in our duty very much if the measure was silently agreed to without any protest. Next year I hope the Government will receive from other sources sufficient revenue to carry on, and will be able to remit that which certainly in regard to land is going to be a further additional and unnecessary burden on a number of people who are already sufficiently taxed.

Hon. Sir E. H. WITTENOOM (North): I do not know when I have listened with greater pleasure than I did to-night to the admirable exposition by Mr. Cullen in connection with this Bill. Unfortunately, owing to the conversation on my right, I did not hear the introductory speech made by the Honorary Minister. I understood the Minister was introducing a Bill to get people to the seaside, I did not know that it had anything to do with a tax on land. Like other members, I join issue with the Government in introducing the Bill at present. I am absolutely a firm believer in an income tax, and I should be pleased if I had to pay £1,000 every year, but a land tax in a country like Western Australia is an absolute mistake. You get lots of people who have to pay on certain land when they are losing money on their farms or stations, but with an income tax the man who makes the money pays. If you want to raise money raise it by an income tax, but it is suicidal to impose a land tax in a country like Western Australia, where we are doing all we can to settle people on the land. We hold out every inducement to people to go on the land and immediately they get there we tax them.

The Colonial Secretary: They are exempt for five years.

Hon. Sir E. H. WITTENOOM: Yes; but people do not know that. You give it out to the world that you have a land tax. You could not have a worse policy. Mr. Cullen has said it was a twopenny-halfpenny tax which only raised £33,000. Put an additional amount on the income tax and you will get the amount at once. I do not think that anybody will object to pay an income tax. The man who has no income does not pay, it is the man who has the income and can afford it who pays, but the man on the land has to pay whether his land is returning a profit or not; he has to pay the same as the man who is making money out of his

land. I was pleased to listen also to the speech of Mr. Moss, and I am glad to support the remarks made by both of the members I have named.

Hon. V. HAMERSLEY (East): I desire to support the remarks of the two last speakers. I am afraid the Government do not attach that degree of importance to my utterances that they should or they would have saved this position. On the Address-in-Reply I said I sincerely hoped that with the state of the finances the Government would see fit not to reintroduce the land tax. The country could well afford to do without that tax. Other methods could be adopted to raise revenue which would confer a boon on the community, that is to hark back to the Coolgardie Water Scheme. Perth has been short in its water supply, and we keep a breeding ground for mosquitoes in the hills at the Mundaring reservoir. Unfortunately a person in Perth has just been fined for not carrying out the demands of the health board to pour kerosene over a certain water hole that was a breeding ground for mosquitoes. Probably some of the funds raised from the community by the land tax will have to be used in providing oil to pour on the reservoir. We recognise that mosquitoes are a nuisance. If a lot more water were drawn from the Mundaring reservoir for the use of the people of Perth more revenue would be derived and Perth would sustain a great benefit. The amount of money that you extract from the people on the land is not the greatest trouble; there is the creation of a new department and the creation of a great deal of trouble and irritation throughout the community. That has been undoubtedly a very sad result from the tax. It was only the last week or so that I saw a very serious instance of the making up of taxation returns. Some people had to travel in a matter of 20 miles, and the roads were in a boggy condition. The people had done their best to pay their taxes to the roads board and they had to go to all sorts of inconvenience, pay something like £2 to have their land taxation returns made up, and then they found they had to pay 6s. 8d. to the Taxation Department. That is scandalous. Not only have men to pay for having their taxation returns made out, there is also the waste of time that people are put to in travelling from their land to the township. I have known people having to wait in a township for a day or two at a time to have their returns fixed up. That is one side of the question which the people in the country feel. I daresay the people in the town have equal troubles. I know one instance where the Taxation Department were paid the sum twice over through their folly, and when the person who had paid the sums twice over applied to the department for a refund of the money, the department declined to refund it and said we will hold it for some future occasion. These are little matters that harass the community and are of more cost to the community than the actual amount to be paid in taxes. With regard to the department itself, I believe it is in a state of chaos. They have been some years now making up their valuations, and I do not think they have arrived at a satisfactory result to themselves or anybody else up to the present time. I failed to notice the number of appeals which have already been made. The Minister in introducing the measure told us there were so many assessments and only so many appeals, but if the real facts were placed before us we would find the probability is that very few people know what the last assessment is. The department started off in rotation in alphabetical order, and probably they have only got down to the letter C.

Hon. W. Marwick: They have got to M.

Hon. V. HAMERSLEY: I thought they had only got down three or four letters in the alphabet and, therefore, had not got any benefit from the assessment. At any rate I believe that there is a pretty warm time ahead. I thought possibly if this had been created a little earlier the Government might have been satisfied to withdraw the land tax this year, in view of the fact that the Federal Parliament have passed something of the same kind.

Hon. W. Patrick: Perhaps it would encourage them to put it on more.

Hon. V. HAMERSLEY: It was one of the arguments raised at the time the tax was passed, that if we agreed to it it would put a spoke in the wheel of the Federal Parliament's putting on a tax. Unfortunately that argument has not held water. We agreed to the tax, and now the Federal Parliament have put on one doubly as stiff. So I think it is time for us to get out of it and say,"We will withdraw; we have satisfied ourselves that it is a mistake and that the country and times were not ripe for its introduction." And by way of showing the Federal Parliament they had better withdraw also, perhaps it would be wise for us not to continue the land tax. I certainly think it was a grave mistake enacting it. Money could have been raised without hurting anyone and without creating a new department. Seeing that the finances of the country are in a fairly flourishing condition, I thoroughly believe that it would be an opportunity for the Government to let the land tax stand over for a year or two.

Hon. E. M. CLARKE (South-West): It is not my intention to vote against the second reading of this Bill, but if *Hansard* is looked up it will be found that I was one of the principal members who objected to the land tax. I claimed, with other gentlemen, that an income tax was far more preferable. For instance, the Midland Railway were not exempt under the land tax and the purchasers from that company were not exempt. Any person coming to settle on the land here, though he may be a johnny-come-lately, is not exempt if he purchases from the Midland Company. Only those who purchase from the Government are exempt. But now it looks as if the Government will be landed on this dilemma. Notwithstanding the fact they wisely safeguarded those to whom they sold property, the Federal Government are coming in and taxing Government land in addition. That is how I take it. The argument was used that if we taxed ourselves we would stand a better chance of being left untaxed by the Federal Parliament. What do we find to-day?

The Colonial Secretary: But some of the other States did not follow suit.

