Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 28 NOVEMBER 1912

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"3. Will he also amend the regulations by providing that consignees of goods of an inflammable nature, such as benzine, kerosene, etc., be compelled to remove such goods on the day of arrival?

"4. Will he consider the advisability of arranging for the services of a night watchman, such expense to be a charge on the revenue of the wharf?"

The TREASURER (Hon. W. H. Barnes, *Bulimba*) replied—

"1. Yes. A regulation has been issued prohibiting smoking on jetty under penalty of £20.

"2. The jetty is not insured by the Government. The lessees are responsible for repair of all damage excepting that caused by flood, storm, tempest, and Government vessels.

"3. The removal of inflammable goods on the day of arrival might not always be practicable, but any amendment of the regulation in this direction should, I think, be made on a request from the lessees.

"4. The employment of a night watchman is a matter for the lessees' consideration."

LEPROSY AND DIPHTHERIA AT NAMBOUR.

Mr. GILLIES (*Eacham*) asked the Home Secretary—

"1. Is the recent case of leprosy at Nambour the third of its kind at that place?

"2. Is it a fact that the Nambour State School was closed during this year owing to an outbreak of diphtheria?

"3. Have the various recommendations and instructions of the Health Department been strictly carried out?

"4. If the recommendations and instructions of the Health Department have not been carried out, will he insist on the council's immediate compliance with same to prevent further outbreaks?"

The HOME SECRETARY (Hon. J. G. Appel, *Albert*) replied—

"1. Yes.

"2. Yes.

"3. The work of carrying out the recommendations of the Health Department is in progress.

"4. Another inspection at an early date will be made, and further action taken if necessary."

LIQUOR BILL.

CONSIDERATION OF COUNCIL'S AMENDMENTS.

The HOME SECRETARY: Mr. Speaker,—I beg to move that you do now leave the chair.

The SPEAKER: Before I leave the chair, I desire to draw the attention of the House to an amendment in clause 58 of this Bill which, to a certain extent, is an infringement of the privileges of this House, as it varies or alters the fees to be paid by or imposed upon licensees under the Bill. However, Standing Order No. 300 does not, in my opinion, apply.

Question put and passed.

Hon. W. D. Armstrong.]

LEGISLATIVE ASSEMBLY.

THURSDAY, 28 NOVEMBER, 1912.

The SPEAKER (Hon. W. D. Armstrong, *Lockyer*) took the chair at half-past 3 o'clock.

TRADE COUPONS BILL—WEIGHTS AND MEASURES ACT AMENDMENT BILL—PRICKLY PEAR DESTRUCTION BILL.

ASSENT.

The SPEAKER announced the receipt of messages from His Excellency the Governor, conveying his assent to these Bills.

PAPER.

The following paper, laid on the table, was ordered to be printed:—

Annual report of the Registrar of Friendly Societies on friendly societies, building societies, and trade unions registered in this State.

QUESTIONS.

THURSDAY ISLAND JETTY.

Mr. DOUGLAS (*Cook*) asked the Treasurer—

"1. Is he aware that several small fires have recently occurred on the East Jetty at Thursday Island?

"2. Is the woodwork of this jetty insured; if not, will he take steps to have same covered to the full amount of any damage that might arise from fire?

On clause 2—"Short title and commencement"—

The HOME SECRETARY: The first amendment of the Council was in clause 2, in which they had omitted the word "January" and inserted the word "April." It would be remembered that he had indicated that he was prepared to accept such an amendment, and consequently he moved that the Legislative Council's amendment be agreed to.

Question put and passed.

On clause 3—"Acts repealed"—

The HOME SECRETARY: In clause 3, lines 39, 40, and 41, the Council had omitted the words "annual sittings of the licensing court to be held in the year," and had inserted the words "thirtieth day of June." There was an omission in the Bill as it went to the Council, because, under its provisions, the licenses of clubs and spirit merchants would run out in April, and there would have been a kind of interregnum between that date and the 30th June, when all licenses expired. The amendment would put clubs and spirit merchants on the same footing as other licenses which expired on the 30th June, and which had to be applied for or renewed at the annual sittings of the court held in the month of April. He moved that the Legislative Council's amendment be agreed to.

