Hon. M. L. MOSS moved—

That the words "or by the owners and occupiers of houses and premises adjoining thereto" be struck out.

Amendment passed.

Hon. M. L. MOSS: Subclause 18 declared that the board might exercise any other power conferred by the Governor. Would the Minister explain that?

The COLONIAL SECRETARY: Power must necessarily be given to deal with outbreaks of infectious diseases, and while, so to speak, everything that could be thought of had been inserted in the measure it was necessary to make provision for unforeseen circumstances, and to give the board this power. It was extremely unlikely that such power would be abused.

Hon. M. L. MOSS: Apparently the whole of the clause had been taken from the New Zealand Act. In the New Zealand Act, however, special powers would appear to have been conferred upon the Governor-in-Council, and this rendered such subclause apposite. However, he could see no reason for it in the Bill. It was a very wide power indeed.

Hon. J. W. Hackett: What was the meaning of the words "conferred by"?

The COLONIAL SECRETARY: They related to any powers given under the Bill. It was merely repeating what was already contained in the Bill.

Clause as amended agreed to.

Clauses 209 to 214—agreed to.

Clause 215—Compensation for building, animal, or thing destroyed:

Hon. F. CONNOR: Subclause 6, dealing with all questions and disputes relating to claims for compensation, laid it down that such disputes should be heard and determined in the prescribed manner by a magistrate, whose decision should be final. It seemed to him the last words, taking away as they did the power of appeal, were altogether too drastic. He moved—

That the words "whose decison shall be final" be struck out.

Amendment passed.

Hon. M. L. MOSS: The hon. member was not much further forward, because provision would now have to be made for the appeal desired by the hon. member. It would be better if the hon. member moved to postpone the clause and requested the Government to draft a new subclause giving the right to appeal.

Hon. F. CONNOR moved—

That the clause as amended be postponed.

Motion passed, the clause postponed.

Clauses 216 to 230—agreed to.

Progress reported.

House adjourned at 9·30 p.m.

Legislative Assembly,

Tuesday, 21st September, 1909.

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

PAPER PRESENTED.

By the Minister for Works: Special By-laws regulating the lighting of vehicles passed by the roads board of Bulong.

QUESTION—WATER SUPPLY AND SEWERAGE ADMINISTRATION, COST.

Mr. HORAN asked the Minister for Works: 1, What is the annual administrative cost of the Goldfields Water Scheme? 2, What will be the annual administrative cost of the Metropolitan

Sewerage Scheme as outlined in the Bill now before the House?

The MINISTER FOR WORKS replied: 1, The amount charged against Administration for the year 1908-9 was £2,538 which included salaries of the secretary and his staff, accountant's branch, and part of the salaries of the chief engineer and his staff; also all general and travelling expenses of head office. The cost of local management in the thirteen water districts amounted to £7,370. This includes salaries of district engineers and local office staffs; all expenses of local offices and stores; meter reading, delivery of notices and all work incidental to water services and the collection of revenue. 2, No exact estimate can be made at present, but it is anticipated that for similar services the expenditure will be about the same.

QUESTION—STATE BATTERY SLIMES.

Mr. GOURLEY asked the Minister for Mines: On what basis will the accumulated slimes at the various State batteries, where slime plants are erected, be paid, and when are such payments likely to be made?

The MINISTER FOR MINES replied: When assays of the various parcels of slimes have been made and recorded, the distribution will be based on actual values. When assay values of the various parcels are not available, the distribution will be on the basis of the average value of the accumulated slimes. Payments will be made after the slimes have been treated.

BILLS (2) THIRD READING.

1. Legal Practitioners Act Amendment, transmitted to the Legislative Council.

2. District Fire Brigades, transmitted to the Legislative Council.

BILL—ABATTOIRS.

On motion by the Minister for Lands, report of Committee adopted.

BILL—PUBLIC EDUCATION ENDOWMENT.

In Committee.

Mr. Daglish in the Chair; the Attorney General in charge of the Bill.

Clauses 1 to 8—agreed to.

Clause 9—Investment of rents and profits:

The ATTORNEY GENERAL moved—

That the clause be postponed.

A clause was being drafted with the idea of making the provision perfectly clear.

Motion passed; the clause postponed.

Clause 10—Exemption of trust property from taxation:

Mr. ANGWIN: It was provided by the clause that the property should not be taxed or rated. How would that apply in a case where the trustees might erect a property on the land with the view of letting it at a weekly rental? Some time ago, when dealing with the Electoral Department, it was ruled by the Crown Solicitor that a leaseholder did not constitute a weekly tenant, as a man had to have a lease properly signed and stamped before he became a tenant. In a case such as that, would there be exemption from rates and taxes? The question wanted looking into, as land handed over might be in a place where it was necessary for the upkeep of the district that there should be certain charges made thereon.

The ATTORNEY GENERAL: Under the clause no tax or rate would be charged or levied upon any property acquired by the trustees in respect thereof; but the benefit of such exemption would not extend to any other person who might become the owner of any estate or interest in such property, whether as purchaser, lessee, or otherwise. Under the circumstances the tenant would, of course, be liable.

Mr. ANGWIN: The occupier, if he were a weekly tenant, might hold that the property was exempt, and might raise all sorts of difficulties in regard to the payment of rates. There was certainly a possibility of a large parcel of property being thus released from rates and taxes. It was necessary to see that the

general public should be properly protected. If the trustees were thinking of entering upon some business speculation in regard to these lands it was only right that they should be put on the same footing as other people. The clause ought certainly to be amended in a way that would make the trustees liable for rates and taxes on any property that was rent-producing.

The ATTORNEY GENERAL: There were no valid reasons for asking that the clause should be redrafted or amended in a way that would render these lands liable to taxation to a further extent than was already provided for by the clause.

Mr. BOLTON: These lands were being set apart for the purpose of deriving a revenue to be used for public education. It was a totally different thing from using these grounds themselves for the purposes of public education. Under the clause it would be possible for the endowment board to lease the grounds to tenants, who might claim to be free from rates and taxes. It was only a fair proposition that such land should be taxed; because the tax would mean but a small proportion of the revenue derived from the lands, and which was to be set apart for the purpose of public education. Surely the municipality or governing bodies were entitled to receive rates.

Clause put and passed.

Clauses 11 to 15—agreed to.

Progress reported.

BILL—OPIUM SMOKING PROHIBITION.

In Committee.

Mr. Daglish in the Chair; the Attorney General in charge of the Bill.

Clauses 1 to 9—agreed to.

Clause 10—Penalty:

Mr. BATH: On the second reading he had suggested that power should be taken under the Bill to deport from the State persons guilty of a second offence against the provisions of the Bill. But the Premier expressed the opinion that this was for the Commonwealth Government. Since then he (Mr. Bath) had come to the same conclusion. Still, he was of opinion that representation should be made to the Commonwealth Government pointing out that despite drastic legislation and the foresight and care exercised by the Customs inspectors large quantities of opium were still coming into the country, and that in view of this it would be well to make provision for the deportation of all persons found guilty of a second offence against the opium legislation. He would like an assurance from the Attorney General that representations would be so made.

The ATTORNEY GENERAL: There could be no possible objection to such a suggestion. He would bring the matter under the notice of the Premier, who, no doubt, would communicate with the Federal authorities.

Clause passed.

Clause 11—agreed to.

Title—agreed to.

Bill reported without amendment; the report adopted.

BILL—REDEMPTION OF ANNUITIES.

Second Reading.

Debate resumed from 9th September.

Mr. HUDSON (Dundas): I see no objection to this Bill; in fact, having examined it carefully I consider it a desirable measure. No one will controvert the contention of the Attorney General that it is not desirable that the lands of the State should be locked up in the manner they have been, as shown in the instances mentioned. As we are all anxious that the lands of the country should be put to their best use, and as this Bill will further that object, I take no exception to it. However, I somewhat resent the attitude in which the Attorney General received an interjection I made in regard to this Bill when he was addressing the House on the second reading. He suggested that I had shown antagonism in the interjection and had shown a want of respect for the judges. I deprecate any such statement and deny any such allusion. I support the second reading of the Bill.

The ATTORNEY GENERAL (in reply): In reference to the remarks of the hon. member, I do not quite remember how the circumstance arose, but I am only too pleased to make a disavowal as

to having intended to convey such a suggestion.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL — FREMANTLE MUNICIPAL TRAMWAYS AND ELECTRIC LIGHTING ACT AMENDMENT.

Second Reading.

Mr. FOULKES (Claremont), in moving the second reading, said: This is a Bill to amend the original Act which was passed by Parliament to enable the Fremantle and East Fremantle municipalities to construct joint tramways and to provide electric light. In the second section of the Act power was given to the municipalities of Fremantle and East Fremantle to enter into an agreement with any adjoining municipality or roads board to supply the latter with electric light. There is a roads board at Cottesloe Beach which is most anxious to enter into an arrangement with the Fremantle municipalities to take an electric supply, but as the district does not adjoin the Fremantle municipality it is necessary to have this amending Bill which provides that the word "adjoining," appearing in paragraph (e) of Section 2, be struck out. I therefore move—

That the Bill be now read a second time.

The MINISTER FOR WORKS (Hon. F. Wilson): The Government have no objection to the Bill. It is not wide in its extent so far as the amendment goes, being merely to strike out one word, but it will be far-reaching in the result. It is to enable Fremantle to enter into an arrangement to supply electric light to Cottesloe Beach, and the Government have no objection.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—LICENSING.

Second Reading.

Debate resumed from the 16th September.

Mr. DAGLISH (Subiaco): I intend to say very little in regard to this measure, but desire to make some reference to the new principles embodied in it. At the outset I may congratulate the Minister on delivering the ablest speech I have heard since I have sat in the Chamber, in proposing the second reading. I may likewise congratulate the member for Kalgoorlie (Mr. Keenan) on perhaps a more closely reasoned speech when discussing this question than even that the Minister delivered. I do not intend to follow my friend the Leader of the Opposition in his dissertation on "social legislation," and on the degree of unhappiness that follows the undue consumption of liquor, or the degree of undue consumption of liquor that follows unhappiness. The few remarks I have to offer I intend to apply strictly to the provisions of the Bill. At the outset I desire to take exception to those clauses in the Bill relating to compensation. The Attorney General set off to inform the House that every licensee who had once obtained a license had an undoubted claim for renewal, so long as he conducted himself and his licensed premises in a proper fashion, but when I interjected on this question the Minister at once transferred his arguments from the legal right of the licensee to the moral right. I recognise neither a legal right nor a moral right on the part of the licensee. We have to recognise that licenses have been granted solely to serve the public advantage, and that immediately a licensee discontinues to serve the public advantage his claim to a license departs. We have also to look at the custom that has prevailed in Western Australia. I do not ask hon. members to travel to England, although in England we are faced with the fact that under a similar licensing law to our own, the House of Lords in 1901 held that the licensing magistrates had an absolute discretion to refuse renewals. I do not want to carry hon. members as far as England, but I want them to consider the practice

that has prevailed in Western Australia. The Attorney General based his statement of the claim of the licensee to compensation upon Section 33 of the 1880 Act. That section says—

> "Every licensee shall be entitled, subject to the proviso hereinafter mentioned, to demand and obtain from the licensing magistrates a certificate authorising the renewal of his license on producing such license and upon payment to the proper officer of the annual fee due in respect of such license, provided such license has not been allowed to expire or has not become void or liable to be forfeited from any cause whatever: Provided also that no objection to such renewal as is hereinbefore mentioned shall have been taken and established in manner by this Act provided to the satisfaction of the licensing magistrates on the application for such renewal."

Now the points worthy of the consideration of members are, first of all, as to the person who is entitled to this renewal of a license, and, secondly, as to the conditions under which that renewal can be claimed. The words of the Act in regard to the person who can claim such renewal are "that every licensee shall be entitled." During the past 29 years, during the whole of the term the Licensing Act under which we are working has been on our statute-book, the right of a licensee to a renewal has never yet been recognised either by the licensing court or by those who have been entrusted with the administration of the Act. Licensees have been time after time deprived of their licenses by the owners of licensed premises, and there has been no intervention on the part of the Attorney General, or the Government, or the licensing bench to protect what the Attorney General now tells us is a right on the part of the licensee. Hundreds of instances have occurred during the past 29 years in which licensees of good conduct, and who have committed no breach of the law, and who have been anxious to get a renewal of their licenses, have been turned out of premises they occupied, deprived of the advantages granted to them by the licensing bench, merely because of the fact that some other person was willing to pay to the owner a larger amount of rent than these particular licensees paid. Therefore if these licensees have a claim to renewal, a claim to compensation, then Western Australia for 29 years has been allowing a grave injury to be done to private individuals, has been allowing them to be robbed of their rights by other private individuals for the purpose of gain, to be deprived of the right of getting their licenses renewed, and all the time the Law Department, the Attorney General, and the licensing benches have sat in silence and allowed this wrong to be perpetrated. Now, under Section 33 of the Licensing Act to which the Attorney General has referred, no one but the licensee has any claim whatever; there can be no question about that. There is no mention of any person. I can cite a number of instances in which the licensee has unwillingly relinquished premises; in which the licensee has unwillingly signed an agreement to transfer his license under compulsion. It has been known by the licensing bench, it has been known by the Law Department, and it has been known by the Attorney General that this sort of thing has been the practice. There have been public advertisements published in the newspapers calling for tenders for the new leases of hotels after the expiration of existing leases, and the Attorney General and the licensing benches have allowed this traffic in licenses to go on; yet we are told to-day that the licensee has an absolute moral, if not legal, right to compensation. Well, what about those licensees who have been displaced? Are they to have this compensation paid them, or is the wrong done in the past to remain unredressed? Going further, supposing that last year, or early this year before the passage of this Bill, a licensee has been ejected under the conditions I have indicated and someone else has taken his place, under this Bill the latter who has not built up a goodwill,

and who therefore has no claim, will receive compensation. His predecessor will receive nothing. Supposing that next year, after this Bill has become law, compensation has been established as the law of the land, and that the lease of a hotel falls in and some higher offer is made than the offer of the licensee in possession, what then is the position? The licensee goes out and a new licensee steps in, and in a year or two afterwards this hotel is closed by local option. The new licensee gets compensation while the old licensee has lost his claim. I want to know why the treatment should be different when the Government deals with the licensee, from the treatment accorded to him by an owner. The liquor trade has never recognised the claim of a licensee for compensation. It has always denied that claim. Very many of our public houses are held by breweries, and these breweries have always denied the right of licensees to receive any compensation whatever. Other public houses are held by private landlords, and these private landlords have always denied the right of a licensee to receive compensation. If the Attorney General's statement is true, if it is a fact that the licensee has undoubted legal claim to compensation, what has the Law Department been doing all these years? The Law Department has been simply sitting idle and allowing licensees to be deprived of their legal rights without interposing to protect them against the landlord. To-day, when it is possible that the electors may be called upon to express an opinion on the matter; to-day when the people of the State may vote for the deprivation of a license, we are told, that although licensees have gone out without a murmur in Western Australia for the past 29 years, without claiming compensation, that they have an indubitable right to it, and that if the people of any district in the State say they no longer have use for this particular license, the hotel cannot be closed without the payment of compensation. I desire the House to apply to a licensee precisely the same treatment as the owner and brewery companies have applied in the past; I desire to apply the same treatement as has been applied by the members of the trade in the past, and in doing so I recognise I have an admirable precedent, a precedent that the State may safely follow; that is dealing with compensation as far as custom goes. The Attorney General and the member for Kalgoorlie were positive in the statement that a licensee had a claim for compensation under Section 33 of the Licensing Act. The Leader of the Opposition dealt with this question, and, in my opinion, dealt with it effectively, though briefly. Section 24 provides exactly the same course and gives the same reasons for objecting to a renewal as to an application for a new license. It provides in words that are undoubted—

> "It shall be the right and privilege of any ratepayer in the district to the licensing magistrates for which district any application for a license is made, or of any other applicant for a license, or of any person already licensed in such district, or of any member of the police force in charge of such district, or the owner or lessor of the premises or vessel proposed to be licensed to object at any licensing meeting or adjournment thereof to the granting, renewal, removal, transfer, or transmission of a license."