Hon. E. M. CLARKE: I do not see that that bears on the case one scrap. It appears to me that they are going to have a juggernaut car rolling over the lot of us, big or little, so to speak. There is another thing about the administration of this land tax. I have heard of several instances of where people have paid their tax and been threatened with a summons if they did not pay it a second time. I admit everyone is liable to make mistakes, and that they have been generous enough to say that they have made mistakes. One of the methods of administration I do not approve of, and that is when owners of land send in their valuations the Government accept them subject to the condition, I suppose, that if the valuations do not please the department they can take double the amount. In fact I know of instances where, notwithstanding they accepted a certain sum for a long time, without prejudice I suppose, they are making a fresh levy on the people for a certain amount. Not only this, valuators are sent round, and two cases have come under my notice. There are some miserable banksia swamps. The owner of the land sent in the value as £1 an acre. I would not give 15s. for it. The valuator went there and he estimated the value of it at £2 an acre. The owner was a female. She showed me the papers; but unfortunately, she was too late to appeal; she let the time slide. It seems to me absolutely impossible for a man to go round like that with such a tremendous area to go over and say absolutely what the land is worth. To be able to value land a man wants to know the capabilities of the land in the district. It is only a few years ago that I thought no land was any good unless it had a certain colour —some say "smell," but I do not believe in that—but a person wants to go over the whole of the country and he will find that it varies very much. Some land looks sandy and is good. Other land looks sandy and appears to be good but is practically bad. I know of two instances where people sent in what I know to be fair valuations in my locality,

and the Government asked 100 per cent. on those valuations. That is not as it should be. Another question that crops up Mr. Cullen touched on. Not only have people to pay the land tax which is to go into the Treasury, but there is the cost of collecting and valuing. It is a crying shame that the Government should squeeze the taxpayers like this when such a big percentage of the money does not go into the chest; in other words, does not benefit the community, except the officers of the department. It is quite right that we in this Chamber, having spoken so strongly against the imposition of this tax, should show the Government clearly that we do not quite appreciate it and cannot let it pass without some protest against it. I hope in the valuation of land in the future care will be taken that the interests of those people who are, we may say, simple in their ways are guarded. They know very little about the Act and the manner in which it is administered, and they have to go to other people, but they generally trot along when it is too late for them to appeal; and when all is said and done, with the system of appeal and all they have to go through, they think the game is not worth the candle and they pay 100 to 150 per cent. more than they should pay. I support the Bill, but I think it is time for us to show the Government that we protest. I should not object to the income tax for the simple reason that a person must have income before he is called upon to pay it, and it is calling on the strongest shoulders to bear the burden; but where we are trying to get people on the land it is a false policy to have a land tax. I have said this before and I say it again.

Hon. R. D. McKENZIE (in reply): Whether the members of the Chamber approve of the land and income tax or not, I am quite sure the Government will appreciate the discussion that has arisen this afternoon; and the protests that have been entered by members will be given every consideration in framing the Estimates next year. Let me point out again that we have a fairly large deficit yet in the State of Western Australia, and it is necessary for us to get as much revenue as it is possible to raise in these directions for the coming year. When the Estimates were prepared the Federal land tax had not been passed. We know now it is to be enacted very shortly, and I think that will be a very good reason, perhaps, for the Government of Western Australia to take into consideration when they are framing their Estimates for next year. I am glad to have heard the expression of opinion from hon. members of this House; and I trust that, having given voice to those expressions, they will support the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair; Hon. R. D. McKenzie (Honorary Minister) in charge of the Bill.

Clause 1—agreed to.

Clause 2—Grant of land tax and income tax:

Hon. J. W. LANGSFORD: Which tax, the Federal or the State, would take precedence in case action had to be taken by way of selling property or claiming against land? That information ought to be in the possession of members.

Hon. R. D. McKenzie: That is a matter to be referred to the Crown Law authorities.

Clause put and passed.

Preamble, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—LICENSING.

In Committee.

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

Clause 137—agreed to.

Clause 138—Registration of clubs:

Hon Sir E. H. WITTENOOM moved an amendment—

That Subclauses 1 and 2 be struck out.

Subclause 1 provided that no liquor should be sold or supplied by or on behalf of any club in the club premises, and that no liquor should be kept upon such premises unless the club was duly regis-

tered pursuant to the Act; and Subclause 2 provided that every person who sold, or supplied, or kept liquor in contravention of this section was liable to a penalty of up to £100. This would interfere a great deal with racing clubs and other sporting clubs that did not sell liquor for profit. As a rule racing clubs kept a little liquor for the entertainment of visitors, and in those circumstances they could not register under the Bill, because a racing club was not a club for the sale of liquor. It would be necessary, subsequently to amend Clause 159.

Hon. R. LAURIE : The amendment was a good one. As had been pointed out, it would be necessary later to move a new subclause to Clause 159. There were other clubs besides clubs for the sale of liquor. There were, for example, rowing clubs, golf clubs and the like. This clause would refer to any such club, and it would be absolutely illegal for them to have liquor on the premises. He did not think the Colonial Secretary could have the slightest objection to the amendment.

The COLONIAL SECRETARY: No objection would be offered to the amendment.

Amendment passed: the clause as amended agreed to.

Clause 139—Existing certificates:

The COLONIAL SECRETARY moved an amendment—

That in line 6 the words "in March, 1911" be struck out, and "next after the commencement of this Act" inserted in lieu.

The amendment was merely consequential on a previous amendment.

Amendment passed; the clause as amended agreed to.

Clause 140—Conditions as to clubs:

Hon. D. G. GAWLER moved an amendment—

That all words after "occupiers." in line 4 of paragraph (c) be struck out.

The clause as it stood would render such a club as that of the Commercial Travellers' Association incapable of registration, for the reason that that club provided certain benefits for members, such as for the representatives of deceased members, and mortuary benefits, together with benefits for necessitous members. He did not think hon. members would say that because of this such a club ought to be debarred from registration under the Act. Paragraph (d) provided—

> The accommodation must be provided and maintained from the joint funds of the club, and no person shall be entitled under its rules or articles to derive any benefit or advantage from the club which is not shared equally by every member thereof.

It was a question as to whether, in view of this paragraph it could not be said that every member was entitled to the same benefits as enjoyed by any other member of the club. In the circumstances paragraph (d) ought to be referred to the Parliamentary draftsman for necessary alteration.

Hon. R. LAURIE: If the amendment were carried it might be held that other clubs would be enabled to make profits on the liquors sold and divide those profits among its members. In Victoria the difficulty had been overcome by a simple amendment to the effect that the clause did not relate to any club existing at the time of the passing of the Act. That expedient had succeeded well. Many would have objection to passing a clause which would leave it open for another club, perhaps less deserving than the Commercial Travellers', to make profits and divide those profits among its members. The object of the member who moved the amendment would commend itself to all, for the Commercial Travellers Club should be encouraged in its beneficient policy of providing the benefits recounted by Mr. Gawler. In the old country the commercial travellers had established homes for the orphan children of commercial travellers, and the time might come for the establishment of such a place here. Why, then, should not the commercial travellers be placed in the same position to raise a fund for the benefit of its members? The club ought to be allowed to continue its policy; still, he did not think the way should be left open for other clubs to make profits on liquors sold and divide them commercially among its members.

