

He went on further to say he was advised that when men were required to clean up the "Kurnalpi's" coke that accumulated on the jetty the president of the union would not permit them to work. The reason was that these ship pantrymen had been employed for the greater part of the day and for the best part of the week, and the Commissioner wanted the lumpers to go on and sweep up for the other men who had practically taken the bread out of their mouths. It was a great injustice that had been inflicted on these men. They should be encouraged there and they were entitled to have their employment and to be engaged on the few occasions that the vessels visited that port. It was an outrage, and to use the language of the member for Claremont when he was speaking earlier in the afternoon, it was shabby treatment to mete out to these men who had stuck to the Railway Department in their initial troubles and helped them to discharge at the port when men were not obtainable. Now, when things became slack and a disturbance occurred with the shipping company the department turned round and deprived those men of their livelihood and tried to break up their social arrangements. The Minister should see that some redress was given to these particular men.

Progress reported.

House adjourned at 5.48 p.m.

Legislative Council, Tuesday, 13th December, 1910.

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

PAPERS PRESENTED.

By the President: The Public Accounts for the financial year ended 30th June, 1910, accompanied by the twentieth report of the Auditor-General.

By the Colonial Secretary: 1, Report of the Superintendent of Public Charities for year ended 30th June, 1910. 2, Report of the Royal Commission on charges of corruption in the Lands Department.

BILL—PERTH MUNICIPAL GAS AND ELECTRIC LIGHTING.

Report, after recommitment, adopted.

BILL—SUPPLY, £207,443.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is the third Supply Bill brought down this session. It is necessary on account of the lateness in the passing of the Revenue Estimates. The amount will simply cover the necessary expenditure for the current month; it will carry us on to the end of the month and it is required in order to legalise expenditure and meet the salaries for the month. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—LICENSING.

In Committee.

Resumed from 8th December; Hon. W. Kingsmill in the Chair.

Clause 76—Resolutions to be submitted:

Hon. J. F. CULLEN: There was an amendment standing in his name.

The CHAIRMAN: It was understood the hon. member had withdrawn his amendment; at all events one had been withdrawn.

Hon. J. F. CULLEN: One amendment had been withdrawn with a view to moving another. He moved a further amendment—

That in line 1 of Subclause 3 the words "not to be submitted to the electors until after 31st December" be struck out, and "be submitted to the electors at the triennial poll during the month of April" inserted in lieu.

That would give the 10 years' notice provided for in another place, while avoiding the giving of two extra years, as the wording of the clause inferred.

The COLONIAL SECRETARY: If the amendment were carried it would make a very radical alteration in the Bill. When the measure was first introduced in the Assembly there was money compensation provided for. That was now altered to time compensation with a limit of ten years, which the amendment would cut down to nine years. The Bill would probably come into effect in April, 1911, and from April, 1911, to April, 1920, would be nine years only.

Hon. J. F. Cullen: But the Bill was brought forward three months ago.

The COLONIAL SECRETARY: That mattered little. There were scores of people who did not consider that the Bill would become law. As a matter of fact the measure was first introduced in 1905 and was talked of for many years previously. Our endeavour should be to get a workable measure and not to carry amendments which would so radically alter the Bill as to bring about a possibility of losing it. Vested interests must have justice, either money compensation or a time limit. The method in the Bill was a time compensation, and ten years was not unreasonable. To cut it down by one year was going too far. Probably it would be said the Bill in its present form would give a period of over 12 years, because the first poll after 1920 must be in April 1923; but it was unlikely the Bill would stand without an amendment to make it that a poll should be held in 1921. As the time approached when the resolutions were to be submitted the people would ask for it, and if members desired there could be an amendment moved

providing that there must be a poll in 1921, either having a special poll or omitting the poll of 1920 and having it in 1921. There were the two methods available.

Hon. D. G. GAWLER: There was an amendment he desired to move to have the resolutions submitted after 1917, and the effect of that would be practically the same as the effect of Mr. Cullen's amendment. According to the Colonial Secretary the public were allowed to believe that a period of ten years would be allowed to the trade as a notice to quit; but as the Bill stood, the trade would have 12 years 4 months' notice. If the Colonial Secretary expected this to be altered why should it not be altered now, so as to say exactly what the amendment asked?

The Colonial Secretary: It is not the same. You are making it nine years.

Hon. D. G. GAWLER: Twelve years four months' notice was too long. However, to get the matter through, if any member would move in the direction suggested by the Colonial Secretary, so as to make a poll in 1921, he would support it.

Hon. C. SOMMERS: A clear ten years' notice should be given to the trade, and this would be met by amending the subclause to read that the poll should be held in the month of April, 1921; or we could leave the subclause as it stood and add a proviso that a poll should be taken in April, 1921. It would probably be March or April before the Bill became law and the trade were entitled to consider they should have a full ten years' notice.

Hon. J. F. CULLEN: There was a want of candour somewhere. He did not charge the Colonial Secretary with it, but the Colonial Secretary was not unwilling that members should suffer from that want of candour. When it was decided that the poll should be not until after 31st December, 1920, the supposition of most members who voted for that was that the poll would be taken in the following year, but the Bill did not provide it. The remarks of the Colonial Secretary implied a willingness to amend the Bill to provide that there must be a poll in April, 1921;

and if the Minister would say straight out that he would propose an amendment to that effect, he (Mr. Cullen) would not stand for a matter of a few months or even a year; but something open, candid, and definite was necessary. It was the duty of the Minister to meet the members in that way. If not, it would be necessary to test the Committee in regard to having the poll in 1920.

The COLONIAL SECRETARY: The amendment before the Committee and the suggested amendment stood altogether apart. The amendment before the Committee made the notice to the trade nine years. The suggested amendment would make it ten years. He had no objection to that.

Hon. J. F. Cullen: Will you accept it?

The COLONIAL SECRETARY: It was for the Committee to accept it. He would not oppose it. There was objection to having two local option polls in succeeding years, 1920 and 1921; but the poll of 1920 might be postponed to 1921 so that the people might vote on the four resolutions immediately after the ten years' period was up. He would ask the Committee to reject Mr. Cullen's amendment. Another amendment could be moved afterwards if any member desired it.

Hon. C. SOMMERS: The amendment suggested to fix the poll for 1921 should meet the case, if Mr. Cullen would withdraw.

The Colonial Secretary: There would be no objection to that.

Hon. J. F. CULLEN: On the distinct understanding that a poll would be taken in April, 1921, he asked leave to withdraw his amendment.