And then follow the grounds of objection and one is " that the licensing thereof is not required in the neighbourhood." Now, the member for Kalgoorlie said on Thursday that this section related only to new licenses, but the words of the section itself are "to the granting, renewal, transfer or transmission of a license." And one of the principal grounds of objection that can be taken to a renewal as well as to the granting of a license, is that a license is not required in the neighbourhood. There are other reasons, but I am just quoting the reasons that would influence the electors at a local option poll. The reason that would guide an elector would be that there were more licenses than were required, and that reason if sustained, would necessarily lead to the closing of premises and taking away of licenses without any claim to compen-

sation because of this fact that the objection which under this Bill may be established by the local option poll could be established before the local licensing bench under our existing law. I might add that with regard to a new application the licensing magistrates have no option but to refuse it in the case of a majority petition of ratepayers living in the neighbourhood presented against such an application. The wording of Section 25 of the Act is somewhat loose. As far as a layman can understand it, it is intended to be a corollary to Section 24, and I question very much whether, under Section 25, a majority of ratepayers living in the neighbourhood objecting to a renewal of a license, the licensing bench would have legal power to grant that renewal. This Section 25, too, is hampered by one particular phrase, and that phrase is this: "The licensing magistrates, or a majority of them, shall in each case, at their discretion, determine what is to be deemed a neighbourhood for the purposes of this section." The ratepayers of any particular neighbourhood could object and demand the refusal of an application on the ground that it was not required, and the licensing magistrates would have no rigat to grant a license which might thus have been objected to. But the licensing bench has the power to define "the neighbourhood" with regard to each particular case; therefore, the magistrates could define a neighbourhood to-day in regard to one application as being a district within half-a-mile of the application. When the next applicant came forward they could define the neighbourhood as being a district within a mile or within a quarter of a mile. They can alter the definition each time a new application is made. The member for Kalgoorlie pointed out the other night that our present licensing law embodies the principle of local option, and so it would be but for that unfortunate feature that while the ratepayers have the right of objection and could enforce the right, the majority of the licensing bench have the power to define what the words "neighbourhood of the application" mean and can alter that definition just to suit the circumstances. Therefore, the ratepayers would never know in the case of any application what was the immediate neighbourhood of the particular application which was before the bench, so that it was impossible to petition with any degree of knowledge as to what the effect of the petition would be. I have already indicated that the House of Lords held that the licensing bench had the discretion to refuse renewals without compensation. In Victoria, originally there can be no doubt that the law was practically the same as the law is in Western Australia to-day. In Victoria, in 1885, a new licensing measure was introduced to the State Parliament. When that measure was under discussion certain new clauses were introduced. These clauses provided for the right of compensation to licensees, and originally they were introduced with the view of securing local option, but the hampering nature of the compensation provisions was such that the local option really defeated itself. Before 1885 the Victorian licensees had no claim. The 1885 Licensing Act created the same compensation rights as this Bill proposes to create in Western Australia.

The Attorney General: By whom was the compensation to be paid?

Mr. DAGLISH: It was to be paid by the State, but was to be drawn from what is known as the Licensing Act 1885 Fund, a fund named after the Act under which it was provided. That compensation fund was to consist of all the fees paid for the licenses throughout Victoria, and of all fines collected for offences committed against the Licensing Act of 1885. The argument raised in Victoria was the same that is raised in Western Australia to-day, that the public need not worry about compensation, because it was to be paid by the trade itself out of the *licensing fees and penalties paid by offending* licensees convicted of offences under the Act.

Mr. Foulkes: Is there not a time limit for compensation?

Mr. DAGLISH: I am at present dealing with the proposition made in the Bill to establish a compensation fund, to give a legal right to those who

do not possess it for compensation; in fact, to make a very handsome present indeed to a limited number of the citizens of this State. I have been anxious to get from the Attorney General some indication as to whether the licensee of to-day is to be entitled to compensation, or whether the licensee of to-morrow, a licensee who takes a lease after the Bill is passed, has to be compensated by the State. Provision is made in the Bill that no new license shall carry compensation, but no provision is made in the Bill to prevent a man who acquires an existing license from getting compensation. Yet I have indicated the way in which an existing license can change hands at the expiration of a lease, when a new comer will pay a larger rent than the outgoing one has paid. I want to know from the Attorney General whether, under the provisions of the Bill, assuming the lease changes hands, a man who gives up a lease will get compensation; or the man who acquires that lease will get compensation. Both have a claim, I understand from him, under the existing compensation. Both have a claim, I understand from him, under the existing law to a renewal of the license. If a man relinquishes his license and another takes it over, which gets compensation, or do they both get it?

The Attorney General: Both the owner of the licensed premises and the licensee obtain compensation, and it is specifically provided how the compensation shall be arrived at.

Mr. DAGLISH: I want something further than that from the Attorney General: even I am competent to read that in the Bill. I want to know how the licensee who loses his license because of the fact that someone else will pay a higher rent is to be treated.

The Attorney General: Those circumstances would not be within the purview of the Bill.

Mr. DAGLISH: Then the Bill is incomplete.

The Attorney General: We are dealing with local option.

Mr. DAGLISH: I am at present dealing with the Minister's claim that every licensee is entitled to a renewal or compensation.

The Attorney General: You omit the qualification, being deprived of his license by a local option vote.

Mr. DAGLISH: I want to know if a licensee is entitled to compensation if he is deprived of his license by the owner of the premises.

The Attorney General: I have already said, in consequence of the local option vote.

Mr. DAGLISH: I want to know if it is only when the licensee is deprived of his right for the public advantage that he has a claim for compensation. Has he a claim for compensation when he is deprived of his right for the private advantage of the landlord?

The Attorney General: I have been sufficiently explicit.

Mr. DAGLISH: The hon. member has not been sufficiently explicit; he has avoided the question. It appears then from the tacit admission of the Attorney General that when a licensee is deprived of his license by the State he is entitled to compensation, but that an individual can deprive him of his license without any compensation. It must, therefore, at once be recognised that a licensee can have no legal claim whatsoever.

Mr. Jacoby: He has no claim now.

Mr. DAGLISH: The member for Swan says he has no claim now; that is exactly the point upon which I have been trying to get some admission from the Attorney General that the Bill creates a claim where no claim exists.

The Attorney General: That is an ingenious argument, not ingennous.

Mr. DAGLISH: The argument of the Attorney General could not be ingenious, because the member changed his argument.

The Attorney General: No. I have finished what I had to say on that point.

Mr. DAGLISH: I desire to say this: obviously no legal claim exists and the Attorney General confirms that statement.

The Attorney General: No.

Mr. DAGLISH: Although the Attorney General set out in his second read-

ing speech with a distinct assertion that a legal claim does exist——

The Attorney General: For the sake of argument you may assume that.

Mr. DAGLISH: Permit me to say there should be some limit to the wriggling of the Minister. The Attorney General has already admitted the fact, and he cannot go back now on his admission.

The Attorney General: No.

Mr. DAGLISH: In regard to local option, I entirely agree with the utterances of the Minister in regard to the advantages of local control, but I disagree with the methods under which he proposes to bring about local control, because it is hedged around with restrictions and difficulties so as to become almost inoperative. First of all there is the petition. He provides that before the local will shall have expression there must be a petition. In order that the petition may be difficult he provides that 10 per cent. of the electors on the roll must sign the petition.

The Attorney General: It may be easy.

Mr. DAGLISH: Let us take the hon. member's constituency, and I assert that it would be an extremely difficult task to get 10 per cent. of the electors to sign in the comparatively compact constituency of the Attorney General.

The Attorney General: It would be an easy matter in my constituency if they believed in a reduction of licenses.

Mr. DAGLISH: It would mean a large amount of work, and a large amount of time to be devoted to the preparation of that petition by some individuals in the electorate. But departing from the Minister's electorate; take the electorate of the member for Kanowna. It would almost be impossible to get 10 per cent. of the electors to sign a petition, for the electorate is a wide and scattered one, and there has been a considerable depletion of population.

Mr. Walker: What nonsense; no more than at Menzies or Kalgoorlie.

Mr. DAGLISH: I am not anxious to limit my argument to the constituency of the hon. member. I have pointed to his constituency as covering a wide area, where it would be difficult to get up a 10 per cent. petition. I can carry my argument right away to Kimberley; from Kimberley to Gascoyne. I can carry it from Gascoyne to Dundas, and from Dundas to Mount Magnet. In all these electorates this getting of a petition of 10 per cent. is a very serious matter. Why ask for it? If there be any advantage to the public in giving this local control over the liquor traffic, why should there be difficulties of any sort? Why should there be little difficulties, as the Minister contends, or big difficulties as I contend? Why not afford the fullest opportunity? Perhaps there might be the argument that it is expensive. If it be it is expensive only because the Bill makes it so. The Minister proposes that the ballot shall not be taken on the day of a general election, but on the day of a general election there would be returning officers, deputy returning officers, and presiding officers, provided in every constituency, and the only cost would be the cost of printing the ballot papers.

Mr. Seaddan: Where there was an election.

Mr. DAGLISH: The only cost, therefore, would be the cost of providing returning officers and others where no contest was being held, and the cost of printing the ballot papers. Apparently this is altogether too simple and easy, and therefore we must select some day which is not a general election day. I recognise there might be some force to justify the transfer of the voting on this question from the general election day for this Parliament, though I do not admit that the Attorney General's argument is correct. This being so, why not hold the local option ballot on the day of the Federal elections, when there would be returning officers and presiding officers all over the country, and the cost, by an arrangement with the Federal authorities, would be reduced to a minimum.

The Premier: There would be voting for three senators, and one representative, for an amendment of the Constitution, and then for local option.

Mr. DAGLISH: What is the Premier's difficulty? I am only suggesting that as an alternative to the Minister's proposal

that the ballot shall be held on the day of a municipal or roads board election. And the object, I think, is this: on a municipal election or a roads board election day only ratepayers would attend to record their votes, therefore other electors are to be brought to the poll specially for the purpose of recording their votes on this question. There would be a difficulty in getting the people to come to the ballot. If the ballot were taken on a Federal election day every elector would have some business to bring him to the ballot box, and when going there he can answer half a dozen questions just as easily as one.

Mr. Taylor: That is if he does not get too tired.

Mr. DAGLISH: I am willing to admit, perhaps it would be a more complex operation on a Federal election day than it would be on a State election day, but I cannot recognise the force of the argument of the Attorney General. There cannot be any strong arguments raised against using a general election day itself, because after all there has been no disadvantage found in New Zealand with their longer experience, and no disadvantage found in New South Wales with their shorter experience. It seems to me that the objection to a general election day partakes of the nature of a fad.

The Premier: How do you come to the conclusion that there is no objection? Have you been there?

Mr. DAGLISH: No, I have not.

The Premier: What are your authorities? The Premier of New Zealand is absolutely opposed to having the ballot taken on the day of an election.

Mr. DAGLISH: I am aware of that, but I do not think the Premier can argue that because one politician, if he be a Premier, has taken up a hostile attitude, that furnishes a complete argument on the question. The argument has been used that the local option poll overshadows the general election. I doubt whether it has overshadowed the political issue in New Zealand, and I am sure it would not overshadow the political issue in Western Australia. In regard to the local option provisions, there is the objection, that before the poll may be operative and for no license, there must be a one-fifth majority. The Bill requires in addition that thirty per cent. of the electors on the roll must cast their votes for such resolution. This proposal for thirty per cent. is not an entirely new proposition, for in the Victorian Licensing Act, 1885, there was a proviso that before a local option poll should be operative at least one-third of the electors on the roll must cast their votes. The effect was that those who held one set of views simply stayed away from the poll and induced as many of their friends as possible to do the same; by this means endeavouring to make the poll useless. There too the poll was not taken on the day of a general election, and the difficulty of preventing one-third of the electors from voting was not a very great one. In a number of places, polls held in Victoria were inoperative solely because one-third of the electors did not exercise their votes. We propose to adopt in this new Bill a proposal that has been found ineffective, a bar to the expression of the will of the people. The Attorney General should give us some justification for this one-fifth majority and also for coupling with it the provision that in addition at least thirty per cent. of the electors must vote on one side of the question.

Mr. Brown: Let us have a majority rule.

Mr. DAGLISH: I entirely endorse that opinion.

Mr. Bath: The majority of those who vote?

Mr. DAGLISH: Undoubtedly. We cannot assume that all the apathy is on the one side, but we can fairly assume perhaps that those who do not vote have no opinion whatever and therefore must not be counted on one side or on the other. If we pretend to give local option to the people, give it properly and without restriction, as it has been in other States, instead of inventing for Western Australia several new restrictions or restrictions which have been tried and found wanting. I might further point out that in the Bill State hotels are to

be exempted. I cannot understand how local control can be advocated and yet State hotels be exempted. I do not know to what extent the power to establish State hotels subject to local option provisions would enable the Government to go, but any existing State hotel or any State hotel established before the local option poll takes place would under the present provisions be unaffected by the result of the poll. Then again, clubs are not affected. In New South Wales the provision is that the number of clubs in an electorate shall not at any time exceed the number of clubs formed before the first of November, 1905—that was the date when the Act was before Parliament. Later on in that Act there is a provision that while these clubs become licensed houses under the local option law of New South Wales, the Government have power of exemption; in other words, the Government may be proclamation in the *Government Gazette* of New South Wales exempt from the operation of the local option law certain specified clubs. If any club were exempted, and circumstances arose to show afterwards that the exemption was not justified, power is given to revoke the proclamation. Under our Bill as submitted, clubs are in no way affected by local option. The consequence is that immediately a public house is closed by a local option poll, the licensing bench may be applied to, and may grant a club license for the very premises just closed as hotels. Again grocers' licenses, whether existing or new, are not affected by the provisions, and therefore if the operation of the local option poll closes a hotel, and the magistrates do not grant a club license for it, they can grant a grocer's license.

Mr. Scaddan: The magistrates are compelled to grant a club license if the applicants comply with the clauses of the Bill.

Mr. DAGLISH: The new proposals modify that, as it is provided that the granting of any license for a club shall be at the discretion of the licensing bench: under the existing law the bench have no discretion whatever.

The Premier: No discretion as to the granting of a license for clubs?