The COLONIAL SECRETARY: There was great objection to the amendment, principally for the reasons mentioned by Mr. Laurie. In the first place a club was established for the mutual benefit of its members, who, by their membership enjoyed certain privileges. If the proviso, which was a very necessary one, was struck out we would simply have a combination of men who would make a large profit out of a club, running it as a joint stock hotel, and we would be opening the door to the establishment of bogus clubs, with which there had been so much trouble in the past. He was saying nothing in regard to the particular club which had been mentioned, but his object was to prevent the opening of the door for bogus clubs running for private profit. The objects of the Commercial Travellers' Club were no doubt good, but it was questionable whether it was the right thing to carry out those objects through the club. If the commercial travellers wanted to have those benefits, why did they not arrange them through their association?

Hon. D. G. Gawler: It might be news to the Colonial Secretary that the proposal to strike out the words was at the suggestion of the Parliamentary Draftsman and the Solicitor General.

The COLONIAL SECRETARY: It was due to the Solicitor General and the Parliamentary Draftsman to state that the hon. member's remarks were most unfair. If any hon. member approached the Parliamentary Draftsman, it was his duty to draft any amendment that was asked for, but that did not mean that he suggested the amendment.

Hon. D. G. GAWLER: It had been after consultation with the Parliamentary Draftsman and the Solicitor General that he had decided to move for the striking out of certain words. He had had an amendment on the Notice Paper in the nature of that suggested by Mr. Laurie, but they had advised him that he would better achieve his object by eliminating the restriction which the club in question desired to escape. He very much doubted whether the club could exist side by side with other clubs that had complied with Clause 140. It could exist in the first place but he did not think that it could continue and get a renewal Therefore he had moved his amendment. He was perfectly willing to agree to the principle that the profits should not be divisible amongst members. If it would suit the Colonial Secretary he would be willing to leave in the words, "and not for the purpose of making profit divisible amongst the members or any of them," and to strike out the words "or in support of any object other than the accommodation of the members, or the members and their guests." Perhaps the Colonial Secretary would allow the clause to be postponed with a view to recasting it. With regard to paragraph (d) he thought if the word "person" were struck out and 'member" inserted the objection would be met. The Colonial Secretary had said that the Commercial Travellers should confine the working of their benefits to the association, but if that were insisted on the club would have to dissolve, have a separate constitution for its mortuary benefit, and re-register under this Act. That was most undesirable.

Hon. J. F. CULLEN: It was not desirable for one moment to carry the amendment, because that would mean the recasting of the whole of that part of the Bill and the insertion of other safeguards of a similar nature. The only way out of the difficulty would be to make a special exemption for clubs now existing. There was no other club of this character, but the one mentioned, registered at the present time. It would never do to "water down" the safeguards in regard to clubs generally.

Hon. R. LAURIE: So far as the Commercial Travellers' Club was concerned the Committee could clearly understand that there was no division of profits amongst the members. There were times when a member who had broken down in health was voted a certain sum of money by the club, but the giving of that money was so hedged around with conditions that it was impossible for the association to give any sum to a member that would appear in any way to be a division of profits. The club expended an amount of

money in yearly scholarships, which, though small at present, might be larger later on, for the purpose of giving the children of members an education for commercial life. It had spent £16,000 in Perth on buildings and it provided a mortuary fund, and no harm could possibly come from allowing the present conditions to continue. The benefits had been going on for years and members had not heard of any division of profits or of any harm arising out of the provision which was made for the burial of members and the granting of scholarships to children.

Hon. S. STUBBS: As one of the foundation members of the club in question he could inform the Committee that many years ago a number of commercial travellers in Perth had met to form an association on lines similar to those existing in the Eastern States. The fundamental principle in the minds of members when framing the constitution was the granting of assistance to widows and orphans, and the establishment of scholarships for the children of members; and those, he maintained, were good objects. Headquarters were formed at Fremantle but later were removed to Perth, where for many years the association carried on in a rented building in Barrack-street. More recently, when the membership had grown sufficiently large, new club buildings had been erected. A certain sum of money from the subscription of each individual member of the association was each year earmarked for the purposes he had named. Within the last four or five years the opportunity occurred to the association to secure premises of their own and they acquired a piece of land in St. George's-terrace and raised a large sum of money which enabled them to build their present premises. Now if the Committee carried the clause as it originally appeared that club would be wiped out of existence altogether. He was personally known to a great number of the members of that club and had no hesitation in declaring that it would be a calamity if the clause were allowed to pass in its present form. There was an amendment on the Notice Paper in his name but at the suggestion of Mr. Gawler he had withdrawn it, and had undertaken to support Mr. Gawler's amendment which would protect the Commercial Travellers' Club. In Victoria the Government saw fit to protect the Commercial Travellers' Club in that State when they were introducing their Licensing Bill, and the Government of Western Australia would not be acting wrongly if they adopted a similar course.

The COLONIAL SECRETARY: While he was not hostile to the object Mr. Gawler had in view, his desire was to guard against opening the door to bogus clubs. It was desirable that the law should be made stricter in that respect and if the proviso were struck out we would certainly be opening the door wider than it was before. The clause might be passed pro forma, and it could be recommitted when no objection would be offered to the hon. member moving another amendment that might be drafted.

Hon. D. G. GAWLER: The course suggested by the Colonial Secretary met with his concurrence. The Colonial Secretary's anxiety with regard to bogus clubs was no greater than his (Mr. Gawler's). With the permission of the Committee he would withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clause 141—Provisions to be made in rules of clubs:

Hon. Sir E. H. WITTENOOM moved an amendment—

That in lines 3 and 4 of paragraph (g) the words "on such part of a club premises as is set apart for visitors" be struck out.

It had not been possible for any club to entertain visitors except in the strangers' room. There were many clubs, the members of which desired to invite a few friends to dinner, say from 7 to 12 in the evening, and in order to retain this privilege he was certain that many would be quite willing to give up their strangers' room. The rules of a club provided that strangers could not be taken into a club at five minutes' notice

—at the Weld Club one of the rules provided that six hours' notice should be given to the secretary.

Hon. R. LAURIE: It had been held by legal gentlemen that all it was necessary to do to evade this portion of the Bill would be simply to set a table apart on one side of the room. We all knew that a club was used by members very often at luncheon time; it was possible to take a friend into luncheon without entering his name in the book, but when that was done the member whose guest the friend was was entirely responsible for that visitor during the time he was on the club premises, and any infringement of the rules would reflect against the member. It would be extremely unfair to allow the paragraph to go through as it was printed and for that reason the amendment would receive his support.

Hon. Sir E. H. WITTENOOM: The object was to prevent drinking in clubs as much as possible. The paragraph, if carried as amended, would to a large extent prevent that being done, because while it was possible for visitors to drink in a strangers' room from 9 in the morning until 11.30 at night, there would not be much chance of a guest doing that in the club premises between the hours of 7 and 12.

Amendment put and passed.

