Members are aware that the capital of the bank is only nominally this amount, because the money is not re-used as in the ordinary banking business. When it comes in it is not lent out again. The two and a half million pounds is the full extent of all loans, including those repaid.

Hon. W. Kingsmill: What are the repayments?

The COLONIAL SECRETARY: I have not the particulars with me, but they show a considerable increase as compared with last year, owing to the fact that the ordinary banking institutions are taking up agriculture more than formerly, and a great number of loans have been repaid and taken up by the private banks. Clause 3 of the Bill is a further amendment, amending Section 28 of the principal Act, as amended Section 4 of the Act of 1909. It was provided in the section referred to, that advances of £100 could be made out of the total amount approved by the bank for the purchase of machinery. The restriction of £100 is now struck out, and advances may be made on machinery at the discretion of the trustees. That is to say, a proportion of the £500 greater than the £100 may be so granted.

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—GENERAL LOAN AND INSCRIBED STOCK.

In Committee.

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

ADJOURNMENT—STATE OF BUSINESS.

The COLONIAL SECRETARY (Hon. J. D. Connolly): I beg to move—

That the House at its rising adjourn till Tuesday, 8th November.

Hon. W. Kingsmill: Are you not going to make it a fortnight?

The COLONIAL SECRETARY: No; we will have the Licensing Bill down before then.

Question passed.

House adjourned at 4.55 p.m.

Legislative Assembly.

Tuesday, 1st November, 1910.

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

PAPERS PRESENTED.

By the Premier: By-laws made by the municipalities of Perth, Norseman, and Boulder.

By the Minister for Lands: 1, Papers (ordered on notice by Mr. Johnson) relating to applications for lands at Morawa. 2, Papers relating to the allocation of lands on the Stirling Estate to G. A. Dunkley (ordered on notice by Mr. Price).

QUESTION—MARINE ASSESSORS' QUALIFICATIONS.

Mr. PRICE asked the Premier: 1, Are Captains Foxworthy and McConochie, Assessors, Marine Court of Inquiry, the holders of Board of Trade certificates as master mariners? 2, If so, what date were such certificates issued? 3, What was the last date they had command of a ship? 4. What was the class and tonnage of such ships? 5. Have they ever commanded a steamship? 6. What special

knowledge, if any, have they of the North-West coast—Derby in particular? 7, Who appointed them as assessors, and when?

The PREMIER replied: 1, Yes. 2, Captain Foxworthy's certificate was issued in July, 1880; Captain McConochie's was issued in August, 1883. 3, Captain Foxworthy, 1896; Captain McConochie, 1895. 4, Captain Foxworthy, pearling schooner. 80 tons (previously for years foreign trading); Captain McConochie, full-rigged ship, 1,200 tons. 5, Captain Foxworthy, no; but on several occasions acted as pilot on steamers on the north-west coast. Captain McConochie, yes. 6, Captain Foxworthy was mate and master of barques and schooners trading on the north-west coast, and master and owner of a pearling schooner for years between Exmouth Gulf and Montelevit Islands, north of King Sound. Captain McConochie, none; but a wide experience of the north and north-east tidal coast of Australia, including Part Darwin. 7, His Excellency the Governor-in-Council in 1905.

QUESTION — UNCHARTED ROCK, "PERICLES" WRECK.

Mr. MURPHY asked the Premier: Has any further search been made for the rock on which the "Pericles" struck?

The PREMIER replied: No; but in response to the representations of the Government, an intimation was recently received from His Excellency the Governor to the effect that instructions have been sent to H.M.S. "Fantome," now surveying off the north-west coast of Australia, to make an examination of the locality in question, at the close of the current surveying season. The "Fantome" will probably leave the surveying ground for Cape Leeuwin about the middle of November.

QUESTION — RAILWAY EXAMINERS.

Mr. GILL (for Mr. Bolton) asked the Minister for Railways: 1, How many examiners are there in the service in each grade of 8s.. 8s. 6d., 9s., and 9s. 6d. per day, and the number granted increases from 8s. 6d. to 9s. during the past 12 months, excluding leading examiners in each case? 2, What is the length of service of those granted such increases, if any? 3, What is the length of service of the four longest-serviced examiners in the 8s. 6d. grade?

The MINISTER FOR RAILWAYS replied: 1, Rate of pay: 8s., 8s. 6d., 9s., 9s. 6d. No. of examiners: 8, 51, 6, 2. Thirty from 8s. to 8s. 6d.; four from 8s. 6d. to 9s. 2, From 8s. 6d. to 9s. per day. One with 13 years 2 months; one with 12 years 10 months; one with 12 years 9 months; one with 10 years 8 months. 3, One with 22 years 10 months; one with 21 years 4 months; one with 21 years 2 months; one with 20 years 5 months. Three of these are nearly 60 years of age, and the fourth occasionally works as a steam crane driver, for which work he receives 9s. per day.

QUESTION—DIRECTOR OF AGRICULTURE, RETIREMENT.

Mr. FOULKES asked the Minister for Lands: 1, For what length of term was Professor Lowrie engaged as Director of Agriculture, and when did such engagement commence? 2, What was the amount of annual salary to be paid him during such term? 3, What are the reasons that prompted the Minister for Lands to cease retaining the services of Professor Lowrie? 4, Is it not a fact that the South Australian Government have appointed Professor Lowrie as Director of Agriculture, or some similar position, in the State of South Australia at an annual salary of £1,250? 5, Does not the Minister for Lands think it advisable to pay a larger salary than £1,000 a year to Professor Lowrie in order to retain his services for the agriculturists of this State? 6, Is it not a fact that Professor Lowrie has not been satisfied for some time past with the manner he has been treated by the Minister with regard to the duties allotted to him by the Minister?

The MINISTER FOR LANDS replied: 1, Five years. January 4, 1909. 2, £1,000. 3, Professor Lowrie was allowed to sever his connection with the department at his earnest request. He pointed out that life in South Australia would be more congenial to him. Many of the best stock-breeders there—men of wide renown—are his personal friends, and he naturally preferred to work with them. 4, Yes. 5, Yes. I offered to recommend Cabinet to increase his salary to £1,250. 6. No, he has had a free hand.

DEMISE OF KING EDWARD VII.: ACCESSION OF KING GEORGE V.

Despatches in Reply.

Mr. SPEAKER: I have received a memorandum from His Excellency the Governor transmitting copies of the following despatches, which he has received from the Right Honourable the Secretary of State for the Colonies for communication to the members of the Legislative Assembly of Western Australia:—

Downing Street, 30th September, 1910.

Sir,—I have the honour to acknowledge the receipt of your despatch No. 66 of the 29th August, and to request that you will convey to the members of the Legislative Assembly the thanks of His Majesty the King for their message of sympathy with him in the death of King Edward VII.

I have the honour to be, sir, your most obedient humble servant (signed) Crewe.

Governor, Sir Gerald Strickland, K.C.M.G., etc.

Downing Street, 30th September, 1910.

Sir,—I have the honour to acknowledge the receipt of your despatch No. 67 of the 29th of August transmitting an address to His Majesty the King from the Legislative Assembly of the Parliament of the State of Western Australia.

I have laid the address before His Majesty who has been pleased to receive it graciously and to command that his thanks should be returned to the Legislative Assembly for their congratulations on his succession to the Throne and for their assurances of loyalty and devotion.

I have the honour to be, sir, your most obedient humble servant (signed) Crewe.

Governor, Sir Gerald Strickland, K.C.M.G., etc.

BILL—LICENSING.

To Recommit.

Order of the Day for consideration of Committee's report, read.

The ATTORNEY GENERAL moved—

That the Bill be recommitted for the purpose of considering amendments on the Notice Paper.

Mr. FOULKES moved an amendment—

That the words and figures "and Clauses 77, 78, and 110" be added.

As the Notice Paper on which the amendments to be proposed by the Attorney General had just been distributed there was no opportunity for seeing whether the amendments he (Mr. Foulkes) proposed were included. His desire was to move amendments to the clauses indicated. Was he in order in explaining at this stage the nature of his amendments or in giving reasons for them?

Mr. SPEAKER: If the amendments were seconded it would be put, "that the words be added to the Attorney General's motion," but at this stage the hon. member could not debate it.

Mr. SCADDAN seconded the amendment.

Mr. FOULKES: It was necessary, so that the House might understand the object he had in moving the amendment, that he should give reasons why he desired to have certain clauses recommitted.

Mr. SPEAKER: The hon. member was at liberty to move the amendment to the effect that certain words be added, but he could not give his reasons now.

Mr. FOULKES: At what stage could those reasons be given? He did not desire to be shut out of the debate and would like to let members know why the amendments should be passed.

Mr. SPEAKER : The hon. member would be at liberty when in Committee to give those explanations, but all he could do now was to move the amendment.

Mr. FOULKES: If a division took place as to whether the points should be referred to the Committee, the amendment might be defeated without there being any opportunity to explain why certain clauses should be recommitted. The House should decide whether the suggested amendments should be referred to the Committee. In the first place, as to the proposed amendment of Clause 77—

The Minister for Works: Clause 77 is proposed to be recommitted by the motion of the Attorney General.

Mr. FOULKES: The amendments of the Attorney General would in all probability not embrace those now desired to be submitted. His amendment to Clause 77, briefly, was to strike out "1920" and insert "1916."

The MINISTER FOR WORKS: The only amendment the hon. member really was desirous of moving was that Clause 110 should also be recommitted. That was the only point to be discussed at this stage as Clauses 77 and 78 would be recommitted if the motion of the Attorney General were carried. In such case any other amendments to these clauses could be discussed in Committee; therefore at present the whole question was whether Clause 110 should be added to those desired to be recommitted.

Mr. FOULKES: The only reference on the Notice Paper to the recommittal of Clause 78 was "that Subclause (4a) be struck out." There was no reference to Clause 110. The Attorney General desired to amend a certain clause already dealt with by the Committee.

Mr. Scaddan: Several of them, and to reverse the decision of the Committee.

The Attorney General: No.

Mr. FOULKES: The Attorney General desired to make certain amendments which were not agreed to by the Committee last week. Therefore, if the Minister was at liberty to adopt such a course as that, surely he had the same right.

Mr. SPEAKER : The member for Claremont could only move that certain words be added to the motion. He could not debate the various clauses. If the hon. member sat down the question would be put.

Mr. FOULKES: The position taken up by the Speaker was not quite clear.

Mr. SPEAKER: The member had moved to add certain words to the original motion and that question would be put to the House.

Mr. FOULKES: The idea was, not that certain new clauses should be moved, but that there should be alterations made to certain clauses. This was adopting the same course as that taken by the Attorney General.

Mr. HOLMAN: Was a member in order in speaking to the motion and concluding his remarks by moving an amendment?

Mr. SPEAKER: Yes.

Mr. HOLMAN: Then could not the member for Claremont adopt that course?

Mr. SPEAKER : The member for Claremont was at liberty to give notice in the manner he had, but he would not be in order in discussing the items, as that would be anticipating a discussion to come up subsequently in Committee.

Mr. HOLMAN : The hon. member could not discuss the details, but he could give reasons why his amendment should be passed.

Mr. SPEAKER : The member for Claremont had desired to enter in detail into the clause he wanted to be recommitted. That would be anticipating a discussion in Committee.

Mr. FOULKES: All that was desired was to explain the general character of the amendments. The first amendment he desired to make was to strike out "1920," the reason being to lessen the time wherein local option could come into force. By the clause carried last week it was decided that local option should not take effect until 1920, but he wished to make it take effect from 1916.

Mr. Angwin: That is the same amendment you moved previously.

Mr. FOULKES: The next amendment was for the purpose of eliminating the necessity of having a three-fifths majority on the question of abolishing licensed

houses and to provide that a bare majority would suffice. The third amendment was to strike out "11.30" and substitute "11" in lieu, in order to provide that public houses should close at 11 o'clock instead of 11.30.

The ATTORNEY GENERAL: Members would agree that it was desirable to reach finality with regard to the Bill. The amendments the member for Claremont wished to obtain leave to introduce were those upon which the Committee had already given a specific decision. The member desired that the questions should be re-discussed and re-voted upon. Surely that was out of order, and if every member who had been defeated in regard to some proposals he wished to introduce in the Bill in Committee, could bring those amendments up again, all chance of finality was gone and the Government might just as well withdraw the measure.

Mr. Johnson: Why do you not withdraw it then.

The ATTORNEY GENERAL: The motion was to consider certain specific amendments, and only those which in no sense reversed a decision of the Committee in opposition to the desires of the Government. The Government had loyally abided in every case by the decision of the Committee. One of the clauses desired to be amended was Clause 143, upon which there was a long discussion in Committee as to whether a constable should be allowed to enter a licensed house without obtaining the leave of a superior officer. On further consideration, and after consultation with the Commissioner of Police, he had decided to move a clause which would carry out the ideas of those members who thought that a constable should not have to obtain that permission. The only other point in which he desired to reverse a decision of the Committee, or rather not to reverse the decision of the Committee but to make an additional proviso, was as to occasional and temporary licenses. The member for Claremont suggested that when occasional licenses were under discussion, provision should be made for giving some notice of the intention to apply for them. On recommital an amendment would be moved dealing with occasional and temporary licenses, and it would provide that in all cases at least 48 hours' notice should be given to the police of the intention to apply for such licenses. Then if the police had some ground for objecting to them they would be able to appear and oppose them.

Mr. Angwin What about Clause 28?

The ATTORNEY GENERAL: With regard to hotel licenses, the Government were providing that no hotel license should be issued excepting with regard to hotel licenses in existence at the beginning of the Act. There was, at the present time, one hotel license in force, and it had to be decided whether that hotel license should be kept in force, or whether there should be substituted for it a general publican's license. The Government had come to the conclusion that a general publican's license should not be substituted, but that the hotel license should be permitted to continue, and at the same time that the Government should prevent further hotel licenses from being issued. That was absolutely respecting the decision of the Committee. The Committee never intended that that particular hotel license should be abolished, and that some other form of license should be substituted, or that compensation should be paid. It would be a more convenient course to allow that particular license to continue, and not issue any more of a similar character. In every other respect the amendments to be considered on recommittal were either consequential, or were amendments on new clauses; necessitated by the decision of the Committee to make the licensing bench a partially elective bench. There were also a number of new clauses providing for machinery connected with elections and so on. On recommittal, for the purpose of considering those clauses, it was intended simply to carry out the wishes of the Committee. With this explanation it was to be hoped that members would not consider it advisable to reopen other questions, such as notice, three-fifths majority, and hours of closing. On these points decisions had already been arrived

at, and if they were to be reopened it would only mean much expenditure of time.

Mr. Price: Would your remarks regarding hotel licenses apply to wine and beer licenses?

The ATTORNEY GENERAL: No; those have been abolished.

Mr. ANGWIN: If it was the intention of the Minister to carry out what he suggested regarding hotel licenses, it would also be necessary to recommit Clause 75, dealing with local option. The Minister had pointed out that it had to be decided whether a general publican's license should be substituted for the hotel license. There was no power, however, to do anything of the kind; one could not be granted without the consent of the electors in the district. The Minister was going to give the holder of an hotel license his license in perpetuity. That was not done in other cases, excepting clubs. When members voted on the question of the hotel licenses they all knew what they were voting on. The Minister had stated that there were only two in the State.

The Attorney General : There is only one now.

Mr. ANGWIN: The argument then became greater to abolish that one. It was shown by the fact that the hotel license was not required. If hotel licenses were required there should be more than one. It was to be regretted that the Minister wanted to recommit this clause, because a definite decision had been previously arrived at, and the Government should have abided by the decision.

The ATTORNEY GENERAL: By way of explanation it should be stated that there was one of two things that the Government were obliged to do. They were obliged either to allow this particular license to continue, subject to the local option poll which affected all general publicans' licenses, or there should be substituted for that particular license a general publican's license. It would be most inequitable to wipe out that license by Act of Parliament and give no compensation.

Mr. Price: You are doing it in connection with the wine and beer licenses.

The ATTORNEY GENERAL: There was a distinction between hotel licenses and wine and beer licenses. The holders of wine and beer licenses did not erect extensive premises, nor did they provide accommodation for the public.

Mr. Scaddan: I desire to know whether we are discussing the motion or the amendment.

Mr. SPEAKER: The Attorney General is making an explanation.

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

Ayes	..	..	22
Noes	..	..	20
Majority for		..	2

AYES.	
Mr. Bath	Mr. Murphy
Mr. Collier	Mr. O'Loghlen
Mr. Foulkes	Mr. W. Price
Mr. Gill	Mr. Scaddan
Mr. Gourley	Mr. Swan
Mr. Heitmann	Mr. Taylor
Mr. Holman	Mr. Walker
Mr. Hudson	Mr. Ware
Mr. Jacoby	Mr. A. A. Wilson
Mr. Johnson	Mr. Underwood
Mr. Keenan	*(Teller).*
Mr. McDowall	

NOES.	
Mr. Brown	Mr. Male
Mr. Butcher	Mr. Mitchell
Mr. Carson	Mr. Monger
Mr. Cowcher	Mr. S. F. Moore
Mr. Daglish	Mr. Nanson
Mr. Davies	Mr. Osborn
Mr. Draper	Mr. Piesse
Mr. Gordon	Mr. F. Wilson
Mr. Gregory	Mr. Layman
Mr. Hardwick	*(Teller).*
Mr. Harper	

Amendment thus passed.