Amendment by leave withdrawn.

Hon. C. SOMMERS moved a further amendment—

That in Subclause 3 the words "not to be submitted to the electors until after the thirty-first day of December, one thousand nine hundred and twenty" be struck out, and "be submitted to the electors during the month of April in the year one thousand nine hundred and twenty-one" be inserted in lieu.

The COLONIAL SECRETARY: The amendment was out of place in this

clause, because it contradicted those portions where it said there should be a poll every third year. It would be better if the amendment were inserted later on. The hon. member could move an amendment to the effect, "Notwithstanding anything contained in the Bill a poll shall not take place in the year one thousand nine hundred and twenty, but shall take place in the year one thousand nine hundred and twenty-one." That would arrive at the same object, but there would be no need to make consequential amendments.

Hon. C. SOMMERS: There was no objection to the course proposed if it met with approval; he asked leave to withdraw the amendment.

Hon. J. F. CULLEN: We should be clear as to the attitude of the Minister. Did he intend to move an amendment providing for a poll in April, 1921, or not?

The COLONIAL SECRETARY: It had been stated by him previously that he would not bring in an amendment himself, but he would offer no objection to the amendment which he had suggested to Mr. Sommers.

Amendment by leave withdrawn.

Hon. J. F. CULLEN: Where would the amendment come in?

The Colonial Secretary: The Bill would have to be recommitted.

Hon. J. F. CULLEN: Would Mr. Sommers undertake to move the amendment? If not, he (Mr. Cullen) would.

Hon. C. Sommers: The amendment would be moved by him later on.

Clause as previously amended agreed to.

Clause 77—What majority is required for carrying resolutions:

Hon. J. F. CULLEN moved an amendment—

That in Subclause 2 the words "three-fifths" be struck out and "nine-sixteenths" be inserted in lieu.

This was a very important issue, and it was quite reasonable there should be more than a mere majority required to carry it. He proposed to follow what had been done in New South Wales in this matter. When local option was first introduced in the mother State it was recognised there that the issue was so important that it should not be carried by

a bare majority, and a nine-sixteenths majority was provided. That would be a settled majority. The whole construction of the Bill was a cumulative case against the possibility of local option. There were three or four provisions which when read together simply made local option a very forlorn hope.

Hon. J. W. LANGSFORD: What do you term local option?

Hon. J. F. CULLEN: The exercise of the judgment of the people. It was first provided that the election should be on a quiet day, and that there should be a vote of 30 per cent. to carry a resolution. In addition to that, the vote must be a three-fifths vote, and the three read together made local option practically impossible.

The COLONIAL SECRETARY: The hon. memebre ought not to insist on the amendment. It was making a great alteration, and it only applied to the two resolutions, abolition and restoration, that three-fifths of the electors should poll. The hon. member sought to make it nine-sixteenths, which was only a difference of three-eighths over the half.

Amendment put and negatived.

Hon. J. W. LANGSFORD: Subclause 4 provided that Resolutions D or E should not be carried unless 30 per cent. of the electors in the licensing district voted for such resolution. There must be a 30 per cent. vote in favour of such a course.

The Colonial Secretary: Thirty per cent. of those who voted.

Hon. J. W. LANGSFORD: Should it not be voting "on" the resolution? It was intended that the vote should be taken "on" the resolution; he thought it did not mean that there should be 30 per cent. affirmative votes. He moved an amendment—

That in line 3 of Subclause 4 the word "for" be struck out and "on" inserted in lieu.

Hon. M. L. MOSS: It was to be hoped the Committee would not agree to the amendment. There was a wide difference between voting "for" and "on" a resolution. The reason he wanted this kept in the Bill was to ensure, before we took a drastic step in taking away licenses or

restoring them, that the people should take such an interest in the matter that we should get 30 per cent. of the people in a district expressing an opinion on the question. If the public generally showed as much apathy in connection with these polls as they did at Parliamentary elections, and it might reasonably be so, except the rabid extremists, we should retain some such provision as that in the Bill to ensure that when that apathy was shown no change was to be made. If the amendment was carried all it ensured was that 30 per cent. of those on the electoral roll should actually vote for and against. If one-third of the people on the electoral roll voted for and against and there was a three-fifths majority, that majority would carry reduction. Until we got some experience that people would disturb themselves on this question and there was a reasonable majority of votes of the people in a district, we should keep the numbers as in the Bill.

Hon. F. CONNOR: The position as stated by Mr. Moss was quite correct. In the case of an increase it would be possible for a small number of people to get together, and organise so that they should get issued as many licenses as they desired. In any case where a sweeping change was to be made it was necessary that a representative number of the electors should vote, and a proportion of one-third was not too great.

Hon. J. F. CULLEN: Mr. Moss had been on safe ground in forecasting that very soon an attempt would be made to have the Bill amended if it passed in its present form.

Hon. M. L. MOSS: I said let us see whether the people are going to be apathetic in the matter.

Hon. J. F. CULLEN: The Bill was not a temperance man's measure; it was not a Bill to give local option, but a Bill to profess to give local option, while taking jolly good care that it did not. The poll was not to be taken on a general election day lest the people should be got to the polls; it was to be taken on a quiet day when a charge of dynamite would be wanted to get the people to vote. Then it was provided that at least 30 per cent.

must vote on one side, and that 30 per cent. must represent three-fifths of the majority of all the voters. If that 30 per cent. provision was retained we might as well say good-bye to local option so far as this Bill was concerned. The measure would have practically no effect, and Parliament would be disturbed next year or the year after by a request for proper local option.

The COLONIAL SECRETARY: The preceding speaker seemed to think that he had got a monopoly of the local option views in the Committee. There were other local optionists just as sincere as he was; it was not to be admitted for a moment that the temperance people were the only advocates of local option. The hon. member was wrong in saying that members were opposing the Bill, simply because they could not accept the amendments which he suggested. With all due deference to the hon. member, he was of opinion that a lot of his amendments would do more harm than good to the cause he represented. The clause protected the temperance people just as much as others, because the same statutory majority was required before licenses could be increased. The provision was designed to prevent any sweeping change either in the abolition of licenses or in the increase of them at the will of a small number of people. He trusted that the Committee would allow the clause to stand as printed.

Hon. M. L. MOSS: The local option polls were going to take place on the assembly rolls, and the majorities had been fixed in the popular Chamber. In those circumstances it would ill become the Legislative Council to make any alteration in the direction of further popularising the scheme outlined in the Bill. That was essentially a portion of the Bill that should be dealt with in the popular Chamber, and that Chamber had agreed that this was a proper proportion to insist on.