Hon. Sir E. H. WITTENOOM moved a further amendment—

That in line 1 of paragraph (j), after "persons," the words "who does not possess certain qualifications defined by the rules" be inserted.

The clause provided that no member should be allowed to become an honorary or temporary member of a club whose place of residence was situated within 15 miles of the club premises, or who was afforded the privileges of the club as an honorary member at any time within three months immediately preceding. There were certain conditions in connection with honorary members of some clubs and it might be pointed out that one of the clubs had amongst its honorary members the Governor and his staff, the officers of His Majesty's Imperial Army and Navy, etcetera, and if the clause were carried in its entirety these people would be precluded from becoming honorary members. The amendment was moved to enable those people who had enjoyed the privileges of honorary members to continue to do so.

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

Sitting suspended from 6.15 to 7.30 p.m.

Clause 142—Honorary members:

Hon. Sir E. H. WITTNOOM moved an amendment—

That in paragraph (a) the words "and seconded by a notice" be struck out.

It might be very difficult to get a seconder to a nomination. A person coming from Melbourne might wire to a friend in Kalgoorlie asking that his name might be put up at a club. The man at Kalgoorlie was the only person who knew his Melbourne friend; in such case it would be impossible to get a seconder.

The Colonial Secretary: Should not at least two members know an honorary member?

Hon. Sir E. H. WITTENOOM: But they did not. A member of a club might meet a friend from Melbourne in the street and put him up at the club. There might not be a second member of that club who knew the Melbourne man.

Amendment passed.

On motions by Hon. Sir E. H. WITTENOOM clause further amended *by striking out in paragraph (a) the words "two members" and inserting "a member" in lieu; also by striking out in the same paragraph "and seconder"; also in paragraph (b) by striking out "such" in line 1; also in the same paragraph by striking out "is dated by the proposer as of the date when signed by him and" and inserting "thereof" in lieu.*

Hon. Sir E. H. WITTENOOM: Paragraph (c) would act very harshly on clubs on the sea-coast and in the country. It provided that at least 10 hours must elapse between the time of the posting of an honorary member and the time when the person could occupy the club. At first he thought of moving an amendment to alter the time to one hour, but he could see that such an amendment might lead to

abuse, therefore he left it to the good sense of the Committee to deal with the paragraph.

Hon. V. HAMERSLEY: There was a strong objection to paragraph (c) in its present form, and members must recognise that it would work a hardship. In many cases 10 hours' notice could not be given.

The Colonial Secretary: People could be brought in off the street and made honorary members in five minutes.

Hon. V. HAMERSLEY: If the paragraph was left as printed distinguished visitors from other places could not be entertained at a club. If the paragraph was left in its present form members of clubs might break the law.

Hon. F. CONNOR moved a further amendment—

That in paragraph (c) the word "ten" be struck out and "four" inserted in lieu.

The COLONIAL SECRETARY: The provision for 10 hours was a good one. The greatest objection to clubs now was the practice of putting up bogus honorary members or bringing in men off the street and making them honorary members. That was not the purpose for which clubs were formed. There was no law at present on the matter, it was governed by the regulations of the various clubs, and 10 hours' notice could not be objected to in the case of a bona fide honorary member. If a man visited a town for half a day it was not a case for making him an honorary member.

Hon. Sir E. H. Wittenoom: Is the objection that there will be too much access to drink?

The COLONIAL SECRETARY: No; clubs were not formed for drinking purposes, and it was not intended that all and sundry should be taken in until they contributed towards the clubs and the upkeep of the buildings. Certainly the practice had been in the past for some clubs to bring in men from the street, but most clubs provided against this by their rules.

Hon. Sir E. H. WITTENOOM: If the objection was that men would be brought in off the street to have drink the objection would not lie, because those people could be brought in and kept all day in the strangers' room, and they would not need to be made honorary members. The class of person it was desired to make honorary members were not those who would go into the strangers' room, but they were respectable persons passing through by boat, for instance, to whom it was desired to extend the hospitality of the club. Perhaps the person proposing such a visitor might have received the same hospitality from that visitor in some other part of the world. Certainly, the notice should not be too short, but fixing it at 10 hours would be prohibitive in most cases, except, perhaps, in Perth, where members of the club could get notice by wire of the arrival of friends in the State. One club did not allow a resident of the State to be made an honorary member. The Colonial Secretary would not like to go to Geraldton and find it impossible to be made an honorary member of the Geraldton club, where he might wish to meet his friends.

Hon. D. G. GAWLER: No person could be made an honorary member unless he lived more than 15 miles from the club, and no one who had been an honorary member within three months could be again made an honorary member. That disposed of the argument that men from the street could be brought into clubs and made honorary members. Some notice should be required, but 10 hours was too long.

The Colonial Secretary: Make it six hours.

Hon. D. G. GAWLER: There should be a certain time for inquiry. Four hours was sufficient.

Hon. R. LAURIE: It was a well-known fact that in all clubs before an honorary member was put up the member proposing him needed to get the proposal initialled by at least two members of the committee, and in most well-regulated clubs in the State a man could not be again proposed as an honorary member within six months. Sufficient time was needed to allow members of the club to see the proposal posted up, but four

hours would be quite sufficient. It must be borne in mind that the person proposing an honorary member must take the responsibility of the nomination, and no one would put up a name when it would bring odium upon him. Besides, the person would be liable under this Bill for making a false statement. The persons to be thought of were not those living near the club but those who lived at a distance. Licensing benches would see that the rules governing clubs were of such a character that Tom, Dick, or Harry could not be made an honorary member at five minutes' notice.

Amendment (to strike out "ten") put and passed.

Hon. Sir E. H. WITTENOOM: Why did the Colonial Secretary require a long notice?

The COLONIAL SECRETARY: It was not necessary to have 10 hours, but there should be a fair notice to make certain that the practice of bona fide clubs should become the law. Four hours was too short. Six hours would be a reasonable time to let members of the club know who was put up as an honorary member.

Hon. V. HAMERSLEY: The paragraph was unnecessary. Paragraph (d) dealt with the question sufficiently. Members of clubs themselves would know best what they required in regard to the length of notice.

The COLONIAL SECRETARY: Four hours' notice seemed altogether too short, and to his way of thinking six would be preferable.

Hon. F. CONNOR: Clubs would protect themselves, and most of them would carry out their own regulations, which might provide for six hours. Still, it would be dangerous to make six hours the minimum.

Amendment (that "four" be inserted) put and a division taken with the following result:—

Ayes	14
Noes	4
Majority for	10

AYES.

Hon. T. F. O. Brimage	Hon. M. L. Moss
Hon. F. Connor	Hon. W. Patrick
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. R. Laurie	Hon. A. G. Jenkins
Hon. W. Marwick	*(Teller)*
Hon. C. McKenzie	

NOES.

Hon. E. M. Clarke	Hon. B. C. O'Brien
Hon. J. D. Connolly	*(Teller)*
Hon. J. W. Hackett	

Amendment thus passed.