Question put and passed.

A consequential amendment in a later part of the clause was also agreed to.

On clause 23—"Accommodation required on premises within city or town"—

The HOME SECRETARY: On line 44, the Council had omitted the word "Be," and inserted the words "Have walls." That was for the purpose of providing that the walls of a room, and not the ceiling, should be 9 feet high. He was inclined to think that was a desirable amendment, and therefore moved that it be agreed to.

Question put and passed.

The HOME SECRETARY: The next amendment was in connection with the same clause, line 56, the Council having omitted "five hundred," and inserted in lieu thereof "one thousand," requiring that each person should have 1,000 cubic feet of air space. The amendment inserted originally by the Assembly was on the recommendation of the Commissioner for Public Health, who considered that 500 cubic feet of air space for each person was sufficient and adequate. He was under the impression that if the Committee accepted the amendment of the Council they would be imposing an unnecessary hardship on houses already licensed, because every house which came up for a renewal of its license, at the annual sittings of the court held under the provisions of the Bill, would require to have that accommodation. He therefore moved that the Council's amendment be disagreed to.

Question put and passed.

On clause 25—"Accommodation required on premises outside city or town"—

The HOME SECRETARY: The Council had omitted the word "Be" in subclause (*a*) and inserted the words "Have walls." That was similar to the amendment which the Committee had agreed to in clause 23, and he therefore moved that the Council's amendment be agreed to.

Question put and passed.

[*Hon. J. G. Appel.*

The HOME SECRETARY: In the same clause the Council had omitted the words "five hundred," and inserted the words "one thousand." That was similar to the amendment which the Committee had disagreed to in clause 23; and, for the reasons already given, he moved that the Council's amendment be disagreed to.

Question put and passed.

On clause 28—"Applicant for license to furnish testimonials"—

The HOME SECRETARY: On line 25 the Council omitted the words "for the particular premises applied for," and inserted the words "to become a licensee," making the clause read that every applicant for a licensed victualler's license or wineseller's license "shall, with his application, deliver to the clerk of petty sessions testimonials as to his character and suitability to become a licensee." After hearing the arguments in the Council advanced by men who were conversant with the trade—for he was present during the greater portion of the time the matter was discussed—he thought the amendment was a good one, and moved that it be agreed to.

Mr. THEODORE (*Chillagoe*): Though the words proposed to be inserted might be an improvement, he could not agree with the proposal to strike out the reference to testimonials regarding the premises for which the applicant desired to obtain a license.

The HOME SECRETARY: The clause only applies to the character of the applicant.

Mr. THEODORE: If it did not apply to the suitableness of the premises, all he could say was that it was very faulty drafting.

Mr. HARDACRE (*Leichhardt*) liked the clause as it left the Chamber better than he did the clause as proposed to be amended, because if the amendment was adopted a sort of roving license might be granted to a person. A person becoming a licensee in one district would be a licensee at large, and not a licensee for particular premises.

Mr. LENNON (*Herbert*) took quite a different view of the amendment, which he regarded as an improvement to the clause. Previously, the clause dealt only with the applicants for particular premises, and that was undesirable. There were other provisions in the Bill which dealt with an applicant's fitness, and the clause as amended was improved.

Mr. THEODORE: Whilst the hon. member for Herbert was correct in saying that other provisions insisted upon evidence being forthcoming respecting the fitness and suitableness of an applicant to become a licensee, it was also true that there was no provision insisting that a wineseller's premises should be suitable for his business, and he thought that some such provision should be made. He contended that the clause before them was the only provision in the Bill which required a wineseller to state the character of his premises.

The HOME SECRETARY: This clause does not refer to the premises; it only refers to the personal character of the applicant.

Mr. THEODORE: Whether that was the intention of the clause or not, he claimed that some evidence should be given by the applicant of the suitability of his premises.

The HOME SECRETARY: The bench will require that.