Mr. DAGLISH: No; assuming that certain provisions are complied with.

The Premier: Except as regards the suitability of the buildings.

Mr. DAGLISH: They have no discretion if the conditions of the Act are complied with. In the new Bill the granting of a license is at their discretion.

Mr. Scaddan: That does not come in the clause dealing with clubs.

Mr. DAGLISH: There is a clause in the Bill providing that all licenses under the Bill shall be granted or refused at the absolute discretion of the licensing bench, and I think that clause will cover clubs as well as other sorts of licenses.

Mr. Collier: That clause would set aside the local option poll if it applies to the whole Bill.

Mr. DAGLISH: I am not pretending to give the member the exact wording of the clause, but so far as I remember it, it gives a discretion, apart from any question decided by a local option poll. I have pointed out that premises classed as hotels may be re-opened as clubs or gallon-licensed premises, and this is not an imaginary possibility, because that experience actually occurred in a licensing district in Victoria. Immediately after a local option poll had taken place there, closing a large number of hotels, some of those premises were re-opened for club purposes, and the business carried on by these clubs was not altogether legitimate. I direct the attention of members to the fact that in the absence of any provision, a club or gallon license may be granted against the wills of the electors of a district for premises just closed as public houses. When an increase has been granted by a local option poll, that increase in regard to the number is solely at the discretion of the licensing bench; but when a decrease is agreed upon that decrease is limited to one-fourth of the licenses. In other words, if nearly three-fifths of the electors recorded their votes for no license, and if a further number cast their votes in favour of a reduction, al-

though the poll would indicate that a great majority of the licenses in the district affected should be taken away, still there could be no more than one-fourth reduction under the provisions of the Bill; but if by a narrow majority an increase were agreed upon, there could be an unlimited increase at the discretion of the bench.

The Attorney General: There are various conditions that have to be complied with.

Mr. DAGLISH: I am dealing with the powers of the bench. The bench may reduce by not more than one-fourth, but there is no limit to the decrease.

The Attorney General: The bench have discretion subject to certain antecedent conditions.

Mr. DAGLISH: But in regard to increases, it is distinctly provided that certain conditions being complied with they shall be at the discretion of the bench without limit.

The Attorney General: That is so; but there are certain antecedent conditions.

Mr. DAGLISH: I am unable to arrive at the precise nature of the antecedent conditions.

The Attorney General: They are quite simple.

Mr. DAGLISH: If the Attorney General relies on that, he will be proved to be quite simple too. I pointed out a little while ago that in the existing licensing law we had what was intended to give a measure of local option where it was provided that power should be exercised by the ratepayers living "in the neighbourhood." Almost a similar expression is used as to these limitations of the right to increase, that the Attorney General refers to, but there must be a petition by the people living within the area that would be affected by such license, a majority of those in the area. There is that same looseness of phraseology as in the existing Act, and there will assuredly be the same variety of interpretations of it. The distance may be a mile, as in the New South Wales Act, or one half a mile, or an indeterminate area to be assessed at different times and by different licensing benches as circumstances seem to justify. What does the Attorney General propose when he refers to the "majority of people living within the area"? What distance does that area carry to his mind? What are his intentions as the mover of the Bill?

The Attorney General: I hardly follow the hon. member's point.

Mr. DAGLISH: The Attorney General stated that there were limitations at the discretion of the bench in granting additional licenses. He admits there is no limitation as to increases, but that a certain proportion of those resident within the area affected by the license must be agreeable to the issue of that license. Now, I want to know what the Attorney General understands by the words "within the area." I am sure the Attorney General must know the provisions of the Bill he introduced. For my part, I am quoting from memory, and I am sure the Attorney General knows more about it than I do.

Mr. Foulkes: Perhaps the Premier could explain.

The Premier: This is the same provision as was in the Labour Government's Bill.

Mr. DAGLISH: That would be the strongest possible argument in favour of it, but I am afraid the Premier's memory is at fault. Now, I desire to come to the vexed question of Sunday trading. The Bill proposes to repeat, with slight alterations, the provisions of the present law in respect to Sunday trading. I desire to say that the present law in that regard has proved to be an utter failure. It is satisfactory to no one. It is utterly unsatisfactory to the man who wants to see Sunday closing, it is utterly unsatisfactory to him who wants to see Sunday opening, it is utterly unsatisfactory to the publican, and it is utterly unsatisfactory to the general community. The present Bill provides that licensed houses shall close on Sunday but may serve bona fide travellers. I think that it is time the Government and Parliament faced this question, and took up a stand one way or the other. As long as we have these provisions for serving bona fide travellers it will be absurd to talk of

Sunday closing. Sunday closing is impossible if bona fide travellers are to be served. The publican dares not refuse to serve those customers who are prepared to take the risk of being caught by the police drinking on Sundays; and so long as publicans and their servants have to be kept on the premises for the sake of serving bona fide travellers, so long will there be breaches of this law. I contend that the only logical position is either to decree in favour of Sunday opening or to decree in favour of Sunday closing: and if in favour of Sunday closing, let us adopt it without any exemptions whatsoever. If we are prepared to grasp the nettle let us do it, and say no licensee shall serve any person other than a lodger on Sunday. A lodger has to be provided with his food in a hotel, and I do not know whether there is power on the part of the State to say what he shall drink with his food. He is inside the house, but let us say that the house shall be kept closed to all outside trading.

Mr. Scaddan: Supposing a visitor comes along and has a meal there.

Mr. DAGLISH: He could not be served. I say in regard to the lodger the State cannot very well interfere; the State cannot very well prove that the man who drrinks a glass of stout with his luncheon on Sunday did not buy it on the Saturday night. At all events, I do not want to be led into an argument on this question which will be of no profit either to myself or to the other party to the argument. But I want to say that long experience of the operation of Sunday laws in Western Australia, and in other States of the Commonwealth, has taught me that wherever the bona fide traveller clauses are in existence, Sunday trading is carried on to a very large extent.

Mr. Scaddan: What would you do with the clubs?

Mr. DAGLISH: I am speaking of Sunday trading provisions for licensed houses. I say we want to open those houses and have the trade legally carried on on Sunday, or else to close them. I am quite prepared to commit myself in favour of absolute Sunday closing, and in favour of the abolition of the bona fide traveller provisions. I am willing to commit myself in favour of absolute Sunday closing of all places holding licenses or certificates under the licensing law. I do not know whether that is sufficiently definite. I think it is all humbug for Parliament to pass a Bill which pretends to close hotels on Sunday, and at the same time embodies these bona fide traveller clauses. Because these clauses always have been the justification for and the cause of breaking the law wherever they have existed, and they always will be, I would far sooner see Sunday trading legalised than see the present system of Sunday trading practically carried on during all the hours of the day. I hope that before the Bill is finally disposed of by the Committee this question will be dealt with in a different fashion from that which the Bill proposes. Another matter to which I would draw attention is in regard to licensing fees. Here, again, the Government proposes to strike out on no new lines. I pointed out some years ago in the House the difference in value of different licenses. I pointed out, for instance, that some of them had not only a very heavy rental to pay but a very heavy ingoing also to meet, and this for comparatively short leases. I pointed out that ingoings were paid as high as £8,000.

Mr. Foulkes: One at £9,500.

Mr. DAGLISH: And I believe that even higher ingoings have been paid for leases since that time. Now, how do the Government propose to deal with these leases? They propose practically a fixed fee, and that the fee shall be based on annual values, and be slightly different in regard to municipal districts and places outside of municipal districts. I do not know why, when you base a license fee on an annual value, the question of the accidental situation of the house within or without a municipality should arise. If you base a fee on an annual value, what does it matter whether that value exists inside or outside a municipal district? It exists, and should be made the basis of the licensing fee. There is to be a minimum fee outside

municipal districts of £40 on places of an annual value of not more than £200. And here the words "annual value" do not mean what they mean in the Municipal Act, but mean the actual rent-producing value of places occupied. Now, the licensing fee is £40 on premises of an annual value up to £200. In other words, a licensed house worth £100 outside a municipal district would pay, in proportion to its annual value, a fee of 40 per cent., a licensed house worth £200 would pay 20 per cent., and one worth £210, which would pay £50 as license fee, would be paying nearly 24 per cent. These are the differences in license fees outside a municipal district. But within such district a house of an annual value of £200 pays £50 as license fee, or 25 per cent. of its annual value; a house of an annual value of £500 pays the same license fee of £50, or 10 per cent.; a house of £600 pays £75 fee, or 12½ per cent.; a house of £900 also pays £75 fee, which is equivalent to 8 1/3 per cent. A house of an annual value of £1,000 still pays £75 fee, or 7½ per cent. But for a house of £1,100 value the license fee is raised to £100, and this represents 9.9 per cent., while a house of £1,500 annual value pays the same license fee of £100, which equals 6.6 per cent., and a house of an annual value of £2,000 paying a license fee of £100 is contributing only 5 per cent. For a higher value, a value say of £3,000—there are probably one or two to be found in Perth of that value, computing ingoing and rent—the license fee represents a payment of only 3 per cent. Under the Bill the basis of licensing fees is annual value. But if we are making an annual value basis, why should the percentage be as high in some instances and as low in others, as is shown in the figures I have given? Why not make it a fixed proportion? If that were done the Government, without pressing as heavily as they do on the poorer licensees, could reap a much higher return generally. In my opinion, it is scandalous that the small man should be required to pay as much as 20 and 25 or even 40 per cent., while the large licensee in the metropolitan area, or in Kalgoorlie or Boulder, is required to pay only from 3 to 5 per cent. I hope before the Bill emerges from Committee that hon. members will insist on some amendment in this basis. I had the pleasure of introducing a Licensing Bill in 1905, and in that measure I proposed to take a fixed proportion of the annual value. I proposed that 20 per cent. should be taken right through, and I think that at the present time the proper basis for fixing licensing fees is that of annual value, on a fixed proportion, applicable right through. Only the other night the member for Kalgoorlie discussed this question, and he objected to dealing with the rental or annual value, and making that a basis of the fee. His objection was based on the grounds that the rental value included not merely the bars but also the bedrooms and dining rooms provided for the accommodation of travellers, which accommodation he said was provided at an absolute loss to the publican. Now I desire to ask the House, if the provision of bedroom accommodation is made at a loss to the licensee what proportion of the rental is paid for the business carried on at a loss? And I desire to say that I think the member for Kalgoorlie might have refrained from pressing his objection on that ground to the making of the annual value the basis of the licensing fee; because the basis of annual value is not the provision of accommodation carried on at a loss, but is the bar trade carried on at a profit, a profit that far more than swamps the loss made in the other departments of the hotel.

(*Sitting suspended from 6.15 to 7.30 p.m.*)

Mr. DAGLISH: Just before the adjournment I was referring to the question of the license fee, and was urging that this should be made proportionate to the annual value. I may say that in New South Wales, where a somewhat similar system to that proposed in the present Bill exists, the provision is that the fee shall be £10 upon the annual value for £50, then £20 upon the annual value up to £100, and £5 for every additional £100, with a maximum license fee of £100, while in addition to that maxi-

mum there is a charge of £20 per annum for every bar in addition to the one bar the hotel license is supposed to carry. Here in Perth we have, I think, as many as seven bars in one hotel. In New South Wales a hotel with seven bars would carry a license fee of £220. Here, the license fee is just the same for the hotel with seven bars as it is for the hotel with one bar, and I think hon. members will recognise this is somewhat unfair to the hotel with one bar. However, better than this principle of charging on the bars is the principle I advocate, that of making a fixed and invariable proportion in every case to the annual value; and after having given a great deal of attention to this some years ago, I think that in arriving at 20 per cent., which is not the maximum charge at present to the small house by any means, one would be fixing a fair average between the maximum charge which at present perhaps runs to 40 per cent., and the minimum which at present runs down to three per cent. In regard to our railway refreshment rooms, they not only appear to be exempted from local option polls, but they appear to be in a different condition altogether with regard to license fees from the ordinary hotel, and they appear to be under different rules in regard to Sunday trading. For the railway refreshment rooms the Treasurer fixes the license fee; but while they exist nominally for the advantage and convenience of travellers they actually exist to do business with anybody that comes along; and it seems to me that unless there is some restriction on their trading they should undoubtedly come under the local option provisions in the event of this Bill being carried. If they do not come under the local option conditions, then their trade should be strictly limited by making it illegal for any licensee of a railway refreshment room to serve anyone on a Sunday who has not travelled the specified distance, if the bona fide traveller clause is retained, and we should make it illegal for him at any time to serve anyone who is not a genuine traveller. A man on going to use an accommodation which has for its justification the convenience of travellers, ought to be required to show that he is a traveller, and when he enters the refreshment room, he ought to produce his current railway ticket before he is entitled to use the convenience.

Mr. Underwood: Supposing they collect the tickets at the station just previous.

Mr. DAGLISH: I do not know any occasion when they do that, but I am sure the hon. member will agree with me on the principle, that if these refreshment rooms are to be on different conditions to the ordinary accommodation houses, and are not to exist for the convenience of the district, there should be limitations on them as there are on those places that do exist for the convenience of the district; and that if there is to be local control of licensed houses and these places do interfere they should not be in a position to interfere with local trade; otherwise they will provide a loophole for escape altogether from the local option provisions. I do not like this provision for a premium for new licenses. It seems to me that if the Government fix the license at a reasonable amount there should be none of the cheapjack business. Licenses should not be put up to auction in any shape or form. If an individual is willing to pay a reasonable amount for any license he desires to obtain, more should not be asked of him, nor should more be expected from him. The Leader of the Opposition pointed out the other night that in his opinion a great element of the evil in the liquor traffic was the fact that people entered on it for the purpose of private profit, and the more difficult it becomes for a licensee to get a living the more will he be forced into devious and unlawful methods to make profits. If a license fee is fixed at a reasonable amount, the full amount the State is justified in demanding, then the man who pays more is entering on an uncommercial proposition, and must necessarily make his profit by some unfair trade. I should, therefore, be very sorry to see the proposition agreed to that any member of the trade should be asked to tender for the right to establish a license in any district. Another point is that in regard to the

constitution of the licensing authorities. The Bill proposes to follow the old system that has prevailed here so long and has given such complete dissatisfaction, that is, of establishing nominee licensing benches. I do not know any district where a nominee board has given any satisfaction. I do not know where any nominee bench has been in close touch with the views of the people of the district. It is more important that the bench should be in close touch with the views of the people in the district if they are to have the much larger powers conferred on them by this Bill, that is, to have the power of reduction of licenses. I should like to see the licensing authorities elective. Here, again, there would be no difficulty and no expense if the elections were held either on the Federal general election day or on the State general election day. If necessary, let there be one magistrate, say, as chairman of each bench, but let the rest of the members be elected; and the value of one magistrate would not be that he represented the Government but that he was a gentleman qualified to weigh evidence and to sum up that evidence for the benefit of his fellow members on the licensing bench or committee. A bench such as that would be in close touch with the views of the people they represented. I have pointed out already that under the Bill it is proposed when the local option poll shall take place the reduction shall be at the discretion of the licensing bench but shall be limited to one-fourth. Assuming, however, that the limitation were removed from the Bill, and that there were unlimited discretion given to the bench, as I think there should be, if we make the licensing bench an elective representative body, then each member of the bench when nominating for a seat on the bench would make known his views, that is, he would advocate the reduction of a certain number. We are now faced in the Bill with the possibility of a licensing poll showing a majority in favour of "no license" in any district but not a sufficient majority to carry "no license," that is, not three-fifths of the voters; and there may be a further number who vote for "reduction." Then, in such circumstances, those who vote "no license" together with those who vote "reduction" are justified in expecting a fairly sweeping reduction in the number of licenses. If the licensing committee were elected we could leave it to their absolute discretion to reduce, not by one-fourth, but by such a number as, in their opinion, the electors demand. In my opinion, only by giving this elective system will we get satisfactory licensing benches. If the present system of licensing benches be satisfactory one would not be justified in arguing in favour of an innovation, but the present system has been so unsatisfactory that any change at all must be an improvement. However, the condition of the liquor trade in Western Australia, the large number of houses prevailing in certain districts, admittedly in excess of demands, is an indication of the unsatisfactory work of the licensing benches.