Hon. B. C. O'BRIEN moved a further amendment—

That after "penalty" in line 5 of Subclause 2, "ten pounds" be struck out and "fifty pounds" inserted in lieu.

The COLONIAL SECRETARY: The amendment would render the penalty out of harmony with others provided in other parts of the Bill. A penalty of £10 would be sufficient to safeguard the clause.

Hon. B. C. O'BRIEN: It was to be hoped the Committee would show some degree of consistency in their attitude. Only last night we had inflicted severe penalties for very small offences in another part of the Bill. He thought that breaches of this clause should be regarded as serious and shoud carry a proportionate penalty.

Hon. R. LAURIE: Under the clause we were dealing with the question of honorary membership of a club, while in the other case referred to by the hon. member it had been a question of licensees of hotels supplying drink to intoxicated persons, and encouraging intoxicated persons to remain on the licensed premises. Surely in the case under review a £10 penalty would be quite sufficient.

Hon. B. C. O'BRIEN: It was a pity—

Hon. J. F. Cullen: Oh, let us get on.

Hon. B. C. O'BRIEN: In the circumstances he would claim the privileges extended to other members, and would refuse to be pressed or forced by anybody. Offences under the clause should be regarded as serious. Unfortunately Mr. Laurie had again referred to the offence of licensees allowing intoxicated persons to remain on licensed premises. Last

night Mr. Moss had declared that hotelkeepers did not eject drunken people until their money was all gone. It was a cruel remark for any hon. member to make, and constituted a libel on a large body of respectable men, numbering some 700. He had allowed it to pass last night in the hope that it would be forgotten, but now Mr. Laurie had again referred to it. In his (Mr. O'Brien's) opinion Mr. Moss ought to withdraw it at least.

Hon. M. L. MOSS: When making the remark referred to he had intended no reflection on the whole of the 700 respectable hotelkeepers alluded to by the hon. member.

The CHAIRMAN: Nothing beyond a personal explanation could be accepted.

Hon. M. L. MOSS: The explanation was that there were numbers of these hotelkeepers who treated intoxicated persons exactly as he had declared; but he did not include in his remarks the whole of the people carrying on the business of licensed victuallers in the State, because there were among them some highly respectable men.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 143—agreed to.

Clause 144—Strangers:

Hon. Sir E. H. WITTENOOM moved an amendment—

That after "visitors" in line 8 the following provisos be added:—Provided also that it shall be lawful for a member, on giving six hours' notice to the secretary in writing, and subject to the approval of the committee in writing, to invite guests whose names shall be stated in the notice and not exceeding three in number, to the use of the club premises between the hours of 7 p.m. and 12 midnight. Provided also that, on the application of the secretary of any club, the chairman or any two members of the Licensing Court may, by an order in writing, suspend the operation of this section in regard to such club, on any special occasion during certain hours to be specified in such order.

These provisos needed no explanation, their purpose being clear on the face of them.

Amendment passed.

Hon. Sir E. H. WITTENOOM moved a further amendment—

That the following words be added to Subclause 2:—"Or a workman employed on the club premises."

As the clause read it might be taken that a workman employed on the premises was a stranger, and, consequently, had no right to be on the premises at all. The amendment would rectify that.

Amendment passed; the clause as amended agreed to.

Clause 145—agreed to.

Clause 146—Notice of application for registration:

Hon. Sir E. H. WITTENOOM moved an amendment—

That paragraph (b) of Subclause 2 be struck out and the following inserted in lieu:—"A list of members setting forth the names and addresses of all members of the club for the time being, verified by statutory declaration of the secretary."

It was proposed that instead of putting in all the particulars as to members' payments, arrears, or over-payments, that the secretary should just set forth a list of names in the form of a statutory declaration. Clause 162 provided that the register should be open at any time to the inspection of an inspector or any police officer authorised in writing by the chairman or any member of the licensing court, and that was sufficient protection against the statutory declaration being inaccurate.

Amendment passed.

Hon. Sir E. H. WITTENOOM moved a further amendment—

That the following new subclause be added to stand as Subclause 3:—"Provided that if the application relates to a club for which a certificate granted under the Wines, Beer, and Spirit Sale Act, 1880, Amendment Act, 1893, is in force, it shall not be necessary to comply with the provisions of paragraph (b) of Subsection one."

The idea of the amendment was that it

was most unnecessary to put well conducted clubs, which had been approved by the licensing bench, to all the trouble and bother of complying with the various forms.

Amendment passed: the clause as amended agreed to.

Clause 147—Notice of application for renewal:

Hon. D. G. GAWLER moved an amendment—

That the word "ten," in line 2 be struck out, and "fourteen" inserted in lieu.

The Bill contained an obvious error. If the secretary of a club desired a renewal he was obliged to give 10 days' notice, but in Clause 149 the clerk of the licensing court was required 14 days before the application was heard to post within and without the court a copy of the application. It was obvious that the clerk could not post an application 14 days before the hearing if it was only lodged 10 days before.

Amendment passed.

Hon. Sir E. H. WITTENOOM moved a further amendment—

That paragraph (b) of Subclause (2) be struck out, and the following inserted in lieu:—"A list of members, setting forth the names and addresses of all members of the club for the time being, verified by statutory declaration of the secretary."

Amendment passed; the clause as amended agreed to.

Clause 148—agreed to.

Clause 149—Lists to be published:

On motion by Hon. D. G. GAWLER the clause was amended by striking out the word "fourteen" in line 6, and inserting "ten" in lieu.

Hon. D. G. GAWLER moved a further amendment—

That the following be added to stand as paragraph (c):—"When the inspector has refused a certificate under Clause 148, Subsection 1, forward a copy of the inspector's report and statement under such subsection to the secretary of the club at least five clear days before the day appointed for the hearing of such application."

By Clause 149, when an application was made the inspector had to make a report thereon, and if he found that the provisions of the Act had not been complied with he was to withhold the certificate and report the refusal and the grounds thereof to the clerk of the licensing court. The object of the amendment was to have a copy of the report furnished to the secretary of the club so that he might be advised of the objection.

The COLONIAL SECRETARY: The Committee should not agree to the amendment in its present form. The inspector's report was made to the bench, and whilst it would not be objectionable to insert a proviso that the secretary might obtain a copy of the report from the bench, it was inadvisable to make it the duty of the inspector to furnish a report to the club concerned.

Hon. D. G. GAWLER: The inspector's report was in the nature of an objection, and, as in Clause 153, notice of objection had to be given to the applicant, it was only fair that the secretary of a club should receive notice of the inspector's objection; at least he should have an opportunity of obtaining a copy of the report if he wished to get it.

The Colonial Secretary: If the clause was passed as printed it could be recommitted.

Amendment by leave withdrawn.

Clause as previously amended agreed to.

Clauses 150 to 153—agreed to.