Question put and passed.

On clause 38—"Removal of license"—

The HOME SECRETARY: This clause provided that a license for premises situated in one locality might be removed to another. In a town the license could not be removed more than half a mile, and in a shire not more than 1 mile. The Council proposed to omit the words "one mile," and insert "two miles," so that a license might be removed 2 miles in a shire; and, in view of the fact that shires in country districts comprised large areas, he saw no objection to the amendment. He moved that it be agreed to.

Question put and passed.

On clause 45—"Temporary license in 'special district'"—

The HOME SECRETARY: The Council proposed, in line 27 of this clause, to insert the following words:—"and even if a local option vote has decided in favour of new licenses." Those words had reference to temporary licenses in special districts, and made it clear that, even if a local option poll had been taken, and the voting was in favour of new licenses, it should still be in the discretion of the licensing bench to grant or refuse an application for a license. That was what was originally intended, and he moved that the amendment be agreed to.

Mr. ADAMSON asked if the amendment did not clash with the provision in clause 8?

The HOME SECRETARY: No; it has been carefully examined.

Mr. ADAMSON: It was very carefully worded, too. Suppose the local option vote did not decide in favour of new licenses, what would happen?

The HOME SECRETARY: Then no license can be granted; that settles the matter.

Mr. MAY said he had no objection to the amendment, but he thought it was entirely unnecessary.

Question put and passed.

On clause 58—"Fees payable for yearly licenses"—

The HOME SECRETARY: The Council proposed to insert, on line 48, the words "or part of fifty pounds." That was an omission from the Bill as it left the Assembly. Without the insertion of those words, a fee of £15 would be payable in respect of a house of the rental value of £99 per annum. It was undoubtedly the intention of the Committee that the fee should be £15 for the first £50 rental, and £5 every additional £50 or part of £50. He moved—

> "That the Committee agree to the Legislative Council's amendment, because such amendment is in furtherance of the intention of the Legislative Assembly, and for this reason they do not insist upon their undoubted sole right to determine the rates and incidence of the fees to be imposed."

Mr. THEODORE: The Council had a laudable intention to improve the clause, but their amendment was an infringement of the rights and privileges of the Assembly, and he asked the ruling of the Chairman as to whether it was competent for the Committee to accept the amendment. According to the dictum of the Speaker, which they could not ignore, he claimed that the amendment could not be accepted.

The PREMIER (Hon. D. F. Denham, *Oxley*): The Speaker merely drew attention to the fact, as he was in duty bound to do. Similar things had occurred before, and the Home Secretary, in moving that the amendment be agreed to, at the same [4 p.m.] time drew attention to the undoubted rights and privileges of the Assembly in relation to fees. This was not in the nature of a general assessment or tax; it was a fee for special concessions granted, and as it was clearly in furtherance of the intentions of the Assembly, he thought that not only precedents but good common sense would guide the Chairman in coming to a conclusion.

The CHAIRMAN ruled that the amendment could be accepted, inasmuch as it had already been intimated that the acceptance would be accompanied by an assertion of the Legislative Assembly's privileges.

Mr. HARDACRE thought the amendment was an improvement; at the same time he thought they ought to insist on their rights. This was clearly an infringement of the rights of the Assembly, but it could be got over by stating that the Committee did not insist on its rights and privileges in accepting the amendment.

The HOME SECRETARY: I move to that effect.

Mr. COYNE (*Warrego*) did not agree with the amendment, because he did not think it was a just one. The Home Secretary mentioned that without the amendment the annual value might be £99, and the license fee only £15, but with the amendment the annual value might be only £51, and the license fee £20.

The HOME SECRETARY: It balances itself.

Mr. COYNE: It did not. He contended that the increased fee should be proportional to the increased annual value.

Question put and passed.

Clause 63—"Duties of inspectors as to keeping up accommodation"—

The HOME SECRETARY: The Council had added to the clause the following paragraph:—

> "For the purposes of this section, the word 'owner' shall not include a mortgagee who is not a mortgagee in possession."