Hon. J. W. LANGSFORD: It was intended that there should be at least 30 per cent. voting on the resolution and not necessarily for the resolution. That was his interpretation of the meaning of the Bill.

Amendment put and negatived.

Hon. D. G. GAWLER: There was a discrepancy in Subclause 5 which said that, "The returning officer shall have power to make the necessary calculations from the result of the voting, and from the number of electors in the district as appearing from any electoral roll, and to determine what resolution has been carried." In the definition clause "elector" meant a person "qualified to vote in the district for the return of a member of the Legislative Assembly." The returning officer could not make his calculation if electors included persons "qualified to vote" but not on the rolls. He called the attention of the Colonial Secretary to the discrepancy.

Clause put and passed.

Clause 78—Effect of carrying resolutions:

Hon. M. L. MOSS moved an amendment—

That the following words be struck out of Subclause (b):—"Provided that no license shall be granted pursuant to such resolution unless a petition is presented to the court requesting that a license or licenses of the description therein stated may be granted within an area to be therein stated, and such petition appears to the court to be signed by a majority in number of the adult residents in such area."

If a resolution had been carried by the electors that new licenses might be granted, the proviso imposed an obligation on the applicant to obtain a petition from a majority in number of the adult residents in the area, that such license should be granted. There was no doubt that it would be almost impossible to get one of those petitions to be signed by the majority of "residents." It did not even say "electors."

The Colonial Secretary: We can change it to "electors."

Hon. M. L. MOSS: Even supposing the change were made to "electors," the responsibility cast upon the applicant would still be very great. The Perth licensing district, for instance, comprised a number of electoral districts, including Subiaco, North Perth and Victoria Park,

and if the electors decided on increasing the number of licenses in Victoria Park the responsibility would be cast upon the applicant of getting the signatures of the majority of the electors in that area. Difficulty had been experienced in the past in proving the signatures to petitions to be used against the granting of licenses, and he was afraid that, notwithstanding the carrying of a resolution for "increase" at the poll, the applicant would never get a majority petition, and therefore there would be no new licenses granted. And what was it going to cost the applicant to obtain a majority of signatures for those petitions? It might cost him £40 or £50, and even then the granting of the license would be at the discretion of the Bench.

The COLONIAL SECRETARY: It was to be hoped that the Committee would not agree to the amendment. There might be a difficulty about proving that a majority of "residents" had signed a petition, but the word "residents" could be altered to "electors." Even then the clause left the matter entirely to the Bench, because it said "and such a petition appears to be signed." The Bench had only to be satisfied that the petition represented the majority of people in the area. In addition to altering "residents" to read "electors," he would be prepared to further amend the clause so that the evidence of the electoral registrar should be conclusive as to the number of electors in the area. A poll had to be taken before any license could be granted in a district and the districts would be very large, because the Bill provided that the electoral districts should be licensing districts; whilst in some cases two or more electoral districts could be amalgamated to form one licensing district. That might be the case in Perth. The people in Perth proper might have voted decidedly against any increase, but the vote at North Perth and Balkatta might have decided in favour of increase. When the applicant came along he did not make an application for a license in a central spot, but asked for one in a residential area. The people there would have no chance of objecting to that license unless the proviso

went in. It was a fair proviso to have. If it did not go in the only alternative would be for these people to brief a solicitor. The voice of the people in the immediate area should be heard.

Hon. M. L. Moss: What do you call the immediate area?

The COLONIAL SECRETARY: That would be for the bench to decide; it would be quite impossible to lay down in the Bill the size of the area.

Hon. M. L. MOSS: It was the most impracticable thing which he had ever seen in a licensing measure. The proviso certainly had not been copied from any other licensing law. We would be putting up a barrier which no applicant for a license would ever be able to surmount. Why cast upon the applicant the obligation to go round and get up this majority petition in favour of the license?

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

Ayes	5
Noes	10
	—
Majority against ..	5
	—

AYES.

Hon. T. F. O. Brimage	Hon. M. L. Moss
Hon. F. Connor	Hon. E. M. Clarke
Hon. J. W. Hackett	(Teller).

NOES.

Hon. J. D. Connolly	Hon. C. Sommers
Hon. D. G. Gawler	Hon. S. Stubbs
Hon. A. G. Jenkins	Sir E. H. Wittenoom
Hon. J. W. Langsford	Hon. J. F. Cullen
Hon. R. Laurie	(Teller).
Hon. R. D. McKenzie	

Amendment thus negatived.

Hon. M. L. MOSS: The Committee having decided that the proviso should stand, in order to make it a little more sensible than it appeared to him to be he would move the following amendment:—

That in lines 6 and 7 the words "adult residents" be struck out and "electors whose names appeared on the last printed electoral roll" be inserted in lieu.

Perhaps, attention having been drawn to the matter, the Minister would recognise that the words "adult residents" could not be allowed to stand, but that it should be

some defined body of persons. The Government might find a better way of expressing it, and in these circumstances he would not press the amendment. With regard to the area, he suggested that the bench should meet at least a fortnight before the day appointed for the sitting and define the area with respect to each application, so that the people might know exactly where they had to canvass to get these names. The Minister might agree to the postponement of this proviso with the idea of amending it.

THE COLONIAL SECRETARY: The further consideration of the clause might be postponed. As a matter of fact, he had only on that morning discussed that particular clause with the Parliamentary Draftsman and that officer was engaged preparing an amendment on the lines suggested by Mr. Moss.

Amendment by leave withdrawn.

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

Clause 79—Resolution C. how given effect to:

HON. A. G. JENKINS: The Colonial Secretary might give an explanation about Subclause 4. It stated "When the licensing court has determined that any license shall cease, such license shall at the expiration of the period for which the same was granted cease and become absolutely void and shall not be renewed." It would appear from that that even although increases in licenses were voted for, when once a house lost its license it could never get it back. The subclause distinctly stated that the license would become void and could not be renewed. If that meant anything it meant that it would never be renewed.

HON. M. L. MOSS: Does that not mean renewed at the annual licensing meeting?

HON. A. G. JENKINS: It did not say so. Some alteration might be made in order to make the meaning clearer.

THE COLONIAL SECRETARY: It seemed to him that there was no difficulty about the matter, but the point would be noted.

Clause put and passed.

Clauses 80 to 82—agreed to.