Clause 154—Hearing of application:

Hon. D. G. GAWLER moved an amendment—

That Subclause 1 be struck out, and the following inserted in lieu:—"When any such application is refused the Chairman of the Court shall pronounce the decision in open Court and shall then and there make a statement of the grounds of the refusal and shall cause such statement to be entered on the records of the Court."

Under the Bill many objections could be taken to an application. While he did not want to see the court go into a long detailed judgment, it was only fair that the applicant should know the grounds on which the applica-

tion was refused. That was the effect of the amendment. It would only mean that the bench would have to say that the application was refused for such and such grounds.

Hon. J. F. CULLEN: The Committee should not accept the amendment because it was contrary to the highest judicial practice to give reasons. A wise judge did not give reasons unless some good object was to be served. In this case the licensing court could give reasons if it liked. It would be wrong for the legislature to place on any judicial bench the obligation to give reasons.

The COLONIAL SECRETARY: There should be no objection to the bench giving grounds for refusing a certificate. It was not on all fours with what Mr. Cullen suggested.

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

Clause 155, 156—agreed to.

Clause 157—Fees:

Hon. Sir E. H. WITTENOOM moved an amendment——

That paragraphs (a), (b), and (c) be struck out, and the following inserted in lieu:—"The gross amount paid or payable for liquor purchased for the club, including any duties thereon."

The paragraphs would entail a vast amount of unnecessary labour on the part of the secretaries of the various clubs. There could be no object in having that information rendered because there was a provision in the Bill that secretaries had to make a statutory declaration. Everything they sent in had to be supported by such a declaration, and then if there was the slightest doubt on the part of the bench that the statement was not true, the inspector could go in and ask for every detail in the way of books, invoices, etc.

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

Clause 158—agreed to.

Clause 159—Supplying or keeping liquor in unregistered club:

Hon. Sir E. H. WITTNOOM moved an amendment—

That the following new subclause be added to stand as Subclause 3:—"(3.) But nothing in this Act shall render it unlawful or make it an offence for the Committee of the Western Australian Turf Club or any other racing club registered by such Turf Club to supply liquor gratuitously to any member or guest of the club on the club's premises, or to keep liquor on such premises for that purpose."

It was probably known that a racing club did not come within the meaning of clubs as provided in the Bill. Racing clubs did not sell liquor for profit. Whatever liquor they had was either given away or kept for casual refreshment, but was not kept for sale. It would be of no use registering a turf club as a club under the Bill because if that were done they could not keep up the conditions imposed by the Bill.

Hon. R. LAURIE: The amendment moved by the hon. member should be made applicable to every club. There were numerous other clubs outside the West Australian Turf Club. There were golf and cricket and rowing clubs where liquor was kept not for sale but to give away to members or members' friends. It would be invidious to permit turf clubs only to participate in this amendment. Everyone knew that there was only one turf club.

Hon. Sir E. H. Wittenoon: It says all turf clubs.

Hon. R. LAURIE: There was a distinction between turf clubs and racing clubs.

Hon. Sir E. H. Wittenoom: I did not know that.

Hon. R. LAURIE: In order to make the proposal apply to every club he suggested that the amendment should read as follows:—

But nothing in this Act 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's premises for consumption there.

Hon. A. G. JENKINS: It would be better if the consideration of the clause were postponed and in the meantime an

amendment to cover all clubs could be prepared.

Hon. Sir E. H. WITTENOOM: The matter had been gone into by him very carefully, and he had experienced a great difficulty in framing the amendment. He had consulted experienced people and they had pointed out the difficulty that existed in extending the provision to racing clubs.

Hon. M. L. MOSS: The easiest way out of the difficulty was to strike out the clause. Why should a person who was a member of a golf or cricket club be precluded from keeping whisky in his own locker? What the draftsman was aiming at was to prevent the sale of the liquor, and if a club was unregistered he (Mr. Moss) was prepared to go that far. It was a reasonable provision in that case, but to say that a member of a club was not allowed to keep in his own locker a flask of whisky, and could not ask a friend to partake of the liquor with him was going too far.

Hon. Sir E. H. WITTENOOM: To enable another amendment to be moved he would ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. M. L. MOSS moved a further amendment—

That in line 1 the words "Supplied or" be struck out.

The COLONIAL SECRETARY: In the past there had been a good deal of evasion of the law and this provision was copied from the New South Wales Act. The provision was necessary to prevent bogus clubs being carried on. He was prepared to have an amendment drafted to meet the cases mentioned by Mr. Jenkins. The Committee might pass the clause and, if necessary, he would recommit it.

Hon. R. LAURIE: There were occasions when gentlemen from the other States, distinguished visitors, came to Perth and were entertained by the West Australian Turf Club, liquor was kept on the club premises and supplied to such visitors. These visitors were also taken to the race-course and there hospitality was dispensed. The liquor was not kept for sale but was supplied to visitors gratuitously. Under the clause that could not be done. The same argument might apply to golf, bowling or yacht clubs; these clubs had evenings at times and supplied liquor gratuitously to their friends.

Hon. M. L. Moss: The next thing would be that a person would not be allowed to give liquor to anybody in his own house.

Hon. R. LAURIE: The Colonial Secretary should make some provision to meet the cases which had been mentioned.

Hon. A. G. JENKINS: The amendment moved by Mr. Moss would not meet the case: members of a club might be prosecuted for selling liquor without a license.

Hon. M. L. MOSS: The clause would prevent the member of a club keeping in his locker a flask of whisky, and asking a friend to participate with him when having refreshment. Take the case of three members in a club house, one member brought out a flask of whisky and invited the second person to participate; the third person stood by and saw the other two drinking, and unless he informed he would be guilty of an offence and liable to be penalised. He (Mr. Moss) was willing to support legislation to control this traffic but would not go too far.

The COLONIAL SECRETARY: The most severe construction had been placed on the clause by Mr. Moss. If the words were struck out it would leave the provision open to selling liquor without a license. In the past liquor had been supplied without a license at these places; he was prepared to bring in an amendment to meet the cases spoken of but it was necessary to have this provision in the Bill.

Hon. M. L. MOSS: It was well that the Minister had the views of members before him now he proposed that the clause should be recast. It was inexplicable how another place should pass a provision of this nature.

Hon. D. G. GAWLER: It would be well to recast the clause. If the words "supplied or" were struck out there would be difficulty in proving a sale.

Hon. J. F. CULLEN: The clause had better be postponed.

The Colonial Secretary: I have already promised to recommit it.

Hon. J. F. CULLEN: Passing the clause committed us to it. It would be better to postpone it. Did the Minister really object to such clubs keeping liquor for any purpose?

The Colonial Secretary: Not for any purpose.

Hon. J. F. CULLEN: If we recognised the principle that the clubs would be committing no wrong in keeping liquor to treat their friends or themselves, it would be wrong to pass the clause as it stood. It would be better to postpone it and recast it.

The Colonial Secretary: I will postpone it.

Hon. M. M. MOSS: I will withdraw the amendment on that condition.