Mr. Underwood: How do you prove the "in excess of demands"?

Mr. DAGLISH: I prove it by the fact that every section of the community admits the existence in certain districts of an undue number of hotels in proportion to the population. I could quote statistics—the Attorney General did so; I have not them with me, unfortunately—that I am sure would satisfy the hon. member. I can imagine no one who would raise an argument on that question, unless he is in favour of the abolition of the licensing system and the establishment of free trade in liquor. I do not, however, wish to urge the point further, that the licensing benches have proved unsatisfactory, and that with a view to bringing the licensing authorities in touch with the public it would be best to follow the New Zealand system, instead of following our own or the principle adopted in New South Wales of having nominee benches. It would be better to have the bench elected, but the chairman of the bench should be a stipendiary magistrate. To sum up, I desire to urge that this Bill, when finally passed by the House, should include local option without restriction, either in the direction of petition or in the direction of a limitation of the proportion of the

votes to be cast; without limitation, so far as effectiveness is concerned, by the provision that only a proportion of houses should be closed when reduction is decreed: that this local option should be without compensation entirely; that the local option polls should be taken on the days on which general elections are held, for either the State or Commonwealth Parliaments; that in order to afford reasonable accommodation to existing licensees, notice of, say, three or four years should be given before the local option should apply to existing licenses; that an abolition of Sunday trading should be decreed: or that failing to abolish this and the bona fide-traveller clauses, we should provide for a limitation of Sunday trading: that the license fee should be made proportionate to the annual value; and that new grocers' licenses should be made subject to local option. I hope the House will give the fullest and most careful attention to this measure, and that when it finally emerges it will result in the substantial improvement of our legislation on a question that has kept the public mind in turmoil for the last ten years.

Mr. FOULKES (Claremont): This Bill has had the good fortune to be introduced by the Attorney General in a most lucid and eloquent manner, which has helped the measure very considerably. There are many people who have suggested to us that we should accept the Bill as it is, on the ground that it is a great step forward as regards temperance reform. Seeing that the last Bill was passed practically thirty years ago, it is not much to claim that this Bill is a step forward with regard to the liquor laws and temperance legislation. In some circles it has been the practice of recent years to oppose and censure a certain class of temperance reformers and they have been referred to in all kinds of abusive language. Some people have gone so far as to call them "teetotal cranks," and other similarly insulting terms have often been applied to them: but one must remember that these people have been staunch advocates of temperance reform during the last ten years, and have carried out their campaign without a desire to make a personal profit, and merely with the aim of improving the moral welfare of their fellow citizens. When you compare with them the people who defend the trade, one has to remember that they have every incentive to defend that trade on the ground that it has been an exceedingly lucrative one, and naturally they are anxious to protect it. Some of the temperance advocates, I think, have gone rather to extremes, but many of them are total abstainers, and some come forward and advocate that everyone should be compelled by law to become a total abstainer. That may be a good cause, but all the same it has been the means of alienating a great deal of sympathy which they otherwise would have secured. During the last five years, not only in this State but throughout the whole of Australia, they have had a considerable amount of support, not from the people who are opposed to the use of liquor but from the people who realise that the liquor trade requires stricter supervision. Many have realised that the trade, during the last ten years, at least in Western Australia, has been able to do exactly as it liked. Although we have good laws that provide that houses shall not be kept open after hours, that drunken men and women shall not be supplied with liquor, and that thieves shall not be harboured in a public house, we know full well that these laws are practically of no effect. The people have got tired of this state of affairs: the supervision of public houses is quite unsatisfactory. Mr. Carson, who was deputed by the Government to go to the other States and New Zealand and report upon the condition of the liquor laws there, writes as follows in his report:—

> "The long-offending career of many engaged in the trade causes hundreds to vote 'No License,' who are neither total abstainers nor believers in prohibition. The trade has undoubtedly been its own worst enemy both in New Zealand and in Australia. So little regard have many liquor sellers shown for public opinion or for common decency, and with such impunity in so

many cases have the restrictions on which their privileges are conditional been disregarded, that they have as a body largely forfeited public sympathy —law-abiding and reputably conducted houses suffering for the sins of the law-breaking and disreputable."

He goes on—

"The lax administration of the law has, it is complained, in New Zealand, offered in too many cases in the past a virtual premium on law breaking, with the result that many people have come to despair of effective reform, and to subscribe to desperate remedies on the principle that what cannot be mended had better be ended."

That has been the state of affairs to a very large extent in Western Australia. We have had licensing benches whose duty it has been to inquire into the antecedents and also the conduct of the various public houses brought before their notice, and we have also had police whose duty it has been to make inquiries as to the management of these houses, but both the licensing benches and the police have complained repeatedly that they have found it practically impossible to carry out the laws. That has been the position with regard to the licensing magistrates. I know many of them have been most anxious to see that the laws were carried out. Men have come forward for a renewal of their licenses in country places, and although it may have been well known that these men had committed many breaches of the Act, and were quite unfitted to carry on the trade of publicans, no one has come forward to give evidence against them, and the result has been in several cases that the licensing magistrates have been practically precluded from declining to renew the licenses. Their hands have thus been tied, and the result is that the public houses are allowed to go on and carry on a business very often in an undesirable manner. People have got tired of that state of affairs, and have decided on having local option. It is no new cry. During the last two or three general elections pretty well every candidate was pledged to the principle of local option, and whatever changes we may make with regard to dealing with either publicans or brewers, and the claims that they may make, I maintain that full notice has been given to all individuals during the last few years that in every probability a change of the law would be effected. The Bill professes to give local option. What I would like this House to consider is that although the Bill provides for a local option poll, I hope to be able to prove to every member that the machinery for granting it does not appear to be effective, that in fact every care seems to have been taken for seeing that the machinery proposed for granting local option shall not prove workable. First of all it is provided that local option shall be granted in 1911. That seems a reasonable proposition, but when you look at Clause 98, a very important clause, which states that although a district may have its number of licenses reduced, that the premises shall not be deprived of the license (although there may have been a large majority in favour of reducing the licenses generally) until the owner of the premises has received compensation. This Clause 98 states—

"No licensed premises the subject of compensation out of the compensation fund shall be deprived of its license in pursuance of any resolution carried under Division 2 of this Part, unless and until the compensation due to the owner and occupier, respectively, of such licensed premises has been paid or tendered as hereinafter provided."

That is one obstacle. Another is that it provides for the appointment of a licensing board to consist of three persons, and they are to be the nominees of the Government of the day. This board is to hold office, not for a short term, but practically for ten years. That is to say that these gentlemen holding office for such a long term will be practically masters of the situation, and will be allowed to do as they like. The Licenses Reduction Board are to be appointed by the Government. One may be quite certain of this, that however desirous the Government may be to try and appoint suitable persons to act upon that Licenses Reduction

Board, that the men the Government appoint will probably be men who hold views similar to those held by the Government. It is only human nature to suppose that.

The Premier: You might as well say we will appoint them because they are of our own religion.

Mr. FOULKES: The question of religion does not affect it at all. The Premier will think more of the opinions of the members of the Board who will be appointed if they are similar to those that he holds. It is only human nature to suppose that he will think that. Another important clause has been placed in the machinery of this Bill. Reading the speech of the Attorney General one would come to the conclusion that it was the intention of the Government that these public houses should pay a fee of 2½ per cent. for the purpose of providing for the compensation of the houses whose licenses will be taken away. When we analyse the Bill and look at Clause 101, it will be found there in Subclause 5 that this amount of 2½ per cent. is not to be a fixed sum. The subclause states: "The amount of the percentage under Subsections 3 and 4 shall be fixed annually by the Licenses Reduction Board." The Attorney General made a calculation and stated that this compensation fund would be estimated, taking it at a 2½ per cent. basis, to amount to something like £20,000 per year; but it is left entirely to the Licenses Reduction Board to fix the amount.

The Attorney General: You are assuming that all the people will vote for a reduction.

Mr. FOULKES: Still this compensation fund has to be raised.

The Premier: Supposing at the end of ten years no hotels are closed, why should the fund go on accumulating?

Mr. FOULKES: I will answer that question later on. It means this, that the Licenses Reduction Board if they like they can fix the amount at one-fourth or one-half per cent. It will thus be understood what little probability there will be of any reasonable amount of compensation being available to pay for the licenses if they are abolished. We have one clause which states that no license shall be taken away unless there is a sufficient amount of compensation money, and here afterwards it is stated that the Licenses Reduction Board are to fix the amount of the percentage. If this Board, who are to be appointed for ten years, take it into their heads and say, "We will fix the percentage at a quarter or a-half, or one and a-half," it means there will be no possibility of having a reasonable amount of compensation available. Taking the fund at £20,000 a year a percentage of two and a-half would have to be fixed. The Premier asked just now what was the good of building up a big compensation fund even if it was not likely to be used. But this Bill is to provide for every contingency. Perhaps the wish was father to the thought. He thinks that none of these people wish to have their licenses taken away, therefore, it is not necessary to provide a large compensation fund. But I want to provide for all contingencies. The Licenses Reduction Board have to hold office for ten years; they will have to commence on a regular fixed plan, and fix an amount which is likely to produce sufficient money to deal with any number of licenses. Another obstacle to the Bill is this, suppose a reduction vote is carried, and the sum of £20,000 is available, there is no distinction between publicans' licenses and wine licenses, and I believe I am right in saying that the Licenses Reduction Board will deal with these licenses as they think fit. Take a district where there is a certain number of hotels and a certain number of wine licenses; which will the Licenses Reduction Board deal with in that particular district? The feeling may be to reduce the number of publicans' licenses; the people may have no feeling of antipathy to wine licenses, but it would be left to the Licenses Reduction Board to say which of the licenses are to be abolished. The result will be that many people who voted to have public houses reduced will find that the Licenses Reduction Board will be able to over-rule their wishes.

The Attorney General: When a reduction of licenses has been decided on, it is a clear instruction to carry out the reduction; there is no discretion.

Mr. FOULKES: We can only deal with what is laid down in the Bill. The Attorney General will have no power to instruct this Licenses Reduction Board. About two or three months ago I attended with a deputation to the Colonial Secretary, and this deputation complained that the licensing magistrates in Perth gave permits to publicans to keep their houses open after 11 o'clock at night. This deputation asked the Colonial Secretary to interfere, and stop this practice. What was the answer of the Colonial Secretary? He said at once, and quite naturally, "I cannot interfere with the licensing benches, they have power under the Statute and can do as they like." That is not the only time when this action has been taken. I know when the Government—and justifiably too—tried to instruct the licensing courts to do certain things. There was a case in which a license was applied for in the Wickepin area, and the Minister wrote to the licensing court and requested them not to grant the license as the Government were about to throw open a large area, and that a Local Option Bill was to be passed; but the licensing bench disregarded the wish of the Government.

Mr. Collier: Properly so, too.

Mr. FOULKES: This Bill describes these boards as having judicial authority. They can ignore the wishes of the Government, and quite right too. Here is another thing that I think requires making more clear with regard to the administration of this Bill. The Bill prescribes that the election shall take place in various constituencies. Suppose the district of Kanowna, the district of South Fremantle and the district of Bunbury, decided to have the number of licenses reduced—we will suppose the license compensation fund amounts to something like £10,000—in which district will the licensing board operate; will they neglect South Fremantle, and say let South Fremantle take its chance, we will deal with Kanowna which is worse, they may say, and they may allow South Fremantle or Bunbury or Albany to go on with their full number of public house licenses, although in those districts there may have been overwhelming majorities in favour of a reduction of licenses.

Mr. Angwin: It will only last for a few years.

Mr. FOULKES: The people in these districts will be asked to vote every three years on the local option question, whether they shall have public houses reduced or increased. Will the people stultify themselves when they find their votes are ineffective? We have no guarantee that there will be a sufficient compensation fund to pay for abolishing these licenses; what will be necessary, and what will be the answer of the board? Take some constituency where there has been an overwhelming majority of people in favour of a reduction of public house licenses. These people, when they find their wishes ineffective, will not trouble to vote again. They will have been taken in once, and every voter will say, "What is the use of going to vote when there is no result?"

Mr. Angwin: It can only take place in the first two or three elections.

Mr. FOULKES: I think it is a serious thing to ask people at two elections to come forward and vote in a way which may be ineffective, and that state of affairs is bound to happen. There is another provision, and perhaps a necessary one. I am assuming now that this Licenses Reduction Board will fix the compensation fee at 1¼ per cent.

The Premier: Why?

Mr. FOULKES: It is open for them to do so. I am taking the medium.

The Premier: One argument destroys the other.

Mr. FOULKES: The Government cannot say what the board shall do. They may decide on a very small percentage, but I am taking what is a fair thing, striking an average. I am assuming that the Licenses Reduction Board will strike a contribution of 1¼ per cent. that will produce £10,000 a year. Provision is made in the Bill that one of the first charges on the compensation fund are the expenses of the Licenses Reduction

Board. The members have to be paid salaries and fees, and their employees are to be paid fees. I assume that the expenses attaching to taking the local option poll will also come from this compensation fund, and I notice, too, provision is made in the Bill that all owners of licenses, whether tenant or owner, are entitled to be represented by counsel. I can easily foresee what will happen when a license is to be taken away. It will cost an enormous amount of money, because a large amount will be at stake. A man who owns a house will do his utmost to obtain as large a compensation as possible. There will be architects to be paid also, and I am making a reasonable computation when I say that the expenses of the Licenses Reduction Board will come to £2,000 per annum. The member for Perth says that is all rubbish. Having pointed out all these different obstacles to the granting of local option, I think it is perfectly clear to every member that there are most serious obstacles in the Bill to conferring local option. Some people may come forward and say that the Bill does grant local option. No one who has read the Bill, and paid particular attention to Clauses 98 and 101, can say we are likely under the Bill to have local option for 7 or 8 years to come. The whole position is the question of compensation. As far as I am concerned, I do not believe there is either a legal or moral claim in the slightest to the trade receiving compensation. The member for Subiaco referred to the fact that the trade were entitled to compensation. I would like members to refer to the original Act of 1880. There it is provided in Section 4, Part 1, that licenses granted under the Act shall be granted respectively "in the forms following," and it mentions the publicans' general license, and it says there that the publicans' general license shall be "in the form contained in the second schedule"; and in Section 5 it says, "a publican's general license shall permit the licensee to sell or dispose of any liquor on the premises therein specified." In Section 4 it says, "the license shall be in the form contained in the second schedule of the Act." If we look at the second schedule it mentions the terms and conditions under which the licenses are granted. It is on page 794 of volume 1 of the Statutes. I need not read the whole of the form, but it says this—

> "Now I, by virtue of the powers vested in me, hereby license the said A.B. to keep a common inn, alehouse, or victualling house, and to sell liquor, in any quantity, in the house in which he now dwelleth (or, is about to dwell), being the sign of , situated at aforesaid, and in the appurtenances thereto belonging, but not elsewhere: and this license shall commence upon the first day of next, and continue in force until the day of then next ensuing, both days inclusive, provided it be not forfeited in the meantime."