Question, as amended, agreed to.

Recommittal.

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

Clause 8—Licensing Courts:

The ATTORNEY GENERAL moved an amendment—

That Subclauses (2) and (3) be struck out, and the following inserted in lieu:—"(2) Every licensing court shall be constituted of three persons,

one of whom must be a resident or police magistrate, and shall be appointed and may be removed by the Governor, and the other two shall be elected in manner hereinafter provided. (3) Every person appointed by the Governor hereunder—(a) may be appointed a member of two or more licensing courts; and (b) shall be the chairman of every court to which he is appointed. (4) The elective members of every licensing court shall be elected by the persons whose names appear on the roll for the time being of electors entitled to vote in the district for a member of the Legislative Assembly. Provided that where an electoral district is divided into two or more licensing districts, those persons only whose names appear on such roll as being resident within that part of the electoral district which constitutes the licensing district shall be entitled to vote at the election. (5) No person who is not a duly registered elector entitled to vote at elections for the Legislative Assembly and living in a licensing district shall be qualified to be elected a member of the licensing court for such district."

These were merely re-drafting amendments carrying out the wishes of the Committee in respect to the elective or partially elective licensing court. The Subclause (3) to be struck out would not be found in the printed Bill, because it was a subclause which had been added when the Bill was going through Committee. This Subclause (3) was taken as conveying the wishes of the Committee, and these amendments he was now moving had been drafted on that Subclause (3). There was no new proposal involved.

Mr. KEENAN: Would the Attorney General inform the Committee whether an elector would have the right to vote for both persons to be elected to the licensing bench, or for one only?

The Attorney General: He votes for the two.

Mr. KEENAN: It was not clear in the clause as drafted. Personally he was in favour of some system of proportional voting, so that the vote might not be captured by one party or the other.

Mr. Scaddan: You could not well have proportional representation where there were only two persons to be elected.

Mr. KEENAN: Under the proposed system one party or the other, representing a small majority of public opinion, might carry the bench. Moreover, it was not clear that the elector was entitled to vote for both persons.

The Attorney General: You will find it in the fourth schedule.

Mr. KEENAN: There was no reference whatever in the clause to the fourth schedule.

The Attorney General: You will find that reference in Clause 13, Subclause (5) on the Notice Paper.

Mr. JOHNSON: Subclause (5) of the amendment before the Committee read, "No person who is not a duly registered elector—" Would the Attorney General assure the Committee that the fact of an elector's name being on the roll would be taken as evidence in support of his being a duly registered elector? Under the Electoral Bill such evidence was accepted as conclusive of the elector's right to vote. This amendment was hardly in accordance with that. Did the Attorney General wish the two to be in conflict?

The Attorney General: No. A person whose name was on the roll as an elector of the Legislative Assembly would be qualified to vote.

Mr. JOHNSON: Would the Attorney General tell the Committee what constituted a "duly registered elector entitled to vote?"

The Attorney General: The mere fact that his name is on the roll is sufficient.

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

Clause 26—Licenses:

The ATTORNEY GENERAL moved an amendment—

That the following paragraph be added:—"(b) Hotel Licenses."

Paragraph (b) provided for the granting of hotel licenses. To Clause 28, which described hotel licenses, it was proposed subsequently to add a proviso so that "no hotel license shall be granted

except for premises licensed as an hotel at the commencement of this Act." If, therefore, the Committee passed the amendment to Clause 26, restoring hotel licenses, and later on were to pass the proviso proposed to be added to Clause 28, the effect would be that the only hotel licenses that could be granted would be those already in existence. He was informed that of this class of license there was only one, namely that of the King Edward Hostel.

Mr. KEENAN: While approving of protection being given to those who had placed their money in a venture such as an hotel license, he felt that exactly the same argument would apply to the wine and beer license. Those who had erected premises for the purpose of carrying on such licenses were entitled to the same consideration. He hoped the Attorney General would indcate to the Committee that the views he (the Minister) held were not confined to hotel licenses, but extended also to wine and beer licenses.

The ATTORNEY GENERAL: Under the existing law, wine and beer licenses were precisely the same as wine licenses, with the exception that in addition to wine the holder of such license could also sell beer. There was no obligation to provide sleeping or lodging accommodation for customers; it was merely a license to sell wine and beer. When the compensation clauses were before the Committee it had not been suggested that the holder of a wine and beer license should be compensated. These licenses stood on an entirely different footing from the hotel and general licenses. In the case of these two licenses the licensing bench invariably demanded the erection of expensive premises; indeed the law provided that certain accommodation should be afforded in all cases of hotel or general publicans' licenses. There was a vast difference between an hotel built with the idea of providing accommodation for large numbers of lodgers and travellers, and places where one simply went to get a glass of wine or beer, and which provided no sort of accommodation except what was necessary for the purpose of selling a glass of wine or beer.

Mr. BATH: The Attorney General tried to convince the House that the owners of buildings for which hotel licenses had been granted had a vested interest that was entitled to consideration from the House, but the Attorney General surely knew that it was the repeated practice of courts in England, as well as of licensing benches, to emphasise the fact that there was no vested interest in a license, that the license existed only for the term of 12 months for which it was granted. The building mentioned by the Attorney General was not erected with the view of securing an hotel license, so the claim advanced by the Attorney General for consideration for this place was not a sound one. The building was already in existence or was used for other purposes.

The Attorney General: But has it not been added to?

Mr. BATH: Undoubtedly certain alterations were made, but if the desire of the Committee were carried out and the words "hotel license" struck out of the list of those licenses granted under the Act, it would not destroy the utility of the building. The Committee should adhere to the previous decision and not restore hotel licenses.

Mr. FOULKES: The owner of the building referred to applied for a publican's general license, but the application was strongly opposed by the authorities of two adjoining churches, and as a compromise they agreed that an hotel license might be granted. Therefore it would be rather unjust to the holder of the license to have the license taken away, because had a publican's general license been granted to him he would have to fall in with other persons holding publican's general licenses. The owner of the building was entitled to the warmest consideration on the ground that he accepted an hotel license really to meet the wishes of the people who opposed his having a publican's general license. It was a well-conducted hotel: it was a pity there were not many places of the same character; no public-house bar trade was carried on.

Mr. Johnson: Do you say the churches compromised on the drink question and accepted a hotel license?

Mr. FOULKES: It was a compromise on the part of the licensing bench to meet the wishes of the church authorities. They refused a publican's general license and granted an hotel license.

Mr. JOHNSON: One could not follow the proposal of the Attorney General to discriminate between hotel licenses and wine and beer licenses. True, holders of wine and beer licenses did not give the accommodation that the hotel did; but if instances of hardship were to be sought, more could be found in connection with the holders of wine and beer licenses. The King Edward Hostel—the hotel referred to—was not built at the outset with the intention of getting a license, and the alterations were not made for that purpose. One could not believe that the churches compromised in any way on the matter, or even countenanced the granting of an hotel license. Probably they had just as strong an objection to the hotel license. The Cafe Anglais was originally used for offices just as the King Edward Hostel was, and certain alterations were made with the desire of getting a publican's general license, but the bench granted a wine and beer license only. If it would be unfair to close up the King Edward Hostel it would be equally unfair to close up the Cafe Anglais; but it would appear there was some influence behind the matter, or that the owner, or licensee, or proprietor of the King Edward Hostel had a greater influence with the Government than those people holding wine and beer licenses. We could not start discriminating, we must make the restriction general. It would be unfair to pick out one hotel license and make it a publican's general license, which in this particular locality would be worth thousands and thousands of pounds, giving, without any notice, that which the licensing bench had already refused.

Mr. GILL: The Attorney General had not advanced sufficient reasons for restoring hotel licenses which, after a long discussion and with every justification had been deleted, a step not opposed by the Attorney General because there was only one hotel license in existence. Nothing could be objected to in regard to the conduct of the hotel, but we should not have legislation for individuals. Much stronger claims could be brought forward in the interests of holders of wine and beer licenses.

Mr. KEENAN: The Attorney General was wrong in telling the Committee there was reason to draw a distinction between an Australian wine and beer license and an hotel license, because Clause 49 imposed the same obligations in regard to accommodation on the holders of both licenses. We could not justify ourselves in refusing to give consideration by any distinction we might draw between the two kinds of licenses. However, we should refuse to sacrifice property lawfully obtained. These people had acquired their licenses by law, and it would be a very improper proceeding to inflict on them personal loss because it was thought wise to do away with hotel licenses.

Mr. Johnson: What about the wine and beer licenses?

Mr. KEENAN: They were exactly the same. One could offer no objection to making provision in the Bill whereby the existing wine and beer licenses should be allowed to remain. The Attorney General could do it, and it would be only proper for the Attorney General to indicate that, either in the Assembly or in another place, some similar provision should be made with regard to existing wine and beer licenses.

Mr. Murphy: And gallon licenses: and all licenses!

The ATTORNEY GENERAL: In regard to wine and beer licenses when the Bill was in another place he was prepared to make similar provision to permit all existing wine and beer licenses to continue.

Mr. Johnson: What about gallon licenses?

The ATTORNEY GENERAL: As for wine and gallon licenses, there was no obligation in regard to accommodation

such as there was in the case of wine and beer licenses. It was an anomaly that the holder of a wine license should not have to provide the same amount of accommodation that the mere fact of selling beer in addition to wine imposed.

Mr. FOULKES: A local option poll would be taken in three years' time as to whether new licenses should be granted. If these hotel licenses were ended the position would be that the King Edward Hostel would be closed, and should a vote be taken in Perth resulting in a decision that the number of public houses should be increased then one of the first houses to receive a general publican's license would be that building. The bench in all probability would grant a license and the unfortunate part would be that the two churches in the vicinity, which were strongly against such a license being granted, might find that their efforts were of no avail. Some consideration should be given to these churches which so strongly objected to the granting of a general publican's license to the King Edward Hostel.

Mr. Walker: Has not one of the churches moved further along the street?

Mr. FOULKES: Church schools were held in the original building close to the hostel. The churches might have foisted upon them a building possessing a general publican's license, which would be most objectionable to them.

Mr. SCADDAN: Care must be taken that provision was made whereby if the amendment were carried, hotel licenses were brought under the local option conditions. If such were not done he would oppose the amendment.

The Attorney General: That will be provided for later on.

Mr. MURPHY: After months of very serious consideration of the Bill in Committee certain forms of licenses had been cut out, but now it appeared that either the member for Claremont or the Attorney General was prepared to reinstate them either here or in some other place. It would have been better to have left the licensing law as it was and refer the whole thing to the people under local option, so that they might say what should be done with regard to the control of the liquor traffic. If he were in order he would like to give notice of his intention to move that the bona fide travellers' clause be reinstated. Let us wipe out all the amendments which we had spent months of labour in deciding upon and keep the Bill in its original state.

Mr. Gill: If you will help us we will wipe the Bill out altogether.

Mr. Murphy: I am with you there.

The ATTORNEY GENERAL: The proposal was that there should be a continuance of existing hotel and wine and beer licenses but that they should be subject to a local option poll. In future no hotel or wine and beer licenses would be issued. It would be necessary to make further alterations in accordance with such proposal, but that could be done in another place.

Mr. KEENAN: On the Notice Paper appeared an amendment to Clause 28, which was to add a proviso as follows: - "Provided that no hotel license shall be granted except for premises licensed as an hotel at the commencement of this Act." That amendment was to be moved in the wrong place, for the proviso should be added to the clause now under discussion. Clause 28 had nothing whatever to do with the right to grant hotel licenses, but dealt with the rights enjoyed by the licensee after he had obtained the license. The limitation of right should be in the present clause.

Mr. BROWN: It would be very hard upon the licensee of the King Edward Hostel if the license were struck out. It had been recognised by the Committee that there should be a time limit with regard to a publican's general license, but nothing was done in the case of the hotel license in question. The licensee of that place had gone to considerable expense in fitting it up well. the building was crowded with occupants and many had to be turned away. In all cases the liquor portion of the establishment was made entirely subservient to the dwelling house. It was one of the best fitted up hotels in Perth and the licensee should receive

some consideration. The mere fact that the hotel was so crowded showed that it was being conducted in a proper way.

Mr. JOHNSON: The remarks of the member for Perth merely demonstrated how unnecessary it was to make special provision with respect to the King Edward Hostel. That member had said the building was largely patronised, that boarders were being turned away and that the beer was made subservient altogether to the building. We only wanted to stop the supplying of beer, for the licensee would still have the highly furnished accommodation and the same patronage. The hotel received the patronage because it was centrally situated, well furnished and conducted. It was never contemplated at the outset that beer should be sold in the establishment. If the license were struck out we would be simply allowing the management to continue a well-conducted boarding establishment. The position taken by the Attorney General was extraordinary. He had brought forward a special amendment to deal with one special case, forgetting altogether the number of wine and beer licenses that would be affected. The Minister had said he would deal with those licenses in another place, clearly showing that he had had no consideration for them when framing this amendment. How was it that he considered this one establishment and forgot the numbers of other places that would be affected by the amendment? The position should be explained, as there seemed to be something behind it.

The ATTORNEY GENERAL: The member for Guildford was needlessly suspicious. In the great majority of cases the holders of wine and beer licenses provided accommodation of the most limited description. There was, however, in the State one large establishment possessing such a license. It was at Geraldton, and was a most conspicuous example of a place where a large amount of accommodation was provided by the holder of a wine and beer license; but, as he had said before, in the majority of cases the accommodation was very limited. Many points cropped up in a complicated measure of this kind and he did not profess to be infallible or contend that nothing had escaped his notice. He would have preferred to have both the hotel and the wine and beer licenses retained, but the Committee had decided otherwise. It had been perhaps an omission on his part that he had not provided for safeguarding existing wine and beer licenses, but he proposed to do that now. There was nothing behind his action for he wished to deal fairly with both classes of licenses.

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

Ayes	25
Noes	16
Majority for	9

AYES.

Mr. Brown	Mr. Keenan
Mr. Butcher	Mr. Layman
Mr. Carson	Mr. Male
Mr. Cowcher	Mr. Mitchell
Mr. Daglish	Mr. Monger
Mr. Davies	Mr. S. F. Moore
Mr. Draper	Mr. Nanson
Mr. Foulkes	Mr. Osborn
Mr. Gregory	Mr. Piesse
Mr. Hardwick	Mr. Underwood
Mr. Harper	Mr. F. Wilson
Mr. Heitman	Mr. Gordon
Mr. Jacoby	(*Teller*).

NOES.

Mr. Bath	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Gill	Mr. Troy
Mr. Gourley	Mr. Walker
Mr. Johnson	Mr. Ware
Mr. McDowall	Mr. A. A. Wilson
Mr. Murphy	Mr. Heitmann
Mr. O'Loghlen	(*Teller*).
Mr. Price	

Amendment thus passed.

Mr. Bath: The Chairman has not put the clause as amended.

The CHAIRMAN: There was no necessity to do that. It was not the custom to do so.

Mr. Bath: Before going on to another clause it is necessary to put the clause as amended.

The Attorney General: We are only moving amendments for specific purposes.

Mr. Bath: The clause has been amended and it must be put.

The Attorney General: It is not necessary to do so.

The CHAIRMAN: It was not necessary to do so, but in order to simplify matters he would put it.

Clause as amended agreed to.

The ATTORNEY GENERAL moved—

That Clause 28 of the Bill be restored and that a proviso be added as follows:—"Provided that no hotel license shall be granted except for premises licensed as an hotel at the commencement of this Act."

Mr. OSBORN: Would the Chairman explain whether the Committee were to vote on the proviso or the clause?

The CHAIRMAN: In Committee, Clause 28 was struck out. Now hon. members would find on the addendum to the Notice Paper that it was intended to restore the clause. The question was, that the new clause be added, consisting of Clause 28, as printed originally in the Bill, and the proviso, as it appeared on the Notice Paper.

Mr. COLLIER: The Chairman was in error; it would be necessary first of all to restore the clause. If both the clause and the proviso were put at the same time members would be prevented from exercising a discretion upon the matter.

The CHAIRMAN: In order to simplify matters he would put the clause and the proviso separately. The question before the Committee was that the clause be restored.

Mr. ANGWIN: The clause opened up a much wider question than the Attorney General thought. In paragraph (a) it was provided that the holder of an hotel license was authorised to sell liquor to "lodgers or boarders in the hotel, for the use of such lodgers or boarders and their guests." As a matter of fact that meant that lodgers or boarders could invite anyone into the hotel as a guest, and they could remain drinking there as long as they liked. In fact the establishment then would be more open than a club, because no person could invite a stranger into a club after 11.30 at night, nor before 9.30 in the morning. Under the hotel license any person could be invited in to have a drink at all hours. Hon. members should consider seriously the passage of a clause such as that. If it was necessary to close hotels between 11.30 at night and 6 in the morning, and all day Sunday, it was more than necessary to close a house such as the one under discussion, which did not have the same police supervision. This house was being given a monopoly and it was surprising to find the member for Claremont supporting the clause. That hon. member was in favour of providing for the sale of intoxicating liquors as long as it was done secretly, and he made undue efforts in connection with certain licenses, while he was willing to permit a license, such as the one under discussion, to go scot free. It had been said that the removal of the one license which was in existence, would entail a great hardship on the holder, but by restoring the clause the Committee would be opening up a new Bullfinch as far as the holder of the license was concerned. The little words which were in the clause, "or their guests," would have a far-reaching effect, and if the clause went through, the King Edward Hostel would become one of the greatest monopolies, or one of the best paying hotels in the State.