Without the amendment there would be considerable difficulty in obtaining a loan in connection with licensed premises, and a higher rate of interest would be charged. The amendment was only a fair thing, and he moved that it be agreed to.

Question put and passed.

Clause 68—"Re-use of labelled bottles, etc., prohibited"—

The HOME SECRETARY: The Council had added the following words to paragraph (*a*) of the clause:—

> "unless such bottle or receptacle bears in legible characters his own name and address."

This and following consequential amendments were agreed to by himself and the Attorney-General, who had charge of the Bill in another place, to enable licensed victuallers who bought liquor in bulk to dispose of that liquor in bottle. As the Bill went to the Council, it would not be possible for a licensed victualler to sell over his bar any whisky or other liquor in bottle, except that

which was put up by a registered bottler. He moved that the Committee agree to the amendment.

Mr. LAND: Does that apply to beer too?

The HOME SECRETARY: It applies to everything.

Mr. MAY (*Flinders*) wished to know whether the manufacturer, or the distiller, or the publican became liable for the spirit which was actually in the bottle at the time it was sold?

The HOME SECRETARY: That was subject to the provisions of the Health Act Amendment Act, which required that it should be up to a certain standard; also to the provisions of this Bill relating to adulteration.

Mr. MAY: Has the bottler's name to be on the label?

The HOME SECRETARY: The amendment was absolutely clear. With the amendment, the paragraph read—

> "Uses or has upon his licensed premises any branded, labelled, or stamped bottle or other receptacle as a container of or containing any liquor other than the liquor actually supplied to him in such bottle or receptacle, unless such bottle or receptacle bears in legible characters his own name and address."

This matter was carefully considered by the Parliamentary Draftsman in conference with members in the other Chamber representing the liquor trade, and it was agreed to by those interested in the matter.

Mr. WINSTANLEY (*Queenton*): The idea in framing the clause at first was to prevent licensed victuallers from putting bulk whisky into bottles belonging to firms other than the manufacturers of that whisky.

The HOME SECRETARY: That is so.

Mr. WINSTANLEY: With this amendment the licensed victualler would be able to draw liquor from a cask and sell it over the bar in bottles, and he thought it would open the door to fraud much wider than the Home Secretary supposed.

Mr. FOLEY (*Mundingburra*): He took it that this was to permit the publican to sell liquor in bottles, and the fact that the bottle must bear his name and address was a hint to the public that the liquor was not manufactured by the person whose label was on the bottle.

The HOME SECRETARY: There must be no label.

Mr. FOLEY: Paragraph (*b*), as amended by the Council, read in this way—

> "Sells or supplies any wine or spirits drawn from bulk in or from any bottle or receptacle other than a bottle either bearing no brand, label, or stamp, or bearing in legible characters his own name and address, or a decanter."

He took it from the clause that a publican would be allowed to fill a bottle of whisky out of a cask in his own premises, with somebody else's label on it, provided he had his own name on it.

The HOME SECRETARY: No: the bottle must be clean, and he has to put his own name and address on it.

Mr. FIHELLY (*Paddington*) contended that it was necessary that the Home Secretary should get away from legal verbiage, and state clearly what he wanted. Subclause (*b*) was very important, and at present they could not say exactly what it meant. Any legislation they passed ought to be clear and unambiguous.

Mr. KIRWAN (*Brisbane*) asked whether, if persons came along with their own bottles, it would be necessary for the publican to label them?

The HOME SECRETARY: Yes; undoubtedly.

Mr. DOUGLAS (*Cook*) thought there was something in the point made by hon. members opposite, and suggested that the insertion of "only" after "address" would get over the difficulty. That would mean that a licensed victualler or wineseller drawing spirits or wine from bulk would be able to sell liquor from a bottle or receptacle, provided the bottle or receptacle bore his own name and address only. At present there was nothing to prevent a publican using a bottle with a label of some recognised brand, and putting his own name in an obscure place on some other part of the bottle. He would move that the word "only" be added after "address," on line 52.