Clause 83—Provisions for voting:

HON. J. F. CULLEN moved an amendment—

That in line 1 of paragraph (c) the words "or if the vote is taken in connection with an election under any local governing Act in force in the district, or any part thereof, the returning officer appointed by or under such Act" be struck out.

He would remove all reference to municipal elections, for it would be absurd to connect a local option poll on an Assembly roll with any municipal or roads board election on an entirely different roll. To take such course would be only to cause confusion.

Amendment passed: the clause as amended agreed to.

Clause 84—agreed to.

Clause 85—No compensation:

HON. F. CONNOR: Would the passing of this clause mean that no compensation would be payable for any license at any time taken away under the Act?

THE COLONIAL SECRETARY: Subject to these resolutions.

HON. F. CONNOR: We were giving power to the districts to abolish, through the local option vote, any or all licenses. It was a very drastic proposition to do this without providing compensation of any sort.

THE COLONIAL SECRETARY: It will not come into effect for 10 years at least.

Clause put and passed.

Clauses 86 to 92—agreed to.

Clause 93—Penalty for refusing entertainment:

HON. F. CONNOR: The clause was loosely drawn and required to be made more definite. For instance, it might happen that more people would come along for entertainment than the house could entertain. Would it not be better to define the number each house would be required to entertain? It might be that 50 people would get off a train and rush on hotel, and the licensee not have sufficient liquor to serve all.

THE COLONIAL SECRETARY: There is the proviso "without reasonable cause."

HON. SIR E. H. WITTENOOM: For his part, he was inclined to take quite the opposite view. For instance, it did occasionally happen that a man went into an

hotel a little after the recognised meal hour and was told. "Dinner is off; you are too late, and we cannot give you anything." To his mind the clause was a really good one. As for the illustration cited by Mr. Connor, probably the licensee would be only too pleased to welcome the rush of 50 persons.

Clause put and passed.

Clause 94—agreed to.

Clause 95—License to be kept by licensee:

Hon. C. SOMMERS: It was well known that the license of a house was sometimes worth more than the freehold itself. It was the custom to lend money on a license, in which case the mortgagee held the license as part of his security. It was only reasonable that the mortgagee should be entitled to hold the license as security, and to say that the licensee should hold the license himself would be to set up some difficult situations.

Hon. M. L. MOSS: There was a great deal in what the hon. member had said. On the other hand, these licenses frequently had to be produced in court in cases of prosecutions against licensees. The clause ought not to be passed in its present form. Even where there was no mortgage it sometimes happened that the licensee was also the lessee, in which case the license should be in the custody of the owner; but there ought also to be a provision compelling the mortgagee, or the owner, as the case might be, to produce the license in the event of a prosecution against the licensee. With a view to its recasting the clause could well be postponed till the end of the Bill was reached.

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

Clause 96—Licensed premises not to be opened before or after certain hours:

Hon. J. F. CULLEN: If differentiation could be arranged, there should be different hours for hotels in cities, such as Perth, Fremantle, and Kalgoorlie, as against those in country districts. There might be some reason for this extension from 11 o'clock p.m. to half-past eleven in respect to the city hotels, but in regard

to the country houses it would be better to move in the other direction and close them at half-past ten o'clock. He moved an amendment—

That in line 7 of Subclause 1 the words "half-past" be struck out.

The COLONIAL SECRETARY: Although at first sight this seemed to be merely an extension of the hours during which hotels might remain open, yet it was to be remembered that under the Bill in its present form the bona fide traveller could not get a drink after closing hours, while a considerable alteration had been made by the striking out of the provision for occasional licenses; so it would mean that instead of hotels being supposed to close at 11 o'clock, yet remaining open to bona fide travellers, and under occasional licenses, hotels would be required to close positively at 11.30 p.m. in the future. By fixing the closing hour at 11.30 it was not, as it would appear at the first sight, an extra half-hour on the existing hours, because of the use now made of permits.

Hon. Sir. E. H. WITTENOOM: The only cure for the drink traffic was absolute prohibition, but it was impossible to carry it out because there were so many moderate drinkers. These moderate drinkers who attended places of amusement in the city desired a little refreshment after leaving the theatres, but they would not be able to get it if the closing hour was fixed at 11 o'clock.

Hon. J. W. Langsford: How do they get it now?

The Colonial Secretary: There are permits granted to keep open later.

Hon. Sir. E. H. WITTENOOM: If we could allow the hotels to remain open until 11 o'clock, half an hour extra would make very little difference.

Hon. F. CONNOR: The most harm in regard to drinking was done between 11 o'clock and 11.30. People did not require refreshment between 11 and 11.30. What they required in that half hour was dissipation. He supported the amendment.

Amendment put and passed.

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

That the following be added to Sub-clause 3:—"Provided also that this section shall not apply to the holder of a railway refreshment room license."

The clause would prohibit the holder of a railway refreshment room license selling after 11 o'clock at night.

The Colonial Secretary: The Government Railways Act covers that except in regard to the Midland Railway.

Hon. M. L. MOSS: It would appear that these railway refreshment rooms were to remain open half an hour before or after a train arrived so long as it was before 11 o'clock at night, and the proviso was necessary as a safeguard. The license was not granted by the licensing bench but by the Commissioner of Railways. It would be a great convenience for people arriving after long journeys to be able to get refreshments at a station after 11 o'clock at night.

The COLONIAL SECRETARY: Clause 43, Subclause 3, provided, "Nothing in this Act contained shall affect the provisions of Section 59 of the Government Railways Act, 1904." It was hardly necessary, so far as the Government Railways were concerned, to mention railway licenses in this Bill, but the provision was necessary to cover the refreshment rooms on the Midland Railway.

Hon. M. L. MOSS: If the refreshment rooms on Government Railways were not affected the clause could only apply to private railways, and it was desirable, he was informed, that there should be means of getting liquor at refreshment rooms on the Midland Railway reached by trains after 11 o'clock at night. So the proviso in the amendment would be useful.

The Colonial Secretary: I do not object to it.

Amendment put and passed.

Hon. F. CONNOR: In this clause the licensee was permitted to sell to bona fide travellers after the closing hour, but there was no definition of a bona fide traveller. True, Mr. Stubbs had given notice to move in that direction, but the amendment might not pass.

The Colonial Secretary: I will note that.

Clause as amended, put and passed.

Sitting suspended from 6.15 to 7.30 p.m.

Clause 97—No liquor to be sold on Sundays and certain other days:

Hon. S. STUBBS moved—

That the following subclause be added:—(2) But this section shall not prohibit the sale or consumption of liquor to or by any bona fide traveller, lodger, or inmate if the liquor is not drunk at the public bar of the licensed premises.