Mr. Jacoby: It will not be any different from what it is now.

Mr. ANGWIN: It would be very different. The Committee had agreed that all houses should be closed on Sundays, Christmas Day, and on Good Friday.

Mr. Jacoby: That will all be altered.

Mr. ANGWIN: There was a possibility of it not being altered. While the holders of publicans' licenses would be compelled to close during certain hours, the holder of the license in question would be free to serve liquor.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. ANGWIN: The Attorney General should have pointed out the difference between the Bill, including the proposed amendment, and the existing Act.

The Attorney General: What is the difference?

Mr. ANGWIN: The Bill as it left the Committee provided for Sunday closing in its entirety, as far as general publicans were concerned, but the amendment

if passed would make provision for any person entering the hotel as a guest obtaining liquor at any time on Sunday, or at hours when other hotels were closed. It would be remembered that a few nights ago the Committee had struck out "midnight" as the hour of closing clubs, and inserted "eleven thirty." There was no such provision for this hotel. It was surprising that the member for Claremont, who had paid such attention to the Bill, should have overlooked this point. Of course we were all liable to be led astray, and occasionally some hon. members might vote in accordance with the desires of certain of their electors and against their own beliefs. He would not say the member for Claremont was doing that, although the member for Guildford had declared that there was something at the back of it all. Long ago the member for Claremont had said he hoped to effect compromises before the Bill was put through. Possibly this was one of the compromises referred to. Could it be that this compromise had been brought about because a certain elector of Claremont owned a certain building—which, by the way, had not been erected for the sale of intoxicating liquors, and for which a general publican's license had been refused?

Mr. Davies: Who owns the building?

Mr. ANGWIN: It was said that the owner was an elector of Claremont. One effect of this compromise would be the imposing of an injustice on those who sold intoxicating liquors openly, and under police supervision. In no sense could the compromise be regarded as beneficial. Under the clause not only boarders and lodgers at the hotel, but their guests, and indeed any person taking a meal at the hotel, could obtain intoxicating liquor. There would be nothing to prevent a person continuing to take a meal all day, and being supplied with liquor while the meal lasted.

Mr. FOULKES: It was true the clause would give power to lodgers or boarders, with their guests, to obtain liquor, and he realised that such a concession would be open to abuse. So, too, with regard to Subclause (b), providing that persons taking a meal at the hotel should be supplied with liquor. It was well known that one licensee who had held this hotel had sold liquor to people taking but very slight meals, known as counter luncheons; and it had been decided in the Supreme Court that the licensee had no such privilege. The Attorney General ought to omit the provision giving power to the licensee to sell liquor to guests.

The Attorney General: Then, if you were to invite a guest to dinner, you could have your whisky while your friend could not.

Mr. O'Loghlen: That would be characteristic of the hon. member.

Mr. FOULKES: Certainly it would be useless to extend an invitation to the hon. member under the circumstances, because it would be immediately declined. He desired that in Subclause (a) the words "and their guests" be struck out, together with the whole of Subclause (b).

Mr. JOHNSON: The clause would give the holders of hotel licenses the right to sell liquor at any time. He did not think the Committee proposed to give the holder of an hotel license any greater privileges than were granted to clubs. Again, boarders in licensed premises were not permitted to get liquor after certain hours. He moved an amendment—

That the words "at any time" be struck out and "between 6 a.m. and 11 p.m." inserted in lieu.

The CHAIRMAN: As there was a misunderstanding before the adjournment as to the question before the Committee, he desired to state it now as it would be put. The question was—

That the following new clause stand as Clause 28:—"An hotel license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of any liquor, at any time—(a) to lodgers or boarders in the hotel, for the use of such lodgers or boarders and their guests; or (b) to persons taking a meal at the hotel, the liquor to be consumed during such meal; but shall not authorise the licensee to sell or dispose of liquor to any other person or

in any other manner than aforesaid. Provided that no hotel license shall be granted except for premises licensed as an hotel at the commencement of this Act."

To this an amendment was moved that the words "at any time" be struck out with the view of inserting other words.

Mr. ANGWIN: It would be better to provide that no hotel license should be granted "except under the provisions of Sections 110 and 111 of the Act." That would bring these hotels under the same provisions in regard to the closing hours and days as publican's general licenses.

Mr. JOHNSON: The suggestion of the member for East Fremantle was preferable; but in the event of the Committee striking out the words "at any time" the clause would read, "An hotel license shall, subject to the provisions of this Act, authorise the licensee to sell." Would the words "subject to the provisions of this Act" mean that the hours pervailing in respect to other licenses would apply to hotel licenses?

The Attorney General: Yes.

Mr. JOHNSON: Then there was no need to add other words.

Mr. MURPHY: We should be particular to see that the hotel license was not granted greater facilities in regard to the selling of liquor than a publican's general license.

The ATTORNEY GENERAL: Clauses 110 and 111 fixed the hours for the selling of liquor. Before the Bill passed through Committee there were exceptions providing for bona fide lodgers to get liquor at any hour, but that was knocked out now, and the words "at any time" were limited to the hours fixed in Clauses 110 and 111.

Mr. JOHNSON: It was as well to be on the safe side, and insert the words "between 6 a.m. and 11 p.m."

The Attorney General: Should it not be 11.30 p.m.?

Mr. Johnson: I do not believe in that.

Amendment (to strike out the words "at any time") put and passed.

Amendment (to insert the words "between 6 a.m. and 11 p.m.") stated.

Mr. KEENAN: The amendment would need to go further to cover the prohibition of Sunday trading, otherwise the prohibition would be taken to extend only to other than between 6 a.m. and 11 p.m. However, there was no need for the amendment, because the hours for the sale of liquor were fixed in Clause 110 and 111. The words "at any time" which were struck out were rightly struck out because they contradicted another clause of the Bill already amended by the Committee, and it was now perfectly clear that hotel licenses would be subject to Clauses 110 and 111.

Amendment (to insert the words) put and negatived.

Mr. FOULKES moved a further amendment—

That the words "and their guests" in paragraph (a) be struck out.

Amendment negatived.

Mr. FOULKES moved a further amendment—

That paragraph (b) be struck out.

This clause permitted the licensee to sell to persons taking a meal at the hotel liquor to be consumed during such meal.

Amendment negatived.

Question (the new clause as amended) put and passed.

Mr. JOHNSON: Could not the proviso be dealt with?

The CHAIRMAN: The clause and proviso were put as one. On the Notice Paper the proposal was to restore the clause and add a proviso, but there was no procedure to restore a clause, and the clause that was struck out had to be put as a new clause along with the proviso. It was put to the Committee in that form and the Committee had power to deal with it as a new clause and had so dealt with it, and then the clause and proviso as amended were put and passed.

Mr. Johnson: Before the tea adjournment that was not the question.

The CHAIRMAN: It was pointed out that there was some confusion before tea. After the adjournment the clause and the proviso were submitted as the one question.

Mr. JOHNSON: It was awkward as it was desired to say something on the proviso to show that it should not be inserted.

Clause 39 — Eating, boarding, and lodging house licenses:

The ATTORNEY GENERAL moved an amendment—

That the last two lines be struck out and the following inserted in lieu:—"Any keeper of any such house who, without being licensed under this section in respect of such house, shall supply or cause to be supplied any liquor to any boarder, lodger, or person taking a meal therein, shall be liable in the same manner and to the same extent as if he had sold such liquor."

The amendment was more a drafting one than anything else and it made it perfectly clear that the person could not avoid the penalty for supplying liquor on the plea that he was not selling it.

Amendment passed; the clause as amended agreed to.

Clause 50—Temporary licenses:

The ATTORNEY GENERAL moved an amendment—

That in line 2 the words "without notice or any formal application" be struck out and the following proviso be added to the clause:—"Provided that the applicant for such license shall give notice in writing to the officer in charge of the nearest police station of the intention to make such application, at least 48 hours before making the application."

When the clause was before the Committee the member for Claremont had urged that a period of notice should be given to enable the public to attend the court and object to any occasional or temporary license. Upon consideration he had decided to amend the clause in the way indicated.

Mr. KEENAN: The affect of the clause would be that a person desirous of getting a temporary or occasional license would have to make formal application, but there was no provision for the form.

Mr. ANGWIN: What difference would the amendment make? What would the police care about it? It was the public who would object and who should be given notice.

The ATTORNEY GENERAL: There was a difficulty in regard to a formal application to the licensing court, for the sittings of that court were only quarterly, or, on special occasions, after seven days' notice. It would not be possible in the case of an occasional or temporary license to call a court together and it might be better, therefore, that the decision should rest with the justices, as provided in the existing Act.

Mr. ANGWIN: Notice of 48 hours to a policeman was of no use. Take the case of the Shamrock hotel. Suppose the licensee desired a temporary license owing to some performance at the theatre, all he would have to do would be to notify a policeman. There would be no notification to the public by the police. Notice should be given in a paper circulating in the district at least 48 hours before the application was made.

The ATTORNEY GENERAL: The amendment was introduced with the object of endeavouring to meet the views of the members for Claremont and East Fremantle, but he did not propose to go any further. The police could be regarded as the best judges whether the privilege should be granted or not. The clause might be improved by striking out the words "Chairman or any two members of the licensing court of the district wherein the license is to be exercised" and inserting "any resident or police magistrate." The police having received notice might go before the resident magistrate and object to the license being extended if they so desired. Then, unless there were good reasons to the contrary, the application would be granted. If members turned to the Schedule they would see the terms under which occasional licenses would be granted. They would be granted but for very brief periods.

Mr. SCADDAN: How were the public, after receiving notice, going to act? There would be no opportunity to get up a petition. The public would be out of court in cases of this kind. The only thing to do would be to publish a notice from time to time; in that way the public would obtain more knowledge of the fact that particular premises were receiving consideration under the clause more frequently than was desired, and then they could make their protest. At the previous sitting of the Committee the Attorney General opposed the proposition from the

Opposition side of the House, that more power should be put in the hands of the police in carrying out this measure. Now the Attorney General proposed to hand over to the police officers the power of the granting of licenses, or, in a large measure, the control of them. What had influenced the Attorney General since the last meeting of the Committee, and what had led him to take this action?

Mr. COLLIER moved an amendment on the amendment—

That in line 2 of the proviso the words "in writing to the officer in charge of the nearest police station of the intention to make such application" be struck out, and "by advertisement in a newspaper circulating in the district" be inserted in lieu.

It was no use giving 48 hours' notice to a policeman. If the matter were notified in the newspaper circulating in the district, the people who took an interest in this kind of thing would make it their business to object; that would not be going too far. The public should have some say in the matter.

Mr. GILL: The amendment would receive his support, because some provision further than that proposed by the Attorney General would have to be made. The proposal that 48 hours' notice should be given to the nearest police station was unsatisfactory and quite useless. It would be better to leave the clause in its original state. If the matter were published in the newspaper circulating in the district there would be a possibility of doing something, and those watching events closely would have the opportunity of opposing applications. Then there would be a slight check on these applications for occasional licenses. These licenses had been abused in the past, and they would be abused in the future unless a proposal such as that made by the member for Boulder were carried.

Mr. KEENAN: The Committee were doing their best to make the measure an unworkable one, and that was being done in order to meet the views of the member for Claremont and the member for East Fremantle. If the proviso were carried, as suggested by the Attorney General, the Committee would be placing police officers in a false position. The police officer would be called on to explain why he did not take action; and if he dared take action the magistrate would ask him what right he had to be there, and to show his authority under the Act.

Mr. ANGWIN: The proviso had not been put in at his suggestion. As far as he was concerned he had opposed these occasional licenses altogether. In the past many objections had been raised to the granting of extended hours to publicans, and on many occasions ratepayers had sought the opportunity to raise a protest against these increased hours. If a notice were given to the public of the intention to apply for the extra hours for the sale of liquor, then there would be an opportunity afforded ratepayers if they so desired to attend the court and enter their objections. These objections might have a tendency to induce the licensing bench not to grant the extended hours asked for. The same thing would apply to occasional licenses. The people who lived in the immediate neighbourhood would know the requirements of that neighbourhood, and if they desired to enter a protest they would be able to do so. What did we find at the present time? On Christmas eve, on the night before Good Friday, and even on Show night, in places where there was a rush of visitors, these licenses were granted when there was no necessity for them. Yet the Attorney General said that giving notice to the nearest police station would be quite sufficient to let the public know that the extended hours were to be applied for. The only way to let the public know was by a public announcement, and that was not by putting up a notice outside a police station; it was by publishing the fact in the Press. The cost of inserting a notice in the newspaper would be about four shillings per inch. At an earlier stage in the passage of the Bill the Attorney General had not thought any notice was necessary: but by his amendment it was now clear that the Minister had altered his views, and it was to be hoped that he would go farther and agree to the amendment moved by the member for Boulder.

The ATTORNEY GENERAL: It was true he had not previously thought notice to the public was required; nor did he think so now. The question of the extension of hours during which these houses might remain open under occasional licenses was essentially a police matter, and consequently it was advisable that the police should know what applications were about to be made. It was scarcely conceivable that a magistrate would refuse to be informed by the police on the subject, because the police would be the first persons to whom he would go if he wanted this information. This provision for notice being given to the police was to be found in the latest English legislation, where, in fact, the time provided was only 24 hours. He did not propose to go so far as to insist upon advertisements being inserted in the newspapers notifying the public, because he did not think the public would trouble to come forward. The practical safeguard was to give notice to the police. However, it was for the Committee to decide.

Mr. FOULKES: It could not be said that notice to a police officer was sufficient, because a police officer was not in a position to judge as to what extension of time should be given. The Attorney General ought to agree to the amendment with regard to advertising the application. This would give the general public an opportunity of deciding as to whether they were in favour of the granting of such application. The amendment moved by the Attorney General did not go far enough.

Amendment (Mr. Collier's) on the amendment, put and negatived.

Amendment (the Attorney General's) put and passed; the clause as amended agreed to.

Clause 76—Place and date of voting:

The ATTORNEY GENERAL moved an amendment—

That Subclause (1) be struck out, and the following inserted in lieu:—"(1.) A vote of electors under this part, that is to say a local option vote, shall be taken in every district in or before the month of April in the year one thousand nine hundred and eleven, and in the month of April in every third year thereafter."

This was merely a drafting amendment in accordance with the decision arrived at by the Committee. There was no new proposal involved.

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

Clause 77—Resolutions to be submitted:

The ATTORNEY GENERAL: When previously this clause was before the Committee two new resolutions had been added to those already set out in the clause, one being in the form of a resolution, and the other in the form of a question. For the sake of convenience a distinction should be made between the resolutions and the question. It was his intention to move that in Subclause (1) paragraphs (*e*) and (*f*) be struck out, and the following inserted in lieu:—(4) At the taking of every local option vote the following questions shall be submitted to the electors, namely—Do you vote that all publicans' general licenses in the district shall be held by the State? Are you in favour of State management throughout the district? The effect would be similar in regard to ascertaining the opinion of the electors on the subject of State ownership, while we would preserve what was really the important effect, namely, that if the first question were carried we would reserve the provision already in the Bill and it would be impossible to grant any new licenses in the district to a private individual. He moved an amendment—

That in Subclause (1) paragraphs (e) and (f) be struck out.

Later on he would move that a new subclause be added to stand as Subclause (4).

The CHAIRMAN: Paragraphs (e) and (f) proposed to be struck out did not appear in the Bill as printed but were added during the passage of the Bill through Committee. Paragraph (e) was, "That any new licenses shall be held by the State," and paragraph (f) was, "Are you in favour of State management throughout the district." The question was "that these paragraphs be struck out."

Mr. ANGWIN: Paragraph (e) provided "that any new licenses be held by the State." The Attorney General's proposal was that the vote should only apply to publican's general licenses. There was a great difference between the two. If it was wise for the State to take control and management over the liquor traffic the State must not only deal with publican's general licenses but with licenses as a whole. We should not submit to the people the question regarding publican's general licenses only, leaving private individuals to deal with two-gallon licenses and wine licenses.

Mr. BATH: There was no question but that the general idea of State control of new licenses referred to publican's general licenses only; the people were not likely to ask for the State control of other licenses; but where the people were being asked, under the second question in paragraph (f), to express an opinion as to the advisability or otherwise of general control by the State, as in Switzerland and elsewhere, the vote then would include the whole question of State management. There was no objection to the alteration of the words as suggested by the Attorney General.

Amendment (to strike out paragraphs (e) and (f) put and passed.

Mr. FOULKES: Before the Attorney General moved to insert his new subclause as Subclause 4 there was an amendment needed to Subclause 3. This subclause as amended by the Committee provided that no vote for the reduction of licenses or for no-license should take place earlier than 1920. He proposed to alter this date and make it 1916, because 10 years was too long to wait to have the full measure of local option. Ample notice had already been given to the trade; and as most of the leases for licensed houses ran for not more than six years, there would be no serious objection on the part of many of the licensees at the prospect of having the question for the reduction of licenses submitted to the people at an earlier date. Well conducted houses would have no cause to fear that their licenses would be taken away. The feeling of dissatisfaction in regard to the administration of public houses was due to the fact that so many people who held licenses do not obey the law. That was the chief reason in Victoria that led to the strong agitation there and throughout Australia to have the question referred to the people as to whether they should have licensed houses in their midst or not. All were agreed on the elementary principle that the people should decide the question, and no good object could be attained by postponing the date on which the people would have the opportunity of expressing an opinion upon it. The great thing was to try and minimise the temptations to drink.