These licenses are granted from year to year: there is not the slightest shadow of doubt about it. That is made clear in the licensing form handed over to the publican when he comes forward at the end of the year and asks for a new license. The form of the license is handed to him, and it states distinctly in the document that the license is only to be for a certain period, that is 12 months. There is not a shadow of doubt that the license term purported to be given in the Act is fixed for a definite term. The publican pays a license fee of £40 or £50 or £100, and he pays it distinctly under a contract. There is no question whatever about a renewal.

The Premier: When you made application as a solicitor for renewal you never made use of that argument.

Mr. FOULKES: The Premier is not aware that it is not necessary for a solicitor to apply for renewal; once the license is given it is given in perpetuity. There is no form of this kind handed to the solicitor when he applies for his form of license to enable him to practise. It is set out distinctly in the second schedule that the license shall commence on a certain day and end on a certain day. The Act of 1880 lays down that every applicant for a renewal has to attend the licensing court, and there is not the slightest doubt that, as the member for Subiaco

has pointed out, if it is shown that the licensed premises are not required the licensing bench have it in their discretion to refuse the renewal. The bench have practically the sole jurisdiction. If the renewal is granted what is the form? The form is that it shall begin on a certain day and end on a certain day. A great deal has been made of the argument that the trade supplies the compensation. I admit that to a certain extent. The compensation fund does come from the profits of those interested, but the trade pays the compensation at the expense of the State. I have already maintained that the amount of license paid by the various publicans is perfectly ridiculous. There are men who have been making in the last 10 or 15 years thousands of pounds a year out of the profits of that particular monopoly. There are numerous instances, which are well known, where people have been able to retire on the fortunes they have made through this monopoly. It is a most valuable monopoly. Under the present conditions when a man goes to the State and says, "Give me the sole right of selling liquor in a particular street or district"; they say in reply, "Very well, you give me £70 a year and I will take care you shall get that license and I will prosecute any other man who tries to carry on a similar industry to yours." Imagine that state of affairs existing in any other trade. Supposing a man said, "Give me the sole right to sell fruit in Hay-street," would not that be a valuable monopoly? During the last few years we have been giving these licenses away wholesale, and the State is not deriving one-tenth of the profit they should have done. There is no trade in this country that has cost the State so much as this particular one. Wherever a license is granted it is found necessary within twelve months for the Colonial Secretary to establish a police constable there. Not only have the department to find police, but police quarters as well. It has often appeared to me to be most extraordinary that the Government should be satisfied with the small amount, say £100 a year, for a particular license, and at the same time they have to spend, perhaps £200 a year in providing police protection made necessary entirely by the existence of the hotel in that particular locality. I am sorry to notice that there does not seem to be sufficient care taken in the Bill to ensure the proper management of hotels. A great number of people, and particularly those who are supporters of the publicans' interests, contend, and they are quite justified in the stand they take, that clubs should be placed on the same footing as public houses. It is interesting to see, when looking at the Bill, how differently clubs are dealt with as compared with public houses. The regulations with regard to clubs are very stringent in comparison with those prescribed for public houses. If members will look at Clause 168 they will see what I mean. That clause deals with objections to the granting or renewal of club licenses, and sets out the reasons which can influence the bench in deciding against the applicant. These are some of the reasons laid down for the refusal to grant the license. Paragraph *c* states—

> "That the club is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose, or mainly for the supply of liquor."

There is no provision of that kind made with regard to public houses. There are scores of public houses used mainly for the supply of liquor. Go on to the next paragraph, and the following objection is set out, for paragraph *d* says—

> "That there is frequent drunkenness in the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, or that the club is conducted in a disorderly manner."

There is no clause of that kind in regard to public houses. There are scores of public houses here where there is frequent drunkenness taking place, and scores of them where persons in a state of intoxication are frequently seen to leave, and no action is taken with regard to cases of that kind. There is also another interesting provision in paragraph *e*, which says—

> "That illegal sales of liquor have taken place in the club premises."

I presume that means sales that take place after prescribed hours. There is no provision of that kind with regard to public houses. If members will look at Clause 65 they will see the provisions made with regard to objections against the granting or renewal of publicans' licenses. Under that clause there are set out the reasons which are considered sufficient to entitle the court to refuse a license. In Subclause 2, paragraphs *a* and *c* are as follow—

"That the applicant is of drunken or dissolute habits, or otherwise of bad repute." "That the applicant has, within the six months preceding the date of application, been deprived of a license."

So long as the applicant has not been deprived of a license within six months preceding the date of application he has the right to obtain a license or a renewal of a license and the previous deprivation cannot be taken as a bar to his being granted another license. If a man has been convicted nine months before his application he is considered to be eligible. A man may have committed any enormity with regard to the management of a public house so long as he has not done it within six months of the time of his application.

The Attorney General: Read Paragraph *h* of the Subclause.

Mr. FOULKES: I will come to that soon. There are a number of paragraphs in the clauses, which show how lightly public houses are dealt with, as compared with clubs, and every care is taken to see that the public houses are treated with every consideration.

Mr. Walker: Do you belong to a club?

Mr. FOULKES: Yes, to one. Then there is Paragraph *c* of Subclause 2, which reads—

"That the applicant has been convicted of selling liquor without a license, or of selling adulterated liquor, within six months preceding the date of application."

So long as the applicant has sold liquor any time before six months from the date of his application he is considered a most eligible person. Let him be convicted twice and keep quiet after that for six months and he can get his application granted.

The Attorney General: No; look at the Bill.

Mr. FOULKES: The Attorney General has referred me to Paragraph *h*, which says—

"Any other objection which appears to the licensing court to be sufficient."

Those are simply words *ejusdem generis*, and the paragraph means practically that the objections which might be considered by the licensing court to be sufficient must be of the same class exactly as in the paragraphs which go before. With regard to compensation, the possibilities are that all those houses which are well conducted will not have the slightest chance of having the licenses taken away. I am quite sure that in such circumstances the majority of the people will be strongly inclined to allow those licenses to continue, but the hard part of it is this, that the licensees of those well managed houses will have to contribute to the compensation fund in order to grant compensation to those hotels which have had the license taken away owing to the fact that they have been badly conducted, or that the licensees have been convicted of certain offences against the Act, such as selling adulterated liquor. It is the latter license which will be abolished, and the cost of paying compensation for these houses will have to be borne by the licensees of well conducted premises.

The Attorney General: You are misquoting the Bill. There will be cases where the well conducted houses will lose their license. If in a district where it has been decided that the licenses shall be reduced there is no house which has been badly managed, then the reduction will have to take place among the well conducted houses.

Mr. FOULKES: There is nothing to show that the Licenses Reduction Board have to operate in any particular electoral district, or that they are to confine the compensation amount to the districts where compensation is provided.

The Attorney General: They will operate to the extent of their funds in every district where a reduction poll has been adopted.

Mr. FOULKES: Yes, but to the extent of the fund raised locally, or the fund raised in the State as a whole? Are the board to operate in a district and pay simply the compensation raised in that district, or will they have the right to use the compensation provided by other districts?

The Attorney General: They will use their discretion.

Mr. FOULKES: The whole matter is left open. An electoral district may have to wait for years before local option is granted, because the compensation fund raised in that particular district has been applied to other districts.

The Attorney General: The matter is left open. The Licenses Reduction Board will have clear rules laid down as to which licenses shall be taken away first.

Mr. FOULKES: There are 50 districts in this State and, as the Attorney General has said, it is left entirely to the Licenses Reduction Board to operate in any particular district they like. That is what I complain of, that here in a particular district we may find really good hotels which will have to continue to pay towards this compensation fund for nine or ten years for the purpose of providing compensation for licensed victuallers carrying on business a hundred, or it may be a thousand, miles away. Now we are frequently told by a number of people that we ought to be satisfied with this Bill, that it is a great step in advance. In an address, a report of which was published in to-day's paper, one leader of the people said that this Bill was a most ideal local option Bill, that there was practically no complaint whatever to be found in regard to it; except what happened to be one blot, namely, that children over the age of fourteen were to be allowed to obtain liquor in public houses. The very fact of his stating that—I am referring to the Bishop of Bunbury—suggests that he could not have read the Bill. Because it is clearly laid down that no children under the age of sixteen are to have access to public houses. But I am glad this Bill has been introduced and I have no doubt that its second reading will be carried: but I am quite sure that the day has gone by for us to go cap in hand to the publicans and ask them for concessions. The time has arrived, and I am sure the publicans realise it, when they shall not decide what Bill they will accept, when it is for the people to say what they are going to give to the publicans. I am quite certain that not only in this State but in every portion of the British Empire there is a strong movement going on in the matter of temperance reform. And when people say that we ought to be satisfied with the Bill because it happens to be the first introduced for the last twenty years or so——

Mr. Angwin: What about the one introduced in 1905?

Mr. FOULKES: I am quite certain that all that the temperance party does is to try to reduce the temptation to drink which many people set before their fellow citizens. That is the point of view I have always taken up. We have a number of people who, as soon as a district becomes fairly well populated, rush forward and apply for a publican's license with the sole idea, not of benefiting the district, but of trying to make as much money as they possibly can. There are some who say that these people who put up large public houses should be entitled to compensation on the score of the cost of the buildings; but what I wish to impress upon the House is that no compulsion was placed upon them to put up these large buildings. A man can tell the licensing bench that he does not propose to carry out the construction of the buildings which the licensing bench see fit to demand, and there the matter would come to an end. The member for Kalgoorlie mentioned the case of a hotel at Albany. He stated that the licensing bench at Albany had told the people who owned this particular public house that it would be necessary to spend some £5,000 if they wished for a renewal of the license. Now in that particular instance at Albany, what was the condition of affairs? There was a small, faded little public house which had been in existence for something like 70 years: I am quite sure that the capital value of that house would not be more than £600. All that these people had to do,

if they did not like the conditions made by the licensing bench, was to retort that they did not propose to accept the license on those conditions; and the whole thing would have come to an end. But no, they rushed forward and said, "Give us the renewal and we will put up this splendid palace." And now if that license be taken away, compensation will have to be paid.

Mr. Walker: But the Bill provides for expensive buildings.

Mr. FOULKES: It leaves it to the licensing bench. But what I wish to impress on the House is that no applicant is obliged to carry out these conditions if they do not meet with his views: and I can quite understand that some men would have the good sense to refuse to carry out the stipulations imposed by the licensing bench in regard to certain licenses. If the licensing bench were to say, "If we renew this license we must put up a building costing from £1,000 to £1,500," the applicant has the remedy in his own hands. If he does not think it will pay, he need not put up the building, and the whole thing is at an end. To my mind it seems utterly ridiculous to come forward and say, "We have put up this expensive building and therefore we should get compensation." I have visited these licensing courts scores of times when applications for licenses have been made by people who came forward with plans and who said, "Give us this license and we will spend £10,000; only give us the license and we will do anything you like." I can quite understand it, because these licenses were well worth having, almost under any conditions. We have known men who secured provisional certificates and who, before a week or two had passed, sold them for large sums. On one occasion I was sitting on a licensing bench when there came forward an applicant for a publican's general license: on inquiries I found that the man to whom the license was granted sold it three weeks afterwards for £500. And yet the State, and the representatives of the people, are satisfied that these huge monopolies should be given to people so that they may make big fortunes out of them. Even in the Bill it is astonishing to find how easily people may obtain publicans' general licenses. There is provision made for the various fees to be paid. These fees have already been dealt with by the member for Subiaco, and I have no wish to recapitulate anything that he has said. But take the case of a man who applies for a provisional license—what is the fee he pays? When a new license is granted to him all that he pays is £5, merely £5; whereas if a man takes merely unimportant proceedings in a local court or in any other court, £5 will not go very far. But for a valuable gift like this, all that he need do is to pay £5. Look at the enormous expense of these licensing courts. Some of the magistrates have to travel scores of miles; expensive buildings have to be put up in which to hear the applications; and all that the State derives is something like £5. Like most other hon. members I propose voting for the second reading of the Bill. The main thing we have to do is to see that these local option provisions shall be put into force without any obstacles in their way. Every effort seems to have been made to put obstacles in the machinery for local option, and I believe I am not far wrong in my views in regard to this point, namely, that the Attorney General has been honestly desirous of granting local option, but that somebody seems to have come forward and inserted new clauses, each of which is an obstacle. One clause is to the effect that no license shall be taken away until the full amount of compensation has been granted; another clause provides for a petition of 10 per cent. of the people; while another lays it down that the licenses reduction board are to be appointed for 10 years. We do not know who these people may be. They will have most important duties to fulfil, and I contend that the people, if they are to have their wishes as expressed at the local option poll carried out, should have the right to elect the men who are to carry out those verdicts. Another obstacle is in the provision that no man when he votes for this local option, and no district, even though it be practically unani-

mous in saying that the number of licenses shall be reduced—they have no guarantee that their wishes shall be put into force. These five obstacles are each of the utmost importance, and I am sorry that they have been put in. I hope that every hon. member will assist me in having these obstacles removed, so that the people shall have a true local option Bill.