If a person who resided at an hotel was away 15 or 20 miles and returned on a Sunday, although he might be tired and worn out, he could not be supplied with refreshment.

Hon. F. CONNOR: What was a bona fide traveller?

The COLONIAL SECRETARY: The definition of bona fide traveller in the Bill as introduced in another place was—

No person shall be deemed to be a bona fide traveller within the meaning of this Act unless the place where he lodged during the preceding night is at least six miles distant from the place where he demands to be or is supplied with liquor—such distance to be calculated by the shortest practicable route along or over any public highway or thoroughfare, or by or across any arm of the sea, inlet, river, or creek between the place of lodging and of supply.

But there was no need for a definition because we had not yet dealt with the amendment. If the amendment was carried there would have to be several consequential amendments.

Hon. J. F. CULLEN: Everything would depend upon the definition. Members knew why the old test of qualifying for a drink was struck out of the Bill, because it was such a complete farce. Under the law as at present, a man had to go three miles, but six miles would be no better. It was hardly necessary to tell the House how the bona fide business had been abused; there was not an hotel that was not compelled to break the law on Sunday, the publican could not help it. A bona fide traveller had come to

mean a term of mockery. Under the existing law there had not been one bona fide traveller to a hundred of the people who got drink on a Sunday. Therefore, everything would depend upon the definition. If it was to be six miles it would be as great a farce as before.

Hon. M. L. MOSS: Six miles was too far.

Hon. J. F. CULLEN: The Committee would not lend themselves to this farce any longer. The man who really had to travel on Sunday should not be prevented from getting refreshment, but when we knew that a bona fide traveller was not one in a hundred who would get drink then we should grapple with the question. Why call it a bona fide travellers' clause? Call it by an honest name. Say that people should be enabled to get drink on Sunday with the least possible lying. Was it possible to draft a law that would admit of a bona fide traveller getting refreshment and at the same time prevent the farce that had been going on in the past? He was afraid that it was not possible. He had never heard of a rational proposal to differentiate between the real traveller and the faked traveller. There were what were known as bona fide travellers' houses everywhere. It was a common thing for houses to lay themselves out for this particular trade on the outskirts of cities. He remembered three houses on a half mile of road just outside Sydney. In New South Wales and Victoria the Parliaments had grappled with this question, and although hardship might be inflicted on one in a hundred, rather than have drink on a Sunday under the pretence of a bona fide travellers' clause, the provision was knocked out entirely. The decent hotelkeeper did not want the Sunday trade, he wanted rest on that day.

Hon. M. L. MOSS: The Bill would be very deficient unless some provision were made to supply refreshment to bona fide travellers. Mr. Cullen had discussed this question from the standpoint of the city, but the law was not made for cities alone, there were many people who had to travel in the hot parts of Western Australia, and having come across a way-

side house, after having travelled 20 or 30 miles that person was entitled to refreshment. He was with Mr. Cullen that there had been serious breaches of the bona fide traveller provision, but there were sufficient safeguards in the present licensing law to cope with the difficulty. The trouble in regard to the present law was the lack of administration, but if the police made a raid all over the State Sunday after Sunday respect would soon be paid to the provisions of the bona fide traveller clauses. The proposal now was to go to the other extreme, simply because some publicans had abused the privileges accorded to them, and because the authorities had been lax in administering a law which was quite sufficient. If in a country, where it was impossible to travel in certain months of the year without refreshments, we were going to prevent the sale of liquor on Sundays, we would be only opening the way to sly grog-selling. He would support the amendment, and later would endeavour to alter the limit to three miles.

The COLONIAL SECRETARY: The Committee had already passed in Clause 96 provisions for the supply of liquor to the bona fide travellers outside of the ordinary hours, and the question now under consideration was as to whether the bona fide traveller should be allowed to obtain liquor on Sundays, Christmas Days and Good Fridays. Whether or not the amendment was carried there would have to be a definition of bona fide traveller for the purpose of Clause 96, and the definition which he was going to propose was that a person should be declared a bona fide traveller who, during the preceding night, had been at least six miles from the place where he asked to be supplied with drink. Then there would be a subsequent amendment which would provide that any person, who falsely represented himself to be a bona fide traveller, should be subject to a penalty of £5. Mr. Stubbs' amendment was practically to adhere to the existing law, but that would be a very unwise step to take. It was impossible to en-

force the law against Sunday trading while the Act remained as at present, because there was nothing to prevent a man saying that he was a bona fide traveller and obtaining drink. He was prepared to admit that there were cases when it would inflict a hardship on certain persons if they could not obtain refreshments at hotels on Sundays; but if the amendment were accepted, every hotelkeeper in the State would be pestered with the bona fide traveller. He was willing to insert a proviso covering instances such as Mr. Moss had mentioned. There were hotels at places such as Mundaring Weir and Armadale, to which tourists and visitors resorted on Sundays, and it was necessary that they should have refreshments. He would, therefore, propose that it should be left to the licensing bench to grant permits to hotels to supply bona fide travellers during certain hours on Sundays. It would not be necessary to give that power to every hotel, but there were wayside hotels which should have that special permission. He had very strong objection to continuing the present law, and he asked the Committee to reject the amendment.

Hon. S. STUBBS: The necessity for the amendment would be indicated by his own experience on Sunday last. He had driven between 40 and 50 miles and had arrived at a little town where there were one hotel and one house, and he had had to wait for a train until two o'clock in the morning. Was it a fair thing that he should be asked to walk up and down the street outside the hotel on a Sunday night, waiting for a train and unable to get anything to drink?

Hon. J. F. CULLEN: The Colonial Secretary's amendment will cover that.

Hon. S. STUBBS: The Colonial Secretary's amendment would not cover such cases, because the permission would be limited to certain hotels and to certain hours on Sundays.

Hon. Sir E. H. WITTENOOM: There was only one method of dealing with the question, and that was by means of total prohibition; but, as that principle was

not going to be accepted, the matter must be dealt with from a rational point of view. There were a number of people who had been used to stimulants all their lives, and who took liquor in a reasonable measure, and they had to be catered for. In the province he represented, there were tremendous distances, hard work, and very few hotels, and it would be hard, indeed, if persons arriving at towns after long travel were to be submitted to treatment such as Mr. Stubbs had spoken of in his own case. Whilst he would support anything which would help to prevent the abuse of the bona fide traveller clause in the city, there ought to be provision for the country districts in the nature of the amendment, which, for that reason, he would support.