Mr. Monger: Why do not you do it in connection with your own properties.

Mr. FOULKES: This was the first time the member for York had attempted to discuss the matter and he now asked why he (Mr. Foulkes) did not do it in connection with his own properties. The hon. member knew very little about properties for he had never been able to hold any for any length of time. Personally there were no properties he (Mr. Foulkes) held where liquor was sold, nor did he intend to hold any such. The benefit of local option should begin earlier than 1920. He moved a further amendment—

That "1920" in Subclause (3) be struck out and "1916" inserted in lieu.

Mr. DRAPER: The member for Claremont had pointed out the very serious consequences to the temperance party which had arisen during the Committee stage by the excision of those clauses relating to compensation and the licenses reduction board. The provision in place thereof, which would provide that local option would not come into force for ten years, could not be regarded as of very much practical utility. This was not in accordance with what several members had advocated on the hustings at last elections, but a difficulty had arisen through a certain section of the community insisting that in no circumstances and in no form must compensation be given to the holder of a license. He had always resisted the doctrine that a licensee was not entitled to compensation. During the different stages members had expressly recognised,

in an indirect form, that the licensees were entitled to compensation, for they had postponed the operation of the Bill for ten years. By this they had killed the Bill for all practical purposes and he could not but regret that the Government did not pass the clauses inserted originally with reference to compensation being paid to licensees with funds to be provided by the trade itself. The existing licensees would undoubtedly benefit with the increase of population, from the fact that but few licenses would be issued in the future. However, the majority decided against that view.

Mr. Collier: I think the majority would have decided otherwise had they known that local option would be postponed for ten years.

Mr. DRAPER: The result did not express the views of the moderates, but it was the only method by which licensees could be granted any compensation. It would be a good thing if the clauses relating to the question of compensation could be recommitted. Although the provision was reduced, so far as local option was concerned, to practical insignificance, he would not vote against it, for by doing so he would have been depriving the licensees of any compensation, and would have been supporting the doctrine of confiscation which he had always opposed.

Mr. ANGWIN: Once a person was compelled by law to expend a certain amount of money beyond the actual requirements, then the law had given him a vested interest, and for that reason we were entitled to grant him some compensation for his outlay. The member for West Perth had said that this question was never dealt with on the hustings.

Mr. Draper: I said it was not dealt with by some members.

Mr. ANGWIN: Pesonally he had pledged himself to his electors to support under a local option Bill a ten years' time compensation. When he moved the addition, he had done so in accordance with that pledge. The temperance bodies in the State were not unanimous in the desire to reduce the number of years; numbers of them were perfectly satisfied so long as the time limit did not exceed ten years. He had received several letters on the subject, and one from the Fremantle Church Temperance League which said, "In order to facilitate local option we do not object to monetary compensation provided by the trade equal to the requirements of the local option vote, or a time limit compensation not to exceed ten years." That showed clearly that some temperance bodies were anxious that Parliament should carry the local option provisions. Even had we passed the Bill containing the additions proposed by the Government originally another place would have thrown it out because the compensation would be really nothing at all, as it would take nearly all the fund to pay the expenses of the licenses reduction board and the officers. Years would elapse before the fund reached a sum sufficient to enable the provisions as to compensation to be fulfilled. The clause was inserted for the express purpose of trying to get a Bill through providing for a certain result that could not be fulfilled. If a local option vote were taken in 1912 and it was decided to close hotels, where would the money come from to pay compensation with? There would be no fund of any kind at that time. He would quote an instance to show the hardship that might be inflicted on some whose money had been invested in putting up hotel premises.

Mr. Bath: The owners would not lose the buildings.

Mr. ANGWIN: The money would not have been expended in the buildings but for the license. In many instances the buildings would not have realised the actual cost of construction if they had to be put to any other purpose. The trustees of an estate in the centre of High-street, Fremantle, applied for the renewal of a license, but the bench refused the renewal until a new building had been erected or certain improvements effected. The owners prepared plans and specifications for improvements estimated to cost between £4,000 and £5,000. That building, when improved, would have been quite good

enough for all requirements, but the bench refused to grant the renewal unless still further improvements were made by the erection of another storey to the building and the provision of other facilities. In order to meet this demand the trustees of the estate were called upon to spend a total of £8,000 before the renewal was granted. The law had granted to these people certain rights, and having done so it was only fair that we should see that those rights or interests were safeguarded, so that there should be no dispute in time to come. It had been said that the Bill was useless, but those who said that had never tramped from door to door for the express purpose of trying to get people to sign petitions to prevent licenses from being put into effect. The Bill would provide the right to take a local option vote as to whether new licenses should be granted or not, and the member for Claremont in moving his amendment pointed out that owing to the increase of population that was likely to come about at an early date, a good deal of the difficulty which existed with regard to the overcrowding of hotels at the present time would be removed. If in years to come no new hotels were opened, then any objection that could be lodged against the clause in 10 years' time would be removed before that time arrived. If we got this Bill through Parliament this session, with a 10 years' clause in, the gain to the temperance people would be much greater than they anticipated. The Bill, as it was introduced, would cause nothing but annoyance throughout the State, and he did not agree with the member for West Perth, that by a reduction of licenses we were going to have the same amount of consumption of intoxicating liquor. If that was to be the case why close the hotels? In his opinion the reduction of licenses would mean a reduction of drinking. If the closing of hotels merely meant the transfer of the trade from one corner to another, we could leave them as they were. It was to be hoped that members would realise that there were some people in Western Australia who desired to see the Bill go through. Even in its present form it would be much better than the legislation which had existed in the past.

Mr. WALKER: The difficulty in the way of accepting the argument of the hon. member was that we would be putting off the operation of the clause dealing with local option for 10 years. We did not now say to a man, "You shall close in 10 years' time," and then give him time compensation. But 10 years hence we were going to take a vote, and on whoever the evil of that vote fell he would require compensation. Was he to have 10 years from then? As a matter of fact the great bulk of the holders of licenses to-day would not be those who would be holding licenses 10 years hence.

Mr. Angwin: They will know their position then.

Mr. WALKER: They knew their positions now, just as much as they would know their positions then. In order to get over the clumsy way in which we had dealt with compensation, the hon. member wanted to deprive the people of the State of local option for 10 years.

Mr. Angwin: Only on present licenses.

Mr. WALKER: We were to wait ten years before we could exercise a discretion. What kind of compensation would that be? Ten years hence, in all probability in many places we would find that we did not require to reduce the number. We would then have to go on for another ten years, and give 10 years' time compensation to those who were there, and thence, afterwards, another 10 years. This seemed to be like a proposal to defer indefinitely the operation of the local option principle. He objected to even six years, because it was a roundabout way of giving notice. It could well be understood that the principle of local option having been exercised, and reduction having been decided upon, it should be said to the proprietors of those licenses, "You shall have 10 years to run after the notice of reduction." Though it would sound a long period when given, under those circumstances there would be sense in it, and we should know the purpose of it. It would be infinitely better in a case, when it was decided by a vote of the people to reduce hotels, to pay

cash compensation from whatever source, even from the Treasury of the State, for it would be a cheap way of getting rid of a grievous evil. The proposal of the hon. member had neither sense nor reason nor any foundation in equity to recommend it; there was nothing in it that recommended it to the understanding of men who were anxious to make reforms in the country. The hon. member had received some church letter which expressed some view, but that view was not expressed in his proposals. The hon. member construed the letter into meaning that the church desired to suspend the Bill for 10 years. They did not want anything of the kind. The hon. member had wedded himself to his view of the question simply out of misunderstanding, or out of failing to see what effect his views would have if carried out.

Mr. BATH: It was difficult to join in the lament of the member for West Perth, that the provisions of the Bill, as originally submitted, had been defeated. Any hon. member who studied those provisions must have recognised that they would have been entirely inadequate to carry out the decisions of the electors on a local option poll. It was necessary to get rid of these provisions in order to lay the foundation for the structure of local option. He was just as strongly opposed to the amendment which the member for East Fremantle succeeded in having embodied in the Bill with the support of those hon. members who, finding that those provisions which they favoured in the measure as originally submitted were defeated, were prepared to accept the amendment as another means of staving off what they considered the evils of local option. The member for East Fremantle should be reminded that in dealing with this question the Committee were not legislating for a body of trustees at East Fremantle. The Committee had heard altogether too much of that particular body. The Committee were legislating for the people of Western Australia generally, and it was time that more was heard of the people of Western Australia, and less of those particular trustees at East Fremantle. The board of trustees must have recognised that in securing a license for premises they had erected they were only securing that license for twelve months—a license terminable at the will of the licensing bench. It was useless to argue that there was any doubt as to the question of there being no legal right in what had been regarded as the vested interests in hotel or publicans' licenses. That matter had been frequently decided in the old country by the highest judges, until even the Licensed Victuallers' Association and their legal advisers, had placed it on record that they were compelled to admit there was no chance of establishing a legal right in licenses, beyond the term of twelve months. The same thing could be established in Western Australia. As a matter of fact licenses had been refused in this State, and we did not have to wait for this particular Bill in order to find licenses discontinued by the licensing bench; yet none concerned had had sufficient effrontery to put forward a claim for compensation on that score. What the Committee should always avoid was even by argument implying that there was any greater claim for consideration in regard to licensed premises than in regard to any other form of business for which the State granted a license for any particular term. The member for East Fremantle, who by his amendment had to a large extent destroyed the usefulness of the Bill, had informed the Committee that at a certain election he had advocated a ten years' time compensation. But that hon. member should realise that some time had passed since he urged those views and gave that promise, notwithstanding which the hon. member was still asking for a time compensation of ten years from 1911. And, as pointed out by the member for Kanowna, that term of ten years as embodied in the amendment did not imply that a vote for "No license" should operate, but only implied that a vote on that question might be taken at that time, while the carrying out of such a vote might be postponed for an even further term. Recently the member for Boulder had pointed out from the return submitted on the motion of the member for Fremantle that only two out of 44 lessees had a term extending beyond the year 1915, which was the term favoured in the am-

endment submitted as an alternative to the proposal of the member for East Fremantle. That being the case the term of five years, or in other words the year 1916, would amply secure the existing lessees of at least the more important licensed premises throughout Western Australia. Consequently the term would be sufficiently long if the local option poll was to be made anything more than a mere farce. The hon. member had referred to a case in Fremantle; but it was to be remembered that these lessees had already drawn in many instances very considerable sums by reason of the monopoly value of the licenses granted by the licensing court. Members were called upon to make an even further grant of monopoly value to those people in consideration of their right to carry on for twelve months a traffic which almost every member had agreed should be minimised to a greater or lesser degree. For those reasons he thought the hon. member was asking the Committee to restrain an abnormally long term. It was to be remembered that in voting for the shorter term, or even conceding any term, hon. members were not in any way committing themselves to the view that these people had any legal right either to a monetary or a time compensation, and that if any time limit were fixed, whether it were one, two, or five years, it was purely an act of grace on the part of Parliament, and in no sense a recognition of a legal right which did not exist.

Mr. FOULKES: The member for West Perth had suggested that a mistake was made in not agreeing to a financial compensation for the licensees. But this financial compensation would not mean that we would have local option immediately. It was a mere pretence at local option: because although the Bill provided that any of the various districts might at a local option poll decide in favour of "reduction" or "abolition," there was no guarantee that the wishes of the people of the district would be given effect to. In the original proposal it had been provided that no public house was to be closed unless sufficient money was in the hands of the licenses reduction board to pay the amount of compensation; and it had been further provided that this licenses reduction board was to hold office for ten years, and to have the sole right of deciding in what districts reduction should take place. The result would be that in some districts the people might, time and again, exercise their local option vote only to see their wishes ignored, and in the end those people would refrain from taking any part whatever in a local option poll. It had been provided also that the licenses reduction board would have the sole right of assessing the amount to be levied in regard to compensation, and it was calculated that the highest maximum amount required would be £20,000 per annum. But the first call upon this fund would be the total expenses of putting that part of the Act into force. There would be salaries of the members of the board to be paid, witnesses' expenses, and all the expenses of taking the local option poll. The total amount represented by these demands would be at least from £3,000 to £4,000 a year, so that the highest amount the board would have at their disposal for the payment of compensation would not exceed £16,000 a year. Another reason for objecting to the proposal was that once we agreed to this compensation being levied upon the trade, it would be used as an argument against any increase of license fees. Still another reason was the unfairness of forcing well conducted hotels to pay compensation for the closing down of other hotels which had not been carried on in the same satisfactory manner. He did not regret the part he had taken in striking out these compensation clauses. As for the claim that the licensees were legally entitled to compensation, it was to be remembered that the New South Wales Parliament had been practically unanimous in the opinion that the trade were not entitled to any compensation. He regretted very much that the member for East Fremantle and others had attempted to delay the taking of a local option poll for ten years. It was a cruel proviso, and some day those hon. members who had supported it would regret the decision arrived at.

Mr. COLLIER: It was useless wasting time discussing the matter and trying to

convince the member for East Fremantle, at whose instance the term was fixed at 1920, or the Attorney General, or the members for Beverley and Irwin who were financially interested in hotel properties. But the member for East Fremantle could be reminded that in imposing the limit of 10 years he was doing it by the aid of members who had fought him all through the Bill, and by the aid of members who were regarded as favourable to the liquor interests. It had been doubtful whether the member for Claremont or the member for East Fremantle really represented the temperance people, but one could decide now between those two members, because whatever the views of the member for East Fremantle might be in regard to the Bill, his proposal for a 10 years' limit practically killed the Bill. There were 30 hotels within an area of 400 square yards at Boulder, and if the people had an opportunity of expressing an opinion they would at once reduce those hotels by one half, but by the proposal of the member for East Fremantle they were to be gagged for 10 years. It was idle to argue that the position would not be serious because of the increase of our population. There was no increase of population where practically a third of the people lived; in fact, if the member for Beverley was to be believed, the population on the goldfields was decreasing very rapidly, though the hotels would remain the same. In regard to doing an injustice, the member for East Fremantle had voted on many occasions during the passage of the Bill to impose an injustice on property owners. The closing of wine and beer licenses would impose a far greater injustice than any cited by the hon. member. It beat one why the member for East Fremantle had joined hands on this point with the member for Fremantle, who was supposed specially to represent the liquor trade.

Mr. ANGWIN: Those who had spoken were agreeable to supporting the member for Claremont, but the only difference between the amendment and the clause as previously passed by the Committee was the difference as to time. The member for Kanowna would see that if the resolution were carried in favour of a reduction it did not follow that another 10 years would be given if the people did not desire it, therefore the hon. member's argument was knocked to the wind. Ten years was a fair thing for full compensation; some considered six years sufficient; it was only a difference of a few years' time.

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

Ayes	.. .. ..	15
Noes	.. .. ..	27
Majority against	..	12

AYES.

Mr. Bath	Mr. McDowall
Mr. Bolton	Mr. O'Loghlen
Mr. Collier	Mr. Scaddan
Mr. Foulkes	Mr. Swan
Mr. Gill	Mr. Walker
Mr. Heitmann	Mr. Ware
Mr. Hudson	Mr. Price
Mr. Johnson	*(Teller).*

NOES.

Mr. Angwin	Mr. Male
Mr. Brown	Mr. Mitchell
Mr. Butcher	Mr. Monger
Mr. Carson	Mr. S. F. Moore
Mr. Cowcher	Mr. Murphy
Mr. Daglish	Mr. Nanson
Mr. Davies	Mr. Osborn
Mr. Draper	Mr. Plesse
Mr. George	Mr. Troy
Mr. Gourley	Mr. Underwood
Mr. Gregory	Mr. A. A. Wilson
Mr. Harper	Mr. F. Wilson
Mr. Horan	Mr. Gordon
Mr. Jacoby	*(Teller).*

Amendment thus negatived.

The ATTORNEY GENERAL moved a further amendment—

That the following be added to stand as Subclause 1:—At the taking of every local option vote the following questions shall be submitted to the electors, namely:—Do you vote that all new publican's general licenses in the district shall be held by the State? Are you in favour of State management throughout the district? And the voting papers shall be in the forms in the Seventeenth Schedule."

Amendment passed: the clause as amended agreed to.

Clause 78—What majority is required for carrying resolutions:

Mr. FOULKES moved an amendment—

That in line 1 of Subclause 2 the words "three-fifths at least" be struck out and "a majority" inserted in lieu.

That would mean a majority would decide.

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

Ayes	.. .. ..	20
Noes	.. .. ..	22
Majority against	..	2

AYES.

Mr. Angwin	Mr. O'Loghlen
Mr. Bath	Mr. Price
Mr. Bolton	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Foulkes	Mr. Troy
Mr. Gill	Mr. Walker
Mr. Gourley	Mr. Ware
Mr. Horan	Mr. A. A. Wilson
Mr. Hudson	Mr. Heitmann
Mr. Johnson	*(Teller).*
Mr. McDowall	

NOES.