The HOME SECRETARY had no objection to the amendment, as it might make it clearer, but it would be impossible then for the licensed victualler to put on anything else save his own name and address—he might have some special brand of whisky which he would not be able to put on. Hon. members must realise that the licensed victualler would be confined solely to the right to sell the liquor in a bottle without a label, with his own name and address only on it. He was quite willing to accept the amendment of the hon. member for Cook, and he amended his motion to the effect that the Committee agreed to accept the amendment of the Council, with the addition of the word "only."

Mr. HUNTER: What about a bottle with his name blown on it?

The HOME SECRETARY: It must be a clear bottle. The object was that the public should not be deceived. Many licensed victuallers had excellent whisky in bulk, and there was no reason why they should not be permitted to sell a bottle of that draught whisky to their customers over the bar; and it was in order to permit them to do that, which they were not permitted to do as the Bill stood, that he agreed, after a conference, to accept the amendment which now appeared in the clause.

Mr. MAY had at first thought that the amendment to add "only" should be accepted, but he saw that the brand of the whisky would still be on the bottle, and no matter what brand it might be they should let the name of that bulk draught whisky be on the bottle; if it was a good whisky it would fetch a decent price. The name of the distiller, as well as the licensed victualler or wineseller, should be on the label.

Mr. McCORMACK (*Cairns*) thought there was a good deal in the contention of the hon. member for Flinders, and that it was not wise to add "only"; the licensed victualler should be forced to put the name of the draught whisky on the bottle. He knew a traveller who went round the North for Usher's, who said that out of fifty samples he examined, which were supposed to be Usher's whisky, a great many were draught whisky. If the publican was forced to put the name of the whisky on the bottle it would be a good thing.

The HOME SECRETARY: What the hon. member says would be no guarantee at all; it would be encroaching on the rights of the bottlers, who have to be registered.

Mr. McCORMACK: By putting "only" in, so long as a man sold whisky which would stand analysis, he could sell any whisky he pleased.

The HOME SECRETARY: The public knows it is draft whisky.

Mr. McCORMACK: If a customer asked for a certain class of draught whisky, and was given another class altogether, he would have no protection at all.

The HOME SECRETARY: Yes, if the whisky was adulterated.

Mr. McCORMACK: They could be given different classes of whisky, and they would not know the difference.

Mr. DOUGLAS was sorry he did not get the support of the hon. member for Cairns and the hon. member for Flinders when he moved an amendment while the Bill was previously going through the House, to alter "in," on line 50, to "with," which would have met the intention of those hon. members. He thought the addition of "only" would give the protection they wanted; it would prevent the refilling of bottles with reputable brands of whisky. He wanted to see that the public got what they asked for. He had got no support when he desired to alter "in" to "with."

Mr. THEODORE: It would have made no difference.

Mr. DOUGLAS: It would have made a difference. Certain makers supplied decanters free to the people who bought bulk whisky from them, so that the bulk whisky should be sold in the decanters bearing that name, and his object in moving the amendment was to enable that to be done. Now, the publican could not sell bulk whisky in a decanter, except in a plain decanter, without any label at all. He moved the amendment in the interests of the public.

The CHAIRMAN: Do I understand that the hon. member moved an amendment?

The HOME SECRETARY: I amended my motion by moving that we agree to the amendment of the Legislative Council, with the addition of "only" after "address."

Mr. THEODORE was of opinion that this would not accomplish what was desired, which was to prevent a dishonest publican or wineseller from selling whisky or other liquor, and representing it to be of a different brand to what it actually was. The clause as it stood provided that any licensed victualler or wineseller who used labelled bottles containing any liquor other than liquor actually supplied to him in such bottle or receptacle, unless such bottle or receptacle bore in legible characters his own name and address, was liable to a penalty. He could evidently use such bottles containing liquor not supplied with such bottle, so long as his name and address was on them, and if they put in the word "only," they merely said that any person could sell liquor in a labelled or stamped bottle containing liquor not supplied with such bottle originally, if his own name and address only was on it.