Hon. J. F. CULLEN: The amendment meant that Sunday would be exactly the same as a Saturday, only that there would be an exchange of customers. The hotekeeper would be in the miserable plight of trying to do what was right and finding it impossible. Choosing the lesser of two evils he would accept the amendment of the Colonial Secretary in preference to that of Mr. Stubbs.

Hon. E. M. CLARKE: It was impossible to make a law that would apply to all cases without some persons suffering; but Parliament had to legislate for the good of the community as a whole, and to his mind the whole difficulty could be got over by making the clause compulsory in the towns, but with exemptions in the country. The amendment would be more satisfactory if the mover would simply strike out the last words, and leave it to read, "But this section shall not prohibit the sale or consumption of liquor to or by any bona fide traveller." We should not make laws and provide temptations for people to break them.

Hon. R. LAURIE: The trouble was that in the past there had not been a sufficient number of prosecutions. These people who passed themselves off as bona fide travellers, and were not, should have been made thorough examples of. Why

did not the publican close his place on Sunday?

Hon. J. F. Cullen: Because his neighbour gets the trade.

Hon. R. LAURIE: If the respectable publican wanted to close his business on Sunday he could do so; there were many publicans who did not look for the Sunday business. Because these bogus people had not been attacked in the past, was it any reason why any person who travelled in the country on a Sunday should not be able to get refreshments? The position was absurd. There were publicans who did not look for the Sunday business, and who did not get it, while there were many who did look for it. There was no desire on his part to see the three miles limit imposed. If that were done the case of the people who lived on the north side of the Fremantle harbour, and who were not more than three miles away in a direct line, might be instanced. These people had been regarded as bona fide travellers because they had to proceed to Fremantle by road, which was considerably more than three miles, but it was a simple matter for them to cross the harbour in a ferry. If the Committee wanted to be honest and sincere about the matter the bona fide clause should be made to apply to the person who had travelled some considerable distance, and if we were going to have the bona fide clause it should apply generally to all hotels.

Hon. C. SOMMERS: Looking at it from the point of view of the inmate or lodger in the hotel it should not be forgotten that there were many who employed refreshments on six days of the week and it would be a hardship to deprive them of it on Sunday. In the not distant future we hoped to be linked with the Eastern States by the Transcontinental railway and then Fremantle would become an important port, and if people who arrived there or who had occasion to stay there for a little time, would not be able to obtain refreshments in a hotel, the place would be held up to considerable ridicule. As far as the limit was concerned the distance of three miles had been a farce in the past. Personally he favoured supplying an inmate or lodger

on Sunday, Christmas Day, and on Good Friday, and with regard to the bona fide traveller, the distance should be increased to 10 miles.

The COLONIAL SECRETARY: The difficulties Mr. Stubbs had referred to would be hardly likely to arise. If the hon. member were to arrive at a place like Barton he could get accommodation there. The hon. member led the Committee to suppose that he would have to wander about all night. With regard to the remarks by Mr. Sommers referring to inmates or lodgers, he (the Colonial Secretary) was quite in accord with them, but it would be fatal to agree to the amendment because it would bring us back to the old state of things. It was difficult to guard against the mala fide traveller. The amendment would be accepted as far as it related to lodgers and inmates but it was to be hoped that the Committee would not accept that portion of it relating to bona fide travellers; this should be left in the hands of the bench to say in their discretion whether a hotel in any portion of a district might be allowed to serve a bona fide traveller on Sunday.

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

Ayes	..	..	..	..	11
Noes	..	..	..	..	6
Majority for					5

AYES.

Hon. T. F. Brimage	Hon. B. C. O'Brien
Hon. D. G. Gawler	Hon. C. Sommers
Hon. A. G. Jenkins	Hon. S. Stubbs
Hon. R. Laurie	Sir E. H. Wittenoom
Hon. W. Marwick	Hon. F. Connor
Hon. M. L. Moss	(Teller).

NOES.

Hon. J. D. Connolly	Hon. R. D. McKenzie
Hon. J. F. Cullen	Hon. E. M. Clarke
Hon. J. W. Hackett	(Teller).
Hon. J. W. Langford	

Amendment thus passed: the clause as amended agreed to.

Clause 98 — Person found drinking liquor on premises during prohibited time:

Hon. M. L. MOSS: With regard to the penalty embodied in the clause, if hon. members would revert to Clause 6, it would be found that at the discretion of

the magistrates the penalty could be made one-tenth of what was prescribed, so that the £2 would enable the magistrates to impose a penalty of only 4s. This would be altogether insufficient to meet an offence under the clause. He moved an amendment—

That in line 6 of Subclause 1, after "penalty" the words "two pounds" be struck out and "for the first offence not less than £5 and for any subsequent offence not less than £20" be inserted in lieu.

The words "not less than" would prevent the exercise of the mitigation provided under Clause 6.

The COLONIAL SECRETARY: The amendment would render the clause out of harmony with all the others, and would serve to impose a heavier penalty than that provided in respect to a number of other equally serious offences. However, he would offer no objection to it.

Hon. E. M. CLARKE: The amendment was worthy of support, because £2 was a ridiculous penalty, especially in view of the fact that in other Bills coming before the Committee vindictive penalties were provided.

Amendment put and passed.

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

That in line 8 of Subclause 2, the words "two pounds" be struck out and "for the first offence not less than £5 and for any subsequent offence not less than £20" be inserted in lieu.

Amendment passed; the clause as amended agreed to.

Clauses 99 to 107—agreed to.

Clause 108: Penalty for allowing intoxicated persons to remain on premises:

Hon. M. L. MOSS: In this clause also, although a nominal penalty of £10 was provided, the magistrates could under Clause 6 reduce it to 10s. If there was any offence for which a publican should be severely condemned, it was this of allowing intoxicated persons to remain on licensed premises. He moved an amendment—

That in line 5 of Subclause 1 the words "ten pounds" be struck out and "for the first offence not less than £5

and for any subsequent offence not less than £20" be inserted in lieu.

The COLONIAL SECRETARY: Again he would point out that the amendment would put the clause out of harmony with all others. It was to be remembered that no maximum was provided at all. The bench might fine a man £10 or they might fine him £100 under the clause. Offences under Clause 107 (Penalty for supplying liquor to intoxicated persons) although more serious than those under Clause 108 would be met with a smaller penalty than that proposed in the amendment.

Hon. M. L. MOSS: Clause 107 was allowed to pass inadvertently.