Mr. Brown	Mr. Mitchell
Mr. Butcher	Mr. Monger
Mr. Carson	Mr. S. F. Moore
Mr. Cowcher	Mr. Murphy
Mr. Daglish	Mr. Nanson
Mr. Davies	Mr. Osborn
Mr. Draper	Mr. Piesse
Mr. George	Mr. Underwood
Mr. Gregory	Mr. F. Wilson
Mr. Harper	Mr. Gordon
Mr. Jacoby	*(Teller).*
Mr. Male	

Amendment thus negatived.

Members' Places in Division.

Mr. Walker: May I ask whether the votes of those members sitting behind the Speaker's chair were counted in the division?

The Chairman: Yes.

Mr. Walker: I raise an objection, for members in divisions must be in their places before the Speaker's chair and to the right and left of it.

The Chairman: The doors are locked and all members on the floor of the House are counted.

Mr. Walker: The chairs on which the members sat are generally occupied by strangers and in all other Chambers they are considered to be outside the Chamber when a division is taking place.

The Chairman: The doors are locked and members on the floor of the House have their votes taken.

Dissent from Chairman's Ruling.

Mr. Walker: I desire to dissent from the ruling, on the score that the Chairman has ruled that those who were sitting out of the seats allotted to members can be counted in a division. In challenging the ruling I do so more particularly as, during this division, a stranger was seated in that portion of the House; at all events he is sitting there now. I refer to Dr. Stow, the Parliamentary Draftsman. The place the members were in when the division was taken is usually allotted to strangers and there is no more reason why the chairman should count members sitting in that portion of the building than that he should count those sitting in the higher galleries, or the members of *Hansard*, who are in the same position, relatively speaking, as those sitting in the portion of the House to which I have referred. I have never known in any Assembly that the votes of members sitting in that portion of the House were counted; generally that portion of the House is left for members who wish to watch a division without participating in it. We know what might happen if a proceeding of that kind be allowed to pass. The Standing Orders provide that members in a division shall if possible be seated; this means that they shall be in their seats.

The Minister for Works: On a point of order I should like to point out that the hon. member's remarks should be addressed to the Speaker, seeing that he has challenged a ruling of the Chairman already given.

Mr. Walker: I agree with the hon. member. I was merely stating the preliminary point. It is just as well, however, that a discussion should take place before the Speaker. I move—

That the Chairman having ruled that those members sitting behind the Chair in the portion of the House allotted to strangers may be counted in divisions, the ruling of the Chair be dissented from.

The Premier: I wish to take exception to the statement of this case. Members were not seated behind the Chair, they were seated on that portion of the floor allotted to strangers.

Mr. Walker: That is a matter of argument with Mr. Speaker.

Mr. Speaker resumed the Chair.

The Chairman reported that the member for Kanowna had moved to dissent from a ruling given in Committee in reference to members' places in division.

Mr. Walker: In drawing the attention of the House to this, to me, an important matter, I wish first of all to refer to Standing Order 197, which says, "When the doors have been locked and all members are in their places, the Speaker shall put the question before the House, and then direct the Ayes to take seats to the right of the Chair, and the Noes to the left, and shall appoint one teller for each party." Then Standing Order 201 reads, "Members having taken seats as far as possible every member shall then be counted, and his name taken down by the teller on either side, who shall sign his list and present the same to the Speaker, who will declare the result to the House." I submit there is only one reading to these Standing Orders. First of all when the doors have been locked all members shall be in their places. That is the first step in a division. Next, after the question has been put, members, according to the side they decide to vote upon, shall pass to the right of the Speaker, or to the left; that is to say, they shall go to the seats on either side of the Speaker allotted to members. That is the first and necessary thing to be done. In the instance to which I have taken exception, votes were counted in the seats, not strictly speaking the seats of members in this House, but seats in a place of honour under privileges granted by the Speaker to distinguished strangers, or sometimes to those who might not be altogether deserving of that classification. An official of the Public Works Department, an officer from any department required by a Minister in this Chamber may sit in that portion where hon. members, not strictly attending to their duties, but observing the business of the House, may take their seats. To all intents and purposes those who are sitting in that portion of the House are as much outside of it as the *Hansard* staff are outside this Chamber, and if the votes are to be counted simply because they are technically on the Speaker's right but not in their places, then the Speaker will count the member who happens to have climbed up into the stranger's gallery after the doors have been locked. All discipline is at an end immediately if those innovations are to remain, and there is nothing to prevent us having confusion in the counting of votes if this process is allowed to go on.

Mr. Scaddan: They are not counted as seats.

Mr. Walker: They are not seats in the House; they are there for the accommodation of strangers. I remember reading of one extraordinary division which was taken in the House of Lords, where 10 votes were accidentally counted through a division of this kind, and which seriously affected the Constitutional development of the country. There was one man present, and the numbers were given as 10 too many. It arose out of a person having been seen in that portion of the House just coming in and being about 10 times as big as any other man, and he was counted as 10 votes, and the division went as such. I do not anticipate anything of that kind here, but if we are going to have Standing Orders we must obey them.

Mr. George: And carry them out entirely.

Mr. Walker: Strictly.

Mr. George: But we do not.

Mr. Walker: We are drifting, and if we are to continue to drift this House will not be an Assembly, it will be a rabble. I will submit the point now, Mr. Speaker, that we cannot depart from the Standing Orders that we have laid down, and that in a division we must be specially strict above all things. The locking of the doors and going through the ceremonial of posting officers at the doors is in keeping with the surroundings of the division. We go through these formulas, not as a farce, but for correctness and if, after doing this, we are careless we are violating our Standing Orders. I ask

you, Mr. Speaker, to read particularly Standing Order 197, which says—"All members are in their places." That is when the doors are locked. That did not happen in this division. All the members were not in their places. That cannot be read in any other way, except that every member must be in his particular seat. Then the Speaker shall put the question before the House and direct the Ayes to take their seats to the right of the Chair, not behind the Chair, or practically outside the Chamber, but absolutely to the right of the Chair, in that portion of the House allotted strictly to members, and to members only. That part of the House where members were seated on this division is the part allotted to strangers.

The Attorney General: If your construction is correct it is one which has never been followed.

Mr. Walker: If the hon. member knows the history of the Parliaments of the States he will know that the rule has never been violated, excepting in this Chamber. In no other Parliament in Australia will the hon. member find instances similar to those which have occurred here. A thousand things have occurred in this Chamber which we ought to be ashamed of. Reading these two Standing Orders together we cannot but accept the division taken just now as irregular. The votes were wrongly counted, and I ask that it be disallowed, or otherwise that the division be retaken.

The Premier: I contend that all hon. members who are on the floor of the Chamber when the doors are locked must, according to our Standing Orders, be counted in the division. If it should happen that members on the floor of the Chamber were in such a position that they could not be counted by the tellers, and if it be proved they were, I maintain that the division would be invalid. All hon. members seated to the right of the Speaker have always been counted in divisions, and that has been the custom for time immemorial, in this House at any rate.

Mr. Bath: It is only a recent occurrence.

The Premier: If they can be seen by the tellers they can be counted in the division. What I want to ask is, does the hon. member wish to dispute the division which has been taken? Does he wish that division to be annulled?

Mr. Hudson: He asks that it should be retaken.

Mr. Walker: I ask for an alternative. Either disallow those votes, or retake the division in accordance with the Standing Orders.

The Premier: What is the object of retaking the division, when the custom which has been adopted in the Assembly for many years past has been followed?

Mr. Walker: It is a breach of our Standing Orders.

The Premier: The hon. member referred to the *Hansard* reporters. I want to point out that the *Hansard* reporters are not on the floor of the Chamber, they are seated in their own gallery, and if he takes exception to them, he might just as well take exception to the ladies who are seated in the gallery above, or to the strangers who are seated in any of the galleries in this Chamber. It is quite true that officers of Parliament, and distinguished strangers have, on occasions, been permitted to sit on the floor of the Chamber. That has been done by the courtesy of the House, through the Speaker. That is the custom that applies to all Parliaments so far as my experience, at any rate in the Commonwealth of Australia, is concerned.

Mr. Walker: And anyone sitting with them is not counted with them.

The Premier: Strangers must withdraw.

Mr. Walker: No, they need not withdraw.

The Premier: Standing Order 194 says, that previously to any division strangers shall, if ordered, withdraw from the body of the House.

Mr. Scaddan: "If ordered."

The Premier: They are always ordered to withdraw.

Mr. Walker: No.

The Premier: If they remained here they would soon withdraw, but they do not remain.

Mr. Walker: If Sir George Reid wanted to witness a division, do you mean to say you would not let him sit there?

The Premier: If a distinguished visitor were here he would be required to with-

draw during a division, but he certainly would withdraw of his own accord, and if he did not he would be ordered to withdraw by the Speaker or the Chairman, as the case may be. There is no question about it. Standing Order 199 sets out clearly that every member present in the Chamber when the question is put shall be required to remain and vote. Is it not idle to argue that members must come in on the division bells ringing, and must take their seats, and must then pass over to one side or the other when the question is put? That is not done; it has never been done during my fourteen years experience. I would like to remind you, Sir, that this question has been raised before, and the Chairman of Committees has ruled that every member on the floor of the House, no matter where he may sit, must be counted by the tellers.

Mr. Bath: The Premier has pointed out, indeed it is admitted, that the Standing Orders say that hon. members must take their places, and when ordered by the Chairman or Speaker as the case may be, must pass from one side to the other according to the manner they wish to vote, whether for the Ayes or the Noes. But he has neglected to point out that being required to take their places in the first place it would be a very peculiar construction to place on the Standing Order to say that in passing over to the other side they were to be permitted to leave those places allotted to members in the House whether on the one side or the other and take up others. It would be altogether foreign to the interpretation of the Standing Orders, and if we are to be guided by the Standing Orders we must accept them in the literal sense, and not in the easy-going sense the Premier would have. The Premier argues in justification of negligence on this occasion that we have been negligent in the past, and that the Standing Orders have not been observed; but I submit that if at any time a doubt arises, and the point is submitted for the Speaker's decision, the question must inevitably be decided by the Standing Orders notwithstanding any extent to which we have permitted breaches of those Standing Orders in the past. The Premier himself has been one of the most active on many occasions in this House in using to the fullest extent the authority of the Standing Orders in order to enforce decisions where, perhaps, laxity has permitted some departure from the Standing Orders. I have heard the Premier repeatedly use the Standing Orders, and urge them as the authority for certain action being taken, and indeed he has used them to such effect that the ruling has been given in accordance with the Standing Order he has brought forward in favour of his view. As the member for Kanowna points out, it would lead to a very disorderly condition of things if hon. members were permitted to depart from the Standing Orders and vote other than in the places allotted to them in the House; because it would mean that instead of one chair, which it has been the custom to have in that corner of the Chamber for the accommodation of visitors, or for the Speaker, we would have additional chairs placed there until a large number of members might be assembled in that corner, and not in the places allotted to them, and where they should be in carrying out their duties. It has been pointed out that it is not necessary that strangers should withdraw.

The Premier: It is necessary.

Mr. Bath: No; only if they are ordered. The member for Yilgarn has drawn the Premier's attention to one occasion when Sir George Reid occupied a seat in the corner while a division was being taken.

The Premier: Was he counted in the division?

Mr. Bath: No; he was on the floor of the House, and he was not counted, which is the very strongest argument in favour of the contention of the member for Kanowna, clearly showing that it is not regarded as one of the seats of the House. I submit that the Standing Orders ought to be enforced, and the division annulled or else taken again, and that any alternative to that course involving the counting of persons sitting in other than their places in the House should be followed up by the removal of those seats

from the corner, other than the seat which you, as Speaker, may from time to time occupy, and another seat which would be specially reserved for any distinguished visitor who might be brought on to the floor of the House. That would be absolutely essential if the ruling is against the point raised by the member for Kanowna. Then, I submit one of the first facts must be to lay down a rule that hon. members cannot occupy those seats in the corner if they are to be counted in a division, and that these seats must be strictly reserved for distinguished visitors who by the courtesy of the House, through you, are admitted to the floor of the House.

Mr. Jacoby: It is within the province of the House to decide which portion of it shall be considered as within the Chamber and which without, and if members decide that that corner should be counted as without the Chamber it will be necessary to put some railing round it.

Mr. Walker : In almost every other House there is such a railing.

Mr. Jacoby: That is so, but that corner was originally used for the Speaker's chair, and for visitors, such as the President of the Legislative Council, and other distinguished visitors who might visit the House. But, whenever a division was taken, all strangers withdrew. If the Speaker remained in his seat his vote was always counted in the division. I submit that as there has been no enclosure around that corner any member within the locked doors and the Bar must have his vote counted.

Mr. Bolton: What if he is behind the Speaker's Chair?

Mr. Jacoby: I submit that if a member is within the locked doors and behind the Speaker's Chair, if discovered he should be counted. Anyhow, it was the intention of hon. members who sat in the corner in this division to have their votes recorded, and until we rail off a position there we will have an imaginary line dividing a member off from within the Chamber. I was the first Speaker in this Chamber, and I ruled that all members within the locked doors must vote. We have followed that ever since. It is no innovation, and if any alternative is to be made, it is only fair to members that they should be notified of it, and a portion reserved in that corner. If it be reserved, as being without the Chamber, it could be railed off to protect members. Otherwise there would be only an imaginary line dividing a position within the House from a position without. It seems absurd that we should lock the doors on members beyond an imaginary line.

Mr. Bolton: It is not possible to lock the doors behind the Speaker's Chair.

Mr. Jacoby: Whether or not they are as a matter of fact locked, technically they are locked, and the Bar also. Standing Order 194 provides that previous to any division strangers shall, if ordered, withdraw from the House, and it has been the custom to order strangers to withdraw.

Mr. Walker: Never one instance of it.

Mr. Jacoby: What we want to discover is, What is the body of the House? I submit that it is any position within the locked doors.

Mr. Walker: Are those in the Speaker's gallery behind the House?

Mr. Jacoby: They are not within the locked doors. If members consider it desirable that a portion of the Chamber should be ruled off for distinguished visitors there is nothing to prevent this being done; but I submit that if no railing is there members sitting within the locked doors must be counted as voting.

Mr. Draper : The Standing Orders are not clear, but I cannot see anything providing that a member must be seated in one of the seats reserved for members when a division is taken. Standing Order 197 provides that when the doors have been locked and all the members are in their places the Speaker shall put the question before the House and then direct the "Ayes" to take seats to the right of the Chair and the "Noes" to the left, and shall appoint one teller for each party. There we have prescribed what is to be done in taking a division and what has to be done consecutively, and what is, as a matter of fact, always done consecutively. Members voting for the "Ayes" pass to the right, and members voting for the "Noes" pass to the left, Mr. Gordon

is appointed teller for the "Ayes" and Mr. Underwood teller for the "Noes." That takes place every time. If "places" means what is suggested in the House we should have the Government on every division sitting in their places in the House and the Opposition sitting in their places in the House. At least that would be the result of the literal interpretation suggested by the member for Kanowna.

Mr. Walker: No; it is not. Will you allow me an explanation? I do not want to be misrepresented like that.

Mr. Draper: On that really the member for Kanowna founds the whole of his argument, and he says that because "their seats" is used in that Standing Order—

Mr. Walker: Let me explain exactly what I did say so that there will be no loss of time. The doors have been locked and all the members are in their places. That is the first step—they are in the seats usually occupied by them. Then the Speaker puts the question and directs the "Ayes" and the "Noes" to seat themselves to the right or left of the Chair. There can be no false construction on that. As all the Government members will be seated in their Treasury chairs and the Opposition in their Opposition chairs, when the question is put it may be necessary for all of the Government members to walk to the Opposition side and take seats on the Opposition side, and for the Opposition members to walk to the Government side and take seats on the Government side. Those are the directions in the Standing Order, and no misconstruction or perversion of it is possible.

Mr. Draper: The hon. member has just anticipated what I was about to say. He founds his argument on Standing Order 201. When he uses the word "seats" he means the seats reserved for the 50 members, but there is no necessity to put that construction on it. He argues that by Standing Order 197 members should be in their places, and that when "seats" are spoken of it can only mean the places reserved for members. Standing Order 201 says, "members having taken their seats:" but it does not stop there, it says, "members having taken their seats as far as possible every member shall be counted." If every member is to take one of the 50 seats, what is to happen to the poor unfortunate tellers? Are they to unscrew their seats and take them over to the Clerk's table to count the division? This reduces the thing to an absurdity and is simply ignoring the practice of the House, and reading the Standing Orders in a manner in which they were never intended to be read.

Mr. Walker: I like you as an authority on Standing Orders.

Mr. Draper: I do not profess to be a greater authority on them than the member for Kanowna, but I claim equal right with the hon. member of expressing my views on them; and until the hon. member can point out something in black and white specificially contradicting the practice of the House, I submit the ordinary practice should prevail.

Mr. McDowall: The most remarkable thing about this debate is that much seems so absolutely unnecessary. If hon. members on the "Ayes" side of the House on occasions of this kind would take the trouble to at least get to the right of the Speaker there would be no necessity for an argument like this. I do not think we find arguments of this description cropping up so far as those on the Opposition side are concerned. Standing Order 197 reads, "And then the Speaker shall direct the Ayes to take seats to the right of the Chair and the Noes to the left, and shall appoint one teller for each party." I ask anybody with common sense to say whether the rear of the Speaker's Chair is the right of the Chair. It is certainly in that direction, but it is not to the right of the Chair.