Mr. GEORGE (Murray): I am sorry I have not heard the whole speech of the member for Claremont, because I think that his views are in many respects very much like my own. I wish briefly to state that as far as I am concerned I recognise that the Bill has been framed with the desire to deal justly and fairly with all sections of the community. But at the same time I must agree with the member for Claremont that there are certain clauses embodied in it which to my mind seem to defeat that which we are desirous of bringing about. A number of these things, I think, could be dealt with in Committee. I had not intended to say anything whatever on this Bill as a second reading speech, except with the idea of trying to get from the Attorney General, when replying, some little clearer vision of what the Bill means from his point of view. The Minister can be so clear and lucid in connection with these matters that I am certain he will clear away the fog from my view, and let me see what I want to see. First of all, with regard to compensation. I object to compensation as it is raised in the Bill. It seems to me that if the House passes the clauses in their present state we will really give to this particular traffic a right of vested interest which those who think with me deny and cannot admit, because we cannot admit there is a vested interest in connection with licenses, for various reasons. The renewal of a license is laid down in the Licensing Act, certainly there is an important proviso in the section. The member for Kalgoorlie, who spoke very temperately and logically the other evening, did not make as clear as I would have liked him to have done his views in regard to the proviso, but the main thing in connection with it is that there must be an obligation that the house has been decently and properly conducted. That rests with the licensee. The next is that there shall be no objection from the people in the neighbourhood. If an objection is sufficiently strong the licensing bench cannot renew the license. We have machinery in this Act, showing by the fact of the machinery being there, that there may be objection by the people in the vicinity to the renewal of the license. If we allow a compensation clause to go in applying only to this particular trade, and not applying to any other trade in the State, we are placing an imprimatur on vested interests we know do not exist. I do not know much about the management of hotels; but I know, without making an attack on the owner or landlord, that the value of the hotel depends principally on whether the license is granted, or, if granted, whether it is renewed. It cannot be granted unless the person applying for it is of known good character, and is a man whom those on the bench believe to be one who will conduct the hotel decently and squarely, and not run it rowdily. If a man gets his license and a renewal of it, soon after the lease expires he is confronted, so far as I understand, with this position. On going into the hotel he has to pay a certain amount of money for goodwill, or ingoing, I believe they call it; at the end of his term, although he has a renewal of his license on the ground of good conduct, the owner of the hotel, I believe I am correct in saying, can demand from him an increased rent and an increased ingoing; and as soon as the landlord finds the licensee is not able to pay that increased ingoing, and if there is another offer, all the result and value of the licensee's good behaviour passes right away from him, and another man comes into the hotel. Of course, there is a transfer, but we know it is, rightly perhaps, not difficult to obtain, and the man who has built up the business and made it possible for the license to be renewed, the man on whom the community can rely to conduct the hotel properly, has to clear out to enable another to get the license without the community having the same guarantee from the new man that the house will be con-

ducted in the same orderly way. If a man is in an ordinary trade, say engineering or the drapery business, and he has built up a trade, when his lease is out and he does not get it renewed he goes out of the place without any compensation; but here we have a trade which it is considered necessary to hedge round with all possible safeguards, and we give a renewal, and compensation on failure to renew. I am not satisfied as to the justice of new licenses which may be granted contributing to a compensation fund in which they will have no share. It does not seem to be fair. Another point is in regard to when this is to come into operation. It is to come into operation in 1911. I know the answer if I ask the question why it cannot come into operation in 1910. If it is a good thing and is desirable in the interests of the State, as we believe, we cannot have it come into operation too soon. The answer that will be given me is. "Because there will be no compensation fund that will be accrued in 1910. and we must wait until it has accrued;" but my answer to that is that the principle of local option appears on all sides of the House and through the country to be approved of, and there is no reason why the machinery should not be put in action straight away at the beginning of the year. Local option can then decide whether we shall close any houses. If we defer it until 1911 we will have lost a year, and will probably lose something more than that. In Committee I think that point can be worked on, and I intend to go into it. There is another point in connection with the Bill; that is as to the closing time. I see no reason why hotels should be allowed to remain open so late as they do. I think it would be a benefit to the community if they were closed at 10 o'clock, instead of, as now, at 11 o'clock. There is also another thing I hope to see altered in the Bill, and that is in regard to special permits given from time to time by magistrates on the licensing bench. Sometimes they give a permit for a hotel to remain open till midnight. Why do they give that? It is because there is some special affair going on, and they think that the people want to get an extra quantity of liquor that night. If it is right to allow the hotel to remain open to a special hour on a particular night, it is not wrong to allow them to remain open every night to that hour; and if it is wrong to allow them to remain open to a late hour on every night, it is wrong to allow them to remain open on these special nights. I would like to see the hotels closed at a much earlier hour. I am not going into the intemperate statements on one side or the other. We know that fanatics on either side make statements that are not always temperate. I know hotelkeepers, decent, honest men, fit for any company. I have heard statements made in regard to a number of hotelkeepers filling people with drink to empty their pockets. There may be some scoundrels of that kind, but they are not confined to hotel-keeping, they are to be found in all sections of the community. We should put on one side the idea that because there are a few black sheep among the hotelkeepers we must condemn the whole body; just in the same way if a member of a church swindles people in land transactions, or in that kind of thing, we would not condemn the whole church. Do not let us think that if a man engages in the traffic he must be unworthy of being credited with any of the good motives of mankind. There is another thing I should like to see come into force in connection with the Bill. I know there is a clause that the annual value shall be taken by the rent paid and also by the proportion per year of the ingoing, but I should like to see it in the Bill in such a form that municipalities in which the hotels are situated should also levy their assessments upon the value of the rent paid and also upon the proportion of the ingoing. Unquestionably the rental value of the hotel is the total of what a man has to pay in the years he holds the lease. Why they fix a comparatively low rental value and comparatively high ingoing value is to keep the assessment low for municipal rating and taxation purposes. I, therefore, would like to see a clause in the Bill dealing with that point. I do not know that I am any

more ungallant than any other member of the House, but I have certainly a profound respect for what are called the weaker sex; and if it be possible I would like to see it that there will be no women or barmaids behind the bars. I have a great respect for these ladies. Many of them are as worthy of being called ladies as any on God's earth, but I do not like to see them behind bars. Because I respect the sex so much, I would prevent them from listening to some of the language that one on occasions does hear at bars; and if there is a clause by which they can be taken from behind the bars and put into other vocations more suitable for the respect we hold for their sex, I should be pleased. I do not wish to go into the ancient days. My life has shown me that we have to deal with the present, from the experience, of course, we have in the past; but where we have a Bill dealing with an evil which everyone admits—because it is all over the world and is at the root of many of the ills and poverty we have—let us deal with it with the common sense we have to-day. I do not suppose any of us would get all we desire, but we want to get in the Bill as much as we possibly can to make it a workable measure, and one that will attempt to do some good in the state of things we find to-day. The question has been raised as to when the vote should be taken. I am thoroughly in favour of having it taken on the day of the Parliamentary elections if it is possible to do it; because, as has been said, it is very difficult to get a large proportion of electors to come in even on Parliamentary election day, even when there is a strong contest, and even with all the influence we can get of Parliamentary organisations or of personal attraction. How much more so must it be on a question of this sort, which really has to do in some measure with the self-indulgence of us all. A man in the country districts may have something to do with his crop and says, "I will not bother;" and so de does not bother; and his wife does not bother; she has to look after the hens and dairy and she does not go. But it is just possible that on Parliamentray election day the farmer will come in, or both will come in, and I see no reason why the people should not be asked the question on the day they are asked to select their Parliamentary representatives. Another thing to be looked at is the question of expense. When we have this issue placed before the electors on the day elections are held we have returning officers and we have the printing done, and the extra cost is simply a little more printer's ink on the particular ballot paper; whereas on another day we would have all the organisation and incidental expenses to be got together for a vote. The provision placed in the Bill with regard to the quantity of persons to vote shows clearly that whoever had the drafting of the Bill was fully alive to the difficulty of getting people to the poll. It seems to me that there can be no question with regard to that. There is another point that I would like to speak on, and that is with reference to the transfer of licenses. I have seen several instances where there have been transfers from one district to another. I know of one particular instance in the district represented by the member for Wellington, where a hotel license was granted at Waroona, where at one time there was a saw-mill. There was at that time plenty of trade and the hotel met all public requirements. But as soon as the saw-mill cut out this license was bought and was transferred to another part of the district. What I would point out is this: it appears to me that a license, if it is granted, fulfils a public need, and when that public need is exhausted and when the people have gone from the district, surely to goodness it is a fair claim that that license should be extinguished, and that if a new license is required for another part of the district, the question of granting that new license should then be put to the vote to enable the people to determine whether they want it or not. The transfer of a license is comparatively easy compared with getting a new license, and it seems to me that the question of transfers might be fully gone into and a provision made that when there is no longer any necessity for a license, that license should be extinguished. There can be little

compensation required in such circumstances, and if a new license is needed, well, let the people decide. I do not know that I need say more. I only ask the Attorney General and the members who have discussed the measure to show me, if I am wrong, where I am wrong. If I am wrong I am open to have my convictions altered; if I am right I will ask members to assist me to amend the measure in the directions that I think are necessary.

Mr. GILL (Balkatta): I desire to make a few observations in connection with this important matter that we have before us to-night. But before doing so let me say that I desire to compliment those people who have been successful in running the Government to earth in connection with this important reform. Liquor law reform has been before the public now for a great number of years, and the Government have had it in their front window exhibiting it for many years, and I am pleased to see that they have brought it down and placed it on the bargain counter, and that we have it here for discussion to-night. It is an important matter, but I am afraid that the Bill we have before us will not give the satisfaction to the people that we all desire. However, I suppose no Government will bring in a Bill of such great importance dealing with such a contentious matter as the one before us and give satisfaction to every member of the community. Still, there is this amount of satisfaction, and the one redeeming feature that I see in the Bill is that the Government have recognised the right of the people to control the liquor traffic.

Mr. Bath: They have recognised the referendum.

Mr. GILL: That is the redeeming feature.

The Attorney General: We have had the referendum for years.

Mr. GILL: The conditions attached to the referendum are the objectionable features. The Attorney General, in introducing this Bill, I do not know whether I misunderstood him, but I took his remarks to mean that, much as we wished to see this Bill occupying a place on the statute books, he would rather have it relegated to the scrap heap than have a measure which seeks to commit an injustice in order that good may come. I took that statement to mean that the Government, in the event of the compensation clauses being wiped out, would drop the Bill. Whether I am right or wrong I cannot say. As far as I am concerned, and I believe the majority of the House are concerned, rather than agree to the compensation clauses of the Bill they would prefer to see it relegated to the scrap heap. I am confident that the people will not consent to compensation in any form whatever. I do not consider that any monetary compensation is necessary. The Attorney General stated that he considered that the licensees have a legal right to claim compensation, and the hon. member for Kalgoorlie laid it down definitely that they have a legal right to compensation.

The Attorney General: Parliament has the right to destroy this.

Mr. GILL: That is a question I cannot express an opinion on if the liability exists. If it exists, as the Attorney General says it does, and as the member for Kalgoorlie has also stated, then the Government have a clear duty to perform in reference to meeting their liability. The people of the State have not asked the Government to repudiate any liability. If it exists it is the duty of the Government to pay compensation out of revenue, and not ask the landlords of the hotels to contribute the amount of compensation necessary to close any of the hotels. The Attorney General was not quite so emphatic as the member for Kalgoorlie, but he certainly did hedge somewhat around an interjection by the member for Subiaco in connection with this question, and then he got on to the moral aspect of it.

The Attorney General: The moral aspect is very important.

Mr. GILL: If the moral aspect is more important than the legal aspect, then the legal aspect is not very great. However, it is the moral aspect that the Attorney General dealt with mostly. The Attorney General knew the importance that the House would attach to it and that the

people would attach to the question of compensation. Why did not the Attorney General bring forward some authorities to support his contention? Surely there are some cases in this or some other country bearing upon such an important question as this. I do not remember the Attorney General mentioning any cases in support of his argument, and neither did the member for Kalgoorlie.

The Attorney General: You are going outside my argument.

Mr. GILL: The Attorney General spoke more on the moral aspect of the subject, and there cannot be any cases dealing with the moral aspect. Perhaps the Attorney General could have quoted cases dealing with the legal aspect. He mentioned, I think, one case similar almost to our own.

Mr. Foulkes: In New South Wales they refused to give compensation.

Mr. GILL: Certainly, and they ridiculed the idea of compensation. Mr. Wade, when he spoke on this question, quoted many cases where the law is similar to the law in this country, and in no instance have the courts upheld claims for compensation. I was going to mention that I believed there was a case decided in this State on this very question. I have not had time to look it up, but I believe it came before our Full Court some two years ago. Perhaps the Attorney General has it at his fingers' ends, and if so he may give the House the benefit of it. I am informed, and I believe it is correct, that a license was refused on grounds which the licensee did not think justified the refusal of the renewal. He appealed to the Full Court, and Mr. Justice McMillan gave the decision of the Full Court, and it was that the licensee had no claim whatever and could not compel the licensing bench to issue a renewal if they did not think fit to do so. I am informed that the Judge did not go into the merits of the case, whether the house was or was not properly conducted, but simply gave his decision as to the right of the bench to refuse a renewal to any person. If such is the case we need not go to any other country. We have a decision here in our own courts, and it is the duty of the Attorney General, if such a ruling has been given, to give us the benefit of his knowledge. This case having been decided by our Full Court should settle the whole question in the minds of hon. members. That is the way I look at it.

Mr. Bath: Now you had better have a go on the moral grounds.

Mr. GILL: I am simply dealing with the right as it exists at the present time. The whole subject has been pretty well debated to-night by the member for Subiaco, the member for Claremont, and the member for Murray. I simply wish to say that I am satisfied that no legal right exists, and as for any moral right, I fail to see where that exists with regard to a license. There is the aspect of the question mentioned by the Leader of the Opposition, with regard to compensation as provided for in this Bill, if the House passes the clauses as provided here, that is that we will be legally responsible for compensation.

The Attorney General: In this Bill?

Mr. GILL: Yes. If the Bill is passed we are legally responsible for compensation to the houses. We are accepting the liability.

The Attorney General: We provide compensation.

Mr. GILL: We accept the responsibility and the liability of seeing that compensation is given to the houses that are closed. There is another clause providing how you are to raise the amount of money; but you accept the responsibility and the liability of providing compensation for the houses closed.

The Attorney General: Not beyond a certain amount.

Mr. GILL: I do not think there is a stipulated amount here. You fix the amount.

The Attorney General: There is no liability beyond that.

Mr. GILL: Beyond the two and a half per cent?

The Attorney General: Yes.

Mr. GILL: Are we accepting the liability or not.

The Attorney General: If the hon. member means by liability the same obligation we would have to meet, no; not beyond the liability of compensation.

Mr. GILL: We either have to see that the money is found or else we cannot close the hotels, if the amount of money is not sufficient the hotels will not be closed?

The Attorney General: Yes.

Mr. GILL: That is what I want to get at; I am clear on that point. The Leader of the Opposition spoke on that question the other night and the Attorney General did not appear to take much notice of him. It was not made clear to my mind, and I am certain it was not made clear to the minds of other members.

The Attorney General: Out of nothing, nothing comes.

Mr. GILL: There is a good deal in that, when we get down to bedrock in the matter. I am pleased the Attorney General has accepted the responsibility as to the provision in Clauses 97 and 98 providing for compensation being given to houses that are closed, and I am satisfied when members realise the position they will give their whole-hearted support to those in favour of wiping out the compensation clauses from the Bill; there is no justification whatever for them. There are many reasons that can be advanced against the compensation clauses. I do not intend to go into them, but the Attorney General advanced the reason the other night that there is only a moral ground. He said that a certain hotel was worth five hundred or six hundred pounds when built, and that by getting a license, the value of the place was increased to four thousand or five thousand pounds: the license enhanced the value to those premises. I maintain therefore that no moral right exists, because no compensation should be given to a person where there is no loss; but where there is an increase in value, the moral right is on the other side, and it should be the duty of publicans to compensate the State for being allowed to have these places. I cannot see any reason whatever why compensation should be paid as regards the licenses morally, and I am satisfied from what the Attorney General said, legally they have no claim. The Bill is not as satisfactory as I would wish. One most important matter, I think next in importance to compensation, is the composition of the court. I am strongly opposed to the nomination of members of the court. We have had nominees conducting the licensing benches since the Licensing Act has been in force, and I am satisfied that they have not given satisfaction to the people of the State in any way. We have known many instances where hotels have been placed in localities directly in opposition to the wishes of the people, and when such a thing as that exists we are justified in opposing nominee courts in the future. If we have elective courts, no such thing as that will occur. By having courts elective they will be under the control of the people, and naturally will carry out the desires of the people in connection with new licenses or the renewal of licenses. Members may remember that some little time ago an instance occurred where a licensing bench granted a provisional license for premises not very far from this House. It was granted directly in opposition to the wishes of the people. Petitions were sent in—there was petition after petition sent in—in opposition to the hotel at that particular spot; but on one occasion the people were caught napping, and the consequence was that the licensing bench jumped at the opportunity of granting a license. This will apply in many other cases. When licensing benches act in this manner, we should be suspicious and see that some change is made for the better: if we have a change it cannot be for the worse. The Bill chiefly deals with local option, and in that respect it is not all that it claims to be. When we look for local option we naturally think that it means the handing over of the liquor traffic to the people of the State: this is generally accepted as the meaning of local option. This Bill does not by any means give the control of local option into the hands of the people.