Amendment by leave withdrawn.

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

Clauses 160 to 186—agreed to.

Clause 187—As to penalties and their remissions:

Hon. M. L. MOSS: Where a place was held under lease, or under mortgage, the license should be in the possession of the owner or mortgagee. The clause dealing with that matter was postponed, but if his suggested alteration was carried out this clause also would need to be altered.

The COLONIAL SECRETARY: The clause could be recommitted if the alteration suggested by the hon. member to the other clause was agreed to.

Clause put and passed.

Clauses 188 to 195—agreed to.

Clause 196—License may be surrendered:

Hon. M. L. MOSS: By this clause the licensee could go behind the back of the owner or mortgagee, and the license be cancelled without those interested knowing anything about it.

The Colonial Secretary: Strike it out.

Hon. C. SOMMERS: This was a dangerous clause, and it was pleasing the leader of the House had consented to its being struck out.

Clause put and negatived.

Clauses 197 to 199—agreed to.

New clause—Australian wine and beer license:

The COLONIAL SECRETARY moved—

That the following be added to stand as Clause 32:—(1.) An Australian wine and beer license shall authorise the sale of wine or beer made in any State or beer made in a State of the Commonwealth to be named in the license, in any quantity on the premises named in the license, such wine to be made from fruit grown in the Commonwealth. (2) An Australian wine and beer license shall not authorise the sale of wine or beer made in any State other than the State named in the license, and a separate license shall be required to authorise the sale of wine and beer made in each State. (3.) One or more licenses under this section may be held by the same person in respect of the same licensed premises.

It was really consequential on the amendment to restore the wine and beer license.

Hon. C. SOMMERS: Would it mean that separate licenses would be needed to sell the liquors of each State?

The Colonial Secretary: No.

Hon. M. L. MOSS: There was a distinct contradiction to the decision arrived at in regard to Australian wine licenses. It was necessary to bring this clause into harmony with the Australian wine license, so that it would not be necessary to have separate licenses for each State. Certainly Subclause 2 contradicted Subclause 1. He moved an amendment—

That in line 2 of the proposed new clause the words "or beer made in any State" be struck out.

Amendment passed.

On motion by Hon. M. L. MOSS the proposed new clause was further amended by striking out the words "be named in the license" in line 4.

Hon. M. L. MOSS moved a further amendment—

That Subclauses 2 and 3 of the proposed new clause be struck out.

Hon. E. M. CLARKE: It would be necessary to retain Subclause 3, because a man might have more than one license.

Hon. J. F. Cullen: No; it is all included in one license.

Hon. B. C. O'BRIEN: A person might have one license to sell wine and another to sell beer.

The Colonial Secretary: Under the Bill one license covers the lot.

Hon. B. C. O'BRIEN: If that was so, had the fees been altered?

The COLONIAL SECRETARY: No; one fee now covered the lot. It should be explained that the proposed new clause had been drafted before another amendment was made in the Bill. The law as it stood provided for a wine license under which the wine of any one State could be sold. That was now altered, and a colonial wine license would allow the holder to sell any wine made in the Commonwealth, no matter in which State.

Amendment put and passed; the new clause as amended agreed to.

New clause—Employment of barmaids:

Hon. F. CONNOR moved—

That the following be added as a new clause: "After the 31st March, 1911, no holder of a publican's general license, an hotel, or wayside house, Australian wine and beer license, and Australian wine license shall allow any female other than his wife to sell, supply, or serve any liquor at or about any bar-room, unless such female at the time of such sale, supply, or serving is registered as a barmaid as provided in this Act in the register of barmaids for the district in which such bar-room is situated, and any licensee acting in contravention of this section shall be liable for a first offence to a penalty of not less than two pounds and not more than ten pounds, and for any subsequent offence to a penalty of not less than five pounds and not more than twenty pounds.

This with the other propoesd new clauses standing in his name on the Notice Paper represented an innovation, but one that was not without precedent, for they were taken from the South Australian Act. On the second reading he had said it was a pity to see some of the finest, most intellectual and best set up women in the country attending behind bars. There were other lines of industry in which these girls and women would be more useful to the country. Some, if not all of them, were deserving of a better fate than that which usually overtook those girls and women who spent the best years of their lives behind public house bars. To his thinking this was not a fitting occupaton for the mothers of the men who were to rule this country in the future. If the Committee decided to accept the proposed clauses they would be moving in the right direction and at the same time doing no harm to anybody, for those who were at present earning their living by serving behind bars would be able to continue their occupation, would, in fact, have a form of monopoly in the future. The clauses did not interfere with vested interests. They were already in existence in South Australia, where it was recognised they constituted wise legislation. We were advancing in civilisation, and without unduly straining the question he thought it would be a humane action to remove the temptations to entering this occupation. No member of the Committee would care to see his sister, or daughter, or any relative of his in the position of having to earn her living by serving behind a public house bar. There were exceptions, of course, but if the girls and women in these positions were not prepared to induce the youth of the State, and some times the old men, to spend their money at the bar they lost their situations. It was a fact that young fellows went to these bars to spend their money, and that the girls, unless they would listen to the tales told them by these men, lost their situations. The effect of the proposed clauses would be that after the 31st March, 1911, no woman, except perhaps the wife of the publican, could be employed as a barmaid unless she was in such occupation at the time of the passing of the Act. In agreeing to the proposed clauses we would be moving in the right direction, because these bars were no place for respectable women who could not refuse to listen to the gags of half-

drunken men. Many men went there, not so much to drink as to talk to the girls behind the bar, and these girls on their part had to induce young fellows to an undue indulgence in drink. We had an opportunity of dealing with this question which we would not have again. It had been suggested that he should extend the time to, say, five years, but he held that the best time was the present. There was no good in dilly dallying with the question; it should be dealt with at once.

Hon. M. L. MOSS: It would now be possible to get a clean vote of the Committee on the general principle aimed at by Mr. Connor. The clause now meant that no holders of a publican's general license, hotel license, wayside house license, Australian wine and beer license, or Australian wine license, should employ any female other than his wife in the sale of liquor.

The COLONIAL SECRETARY: Whilst agreeing personally with a great deal of what the mover had said, he asked the Committee to vote against the proposed new clause. It was not in the best interests of girls or women to be engaged in the retail sale of liquor, but of late years the tendency had been to widen the avenues of employment for females, and the clause proposed to take a contrary course by legislating to prevent them entering a particular avocation.

Hon. M. L. Moss: Because it is in their interests.

The COLONIAL SECRETARY: The proposal might be in the interests of the women, and if he could personally do anything to induce a girl not to go into a bar he would do so, but the principle of legislating to prevent women from entering that avocation was a wrong one. There were other forms of employment such as factories, and particularly brass foundries, which would be just as injurious to the health, and probably to the morals, of women.