Mr. Jacoby: I am not to the right of the Chair on the cross benches.

Mr. McDowall: You are to the right of the Chair as intended by this Standing Order. There is no doubt that this Standing Order is meant to read that members shall take seats, the seats that are set apart for members of the House—and those seats at the rear of the Speaker are not set apart for members of the House.

Mr. George: They are convenient.

Mr. McDowall: They may be convenient, and it is the convenience of them that makes some members of this Assembly so slovenly and so lazy, if I may use the term, as to desire to use them.

Mr. George: They made me vote the other night when I was sitting at the writing table.

Mr. McDowall: And we had the pleasure of seeing the hon. member voting on both sides on the same question. That is evidence of laziness and slovenliness and of not listening to the debate.

Mr. George: I cannot allow the hon. member to charge me with things foreign to my nature; I am not lazy nor slovenly.

Mr. Troy: Is the member for Murray in order in continually rising as he does and making irrelevant speeches? It is nearly time he was rebuked.

Mr. McDowall: I have much pleasure in withdrawing the expression "slovenliness," but I would like to substitute that under the circumstances, considering the hon. member voted on one occasion one way and on another occasion another way on the same subject, it was not slovenliness but want of intelligence.

Mr. George: I must explain my position. At the time referred to I had no idea that a division was in progress, and I was sitting at the writing table. My vote was then claimed.

Mr. Scaddan: Can the hon. member make a personal explanation when another member is addressing the Chair?

Mr. Speaker: Not at that stage.

Mr. McDowall: I regret having been interrupted so frequently, also that the modulation of my voice does not admit of the member for Murray understanding me; but it is curious that whenever I refer in the slightest way to him he seems to understand me thoroughly. It is the member for Murray who brings all these things on himself. He is so thin-skinned and continually rises unnecessarily to points of order. I do not think it would be any advantage to us to have a division, which would be in a sense the same one over again, for the result would be the same; but it might have the effect of causing members who have been in the practice of sitting in the corner coming forward into the House to vote. If the discussion does nothing else it will have the effect of making members obey the Standing Orders, to some extent, or, at all events to comport themselves with a certain amount of dignity and come forward into the centre of the House instead of sitting in the corner and expecting their votes to be counted.

Mr. Speaker: I do not know the case referred to in connection with Sir George Reid: it did not happen in my time, but I know the practice for the last 20 years in this Assembly. Standing Order 199 says—

> Every member present in the House when the question is then put will be required to remain and vote.

There can be no question as to which contention is right or wrong, and I therefore uphold the decision of the Chairman of Committees.

Dissent from Speaker's Ruling.

Mr. Walker: I desire to disagree with your ruling. I do not wish to prolong the discussion now, so I give notice that next Thursday night I will move that this House disagrees with Mr. Speaker's ruling on the point submitted to the Chairman of Committees as follows:—"That the Chairman having ruled that those members sitting behind the Chair in the portion of the House allotted to strangers may be counted in divisions the ruling of the Chair be dissented from."

Mr. Speaker: Standing Order 141 says—

> If any objection is taken to the ruling or decision of the Speaker such objection must be taken at once.

I certainly admit that on one previous occasion the debate on a similar motion was allowed to take place on a subsequent date.

Mr. Walker: I am only doing this for the convenience of the House.

The Premier: Have a division on it now.

Mr. Walker: If that is the way the Premier looks at it, I must proceed at once. I, however, ask the courtesy of the House to allow an adjournment. I do not believe in discussing a matter of this importance, for it is of some importance.

at this hour and without being prepared with my authorities. There are authorities upon this point which I can amass and bring forward. Surely the Government do not want to take a catch division on this point? Every member is as proud of the Assembly and as desirous of preserving its dignity as I am. No member should begrudge a little time being spent in deciding this question. With the indulgence of the House I propose to have the matter debated, not at length, for I do not want to do it at length, on Thursday night, so that I can bring forward my authorities.

The Attorney General: The practice in the British House of Commons is that if a ruling of the Speaker be disagreed with it can only be on a motion taken on a subsequent date. Notice of motion for a subsequent date is given at the time the ruling is disagreed with. Our practice is precisely the opposite, for the objection must be dealt with immediately. Considering that the hon. member only a few minutes ago urged members strictly to abide by the Standing Orders, it is singular that he should ask us now not to abide by our own Standing Orders but to follow the practice of the House of Commons, which I admit is a better one than our own. It is open to any member to have the Standing Orders suspended if the House approves, but I submit that this case is not of sufficient importance to have an adjournment.

Mr. Walker: I have taken the objection and ask permission to have the debate adjourned.

The Attorney General: Standing Order 140 says—

> It shall be competent for any member to take the sense of the House after the Speaker has given his opinion, and in that case any member may address the House upon the question.

Standing Order 104 says—

> If any objection is taken to the ruling or decision of the Speaker such objection must be taken at once.

Take these Standing Orders together and it is perfectly clear that it is provided that the sense of the House must be taken at once, not at a future date. In that respect we depart from the practice of the House of Commons, possibly unfortunately; but I submit that in the present instance the point raised by the hon. member is not of such importance that it is necessary for an adjournment in order to determine the question; it can be settled immediately and by the vote of members.

Mr. Hudson: It seems to me that the Standing Orders are not to be taken too literally according to the ruling you have given. You have departed from the strict practice of having this discussion settled at once and I submit that the request of the hon. member is not an unreasonable one, and following the precedent you have set that the debate should be allowed to be resumed at some subsequent date——

Mr. Speaker: That has been done on only one occasion. There is no doubt about the Standing Orders speaking for themselves.

Mr. Walker: I believe I was the very one who drew attention to the fact as opposing then your ruling.

Mr. Gordon: It has been done dozens of times before.

Mr. Walker: I am not asking the hon. member to help me; there are no brains that he can supply to help me. I am quite aware that there is a Standing Order, that immediately one disagrees with your ruling objection is to be taken at once. There is no Standing Order which says, that the House cannot adjourn a debate or defer it to another date. The Attorney General cannot show me any. I am obliged to draw attention to the wonderful difference in the application of the Standing Orders. If an hon. member on the other side of the House refers to the Standing Orders then the custom of the House, the previous practises, and the habits we are growing into, anything can be allowed to annul the Standing Orders, but the moment anyone on this side of the House wishes a literal interpretation of a Standing Order, then the other side says, "No, a pound of flesh," or "they must be literally adhered to" or "you shall not be permitted to proceed." I want to state my reasons for disagreeing with your ruling. You have a recollection that repeatedly you have had behind you, on your right, in what may be

called the rear of the Chamber, distinguished visitors. You have allowed them to sit there, and you must admit that that is a portion of the House allotted to strangers; that being so you cannot call it the place for members. It is not a place for members, therefore, people sitting upon that side of the Chamber, and behind the Chair, cannot by any strictness of interpretation at all be said to be on the floor of the House, or to the right of the Speaker. Suppose I wanted to witness a division, suppose I had paired, or was not in a position to vote; or, I will go further and say, I did not want to vote, where could I go? You would not expect me to go into the strangers' gallery, or into the reporters' box. You would allow me some portion of this Chamber where I could sit, and where my vote would not be counted, and that portion of the House is the portion behind you. I submit that I could sit there with a stranger during the progress of a division, and I could be free from being counted, and though a member of the House I should not be literally there for voting purposes. That dais upon which you sit is the measure and commencement of this Chamber; behind that dais is not this Chamber. I wish to draw your recollection that Sir George Reid was in this Chamber not very many months ago, and some little time before he was appointed High Commissioner; he paid a visit to this State, and he did us the honour to visit this Chamber, and he sat where hon. members were sitting to-night, and if I mistake not, you were in the Chair.

Mr. Speaker: It never happened in my time.

Mr. Walker: It was in your time, but you may not have been in the Chair. Sir George Reid sat and witnessed a division. I have been in Melbourne pretty well in the same position. I admit that in Melbourne there is a bar level with the Speaker's dais. In Adelaide I was not a member of Parliament, but I was with members who did not want their votes counted, and our position was analagous to the position occupied by members to-night. I have repeatedly sat with distinguished visitors in New South Wales during the progress of a division, and I have seen in Queensland, New South Wales, Victoria, and in South Australia the state of affairs that I am just describing; that is, members, who were not voting, and strangers sitting together behind the Speaker's Chair while a vote was being taken, a portion of the House, and the only portion of the House we have analogous to it. It is used for that purpose; it it always used for strangers when their distinction warrants you giving them that honourable position. How can we get behind that? Your argument is that you have always done it. I have known many things that time has altered. I know that there is no Assembly in Australia which has been so loose in its conduct of business as this Assembly. We have neglected our Standing Orders repeatedly but we can always find some one on the other side of the House who knows little about them to get up and defend an absolute breach of the Standing Orders. My object in disagreeing from your ruling is to have this matter corrected. You have drawn our attention to one Standing Order upon which you rely, and which, I submit, does not help you very considerably. That is all you have to rely upon, but it does not help us. It says, "Every member present in the Chamber when the question is then put will be required to vote." How does that help us? If you are going to say that that is part of the Chamber, I say that if I happen to get into the reporters' gallery you will have to count my vote, because literally the same roof would cover me, but for voting purposes I would not be in the Chamber. Everyone to the right and left of you must remain to vote. The first necessity is that when the division bell rings, and after the doors are locked, all members shall be in their places. Now, no straining can alter the meaning of thise words; you cannot get over their meaning. Every member of the House being present in the Chamber must occupy the seat that is known as his seat.

The Minister for Mines: But we had to vote with the Noes on the other side.

Mr. Walker: Yes; but this is the first step that has to be taken. This is before the real division takes place; this is the preparatory step to the division. When the doors have been locked, and all the members are in their places, this is the first thing to be done. We have all to get in our places—and I am not going to allow anyone to escape from that, because it is the first step essential to the ordinary conduct of the division. Now, when they are all in their places, the Speaker shall put the question before the House and then direct the Ayes to take seats to the right of the Chair.

Mr. Jacoby: It does not say "right front"; it says "right."

Mr. Walker: But it alludes to the seats of the House; those are not seats of the House. What is the good of quibbling? Talk about wasting the time of the House! Who does it? Those who quibble on the plain meaning of English words. The hon. member surely is not blind enough not to know the meaning of words. Are those seats in the Speaker's gallery to the right of the Speaker, or those in the strangers' gallery to his right? Suppose hon. members wanted to speak from those corner seats—would they be allowed?

Mr. Jacoby: I can vote from your chair, although I cannot speak from it.

Mr. Walker: There is the difference. If the hon. member is anxious to learn; if he is not so puffed up with self-conceit that he cannot be taught, I will draw his attention——

Mr. Jacoby: Do not be insulting.

Mr. Walker: Do not be insulting to me. If any member is courteous to me he will find no member more courteous than I am.

Mr. Jacoby: You are very easily insulted.

Mr. Walker: I am. I want to draw attention to the difference between the qualifications, in the first expression "take their places" and in the other "take seats." In the first instance all the members are to be in their places, in their particular seats, and in the second instance they move across the Chamber and take any seats that are the seats of members in the Chamber. Nothing could be plainer, and more distinct—to the right, and to the left of the Speaker. Then, every member present in the House when the question is put will be required to remain and vote. That is to say, he cannot change his seat, he cannot leave the Chamber, he cannot cross the floor; he must remain in the seat to which he has gone and vote. That is the meaning of it. And then, members having taken seats—it does not say in this instance their particular seats—but having taken seats, having reached the other side and sat down, every member shall then be counted. There could be no possible misunderstanding of those words if it were not to defend a mistake that we have been committing time after time. The plainest understanding in this Assembly would read those words as I read them if there were not an ulterior purpose.

The Premier: What is the ulterior purpose?

Mr. Walker: To protect the mistakes and continue to protect the mistakes that have been made.

Mr. Jacoby: And will be made again.

Mr. Walker: But should not be. The hon. member has been Speaker in the House; yet he keeps up a running fire of interjections, and sneering comments. He has been Speaker, and should be the first to set an example in the observance of the Standing Orders, instead of which, if attention is drawn to a breach of the Standing Orders from this side, he defends the breach. Now, Mr. Speaker, it is possible you will be exonerated by a vote of this Chamber; but that will not make the error committed in the recent division correct. It will not make a habit into which we are drifting correct; it will not heal the violation of the Standing Orders which we have committed. I am certainly doing my duty, and trying to observe the Standing Orders. If we are not to observe them, let us get rid of them, and have a go-as-you-please, a free-and-easy in this Assembly. If we are to preserve the Standing Orders let us respect them. I have known the time when, if it had been a question of rules and

orders of the House, all party differences would immediately have been sunk, and for the purpose of upholding the dignity and the rules and procedure every member would have voted for the observance of those Standing Orders. I have seen those times in other places, and I am surprised to know that Standing Orders are to be swayed up and down according to the party which moves the Standing Orders, or draws attention to a breach.

Mr. Speaker: I must take exception to the hon. member's remarks when he says "according to the side from which it is moved."

Mr. Walker: I am not alluding to you, Sir, and if you take it to yourself I apologise. My intention is to allude to those hon. members who, whenever from this side attention is drawn to a breach of the Standing Orders, stand up in their places and defend that breach. That is notorious. I am alluding to them, and I condemn them with all the vehemence of which I am capable. We should not have the number of scenes in this Chamber if it were not for the fact that those who sit on this side cannot even be allowed the privilege of protecting their own Standing Orders. I move—

That the House dissents from Mr. Speaker's ruling.

The Premier: It is unnecessary to follow the hon. member through his argument in connection with this matter, because it is the second time he has placed his views before the House. Of course I must recognise, as he has put it so clearly, that all the intelligence in connection with the rules of debate of Parliament rests with the hon. members on that side of the House. The hon. member has said if somebody gets up on this side of the House without any knowledge of the subject, and proposes to interpret the Standing Orders—Well I think at least he might be courteous enough to grant the right to hon. members even on the Government side of the House to have some commonsense, and at any rate to have the right to put their own interpretation upon the Standing Orders which he himself seeks to interpret. The member for Kanowna wishes to convince us that Mr. Speaker's ruling is wrong because he has brought himself to think that is so, and he argues that because a meber has been in the habit of sitting to the right of the Chair, somewhat very slightly to the rear, then that member is absolutely behind the Chair, and cannot be in a place that can be characterised as a portion of the Chamber. I want to emphasise what the member for Swan (Mr. Jacoby) by way of interjection said—that if members sitting in the corner to the right of the Chair are to the rear of the Chair then most of the members on the Government side of the House are to the right-front of the Chair.

Mr. McDowall: They are supposed to be to the front.

The Premier: There is nothing in the Standing Orders to say they must be to the front of the Chair. The Standing Order says "to the right or to the left." I am not to the right of the Chair, but I have the right to vote and speak in my place here.

Mr. Bath: Could you speak from behind the screen?

The Premier: Decidedly not, and the hon. member could not speak from my chair. He can sit and vote in my chair or in any chair in the Chamber, but he cannot speak from any chair in the Chamber but his own.

Mr. Hudson: If a member is seated behind the Speaker he cannot draw attention to any irregularity.

The Premier: When a division is in progress he can draw attention to an irregularity from any position in the Chamber. The member for Kanowna bases his argument and asks us to dissent from the ruling on the fact that strangers have been allowed on various occasions by the courtesy of the House and Speaker to sit in the chairs in the corner of the Chamber; but the hon. member knows the argument will not hold water for a moment. He asks what he would do as a member if he desired to witness a division without taking part in it; would he clamber into the Press gallery or into the *Hansard* gallery. The obvious answer to that is that he would go behind the Bar of the House where there is plenty of

room for any member who wishes to witness a division and not take part in it. The hon. member makes the mistake that because he thinks a thing is right it is right and he lays down the rule that it is right. Surely there must be discretion in the matter? If he says he cannot do a thing and another member says he can he must have the opportunity of trying it, but if the hon. member sits on a chair in the corner referred to and tries to witness a division he knows his vote will be counted in accordance with the custom of the House from time immemorial.

Mr. Walker: I will pair some night and prove it.

The Premier: That, of course, will be the proper way to test it. I submit that when we propose to depart from what has been the established custom in this Chamber it would be much fairer to the House if we tabled a motion and discussed it and decided whether we should alter the procedure or not, rather than springing it on a question of this sort.

Mr. Walker: I did not want to spring it.

The Premier: We have been taking divisions in this way and counting these votes for years.

Mr. Walker: I got so disgusted I had to do it sometime.

The Premier: We have already had two rulings on it, a Speaker's, a Chairman's, and again to-night Mr. Speaker's —always in the direction that no matter which portion of the floor a member occupies, whether to the right or the left of the Chair, he must be counted in the division. If the hon. member wants to alter that and make some fresh arrangement and make a portion of the Chamber outside the doors of the Chamber as it were, then I submit——

Mr. Walker: He is in the gangway.

The Premier: Members can stand in the gangway.

Mr. Bath: The Standing Order is against it.

The Premier: The Standing Order says, "Members having taken seats as far as possible;" and in nine cases out of ten when we are taking divisions members are standing in the gangways.

Mr. Bath: You are bumping up against the Standing Orders.

The Premier: I am not. At any rate if members want to alter the established custom of the Chamber the proper course is to table a motion in that direction.