The Attorney General: It goes much further than your Bill did.

Mr. GILL: I have never had an opportunity of framing a Bill.

The Attorney General: The Bill introduced by the Labour Government.

Mr. GILL: I cannot help what was done some years ago. We may have become more enlightened or more advanced since then.

Mr. Walker: Six years makes a lot of difference.

Mr. GILL: If this Bill is more advanced than the one introduced five years ago, I am pleased to hear it, and must congratulate the hon. member on the progress made. I am satisfied if the Bill is not altered in the direction desired, that the time is not far distant when someone else will be given an opportunity of sending one along of a more progressive nature; still I am not at all satisfied with the conditions and stipulations in regard to local option. I take strong exception to the restrictions contained in the Bill. We have restriction in the way of petitions, and it is a matter of restriction to the general principle of local option. We have restriction with regard to voting, and the number of votes that shall be cast, and the majority that shall be cast. We have restrictions in all these directions, and I say no restrictions of that kind have any right whatever in a local option Bill. I suppose we shall find precedent for them in the case of the other States; but if they have made mistakes in this direction in the other States, it is our duty to rectify those mistakes. We have lagged behind the other States very much in the past, they have progressed far ahead of Western Australia in regard to this class of legislation——

The Premier: And the number of hotels.

Mr. GILL: For years they have had local option measures on their statute books, and if they were only moving today, there is a chance that some of the restrictions of this Bill would not be found on the statute books of New Zealand and New South Wales. Because these restrictions are to be found on their statute books, that is no reason why we should commit the same error in this State. I am satisfied it is not in the best interests of local option, and that it will not be in accordance with the will of the people if these restrictions remain in the Bill. Consequently I shall do my utmost to have them removed, and I believe there is a sufficient number of members in the House to see that the Bill is made what it is represented to be, a local option Bill in effect, as well as in name. There are many other matters I should like to deal with now. We shall have an opportunity in Committee to deal with them more in detail; but there is one other matter I should like to touch on, and that is in regard to the number of licenses contained in the Bill. It is simply a copy of the original Act in that regard, and we find there are fifteen different kinds of licenses in this State today. I am of opinion that we can with advantage reduce that number considerably. I am satisfied it would be a great advantage if we could confine the liquor business to the one building, and with that object in view I hope we shall be able to reduce the number of licenses existing to-day. There is one particular license —I do not see the member for Swan here, I suppose he will fight the question —that is the wine license, and it is one to which I have a great objection. I wish to see it wiped out of the Bill. We shall have the wine-growers—the member for Swan and other members— protesting vigorously if there is any opposition raised to this class of license.

Mr. Collier: Do not anticipate opposition.

Mr. GILL: I am simply stating what will happen. As far as wine licenses are concerned, I think they are one of the greatest curses in the State to-day. I do not know a great deal about them in the country districts, but I know what is happening in Perth. Wine licenses are generally held by keepers of fruit shops and lolly-shops, and fish-shops, and by other shops generally conducted by the foreign element—a class of persons who have no regard for the welfare of those who do business with them. Consequently I say that the wine licenses are one of the greatest curses we have in Perth to-day, there is no shadow of doubt about that. For the benefit of those who object to the cancelling of wine licenses, I say they will have to bring forward a better recommendation than they can

show in Perth to-day if they wish to continue these licenses. The examples we have in Perth in connection with wine licenses are no justification for a continuance of them, and I am satisfied it would be of benefit to the community as a whole if we wiped the wine licenses off the statute book. There are grocers' licenses and other kinds of licenses, and I hope to see them wiped out so that we may have fewer licenses and concentrate the traffic if we can under one roof, so that we shall have it under control and thus be able to supervise it more than it is possible to do to-day. There are other matters that may be touched on. With regard to the licensing of railway refreshment rooms, that has been dealt with already, and I think something should be done in the matter. I do not think it is reasonable that these people should enter into competition with those outside, and sell liquor at all hours of the day and night to the public.

Mr. George: Where do they get that power?

Mr. GILL: I have no hesitation in saying that the refreshment room on the Perth station caters as much for the outsiders as the travelling public.

Mr. George: Then they have fallen from grace in the last two years; I stopped that.

Mr. GILL: The hon. member made a great mistake if he thought he stopped it, as all the junior porters in the station could have told him. That question might reasonably be attended to. With regard to clubs, that is another matter I hope to see brought under the provisions of the local option clause. A good deal has been said about clubs, and there is justification, from what I can hear, for what has been said, and if there is justification then it is only right that clubs should come under the provisions of this clause. Let the people deal with them the same as with the other drinking establishments. I have no intention of taking up more time, and only wish to say I hope the Government will not make the compensation clauses what may be termed a vital issue. I trust I have been mistaken in my reading of the Attorney General's remarks in that connection. The Bill is of great importance, and it is the framework of a good Bill. With a little alteration in the way indicated by members—certainly some of the proposed amendments are very important—and if the Government are prepared to make this an open question and deal with it with a desire to place the Bill on the statute book, the time is not far distant when the measure will have become law and will give great satisfaction to the people of the State, and be of much benefit and help to very many people. Let the question be dealt with in an open-minded manner, let members have a free hand, let not the Government make any of the questions of vital importance, and then we will have a Bill that will be an advance on anything dealing with the liquor problem on the statute books of Australia to-day.

The PREMIER (Hon. N. J. Moore): In order to give the hon. member for Kanowna (Mr. Walker) an opportunity to reply earlier in an evening I step into the breach, although I do so rather reluctantly, as up to now there is not very much to reply to, inasmuch as it has been recognised, even by the opponents of the Bill, that it forms the framework of an equitable measure. We do not as a rule get let off as easily as that. It is one of the most effective measures of reform yet introduced to the House; it was introduced by my learned colleague in a speech which was worthy of the subject and the occasion. Right through, in dealing with the liquor question, the Government have been accused of insincerity, and even the Leader of the Opposition, during his remarks on the second reading, said he was rather surprised that the Bill should have been of so advanced a character. Criticisms of a similar nature to that have been advanced against the Government on more than one occasion, but we are satisfied that the record of works accomplished and promises fulfilled since our policy was first enunciated three years ago, will compare very favourably indeed with the record of any Administration, not only in Western Australia but in the Commonwealth. How-

ever, this is not the occasion to more than briefly reply to this very unfortunate habit, which is becoming prevalent, of accusing one's opponents of being insincere. It is the accusation of very narrow-minded persons who, as a rule, measure other people's corn by their own bushel. During the pre-sessional Speech I delivered two months ago, we fairly well outlined the principles of the Bill as now submitted. I can assure members the Bill was not drafted and compiled without a considerable amount of discussion; we recognised that in tackling a question of this kind we had a problem which called forth the best efforts of the members of the Government. We did not confine our enquiries to this State, but, as members are aware, a special Commissioner was despatched to New Zealand, in the person of Mr. Carson, with the view of obtaining information in regard to the licensing laws of that country, as well as those in the Eastern States. He was given a commission to make impartial enquiries, and he took the opportunity of meeting not only representatives of the temperance advocates but also representatives of the liquor traffic, and I think it must be admitted generally that the report submitted is a very valuable contribution to the literature in connection with local option. Last year we were twitted with not being in earnest, and the measure we introduced with the object of preventing any new licenses being granted was, we were told, introduced by us well knowing that it would be relegated to the waste paper basket in another place. As the result of the passage of that measure no new licenses have been granted in Western Australia during this year, and although repeated applications have been made for Executive Council approval to allow applications for new licenses 15 miles distant from any existing hotel to be considered by a licensing bench, Cabinet refrained from giving that permission, inas much as we considered that in the event of this present measure coming into force, and compensation being allowed, we would be building up additional liabilities. During this year the population will have increased by something like 8,000 souls. On the quota allowed in Victoria this would mean that something like 32 hotel licenses would have been granted if we had carried out the same principle as they have there; that is to say, that in every centre with 1,000 inhabitants four hotel licenses might be granted. As a matter of fact, during that time, as you are aware, no new licenses have been granted, and this merely goes to show that had the temporary measure been introduced a few years ago there would not have been any great demand for local option at the present time, as the hotels would not have been in excess of the requirements of the people.

Mr. Bolton: This was not the first time the temporary measure was introduced.

The PREMIER: It was introduced by the present Government, and it is no use having a Bill unless it is carried into effect.

Mr. Bolton: Other Governments introduced it.

The PREMIER: They were only kite-flying. It has been assumed right through that the effect of this new measure will be that licenses will be reduced very considerably. There is no doubt that in some cases they will be, but there are cases where the number of licenses will be increased. I know my friend the member for Forrest, and others who have had experience of the timber districts, know of places in different centres in the South-West where applications have been consistently refused for the last ten years. It will be interesting to note the result of local option in these particular centres. I think that in some cases there will be an increase, and if there is it will be preferable to the sly grog shanties existing there now. That reminds me of a story I once heard as to a no-license centre. A stranger arrived in that district and accosting the first constable he came across, he inquired whether it was possible to get a liquor in the town. The policeman walked him down one or two streets and pointed to a building, asking the stranger whether he noticed it. The visitor replied, "certainly," and the constable said, "Well, that is a church." The stranger continued, "Surely I can-

not get any liquor there," and the constable replied, "No; that is the only place where you cannot get a drink." At some of these camps the condition of affairs is almost as bad as at that particular centre. So far as the hotels of the State are concerned, it must be generally recognised by those who have had the opportunity to travel round the State, that they compare more than favourably with the hotels in the Eastern States, and we recognise that the great majority of the hotelkeepers are respectable, law-abiding citizens, and have equal rights with other members of the community. As such, they are entitled to fair consideration in a question of this kind, which so vitally affects their interests. To-night we heard an exhaustive criticism of the Bill from the member for Subiaco. He was very eloquent in pointing out that he was averse to compensation, that he did not think it was equitable and he was opposed to it; and that in his endeavour to elicit information from the Attorney General the hon. member had asked whether there was any limit to the Attorney General's wriggling. Well, the hon. member (Mr. Daglish) did not wriggle; he turned a fair somersault, a complete volte face. We find that in his Bill, and which I presume was supported by hon. members opposite—

Member: You were here and you ought to know.

The PREMIER: I did not support the Bill because it was not liberal enough. There was absolutely no local option provided for and no provision for any reduction except after ten years.

Mr. Bath: That is wrong.

The PREMIER: The member for Subiaco said when introducing his Bill in 1905—

> "With regard to new licenses there can be a full and complete local option; but in regard to old licenses, recognising the right that exists on the part of the licenses, it is proposed in the Bill to give them a time compensation, that is, to give them a right of renewal for 10 years on the understanding that at the expiration of that 10 years no right exists under the section of the old Act I have already read, and that they will have been compensated by the amount of trade they have been enabled to do and the amount of profit they have been enabled to get during the 10 years. Therefore time compensation is adopted instead of monetary compensation."

The principle was absolutely admitted. The hon. member continued—

> "And the Government regard time compensation as likely to be more satisfactory to the State and to work very much more to the advantage of the people of the State than monetary compensation would. At the end of the ten years it is not proposed in this Bill that any license shall necessarily be lost. It is not proposed by one clean sweep that licenses shall be swept out of existence; but it is proposed at the end of the 10 years all old licenses shall come under the control of the people in the districts where licensed houses exist, just as if from the outset there were no licenses granted under the provisions of the Bill now under discussion; and it will then be open to the people of any district to vote on the same principle as at present the people of New Zealand are voting, either for an increase, a reduction, or no license at all. However, until that 10 years' notice has expired, the possibility of introducing what is known as the 'direct local veto' cannot be recognised. I wish to be thoroughly emphatic in regard to the views of the Government on this point. We recognise that the State has entered into an obligation under the existing Act to certain licenses, and that the State must carry out the obligation to the uttermost letter. Farther, we recognise that, even supposing some good were likely to result from dispensing with this notice and with compensation, it could only be as the result of a direct act of repudiation on the part of the State, an act which I believe this House would never dream of entertaining, and which this Government at all events would not be prepared to propose."

That is as definite a statement as one

could have. The hon. member was very eloquent on that occasion; and I fancy now I can hear the loud applause of hon. members.

Mr. Heitmann: Would you kindly read the views of the present Attorney General five years ago?

The PREMIER: It is our turn to-night.

Mr. Taylor: Somebody should move to destroy those *Hansards*.

The PREMIER: As Treasurer I would welcome that motion. At the same time I would like to point out that there was no provision in the Bill in 1905 for a reduction. Surely the provision in which we allow for compensation to be contributed by the hotel-keepers is more preferable to the restricted proposal then endorsed by some hon. members who oppose compensation? Surely it is better to allow the publican to pay towards an insurance fund and enable a reduction to be made, than to postpone the coming into force of local option for another ten years? That is the alternative.

Mr. Bath: It will be 1921.

The PREMIER: But the provision comes into force at once. The 3 per cent. fund, as pointed out by the Attorney General, will provide approximately about £20,000 a year, and that will provide for a certain number of hotels being closed. I would like to point out for the information of hon. members that in New Zealand where they have no compensation hotels are being wiped out at the rate of 30 a year, while in Victoria where there is compensation licenses are being reduced at the rate of 100 a year.

Mr. Taylor: They are reducing 1,300 licenses in Victoria out of a total of 6,000.

Mr. Collier: For what year are those figures for New Zealand?

The PREMIER: The same year as Victoria.

Mr. Collier: But New Zealand has been reducing for years past, whereas in Victoria they have only started reducing.

The PREMIER: In Victoria out of the 1907 fund there were 63 hotels reduced, the compensation paid being £32,596. Out of the 1908 fund there were 113 closed, the compensation paid being £60,245, while since then there have been 20 closed and compensation of £6,636 was paid. The total number closed to the 31st December, 1908, was 196 at the cost of £99,177, while 12 were also closed but remained to be compensated. The strange portion is that at the same time the per capita expenditure on liquors in Victoria is going down while it is increasing in New Zealand. It is argued that the inclusion in the Bill of the provision for compensation is unjustified for two main reasons. First, it is argued by the Leader of the Opposition, and also by the member for Subiaco, that no legal right to renewal attaches to existing licenses, and therefore Parliament would do a grave wrong to create such a statutory right. The second argument is that compensation would operate to restrict the will of the people because of the alleged inadequacy of the compensation fund. Leaving out the legal right, because I do not think I am qualified to deal with a question on which so many legal luminaries differ, I would like to point out, with New Zealand excepted, in all English-speaking countries the moral right of the licensee to receive compensation or to be allowed a time limit for the deprivation of licenses is recognised.