The HOME SECRETARY: Read the two subclauses in conjunction. Subclause (*b*) refers to the selling.

Mr. THEODORE said they were both offences. Subclause (*a*) made it an offence to use such bottle, and subclause (*b*) made it an offence to sell in such bottle. Each were offences and each could be read separately. Under the clause as it came from the Council, a publican, so [4.30 p.m.] long as he put his own name and address on it, could use any bottle, and if the word "only" were added it would render the clause contradictory, and a publican would not know what to do. The object could be better attained by disagreeing to the Council's amendment. By adding the word "only" they would increase the difficulty and render the clause hard to understand.

Mr. E. B. C. CORSER said he could see the necessity for the amendment. Take, for instance, a brand like Hennessy's three-star brandy. If it was only necessary for an unprincipled hotelkeeper to put his own name and address on a bottle, he could put it on the bottom or at the back of the bottle, and put other brandy in the bottle, and if anyone asked for that particular brandy he could put his hand over his own brand, and the public might not get the genuine article; but if he was compelled to remove any brand and only have his own brand on the bottle, the public would be protected.

Mr. McCORMACK drew attention to clause 102, which provided—

> "Any person who has in his possession or under his control any bottles with labels affixed thereon, other than bottles bearing his own name and address, and without destroying such labels makes use of such bottles for the purpose of bottling liquor for sale, shall be liable to a penalty of not less than twenty pounds nor more than two hundred pounds."

That would meet the case.

The HOME SECRETARY: That is so.

Mr. COYNE: The object of the Assembly when they passed the clause was to give some protection to the public purchasing liquor, and to see that they were supplied with the liquor asked for, but the amendment of the Council entirely nullified that object. He thought the hon. members for Maryborough and Cook were both wrong, because it did not matter how they twisted the words, a publican could use a stamped bottle, a branded bottle, or a labelled bottle, so long as he put his own name and address on it.

Mr. E. B. C. CORSER: Not if we add the word "only."

Mr. COYNE: The clause provided that "any licensed victualler or wineseller who uses any branded, labelled, or stamped bottle containing any liquor other than the liquor actually supplied in such bottle or receptacle, unless such bottle or receptacle bears his own name and address, etc."

The HOME SECRETARY: Read all the clauses in conjunction. Read clause 102.

Mr. COYNE: If a case went to court, they would have one set of lawyers arguing that it came under clause 102, and another set would argue that the case came under clause 68. Why not make the matter clear? The clause was fairly clear when it left the Assembly, and the difficulty was caused by the Council's amendment. The insertion of

Mr. Coyne.]

the word "only" would make no difference at all, as it meant that there should be only his name and address on the label which he attached to the bottle, and the bottle might be a bottle bearing the blown name of the manufacturer of the spirits. Take Wolfe's schnapps. A publican could fill one of those bottles with another spirit, so long as he attached a label bearing his own name and address.

The HOME SECRETARY: I would not advise him to try it if this Bill becomes law.

Mr. COYNE: All the clause asked was that he should put his own name and address on the bottle.

The HOME SECRETARY: Will the hon. member read clause 102?

Mr. COYNE: Clause 102 provided that no person should put any liquor into a bottle except the brand of liquor originally in the bottle; and that he must not use a stamped bottle for any other purpose than that for which it was originally intended—that it should only hold the brand of liquor which it originally contained. What was the use of saying a publican could do something different in another clause?

The HOME SECRETARY: We do not say he can.

Mr. COYNE: The hon. gentleman could not say that a publican could not use a stamped bottle or branded bottle so long as he attached his own name and address to it and put any liquor he liked into it.

Mr. HUNTER (*Maranoa*): The addition of the word "only" would make the clause absolute nonsense. It was quite clear before the Council's amendment was inserted that a container could not be used if it contained a brand or label, but without the addition of the word "only" to the Council's amendment any bottle could be used with any brand, stamp, or name on it so long as the name of the person selling the liquor was also there, and if they added the word "only" to the Council's amendment they got back to the same thing again—that there was to be nothing else on the bottle but the name of the person selling it. That was a direct contradiction of the first part of the clause. The only thing was to provide the same as was provided in clause 102—that a publican could use no bottle without first destroying the label on the bottle. If the clause was passed as was now proposed, a publican could not use decanters supplied by the various distilleries to their customers to serve their own particular manufacture. Those decanters must be swept off the counter entirely, because the containers must have no name on them but the name of the person supplying the liquor.