Hon. M. L. MOSS: The speech of the Minister was a very lame one indeed. Annexing the Minister's arguments he was bound to record his vote in the opposite way. If any member was deserving of great credit for introducing an important amendment to the Bill it was Mr. Connor. The retail sale of liquor was a business in which it was very undesirable that women should be employed. Every man of the world knew what went on in a large number of hotels within the hearing of women. They had to listen to disgusting language of drunken men, and there was a very large substratum of truth in Mr. Connor's statement that some publicans would not long tolerate a woman who would not put up with the company of those drunken individuals and their degrading conversation. Parliament passed factory laws and social legislation from time to time with the idea of uplifting the masses, and was ever a better opportunity afforded a deliberative assembly to make a move in that direction than was provided by the clause under consideration?

Hon. J. F. CULLEN: The best way to support Mr. Connor was not to talk much on the clause. That hon. member was to be congratulated on his courage, and he would be commended by the vast majority of people in the State, particularly by the fathers and mothers of many girls who were attracted to that sort of business, and for whom there were plenty of openings in other departments of life. He hoped that the amendment would be passed.

Hon. A. G. JENKINS: The effect of Mr. Connor's amendment was that all women but the licensee's wife should be protected against the demoralising influences of the retail sale of liquor.

Hon. J. F. Cullen: You cannot go between a man and his wife.

Hon. A. G. JENKINS: The amendment meant that whilst other women were to be protected men could say what they liked to the licensee's wife. To be consistent the ladies must be kept out of bars altogether. Why allow the wife to work where the daughter was not allowed to work?

Hon. M. L. Moss: Move in that direction.

Hon. A. G. JENKINS: The amendment was not receiving his support, but he was just pointing out that to be consistent the Committee should exclude all females.

Hon. C. SOMMERS: The amendment was worthy of support and it was to be hoped that it would be carried. He felt that he could claim the vote of Mr. Jenkins after what he had said, and also that of the Colonial Secretary.

Amendment put and a division called for.

Hon. A. G. JENKINS: Was it competent for an hon. member to withdraw his call for a division?

The CHAIRMAN: It was competent to do so before the tellers were appointed.

Hon. A. G. JENKINS: Then it was his desire to withdraw his call.

The CHAIRMAN: There would have to be no objection on the part of any other member.

Hon. B. C. O'Brien: I object to the withdrawal of the call.

Leave to withdraw the call put and declared carried.

Hon. B. C. O'Brien: But I objected to the withdrawal.

The CHAIRMAN: Did the hon. member desire to make a personal explanation? If the hon. member would remember when Mr. Jenkins asked for a withdrawal of the division he (the Chairman) explained that it was competent for a call for a division to be withdrawn at any time before the appointment of tellers. Mr. Jenkins asked for permission to withdraw the call, and he (the Chairman) explained that the withdrawal would have to be by leave of the Committee. Whenever any proceeding took place by leave of the Committee it meant that the House must be unanimous; if there was no objection to the withdrawal of the decision, or an amendment, or any question when such withdrawal was put, there would have to be no voices on the side of the "noes." When putting the withdrawal to hon. members he asked those in favour of the withdrawal to say "aye" and there were "ayes" called, and when he asked hon. members to call "no" there were no voices raised.

Hon. B. C. O'BRIEN: I said "No" distinctly.

New clause put and passed.

New clauses—Register of barmaids:

On motions by Hon. F. CONNOR the following were added to stand as Clauses 164, 165, and 166:—

164. (1.) The clerk of the court for each licensing district shall compile a register of barmaids for such district. (2.) The persons entitled to be registered in such register are all persons who are employed as barmaids in licensed premises within the district for not less than three months during the year immediately preceding the passing of this Act. (3.) As soon as practicable after such registration the chairman of the licensing court for each district shall cause a certificate of registration, signed by him, to be issued to every person so registered. (4.) Any person who is so registered for any district shall also be entitled to be registered for any other district upon producing to the clerk of the court for such district the certificate of her registration in the first mentioned district.

165. Any person who—(a) By fraud or misrepresentation shows or attempts to obtain registration in any register of barmaids in which she is not entitled to be registered; or (b) forges or falsifies any entry in any register of barmaids or any certificate or registration as a barmaid; or (c) falsely represents herself to be registered as a barmaid, or to be any person who is so registered, shall be liable to a penalty not exceeding twenty pounds.

166. Any female not being registered as a barmaid in the register of barmaids for a licensing district who sells, supplies, or serves liquor in any bar-room within such district, shall be liable for the first offence to a penalty not exceeding five pounds, and for any subsequent offence to a penalty of not less than five pounds and not exceeding twenty pounds.

Progress reported.

BILL—YORK MECHANICS' INSTITUTE TRANSFER.

Second Reading.

Hon. A. G. JENKINS (Metropolitan) in moving the second reading said: This

is a very short measure. I have already explained to the House that the Standing Orders with regard to private Bills have been complied with, and that a select committee has sat and reported, the report of which is before the House. The object of the Bill is to vest in the municipality of York the land and other assets of the York mechanics' institute freed from the trusts affecting the same, to discharge the trustees thereof from such trusts, and to provide for the payment by the said municipality of all the liabilities of the said institute. Many years ago the land was handed over by Mr. J. H. Monger, the elder, and now it is desired to vest it in the municipality to enable the municipality to build a town hall on the site. I beg to move—

That the Bill be now read a second time.

Hon. W. MARWICK (East): It is desirable that the York municipality should take over this land. Only last week a referendum of the ratepayers was taken on the matter, and they decided by five to one in favour of the municipality taking the land over from the present trustees. I hope there will be no objection to the measure. Plans have already been approved, and it is proposed to expend between £4,000 and £5,000 in erecting a town hall. It is necessary to push this Bill through so as to get the title in order before the building is proceeded with.

Question put and passed.

Bill read a second time.

House adjourned at 9.56 p.m.

Legislative Assembly,

Wednesday, 14th December, 1910.

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

PAPERS PRESENTED.

By the Minister for Lands: Report on the operations of the Agricultural Bank for the year ended 30th June, 1910.

By the Premier: Regulations of the Fremantle Harbour Trust—Amendment to No. 118.

By the Minister for Works: Plans of railway routes; 1, Wongan Hills-Mullewa; 2, Naraling-Yuna; 3, Wickepin-Merredin; 4, Northampton-Ajana; 5, Wagin-Dumbleyung extension; 6, Dwellingup-Hotham; 7, Bridgetown-Wilgarup extension; 8, Quairading-Nunajin.

QUESTION—FRIENDLY SOCIETIES ACT AMENDMENT.

Mr. JOHNSON asked the Premier: Has any alteration been made in the amendment of the Friendly Societies Act as suggested by the select committee's report, dated 2nd December, 1909? 2, If so, what is the nature of the alteration?

The PREMIER replied: 1, Yes. 2, (a) The present valuation of all friendly societies is now being conducted by the Registrar without charge to the societies. The fees paid by certain societies at the beginning of the year have either been refunded or will be refunded on application. The concession represents a gain to