Mr. Bath: It was not recognised in New South Wales.

The PREMIER: Yes, there was a time limit. I mentioned "time compensation."

Mr. Bath: "Time," but not necessarily "compensation." It was expressly denied that it was compensation.

The PREMIER: Is it better that we should make it ten years or that we should pay compensation and reduce to-morrow, and at no cost to the community? That is what the temperance people have to consider—whether it is not better, if they cannot get the whole loaf, to get some fair measure of reform rather than postpone the operation of local option for 10 years. In Victoria compensation is payable for all time in respect of all licenses granted before 1885. In South Australia fifteen years' notice was given to the trade, and in the meantime compensation was pay-

able for licenses wiped out. I think it was last year in South Australia that the 15 years' period expired. Since then the hotels closed do not receive compensation. In New South Wales compensation is not paid, but if "reduction" or "no license" is carried the house closed is to be allowed a time limit. Compensation, moreover, may be justified on the ground that, whatever may be the strict meaning of the law, everyone knows, notwithstanding the member for Claremont, that there has been a tacit understanding that renewals will be granted subject to good behaviour. I would like to point out also that so far as we in this State are concerned we recognise the goodwill of the license in as much as so far as probate duty is concerned in the case of an estate being valued for probate duty the goodwill is considered and duty has to be paid on it. As a matter of fact, we all know that in municipal taxation a hotel is always taxed higher from the fact that it has practically the right to a renewal. A much higher tax is put on the hotel than is put on the ordinary living house.

Mr. Angwin: No; it is only on the actual rental.

The PREMIER: We know that where without a license a house is worth £100 with a license one could get £300 or £400 rental. At the risk of wearying hon. members I would like to quote the remarks of Mr. Balfour on the same subject. Mr. Balfour said—

> "I really should like to ask serious men among the opponents of this Bill —I will not say honest men, because I am convinced of the absolute honesty of even the most extreme and fanatical holders of what are wrongly described as temperance opinions—whether they have considered the methods by which they propose to treat those who carry on what is undoubtedly a legitimate, and as I consider, a necessary trade, necessary in the sense that no community will consent to do without it, if in no other sense. A practice has been allowed to grow up, and I do not think the law prevents it, by which consideration can be and is constantly parted with by these people for value received. These people may be compelled under the existing law to spend large sums of money upon their premises. These people if their houses happen to stand in the way of street improvements are compensated under the Land Clauses Act, as if they were copy holders, for the full amount of their premises. These people are rated, these people are taxed. Every incident and every burden of property is theirs except reasonable security. By reasonable security I do not of course mean freehold. The hon. member for the Spen Valley talks as if we intended to give freehold value to the people who have no freehold value. We intend to do nothing of the kind and nothing in our Bill will do it. My Right Hon. friend the Home Secretary told the House that the machinery by which the value of this kind of property is to be estimated is precisely the machinery which determines the amount at which it should be taxed. May I ask hon. gentlemen opposite whether they think a man should be taxed on one value and dispossessed on another? If a licensed holder dies his son or his widow gets his property less the death duties which are estimated upon a certain value which the license is supposed to have. That is the value we attribute to it in this Bill, and how any man can say that that value is excessive without at the same time saying that the Chancellor of the Exchequer has been robbing these people ever since the passing of the death duties, I am wholly unable to understand."

Mr. Scaddan: Would not that be the value of the unexpired portion of the lease?

The PREMIER: No, it would be the value of the godwill. The licensee would have to pay probate tax on the value of the goodwill.

Mr. Bath: The owner gets it, not the licensee.

The PREMIER: The State gets it; the State collects death duties on the goodwill.

Mr. Bath: From the owner.

The PREMIER: From the relatives of the deceased licensee.

Mr. Taylor: The unexpired portion of the lease?

The PREMIER: What is the good of the lease if he has not the right of renewal of license?

Mr. Taylor: The tenant has no right of renewal.

The PREMIER: The member for Subiaco stated that the landlord had nothing to do with it.

Mr. Hudson: The license should go to the premises and not to the licensee.

The PREMIER: It is given to the licensee on condition that the premises are brought up to a certain standard. It is not given to the landlord. Much as I would like to continue this conversation with three or four members at the same time I really cannot manage it. Mr. Balfour continues in his speech, and I want hon. members to listen to this—

> "I have already told the House how much I regret the folly of the legislation which has allowed these monopoly values to grow up. But they have grown up and we have permitted money to be given for them. No one has regarded that as either improper or as illegal, and I do not believe that in any trade in this world except the trade concerned with alcoholic liquors this House would tolerate for one moment the state of insecurity in which you have deliberately desired to place these people. Before I came into the House of Commons compensation was given to Army officers who had paid money for their commissions. It was illegal to give money for commissions, but the practice of paying for them had grown up and it was felt it would be a gross injustice to treat that which had grown up as property as if it were no property at all. That is my great complaint of the attitude of mind of the member for Spen Valley. He went through any number of precedents and read long and interesting extracts to show that from time to time persons had arisen who held the view that a man applying for the renewal of a license is precisely in the same position as if he were applying for a new license. I do not wish to enter into any legal or technical discussion with the hon. gentleman, but this House has to consider broad equities outside these narrow limitations. It has always considered those broad equities in connection with every other class of the community, and I cannot see how it is to refuse to consider them in connection with publicans and publicans alone. If you think the publican is a wild beast to be hunted down; if you think his occupation is so disreputable, so contrary to public morals, that he should be stamped out there may be some excuse for your action. But hon. gentlemen do not hold that view, or very few of them have courage to avow it, although I admit that an attack upon intemperance usually means a very intemperate attack upon the publican and not upon those to whom the publican ministers, who I should have thought, were the real offenders. If the Bill only attempted, for the first time really to give reasonable security to this trade, which is a legitimate trade, it would have strong reasons behind it."

Mr. Bath: We can always wager that Balfour will fight for a monopoly.

The PREMIER: The arguments used are logical.

Mr. Heitmann: You might as well quote those in opposition now.

The PREMIER: I have already given the opinion of one member in this House, spoken a few years ago on this question, and now it is backed up by such a distinguished gentleman as Mr. Balfour. The member for Kalgoorlie and the member for Balkatta objected to the principle of the licenses board not being elective. It seems to me it would be more objectionable to introduce the elective principle into such a tribunal. It is untried in Australia, it has been practised in America, and it certainly has not been a success in New Zealand from what one can gather from reports. After all the licensing court is a judicial body, and if we introduce the principle of an elective board it will mean that we will have extremists on it. It will mean that a strong temperance advocate will be run for all he is worth by the temperance

people, and the trade will naturally endeavour to run a man who will be likely to look after their interests, with the result that in some cases, where the temperance party might be able to secure the return of their nominees we would probably have excessive rigour in the administration of the Act, while, on the other hand, if the trade is successful in securing the return of their nominee, laxity will probably be the order of the day. It seems to me that the law should be uniform, but under a proposal as suggested it would be unequal. The member for Kalgoorlie referred to the fact that it would be advisable to give power to all those boards to vary the hours of closing and opening to suit local conditions. That seems to me rather objectionable, and personally, although I am willing to recognise with the member for Subiaco that at the present time the Act is not carried out with the same degree of perfection that we would like as far as Sunday trading in some places is concerned, yet I would be sorry to see the hotels opened on Sunday.

Mr. Scaddan: They are open now.

The PREMIER: They are open now for bona fide travellers, and those who have had any experience in Western Australia must realise that as far as observance of Sunday trading is concerned a big advancement has been made during the last few years. I have had the opportunity of judging. I have resided at a good many hotels in the State, and I know that the respectable publicans would much prefer to have their hotels closed altogether. Many object to stay in on Sunday to provide refreshment for travellers, but at the same time they run a risk of losing a considerable amount of trade by refusing to serve alleged travellers on Sunday.

Mr. Heitmann: On the other hand there are many who do better on Sunday than on any other day of the week.

The PREMIER: I do not frequent the hotels referred to so I do not know.

Mr. Taylor: The unfortunate part of the licensing law is that it makes them all travellers.

The PREMIER: It is a very difficult question and the Government will be very glad to receive suggestions in the way of dealing with it. As far as Melbourne is concerned——

Mr. Heitmann: Their radius is 10 miles.

The PREMIER: I know one has a difficulty in getting a drink there on Sunday. I speak from experience. But joking apart, a publican would much prefer being able to close his hotel on Sunday and allow his girls and barmen to go away rather than keep them there on the chance of being called upon to serve drinks to travellers. The member for Subiaco also objected to the referendum in connection with the local option being submitted on any other day but election day. I am glad to say that the Leader of the Opposition falls in with the view of the Government as far as the necessity is concerned for keeping this issue distinct from the questions that might be submitted to a general election. As I stated by interjection, when the member for Subiaco was speaking, if we adopt his suggestion to take the poll on Federal election day I pity the poor Federal elector. In the first place he will have to discriminate between the excellent qualities of several aspirants for the House of Representatives, and in addition to that he will have to record his votes in favour of three representatives for the Senate, while he will also have the opportunity of voting on two amendments to the Federal Constitution, the first in regard to the taking over of the debts, and the second in regard to the abolition of the Braddon clause, and the substitution of a per capita payment. That is pretty well a sufficient variety of questions for the ordinary individual to vote on on one day, and I think if the other issues, involving a vote on local option, were submitted, it would tend to confuse the elector, who is desirous of exercising his right to vote. I should have liked to have pointed that out to the member for Subiaco (but I find I have missed him), that it is possible for a gentleman even with such a staid and judicial character as the member for Subiaco possesses, to vary his opinions as time rolls on. In 1905,

when moving the second reading of the Licensing Consolidation and Amendment Bill, he suggested that these polls should be taken at the same time as the parliamentary elections were held, and he added—

> "But the difficulty in regard to this matter is that if we adopt this practice, as the life of a Parliament is very uncertain, there may be two local option polls occurring within a very short period."

Then he goes on to say—

> "Apart from that I have been present in places where local option polls have been held on days when no other election has been proceeding, when there has been nothing but the local option polls to draw the people to the polling booth;"

In contradiction to what he said to-day he stated here—

> "and as far as my experience goes there was nothing to indicate a want of interest in the elections."

That is one reason why I think we should keep this separate.

Mr. Bath: That is why you have him over there now.

The PREMIER: Is it not your view? I can well remember the hon. member leaving the Chair and supporting and applauding the measure during the second reading. I may say that the Prime Minister of New Zealand when communicating with me on this matter stated he considered it would be much preferable to keep the issues apart. And naturally one is inclined to give every consideration to the experience that gentleman has had in connection with the holding of these polls. However, apparently that is not going to be a matter affecting the question to any very great extent. In regard to the objection taken to the petition which has to be signed by 10 per cent. of the electors to secure a poll instead of having the poll automatically at every parliamentary election, the hon. member declared that this was to put a series of effectual stumbling blocks in the path of reform. Now I would like to point out that that was also a feature of the Bill which was introduced in 1904-5 where it is provided that a quorum of electors in any licensing district may at any time cause a local option petition to be presented.

Mr. Bath: That was for an extra poll over and above the ordinary poll.

The PREMIER: And it provided, further, in Clause 89 that a local option poll, that an extraordinary poll of electors, should be taken upon the proposal referred to in Clause 83.

Mr. Bath: We will adopt that in this Bill if you like.

The PREMIER: In any particular district?

Mr. Bath: Or for the State either.

The PREMIER: The argument used was that you could not get a sufficient number of people to take interest in it.

Mr. Bath: But that is providing for the initiative, where we only provide for the referendum. I hope the Attorney General will adopt it.

The PREMIER: There is one provision which we shall have to make in the Bill in Committee, and which is furnished to some extent by that very clause, which if adopted would provide for cases where there has been a large and sudden increase in population and where it would not be advisable to wait for three years before taking the poll. Possibly it will be necessary to make some such provision and, during the passage of the Bill through Committee, we may be able to evolve something of that character. I do not know that I need go into any further matters in connection with the Bill. The Bill was so exhaustively dealt with by my colleague, the Attorney General, that I thought it unnecessary to do more than refer to the two or three points raised. One point referred to by the member for Subiaco was that the license fee should be based on an annual value. That is a matter that might very well be discussed. We started out by proposing to impose three per cent. on the purchases; but we found that that would only bring in something like £20,000 as against the £40,000 we are receiving at the present time.

Mr. Angwin: Then you base the Bill on revenue?

The PREMIER: Filthy lucre must of necessity carry consideration, and as

Treasurer one had to give full consideration to it. At the same time there is no reason why, if some rational proposal can be suggested, it should not receive consideration.

Mr. Bath: That idea of annual revenue would not be the best basis, because some hotels not of high annual value do big businesses.

The PREMIER: I take it the annual value would allow for that.

Mr. Bath: No; it is simply the annual value of the building.

The PREMIER: Well, I am opposed to that; because the man who spent money in improving the building would be under a disability not shared by another man who refused to spend a penny on his particular building. I do not know that I need say anything further in conclusion, except that the Government in bringing forward this measure realise that it is not perfect by any means. But I can assure the House it is one to which we have given every consideration. We have endeavoured to deal fairly and equitably with all classes of the community. We realise that with the discussions which are taking place daily hon. members are able to gain very much valuable information which should be of considerable assistance in moulding this measure into an effective Act. From what I can judge of its reception outside the House most reasonable people seem to consider that it is an honest effort on the part of the Government. And although we are unable to satisfy all the demands of the most ardent of the temperance reformers, still I think it would be in the interests of the community generally if hon. members endeavour to so mould this Bill that as a result the administration of the liquor law will be a great improvement on what exists at the present time.

On motion by Mr. Scaddan, debate adjourned.

House adjourned at 10.21 p.m.

Legislative Council,

Wednesday, 22nd September, 1909.

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

PAPERS PRESENTED.

By the Colonial Secretary:

Report of the Principal Medical Officer on the Medical, Health, and Factories Departments for 1908.

LEAVE OF ABSENCE.

On motion by Hon. R. W. Pennefather, leave of absence for six consecutive sittings was granted to the Hon. S. Stubbs on the ground of urgent private business.

BILLS (2)—THIRD READING.

1. Sea Carriage of Goods (returned to the Legislative Assembly with an amendment).

2. Fisheries Act Amendment (transmitted to the Legislative Assembly).

BILL—HEALTH.

In Committee.

Resumed from the previous day.

Clause 231—Notice of infectious disease:

Hon. G. RANDELL: It was provided in Subclause 4, that the local authority might order that the provisions of the section should extend in its district to any disease not specifically mentioned in the Act. Would not this deprive of its value the amendment made in an earlier clause? Because it seemed to enable the local authority to proclaim the disease of a nature previously mentioned as infectious.

The COLONIAL SECRETARY: The clause provided for notifying infectious diseases, and the subclause simply meant