Mr. Bath: You cannot table a motion to upset a Standing Order.

The Premier: The hon. member can table a direction to the Standing Orders Committee to alter the Standing Orders, or he can table a motion that in future the corner of the Chamber shall be railed off and shall not count in divisions.

Mr. Bath: We do not want to alter the Standing Orders; we want them obeyed.

The Premier I maintain we are now absolutely obeying the Standing Orders. The Order says, "Members having taken seats as far as possible every member shall then be counted." A seat is a seat wherever it is, and if a member takes a seat on the floor of the House whether it be in the corner or in the rows——

Mr. Scaddan: It does not say anything about the floor of the House.

The Premier: What is the hon. member talking about? The doors have to be locked and the members have to be on the floor of the House. They have to be inside. They cannot be in their own seats. However, I maintain it is only wasting valuable time discussing a question when members are fully conversant with the Standing Orders and the custom of the House. I hope it will be found that a majority of the members are supporting Mr. Speaker in his ruling on this occasion.

Mr. Scaddan: The hon. member is somewhat stretching the Standing Order which states definitely that a member must take a seat if one is available. Surely the hon. member cannot claim that when the last division was taken seats were not available.

The Premier: They were in seats.

Mr. Scaddan: I am speaking of the seats provided under the Standing Orders. The only seats provided for members are those from which members can speak. There is nothing in the Standing Orders dealing with the seats occupied by the clerks. There is no reference to the seats

occupied on the floor of the House by messengers or by visitors.

The Premier: If a member were sitting on a messenger's chair during a division, his vote would be taken.

Mr. Scaddan: Such practices should cease. Standing Order 64 states—

> Every member of the House, when he comes into the House, shall take his place and shall not stand in any of the passages or gangways.

The Clerk who has to keep the daily record of members attending would not enter the name of a member who did not take one of the proper seats.

Mr. Jacoby: A member must not interject, but that is frequently done.

Mr. Scaddan: Then the member disobeys the Standing Orders.

The Premier: The hon. member has stood in the gangway.

Mr. Scaddan: And on more than one occasion I have been told it is disorderly to stand in the gangways. Every time the word "seats" is mentioned in the Standing Orders reference is made to those provided for members and not those set apart for strangers. The ruling is not in accordance with the Standing Orders. Apparently some members imagine that had the ruling been different a certain number of votes would have been lost to the Ministerial side on the division but that is not so. Standing Order 203 states—

> In case of confusion or error concerning the numbers reported, unless the same can be otherwise corrected the House shall proceed to another division.

Therefore the result of the division would not have been altered, but we should have got away from the practice of members sitting anywhere and getting their votes recorded. How would the tellers know on which side a man who was standing behind the Speaker's dais intended to vote?

The Premier: There is an attendant to see that members do not stand there.

Mr. Scaddan: The attendant is there to see that the door is locked and that no member enters or leaves the Chamber during the division.

Mr. Jacoby: What if the member sits at the writing table?

Mr. Scaddan: He should take the seat provided for him. That is ordered so as to assist tellers to count the numbers. In the House of Commons the procedure is different, for members go into the lobbies.

Question (Dissent) put and negatived.

Committee Resumed.

The ATTORNEY GENERAL moved a further amendment—

> *That Paragraph (a.) of Subclause 4 be struck out.*

What was needed was provided by an amendment to the subsequent clause.

Amendment passed; the clause as amended agreed to.

Clause 79—Effect of carrying resolutions:

On motion by ATTORNEY GENERAL the second proviso was struck out and the following inserted:—"Provided also that if on the question 'Do you vote that all new publicans' general licenses in the district shall be held by the State?' a majority in number of the votes given is in the affirmative, no new publican's general license shall be granted pursuant to such resolution except under the provisions of Part VI. of this Act"; also the following proviso was inserted after Paragraph (e.):—"Provided that if on the question 'Do you vote that all new publicans' general licenses in the district shall be held by the State?' a majority in number of the votes given is in the affirmative, no new publican's general license shall be granted pursuant to such resolution except under the provisions of Part VI. of this Act"; also Subclause (2) was amended by striking out "question," and inserting "questions—'Do you vote that all new publicans' general licenses in the district shall be held by the State?' and."

Clause as amended agreed to.

Clause 110—Licensed Premises not to be open before or after certain hours:

Mr. FOULKES moved an amendment:

> *That in line 7 the words "half-past" be struck out.*

The object was to bring about the closing of hotels at 11 o'clock instead of at 11.30. The hour of 11 o'clock was late enough. It would be interesting to know why the Minister extended the time to 11.30. The closing time 11 o'clock had been the law of the country for forty or fifty years.

The ATTORNEY GENERAL: Under the existing law power was given the resident magistrate to allow hotels to remain open beyond the closing hour and for a long time the hotels in Perth remained open until midnight. The hour proposed in the clause was reasonable. It was the closing time in Victoria.

Mr. ANGWIN: The amendment would receive his support. One would have thought that the Attorney General would have given it support, especially in view of the letter written by the Chief Justice on the subject of crime and the sale of intoxicating liquor at late hours. He regretted the amendment had not been made earlier. Even at this late hour he would support it.

12 o'clock, midnight.

Amendment put and a division called for.

Mr. Walker: Certain members were standing behind the screen. He would ask that their votes be counted.

Mr. Hudson: They were in the Chamber and must vote. That was the ruling.

The Chairman: If the members referred to were within the precincts of the Chamber they would have to take their places where they could be seen.

Mr. Bath: Under the ruling of the Speaker they would have to be counted where they were if they chose to remain.

The Premier: The Chairman should order them to take their seats.

The Chairman: It was impossible for one to see any persons behind the screen. If there were any members standing hidden, but within the precincts of the Chamber, it was necessary that they should take seats on the right or on the left.

[The members referred to took seats upon the left of the Chairman.]

Mr. George: A pretty joke—worthy of their intelligence.

Mr. Price: With others he had been in the precincts of the Chamber and had taken up a position exactly the same as other hon. members had done a few minutes earlier, only to the left instead of to the right.

The Chairman: Order!

Division resulted as follows:—

Ayes	18
Noes	22
Majority against ..	4

AYES.

Mr. Angwin	Mr. O'Loghlen
Mr. Bath	Mr. Price
Mr. Bolton	Mr. Scaddan
Mr. Collier	Mr. Troy
Mr. Foulkes	Mr. Walker
Mr. Gill	Mr. Ware
Mr. Gourley	Mr. A. A. Wilson
Mr. Hudson	Mr. Heitmann
Mr. Jacoby	*(Teller).*
Mr. McDowall	

NOES.

Mr. Brown	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Daglish	Mr. S. F. Moore
Mr. Davies	Mr. Murphy
Mr. Draper	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gregory	Mr. Piesse
Mr. Hardwick	Mr. Underwood
Mr. Harper	Mr. F. Wilson
Mr. Horan	Mr. Gordon
Mr. Keenan	*(Teller).*
Mr. Male	

Amendment thus negatived.

Clause put and passed.

Mr. Angwin: What about Clause 149?

The ATTORNEY GENERAL: In the hurry some difficulty had been experienced in getting the amendments ready for the Notice Paper, and the drafting of the amendments to Clause 149 did not carry out his intention; consequently he did not propose to go on with that clause at the present juncture.

Mr. SCADDAN: The Bill had been recommitted for the specific purpose of considering the amendments on the Notice Paper, notwithstanding which the Minister was attempting to pass one by.

The CHAIRMAN: The Minister in charge of the Notice Paper had no desire to proceed with the amendments to Clause 149.

Mr. SCADDAN: Then another would do so. He moved—

That all words between "any," in line 1, and "may," in line 4, be struck out, and "police officer" inserted in lieu.

The effect would be to do away with the necessity for a constable to secure the authority of a superior officer to enter upon licensed premises. Earlier in the evening the Attorney General had told him it was intended to effect the amendment as he (the Minister) had come to realise the desirability of doing away with the special authority limitation.

The ATTORNEY GENERAL: It was his intention to have the amendment inserted in proper form when the Bill was in another place. He desired that a police officer should have power to enter upon licensed premises if that officer had reason to believe the law was being broken on those premises. But if the amendment, as it appeared on the Notice Paper, were carried the clause would require further amendment, because it would be more stringent than was expedient. He had refused to entertain the proposed amendment at an earlier stage partly because he had felt he could not do so in view of the charges then made against the superior officers of the police force. On that occasion more than one member had stated that the superior officers of the police were in the habit of refusing permission to constables to enter into public houses because those officers desired to screen licensed victuallers. If he had there and then agreed to the amendment it would naturally have been supposed that by his acceptance he endorsed those statements. Then there had been the further difficulty that whatever his own views in regard to the clause he was loth to alter it without first consulting the police authorities. For something like 30 years it had been necessary for a constable to obtain the authority of two justices of the peace to enter into a public house; but when the clause was under discussion by the Committee on a previous occasion that provision was modified to the extent of rendering it necessary for a constable to secure the authority only of his superior officer. On looking further into the question, and the Commissioner of Police having, when asked with reference to allowing a police officer to act on his own responsibility, stated unhesitatingly that he strongly favoured his officers being allowed to act without previously obtaining permission from superior officers, he (the Attorney General) proposed to amend the clause in the Legislative Council to make it correspond to the provisions of the Licensing Act recently passed in England. These gave power to the police officer to enter a public house at any time, provided the officer had reason to believe that the law was being violated. Therefore the amendment need not be proceeded with, except, perhaps, to carry the principle. It would be necessary to redraft the clause at a later stage.

Mr. BATH: The Police Offences Act gave power to police officers to go on licensed premises without permission being obtained from superior officers or justices.

The Attorney General: Under certain circumstances.

Mr. BATH: There was conflict. To which Act should we look for guidance.

Mr. ANGWIN: Would the police be permitted to enter clubs?

The Attorney General: Under certain conditions.

Mr. ANGWIN: It was no wonder the Commissioner readily agreed to the request of the Minister, because there would be no interference with the privacy of the places the Ministers generally visited. The amendment could be accepted, because no police officer would go on licensed premises unless he had reason to believe something was being done in violation of the Act.

Mr. KEENAN: There was no difficulty in drafting a clause to meet the views enunciated by the Attorney General.

The Attorney General: There is no difficulty, but, unfortunately, I have not my draft here.

Mr. Scaddan: The Attorney General wants to get out of the draught.

Mr. KEENAN: The youngest member in the Committee could draft a clause to make it perfectly clear that a police officer could enter on licensed premises without having to seek the authority of a superior officer if he had reason to think some offence was being committed. Sub-

clause 4 could be struck out in its entirety as it dealt with getting authority from the superior officer, and we sought to abolish the getting of that authority. It was another thing, however, whether it was advisable to give this general power to every constable. Irritating conduct on the part of some junior constable might embarrass those with licensed premises. He (Mr. Keenan) was not inclined to give the general authority to every constable however junior or inexperienced. We might limit it to constables with so many years' service.

Mr. SCADDAN: A constable has certain lines of duty and conduct laid down. If a constable was too young and inexperienced then he should not be in the street doing duty. The Crown Law Department, when an industrial dispute was on in Perth, had men out in the street not even numbered. Constables would not be permitted to enter licensed premises simply to menace licensees. The superior officer would not allow it to continue. If the suggestion of the member for Kalgoorlie were carried into effect a constable who had reason to believe there was a serious crime being committed would be debarred from going upon licensed premises as the law would not permit him to do it, because we thought him too inexperienced. On the same ground, we should not permit a constable in the streets to take any notice of something he saw, because he might make a mistake. The fact was, constables were out doing duty, and we should trust them with the power to enter premises. It was not only to deal with offences against the Licensing Act; there might be offences against any Act. There was no danger.

The Attorney General: I am not opposing it; if you wish to carry it to affirm a principle, do so.

Mr. Scaddan: There was no reason why licensed premises should not be open for examination by a constable.

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

New clause—Disqualification (Licensing Courts):

The ATTORNEY GENERAL moved—

That the following be added to stand as Clause 10:—(1) Any person who—(a) Is a female; or (b) Has been convicted and is under sentence of imprisonment for any offence punishable under any law in force in this State; or (c) Is an undischarged bankrupt; or (d) Is of unsound mind; or (e) Is interested beneficially in the manufacture or sale of liquor, or in any premises licensed or proposed to be licensed under this Act, or who holds any license whatsoever within the meaning of this Act, or is beneficially interested in any trade or calling exercised under any such license, shall be incapable of becoming or continuing a member of a Licensing Court: Provided that no person shall be disqualified by reason only of—(i.) his having vested in him, as trustee, mortgagee, or otherwise, a legal interest only in any premises, or the profits thereof; or (ii.) his being a shareholder in an incorporated company holding or intending to hold by its agent a license under this Act. (2) No person shall act as a member of a Licensing Court knowing himself to be disqualified under this section. Penalty: One hundred pounds.

The clause dealt with the election of the licensing courts and the disqualifications.

Mr. Scaddan: Why disqualify females?

The ATTORNEY GENERAL: In this country ladies were not allowed to sit on the magisterial bench nor in this House, nor in municipal councils or roads boards.

Mr. Scaddan: Well they should be.

The ATTORNEY GENERAL: That was a matter of opinion. The provisions were taken from the New Zealand Act. As the Committee had decided that two of the three seats on the court should be occupied by elected members a wider choice could be left to the electors than would have been the case had there been nominee boards.

Mr. SCADDAN moved an amendment—

That paragraph (a) of Subclause 1 be struck out.

The time had arrived for us to get away

from some of the old prejudices. There was no reason why females should not be allowed to sit in Parliament, if the electors thought fit, or on the licensing bench. They could exercise judgment on questions submitted to the licensing bench equally as well as men.

The ATTORNEY GENERAL: If a departure were to be made to allow ladies to sit on deliberative assemblies, let a beginning be made with this Chamber. Under the existing law they could not sit in Parliament, municipal councils or roads boards. There was no reason for the innovation at present.

Mr. Scaddan: Good reasons.

The ATTORNEY GENERAL: Stronger reasons than those submitted by the hon. member were necessary before he could support the innovation.

Mr. ANGWIN: It might be beneficial if some females were in Parliament. Because it had not been allowed in the past there was no reason why a start should not now be made. If there was one female on each licensing bench matters would probably be dealt with much more effectively. The time had arrived when we should realise that females were recognised citizens of the State. If they were fit to be entrusted with a vote they were competent to sit on the licensing bench. It was to be hoped that the Committee would agree to make the innovation.

Mr. GOURLEY moved—

That progress be reported.

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

Ayes	.. .. ..	19
Noes	.. .. ..	21
Majority against	..	2

AYES.

Mr. Angwin	Mr. O'Loghlen
Mr. Bath	Mr. Price
Mr. Bolton	Mr. Scaddan
Mr. Collier	Mr. Troy
Mr. Gill	Mr. Underwood
Mr. Gourley	Mr. Walker
Mr. Horan	Mr. Ware
Mr. Hudson	Mr. A. A. Wilson
Mr. Keenan	Mr. Heitmann
Mr. McDowall	(*Teller*).

NOES.

Mr. Brown	Mr. Male
Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Daglish	Mr. S. F. Moore
Mr. Davies	Mr. Murphy
Mr. Draper	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gregory	Mr. Plesse
Mr. Hardwick	Mr. F. Wilson
Mr. Harper	Mr. Gordon
Mr. Jacoby	(*Teller*).

Motion thus negatived.

Mr. ANGWIN: The Attorney General should give the Committee some reasons for opposing the amendment. Women had been given the franchise and the right to sit in the Federal Parliament and surely they were fit to occupy a seat on the licensing bench.

Amendment (Mr. Scaddan's) put, and a division taken with the folowing result:—

Ayes	.. .. ..	13
Noes	.. .. ..	27
Majority against	..	14

AYES.

Mr. Angwin	Mr. Scaddan
Mr. Bath	Mr. Troy
Mr. Bolton	Mr. Walker
Mr. Collier	Mr. Ware
Mr. Gill	Mr. A. A. Wilson
Mr. Hudson	Mr. Heitmann
Mr. O'Loghlen	(*Teller*).

NOES.

Mr. Brown	Mr. McDowall
Mr. Carson	Mr. Male
Mr. Cowcher	Mr. Mitchell
Mr. Daglish	Mr. Monger
Mr. Davies	Mr. S. F. Moore
Mr. Draper	Mr. Murphy
Mr. George	Mr. Nanson
Mr. Gourley	Mr. Osborn
Mr. Gregory	Mr. Plesse
Mr. Hardwick	Mr. Price
Mr. Harper	Mr. Underwood
Mr. Horan	Mr. F. Wilson
Mr. Jacoby	Mr. Gordon
Mr. Keenan	(*Teller*).

Amendment thus negatived.

1 o'clock a.m.

Mr. BATH: It was his intention to move to strike out all the words after "female" down to the end of subclause (e), the desire being to have the words proposed to be struck out included in a

new clause. It was discreditable to women to be bracketed with criminals and lunatics. Women found places on boards of guardians, educational boards, county councils, and other public institutions in England, where they had been recognised as being amongst the best members of those bodies; but in this Bill they were classed with criminals and people of unsound mind as being unfit to occupy seats on the bench.

The CHAIRMAN: The amendment to strike out the words could be accepted, but not an amendment to insert others. The Committee had been appointed specifically to deal with the amendments on the Notice Paper, together with those added by the member for Claremont, which had been disposed of, leaving only certain of those on the Notice Paper still remaining for consideration.