The COLONIAL SECRETARY: An offence under Clause 107 would be more serious than that of merely allowing an intoxicated person to remain on the premises.

Hon. M. L. MOSS: It was to be hoped the Colonial Secretary would recommit Clause 107, when he (Mr. Moss) would undertake to rectify the oversight. He did not agree that it was not a serious matter for a licensee to allow an intoxicated person to remain on the premises.

Hon. C. Sommers: Supposing the publican puts him to bed.

Hon. M. L. MOSS: The hon. member might have great experience in this regard, but he (Mr. Moss) thought very few of these persons were put to bed by the licensee; rather were they left lying about in the hope that they would pay for more drink.

Hon. Sir E. H. Wittenoom: A decent publican does not do that sort of thing.

Hon. M. L. MOSS: Probably not, but many publicans did. Under Clause 6 the magistrates could reduce the penalty to one-tenth of the prescribed amount, in which case the penalty would be no deterrent whatever. An offence under this clause would be most serious, and highly detrimental both to the intoxicated person and to the community. However, the Minister had pointed out that there was no maximum and, consequently, he (Mr. Moss) would ask leave to withdraw the amendment.

Amendment by leave withdrawn.

The COLONIAL SECRETARY: No objection would be offered to the hon. member raising the penalty to £20, and he (the Colonial Secretary) would be willing to recommit Clause 6 with a view to striking out "one-tenth" and inserting "one-fifth" in lieu.

Hon. M. L. MOSS: That would meet with his approval. He moved a further amendment—

That in line 5 of Subclause 1 the word "ten" be struck out and "twenty" inserted in lieu.

Hon. B. C. O'BRIEN: The Committee ought to be cautious in dealing with these penalty clauses. It was a serious offence, and should not be tolerated; but there were occasions when it was better for the publican not to turn the man out on the street. Often men arriving by trains rolled into public houses, and it was better for the publican to get those men away to a lounge or a stretcher than to turn them out into the street where they might be arrested and locked up. Taking Western Australia as a whole, we had as good a class of hotel-keeper as was to be found in any part of the Commonwealth. The magistrate had ample powers to threaten publicans. There were powers for inspection of houses, and there were reports to the licensing benches; consequently, the benches and magistrates had great powers to threaten licensees as well as to inflict fines. The penal clauses were already severe enough.

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

Clause 109—agreed to.

Clause 110: Bars not to be sublet:

Hon. F. CONNOR: This clause was unnecessary. The clauses proposed to be inserted dealing with barmaids would do away with the necessity for it. Where a licensee had five or six bars it might be well to allow him to have one of his bars sublet under proper conditions. New South Wales permitted the subletting of bars.

Clause put and passed.

Clause 111—Exclusion of children from bars of licensed premises:

Hon. J. F. CULLEN: There seemed to be no need for the words "except during

the hours of closing." Why should a child be permitted in a bar when the bar was supposed to be closed? He moved an amendment—

That in Subclause 1 the words "except during the hours of closing" be struck out.

The COLONIAL SECRETARY: There could be no objection to the amendment, but it might be necessary to retain the words in order to allow a child under the age of 14 to go into the bar during the closing hours to do certain work.

Hon. J. F. Cullen: If that was the object the clause was very badly worded. He pressed the amendment.

Amendment put and passed.

Subclauses 2 and 3 were similarly amended, and the clause as amended was agreed to.

Clause 112—agreed to.

Clause 113—Penalty for supplying liquor to aborigines:

The COLONIAL SECRETARY: In order to bring this clause into line with the Aborigines Act Amendment Bill passed this session, he moved an amendment—

That after "penalty" the word "fifty" be struck out and "one hundred" inserted in lieu.

Amendment passed.

The COLONIAL SECRETARY moved a further amendment—

That at the end of the penalty the words "or imprisonment for six months or both" be inserted.

Hon. M. L. MOSS: It was too great a jurisdiction to give justices. Unless a man had the right to go before a jury it was not right to give to justices such power. The imprisonment was not too severe if an offence of this kind was proved.

The COLONIAL SECRETARY: A precisely similar provision was contained in the Aborigines Bill which passed the House this session. From experience the greatest harm that came to our aborigines was through being supplied with liquor. The publican would know that he would be subject to a big penalty if he supplied aborigines with liquor, there-

fore he would refuse to do so. If a publican was found guilty of supplying aborigines with liquor then no penalty was too severe.

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

Clause 114—agreed to.

Clause 115—Definition of aboriginal native:

Hon. F. CONNOR: The court had power to say who was an aboriginal.

The COLONIAL SECRETARY: Surely the court could say who was an aboriginal or a half-caste.

Clause passed.

Clauses 116, 117—agreed to.

Clause 118—Liquors in any unlicensed house suspected to be for sale may be seized and forfeited:

Hon. F. CONNOR: In the case of a policeman breaking into a man's house and it was found no offence was being committed, there should be compensation paid.

The COLONIAL SECRETARY: The publican could prevent any damage being done by giving ready admittance.

Clause passed.

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

Hon. J. F. CULLEN: This clause would follow Clause 6 as regarded penalties, so that a man who hawked about liquor would be fined only £6, which was an inadequate penalty.

The Colonial Secretary: That was the minimum, the penalty was £30 for sly grog selling.

Hon. J. F. CULLEN: The penalty provided for in this case was £30 as a maximum and the minimum could be reduced to £6 under Clause 6, so that the Minister would have to insert the words "not less than £10."

The COLONIAL SECRETARY: This was in conformity with Clause 100. All cases might not be on a par, there might be a technical breach.

Hon. M. L. MOSS: It was £30 without discretion at present.

The COLONIAL SECRETARY: Justices had full power to fine up to £30 now.

Hon. M. L. MOSS: The law should remain as it had been for the last 30 years, and during that time £30 was the penalty for the first offence without any discretion. Sly grog selling was particularly bad, and led to offences being committed. The clause should be postponed and the penalty made not less than £30.

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

Clause 120—Powers of police with respect to persons on licensed premises at prohibited times:

Hon. M. L. MOSS: This was a tremendous power to give to a policeman. On the failure of a person to give his name and address the police had power to arrest. There should not be that power in the hands of inexperienced policemen or constables, who might have spite against a person.

The COLONIAL SECRETARY: This provision was taken from the New South Wales Act, and it was contained in a recent South Australian Act. The complaint all through was that the law was not being administered. In justice to the police he must say that with the provisions already in the Act it was impossible to administer the law; unless the police were given greater power they could not enforce the law.