Mr. DOUGLAS: That is all we want.

Mr. HUNTER: If the hon. member did not wish the decanters that were sent out to be used, it was as well that that should be understood.

Mr. HARDACRE had come to the conclusion that the addition of the word "only" would make the clause contradictory, and it would not carry out the object of the clause if they accepted the Council's amendment. The first part of the clause proposed that no one should use bottles unless they contained liquor according to the original label, and then the Council said, "Oh, yes: you can use those bottles if the user's name and address is attached." That was objectionable, as it would lead to evasion. The idea of adding the word "only" was to make it possible for a publican to use the bottles provided only his own name and address was on the bottle. That was a contradiction. What should be done was to omit the Council's amendment and, if possible, redraft the whole clause, or provide in a separate paragraph for the use of bottles or receptacles or containers which had nothing on the bottle except the user's own name and address. According to the clause as it left the Assembly, a man could not take a Dewar's whisky bottle and use it for another brand of whisky which he was selling, but under the amendment proposed by the Council he could use that bottle for a different brand of whisky if he put his own name and address on the bottle. The two provisions were contradictory, and some amendment was required to remove the contradiction.

Mr. FORSYTH: Mr. Stodart——

The CHAIRMAN: Mr. Forsyth.

Mr. CRAWFORD rose to a point of order. He had risen four times before each succeeding speaker, and had not been called upon by the Chairman.

Mr. FORSYTH: Go on.

Mr. CRAWFORD: No; I do not intend to say anything now.

Mr. FORSYTH thought the clause was somewhat complicated, and that it should be read along with clause 102, which provided that—

> "Any person who has in his possession or under his control any bottles with labels affixed thereon, other than bottles bearing his own name and address, and without destroying such labels makes use of such bottles for the purpose of bottling liquor for sale, shall be liable to a penalty," etc.

That showed that a man could not use the same bottle twice with the same label affixed. But he might have bottles in which the stamp was blown into the bottle, and he could not take that stamp off.

Mr. LENNON: He cannot use that.

Mr. FORSYTH: No; he could not use the bottles in that case. If a man sold all the liquor in a labelled bottle, and wished to use that bottle again, he should take the label off, and put on a label bearing in legible characters his own name and address. If the clause, as amended, meant that when the contents of a bottle were disposed of, and the licensee wished to use that bottle again, he must destroy the original label, and put on his own name and address, that would be a protection to the public, but it was not at all clear that the clause meant that.

Mr. LENNON: Members were well aware that clause 102 was perfectly clear, but that was no reason why clause 68 should not also be made perfectly clear, as a person reading the Bill might fall into an error if he did not read further than clause 68. He suggested that they might meet the difficulty by inserting after the word "receptacle" the words "from which the labels shall have been removed," so as to make it read, "unless such bottle or receptacle,

from which the labels shall have been removed, bears in legible characters his own name and address."

The HOME SECRETARY: That would really be repetition of the provision in clause 102, but he was anxious to get on with the work, and was prepared to accept the suggestion of the hon. member for Herbert.

Mr. FORSYTH: That does not apply to stamped bottles?

The HOME SECRETARY: No; only labelled bottles. Stamped bottles could not be used under any circumstances.

Mr. HARDACRE thought the matter could be dealt with in a much simpler way, and that was by substituting the word "a" for "such" before the word "bottle." The clause would then read, "unless a bottle or receptacle bears in legible characters his own name and address."

The HOME SECRETARY: On reconsideration, he was afraid that, if the amendment was amended in the way suggested by the hon. member for Herbert, the phraseology of the clause would become very much mixed, as it would then read a "labelled" bottle "from which the labels shall have been removed." If they added any words to make the clause clear, they would have to come at the end of the paragraph. They could make it clearer by saying "prior to the use of which the labels have been removed."