Mr. BATH: That ruling applied only where the notice of recommittal was given on the third reading, and not on the Committee's report. Any member could offer an amendment on recommittal on the Committee's report. Even if the ruling held good there was nothing to prevent the words in the amendment printed on the Notice Paper being struck out and included in a new clause.

The CHAIRMAN: The Bill had been recommitted for the specific purpose of considering the amendments on the Notice Paper, to which were subsequently added amendments moved by the member for Claremont. These had been disposed of, and we were still considering certain of the amendments on the Notice Paper. That was his ruling. If the hon. member desired, he could move to dissent from the ruling.

Mr. Hudson: The whole Bill is recommitted.

The CHAIRMAN: No. He was only guided by the House, which had authorised the Committee to deal with specific amendments on the Notice Paper, together with those moved by the member for Claremont.

Mr. BATH: Surely an hon. member was at liberty to point out his desires without going to the extremity of moving to dissent from the Chairman's ruling. He submitted that his proposed amendment was not foreign to the motion of the Attorney General, and that it contained no new matter. All he asked was that instead of all the words being in one clause they should be divided into two clauses.

The CHAIRMAN: If the words were struck out they could not be reinserted.

Mr. WALKER: Would he be in order in moving to insert numerals, with the view of dividing the clause into two by that method?

Mr. KEENAN moved a further amendment—

That after the word "or," in Paragraph (a.), the words "clergyman or minister of religion or" be inserted.

There were many reasons why we should disqualify clergymen if we disqualified any persons at all. Clergymen held strong views on the drink question, and he did not think it was advisable that they should have places on the bench.

Mr. GILL: Had not the Chairman, a few moments earlier, ruled that the member for Brown Hill could not move to add anything except what was on the Notice Paper?

The CHAIRMAN: An amendment to add words could be accepted. It was not altering the proposed clause.

Mr. SCADDAN: A clergyman was just as much a citizen as any person. We found fanatics among ordinary citizens just as much as among clergymen. The point was, we should allow the people to select clergymen if they so desired. The Committee should be sensible and not debar a man from election because the man might hold strong views. The people were the best fitted to judge as to whether a clergyman should be elected or not.

Point of Order.

Mr. Bath: I submit my amendment is in order and refer you, Mr. Chairman, to Standing Orders 295 and 298.

The Chairman: If there is anything out of order I take it that the House has given the Committee power to recommit this Bill and to consider certain questions, and so far as I am concerned I can only deal with the questions the House gave the Committee power to deal with. The House knew that what was on

the Notice Paper was to be dealt with and gave the Committee power to deal with what was on the Notice Paper and also with what the member for Claremont desired to be amended. The House having decided on that line I can only carry out the wishes of the House.

Mr. Bath: The point is that, if procedure out of order has been taken, it vitiates the proceedings. We cannot condone what has been absolutely out of order in giving a limitation on the recommital. Standing Order 295 provides that a motion for recommittal must be on the whole Bill on the motion for the adoption of the Committee's report on the Bill.

The Chairman: The Committee cannot review the order of the House. I am of opinioin that the procedure adopted is not out of order.

Mr. Collier: Do I understand that you have not ruled that the procedure suggested by the member for Kanowna is out of order; that is, to insert certain words?

The Chairman: I was dealing with that when the member for Kalgoorlie moved his amendment.

Mr. Collier: The point of order arose prior to that. If we can obtain our end then we can settle the point of order. All we desire is that there shall be a separate clause.

The Chairman: That is not before the Chair. I have pointed out that the House gave power to the Committee to deal with certain questions in connection with this Bill, and in dealing with the matter on the Notice Paper we are proceeding perfectly in order in accordance with the order of the House.

Mr. Heitmann: Suppose the House is out of order.

The Chairman: The Committee would not be in order in reviewing whether the House was in order or out of order. I am accepting the amendment moved by the member for Kalgoorlie because it is adding words which I think are not out of order and which have some relevancy to the clause.

Resumed.

Mr. ANGWIN: There was no justification for inserting the word "clergyman." The licensing court would be elected, and we could trust the people to say who should represent them on the court. However, it seemed a dangerous practice to recommit a Bill so that new clauses could be put in, and members have no right to amend them, the actual words proposed being pushed down the throats of members.

Amendment (Mr. Keenan's) put and negatived.

Mr. WALKER: If the word "or" at the end of Paragraph (a) were struck out other words added and the new clause concluded, with the remainder of the clause to be inserted as Clause 11 the case would be met. He would like to move to that effect.

The CHAIRMAN: If such an amendment were accepted the clauses would not be in proper order. It would be easy to draft the clauses so that they would fit in, but it could not be done as the hon. member suggested.

Mr. HUDSON moved a further amendment—

That in Paragraph (a.) the word "or" be struck out and "shall be incapable of becoming or continuing a member of a licensing court" be added to the paragraph.

Upon that amendment being passed another clause could be inserted as Clause 11, containing the remaining words proposed by the Attorney General to be inserted as Clause 10.

The ATTORNEY GENERAL: Surely an amendment of that kind verged on the absurd. Members were asked to pass two clauses where one would suffice, the sole reason being that under the clause as it stood women were bracketed with persons who had been convicted and imprisoned, undischarged bankrupts, and persons of unsound mind. The objection was purely a sentimental one and feeble to a degree. The Committee would make themselves a laughing stock if the clause were adopted as suggested.

The CHAIRMAN: The amendment could not be accepted. The member for Ivanhoe had moved to strike out Paragraph (a.) but that was defeated; then the member for Kalgoorlie had moved to strike out the word "or" with the view of inserting other words. That had been

defeated, so the amendment was not in order.

Mr. HUDSON moved a further amendment—

That the following words be added to Paragraph (a.):—"is disqualified as provided in the next following section."

Amendment put and negatived.

Mr. BATH moved a further amendment—

That in paragraph (ii.) of the proviso the words "his being a shareholder in an incorporated company" be struck out.

Such persons were as vitally interested as those disqualified under Paragraph (e.) If they were shareholders they were directly beneficially interested in the traffic and should therefore be disqualified from membership of the licensing court.

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

Ayes	17
Noes	20
Majority against	3

AYES.

Mr. Angwin	Mr. O'Loghlen
Mr. Bath	Mr. Price
Mr. Bolton	Mr. Scaddan
Mr. Collier	Mr. Troy
Mr. Gill	Mr. Walker
Mr. Gourley	Mr. Ware
Mr. Heitmann	Mr. A. A. Wilson
Mr. Horan	Mr. Hudson (*Teller*).
Mr. McDowall	

NOES.

Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Daglish	Mr. S. F. Moore
Mr. Davies	Mr. Murphy
Mr. Draper	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gregory	Mr. Piesse
Mr. Hardwick	Mr. Frank Wilson
Mr. Harper	Mr. Gordon (*Teller*).
Mr. Jacoby	
Mr. Male	

Amendment thus negatived.

The ATTORNEY GENERAL moved a further amendment—

That in line 2 after "company" the words "interested in the manufacture of liquor or" be inserted.

Amendment passed; the clause as amended agreed to.

New clauses:

On motions by the ATTORNEY GENERAL the following new clauses were added:—

Date of elections, how fixed.—11. (1.) The first election of members to serve on licensing courts shall be held in every district on such day as the Governor may appoint for each district. (2.) An election shall be held in every district in the month of April in every third year thereafter, on such day as the Governor may appoint for each district.

Duration of office—12. (1.) Every elective member of a licensing court—(a.) shall come into office on his election, and shall hold office for three years and (b.) shall, notwithstanding his term of office has expired, continue to act until his successor is elected. (2.) Any elective member of a licensing court retiring at the end of his term of office may be re-elected.

Mode of conducting elections. See N.Z. 1893, No. 34, s. 7 (3)—13. For the purposes of this Part, the Electoral Act, 1907, and its amendments shall, save in so far as any provision therein is inconsistent with any provision of this Act, be deemed to be incorporated with and to form part of this Act, and shall mutatis mutandis be operative and have effect so far as applicable as if an election of members to serve on a licensing court were a Parliamentary election for the Legislative Assembly, and the officers and polling places appointed under the said Act had been appointed for the purposes aforesaid: Provided that—(1.) The warrant for the writ for the election shall be under the hand of the Minister, and such warrant and writ shall be in the form in the second and third schedule respectively. (2.) No deposit shall be required from any candidate. (3.) On the return of the writ the names of the candidates elected shall be notified by the clerk of the writs to the Minister who shall thereupon cause the names of such candidates to be published in the Government Gazette. (4.) The returning officer of

an electoral district which is co-terminous with a licensing district shall be the returning officer for such licensing district, but in other cases the returning officer shall be appointed by the Governor. (5.) The voting, and count of votes, shall be according to the rules in the Fourth Schedule. (6.) The validity of any election or return may be disputed in manner hereinafter set out, and not otherwise.

Vacancies, how filled—11. (1.) If at any time appointed for receiving nominations less than the required number shall be received, or if after the nominations have been declared and before the conclusion of the poll any candidate withdraws his nomination or dies, so that no candidate or less than the required number remain, then the Governor may appoint some person to fill every place for which a nomination has failed to be received, or as to which the nomination has lapsed by withdrawal or death, and every person so appointed shall, subject to this Act, hold office as if duly elected at such poll, but shall be subject to removal as other members appointed by the Governor. (2.) Whenever a vacancy happens in the place of an elected member the Minister shall issue his warrant for a writ for the election of some person to fill such place for the remainder of the term for which such member was elected. (3.) Except as hereinbefore provided an extraordinary vacancy shall be filled by the appointment by the Governor or some person who shall, subject to this Act, fill the vacated position.

Vacation of positions—15. If a member of the Court—(1.) Dies; or (2) Resigns his office by writing under his hand delivered to the Minister; or (3.) Being an appointed member is removed by the Governor; or (4.) Is absent except by reason of sickness or for some reasonable cause allowed by the Minister from two consecutive meetings of the court; or (5.) Becomes incapable of continuing as a member under section ten; or (6.) Accepts, whether by assignment, composition, or otherwise, any such relief as is afforded by law to bankrupt or insolvent debtors; his position shall become vacant.

New clause—Disputed returns:

The ATTORNEY GENERAL moved—

That the following be inserted to stand as Clause 16:—"Disputed returns. cf. 1902, No. 18, s. 73.—All disputed election returns shall be disposed of, and the Court of Disputed Returns shall be constituted as follows: Whenever complaint is made to a justice of the peace by any person who was a candidate at any election, or by any six persons entitled to vote at any election, that any election held for filling positions on any court which sits or is to sit within any magisterial district wherein such justice has jurisdiction was invalid, or that any other person ought to be returned as a member of the court in preference to the person actually returned as elected—(a) It shall be lawful for such justice to issue a summons summoning the returning officer at such election, and any person returned at such election, to appear, at a time and place specified in the summons, before such three or more justices having jurisdiction within such district and not being members of a licensing court, as may then and there be present. (b) On the parties appearing, or, in default of their appearance, on its being shown that such summons was duly served, it shall be lawful for such justices to investigate the matter of such complaint. (c) If on such investigation it appears that such election was invalid, or that any other person ought to have been returned, in preference to the person returned as elected, the justices or a majority of them may declare accordingly, and thereupon, if such justices or majority declare the said election to have been invalid, an election shall be held as on the happening of a vacancy; and if such justices or majority declare that any person ought to have been returned in preference to any other person, the latter person shall at once cease to be a member of the said Court, and the person so declared as aforesaid to have been duly elected shall be deemed,

to all intents and purposes, to have been duly elected. (d) No such proceedings shall be taken except within three weeks of the day of the election out of which the complaint arises. (e) In such proceedings the Justices, subject to this Act, shall follow similar rules and so far as is necessary for the decision of the matters in issue may exercise similar powers to those which would be followed and exercised by a Judge of the Supreme Court in similar cases arising under "The Eelectoral Act, 1907," and its amendments. (f) The justices giving any decision shall certify the same to the Minister, and such decision shall be final. (g) Such justices or majority may make such order as to costs as they may think right, which may be enforced as an order of a court of summary jurisdiction. Provided that no order shall be made for payment of costs by a candidate unless it is proved to the satisfaction of such justices or majority that the candidate has by himself or his agent contravened the provisions of this Act."

Mr. GILL: The powers contained in the clause were too sweeping, and some reason should be advanced by the Attorney General for moving it.

The ATTORNEY GENERAL: There was nothing novel in the proposed procedure. It was similar to that followed in connection with roads board elections.

2 o'clock a.m.

Mr. ANGWIN: The amendments to the Bill had only been submitted at a very late hour and members had not had the opportunity of studying them closely. A clause such as the one under consideration should receive careful consideration and for that reason he moved—

That progress be reported.

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

Ayes	..	..	17
Noes	..	..	19
Majority against		..	2

Ayes	
Mr. Angwin	Mr. McDowall
Mr. Bath	Mr. O'Loghlen
Mr. Bolton	Mr. Price
Mr. Collier	Mr. Troy
Mr. Gill	Mr. Walker
Mr. Gourley	Mr. Ware
Mr. Heitmann	Mr. A. A. Wilson
Mr. Horan	Mr. Scaddan
Mr. Hudson	(*Teller*).

Noes	
Mr. Brown	Mr. Mitchell
Mr. Carson	Mr. Monger
Mr. Cowcher	Mr. S. F. Moore
Mr. Daglish	Mr. Murphy
Mr. Davies	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gregory	Mr. Piesse
Mr. Harper	Mr. F. Wilson
Mr. Jacoby	Mr. Gordon
Mr. Male	(*Teller*).

Motion thus negatived.

New clause put and passed.

New Clauses:

On motions by the ATTORNEY GENERAL the following new clauses were added—

Licensing Courts to be courts of record. N.S.W. 1898, No. 18, s. 6.—17. (1.) Every licensing court shall be a court of record, with full power to make all general and other rules necessary for the conduct of its business, and for the enforcement of its orders, and adjudications; but such rules shall be subject to any regulations made by the Governor as hereinafter provided (2.) Every such court shall have and use a seal having inscribed thereon the words "licensing court," with the name of the licensing district of the court. (3.) Any member of a licensing court may take, administer, and cause to be taken and administered, oaths, declarations, affirmations, and depositions in any licensing or other matter or proceeding to be heard and determined or dealt with by such court.

Deputy members of Court. N.S.W. 1905, No. 40, s. 34.—18. Subject to this Act the Governor may appoint any person to be for such period as he specifies a deputy member of the licensing court of any district; and such deputy may, in the case of the sickness or of the absence of any member from any

sitting of the court or from the State, exercise all the powers vested in, and shall perform all the duties of such member. Provided that any person appointed deputy chairman must be a police or resident magistrate.

Quorum. See N.S.W. 1898, No. 18, s. 5 (7).—19. Any two members of the licensing court shall form a quorum for the constitution of the court.

Majority to decide. See W.A. 1880, No. 9, s. 22; 1893, No. 25, s. 12.—20. Every application made to a licensing court shall be decided by a majority of the members, and in the case of a disagreement where only two members are present, the proceedings before the court shall be adjourned until three members are present.

Certificates. See N.S.W., 1898, No. 18, s. 9 (10).—21. The chairman or any two members of the court may, on behalf of the court, sign or sign and seal all certificates and other documents issued and recorded.

On motions by the ATTORNEY GENERAL, four new schedules were added to stand as the Second, Third, Fourth, and Seventeenth Schedules (*vide Votes and Proceedings*, pp. 243-4).

Bill reported with further amendments.

Mr. BATH: I beg to give notice that to-morrow, on the motion for the adoption of the Committee's report, I intend to move for the recommittal of the Bill.

ADJOURNMENT OVER SHOW DAY.

The PREMIER (Hon. Frank Wilson): I beg to move—

That the House at its rising adjourn till 4.30 p.m. (Thursday).

Question passed.

House adjourned at 2.10 a.m. (Wednesday).

PAIRS.

After 9 p.m.

Mr. Holman	Mr. Layman

Legislative Assembly,

Thursday, 3rd November, 1910.

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

QUESTION — FACTORIES AND EARLY CLOSING INSPECTION, GOLDFIELDS.

Mr. COLLIER asked the Premier: 1, Is it anybody's duty to see that the Factories Act and the Early Closing Act are observed on the goldfields? 2, How many visits of inspection have been made during the present year? 3, How many prosecutions for breaches of these Acts have taken place during the same period?

The PREMIER replied: 1, Yes; the Chief Inspector of Factories under the Factories Act, and the police under the Early Closing Act. 2, Factories, 162; Early Closing, 211. 3, One, under the Early Closing Act.

QUESTION—DAIRYING LAND.

Mr. BATH (for Mr. Heitmann) asked the Minister for Lands: What is the estimated acreage of Crown lands in the State suitable for dairying purposes?

The MINISTER FOR LANDS replied: I ask that this be postponed for a few days; I am endeavouring to have an estimate made, but it will take some time to have it prepared.

PAPERS PRESENTED.

By the Premier: Papers relating to the engagement of immigrants by Afghans at Quairading (ordered on motion by Mr. Price).

BILL—FREMANTLE FREEMASONS' LODGE No. 2 DISPOSITION.

Second Reading.

Mr. HUDSON (Dundas) in moving the second reading said: This is a private