Hon. M. L. MOSS: The power was a very extensive one. Some highly respectable person might be locked up because he would not give his name and a person might give his correct name, but if the policeman had reason to suppose the name was false he could arrest that person.

Hon. C. SOMMERS: The clause would be all right if Subclause 2 were struck out. There would then be no power to arrest, but it would be an offence against the Act for any person to refuse to give his name.

The Colonial Secretary: How are you going to find him?

Hon. C. SOMMERS: It would be better to take the risk of not finding him next day than to unjustly lock him up for the night.

The COLONIAL SECRETARY: If the suggestion of Mr. Sommers were agreed to all the usefulness would be taken from the clause. A policeman meeting A.B. coming out of a hotel might ask his name and receive an incorrect answer.

Hon. M. L. Moss: No, he might give a correct name and the policeman would not believe him.

The COLONIAL SECRETARY: But supposing that he gave an incorrect name, where were the police to find the man later when the incorrectness of the name was discovered? Mr. Moss assumed that the policeman would immediately disbelieve the man and arrest him; but the policeman would have to go before a court and prove his charge, and he would not lightly take a risk of failure in that respect. If the Licensing Act was to be administered the police must be given the necessary power.

Hon. M. L. MOSS: A man might legitimately give his name but the policeman might say that he did not believe him and immediately proceed to lock him up; that was giving the policeman too much power.

Hon. A. G. JENKINS: It would be a mistake to strike out the whole clause, because there must be some penalty for a breach, but the cases put by other speakers could be easily met by striking out Subclause 2. The police would have ample means of laying their hands on a man who gave a false name and address, but it would be ridiculous to give the police such extraordinary power as was contained in Subclause 2. The only instance where policemen were given that power was when a crime had been committed, but it was not a crime to wrongfully obtain drink.

Hon. Sir E. H. WITTENOOM: Having occupied the position of Colonial Secretary and having in that capacity controlled the police force, he had never heard the slightest complaint of any officer having overstepped his powers in the direction named, and he had enough confidence in the police to believe that they would not exceed their powers. The pro-

posed authority could be safely left in the hands of the police.

Hon. J. W. LANGSFORD: When the Parks and Reserves Bill had been before the Committee about two months ago, power had been given to the ranger or any other person whom he might call to his assistance to arrest an offender if he thought a false name had been given. If that power was given to a park ranger, there was much more reason for giving it to a recognised police constable.

Hon. C. SOMMERS moved an amendment—

That Subclause 2 be struck out.

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

Ayes	8
Noes	10
Majority against .. .	2

AYES.

Hon. T. F. O. Brimage	Hon. S. Stubbs
Hon. F. Connor	Hon. T. H. Wilding
Hon. M. L. Moss	Hon. A. G. Jenkins
Hon. B. C. O'Brien	(Teller).
Hon. C. Sommers	

NOES.

Hon. E. M. Clarke	Hon. W. Marwick
Hon. J. D. Connolly	Hon. R. D. McKenzie
Hon. J. F. Cullen	Sir E. H. Wittenoom
Hon. D. G. Gawler	Hon. J. W. Langford
Hon. J. W. Hackett	(Teller).
Hon. R. Laurie	

Amendment thus negatived.

Clause agreed to.

Clause 121—License to be produced on demand:

Hon. C. SOMMERS: It might be advisable to postpone the clause until the consideration of other clauses previously postponed.

Hon. F. CONNOR: The clause demanded that the licensee should do something, and then fined him for doing it. What was the object of the £5 penalty?

The COLONIAL SECRETARY: If the hon. member would turn to Clause 6, he would get the explanation he required.

On motion by the COLONIAL SECRETARY clause postponed.

Clauses 122 to 124—agreed to.

Clause 125—Penalty for employing females beyond certain hours:

Hon. T. F. O. BRIMAGE: When the lessee of the hotel was a female would she not be allowed to serve liquor to any bona fide traveller? The leader of the House would remember a case on the goldfields where a lady, who was the licensee of the House, was not able to serve travellers on a Sunday.

The COLONIAL SECRETARY: The clause provided for the "employment" of any female.

Hon. J. F. CULLEN: Subclause (c) would need to be consequentially amended by altering the hour from half-past eleven to eleven o'clock. He moved—

That in Subclause (c) the words "half-past" be struck out.

Amendment passed; the clause as amended agreed to.

Clauses 126, 127—agreed to.

Clause 128—Certain games not to be played in public houses after 11.30 o'clock except by bona fide lodgers:

Hon. J. F. CULLEN: This clause would have to be consequentially amended in a similar way. He moved—

That in line 2 the words "half-past" be struck out.

Amendment passed.

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

That in line 1 the words "except under the authority of an occasional license" be struck out.

This too, was a consequential amendment, "occasional license" having been struck out of a previous clause.

The Colonial Secretary: "Occasional license" was struck out with the view of a further amendment being submitted.

Hon. J. F. CULLEN: The Committee had struck out "occasional licenses" entirely.

The Colonial Secretary: No, only a portion of them.

Hon. J. F. CULLEN: If the Committee passed this clause it would be guilty of contradictory legislation.

The Colonial Secretary: The Committee did not amend Clause 41 which dealt with occasional licenses.

Hon. J. F. CULLEN: The Committee struck out occasional licenses, lock, stock and barrel.

The Colonial Secretary: No, only in one clause.

Hon. J. F. CULLEN: The Committee might strike out these words and if "occasional licenses" were restored they could be reinserted as a consequential amendment.

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

Clauses 129, 130—agreed to.

Clause 131—Power to enter licensed premises:

The COLONIAL SECRETARY: Certain powers were given to the police which it was thought were too wide. He moved an amendment—

That in line 1 all the words after "may" be struck out and the following inserted in lieu:—For the purpose of preventing or detecting the violation of any of the provisions of this Act which it is his duty to enforce, at all times enter on any licensed premises. (2.) If any person by himself, or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any police officer in the execution of his duty demanding to enter in pursuance of this section, that person commits an offence against this Act. Penalty—Twenty pounds.

Amendment passed; the clause as amended agreed to.

Clause 132—agreed to.

Clause 133—Forfeiture by licensee convicted of crime:

Hon. E. M. CLARKE: Would the Colonial Secretary state whether this license would be forfeited entirely, or whether it would be taken only from the holder?

The COLONIAL SECRETARY: This had been dealt with in Clause 54 and an amendment had been agreed to which made it apply only to the person convicted.

Clause passed.

Clauses 134 to 136—agreed to.

Progress reported.

House adjourned at 9.30 p.m.