Mr. LENNON: The discussion which had taken place was sufficient proof that the clause was a very involved one, and that it would cause a great deal of doubt and uncertainty in the minds of those concerned. Perhaps it would be a good thing if they added the note—"Nota bene.—Read this clause along with clause 102."

Mr. FIHELLY suggested that the Home Secretary should insert a clause interpreting this clause, and if that interpretation was not clear, add another clause interpreting that one.

The CHAIRMAN: Order! The hon. member is indulging in frivolity.

Mr. FIHELLY claimed that he was acting within his rights. The clause was involved and complicated, and he had a perfect right to point that out to the Committee and suggest a way out of the difficulty.

Mr. LAND (*Balonne*) quite understood the clause as it left this Chamber. If a licensed victualler retailed any bottled grog to the public, it was perfectly legal; but if he filled any of those labelled bottles with any other grog he would be liable. With
[5 p.m.] the Council's amendment he could sell any grog he liked in those bottles as long as he has his name and address in legible characters on those bottles. The word "only" would compel the licensed victualler to sell only in a bottle that had no other label on. The object of the Council's amendment was to allow the licensee to bottle grog in his own cellar. Any amount of licensees got grog in bulk, and broke it down and bottled it themselves.

The HOME SECRETARY: In order to meet the views of hon. members who thought the clause was not sufficiently clear, he proposed to withdraw his motion so far as the addition of the word "only" was concerned, with the view of inserting the words "only and without any other brand, label, or stamp whatever thereon." He moved accordingly.

Mr. HARDACRE: The difficulty lay in the use of the word "such," which implied that it was a bottle already branded, labelled, or stamped. As amended by the Council, the clause provided a penalty for any licensee who used or had upon his licensed premises "any branded, labelled, or stamped bottle or other receptacle as a container of or containing any liquor than the liquor actually supplied to him in such bottle." What was the meaning of "such bottle"? It meant "any branded, labelled, or stamped bottle."

The HOME SECRETARY: It means the bottle containing the liquor.

Mr. HARDACRE: Then it said "unless such bottle or receptacle bears in legible characters his own name and address." There again "such bottle" meant "any branded, labelled, or stamped bottle"; but, with the amendment just proposed by the hon. gentleman, "such" bottle must bear the name and address only, without any other brand, label, or stamp. That was to say, it must be a branded, labelled, or stamped bottle, and it must not bear a brand, label, or stamp. It could not be branded or stamped, and at the same time not bear a brand or a stamp.

The PREMIER: The contention of the hon. gentleman was a very frail one. A customer went into an hotel for a bottle of a particular brand of whisky, and the licensed victualler, according to this clause, was required to supply the actual distiller's whisky required in that bottle. If he was asked for Usher's whisky, he must deliver Usher's whisky in that bottle. It was possible for him to supply liquor in a bottle without any label, his own draught whisky, or he might have such a conceit of his own bottling that he might deliver whisky he had obtained in bulk with his own particular brand on the bottle, but he was not permitted to falsely supply liquor under a wrong name. He thought that, with the added words, it was clear that the licensed victualler might deliver to his customer his own bottling of draught whisky, provided such bottle bore in legible marks his own name and address. The bottle must contain Usher's or Buchanan's whisky, or whatever it was represented to be. He thought that if the Committee accepted the amendment it would protect the customer, and ensure to the licensed victualler the privilege he now enjoyed of bottling the whisky he obtained in bulk.

Mr. THEODORE: It seemed that members were all agreed as to the necessity for making some such provision as was attempted to be made; at the same time, he was convinced that the contention of the hon. member for Leichhardt was correct. The word "such" was a pronoun used in place of "branded, labelled, or stamped bottle," and if those words were put in the place of "such" it would read in this way: "Unless the branded, labelled, or stamped bottle or receptacle bears in legible characters his own name and address only, and without any other brand."

The HOME SECRETARY: It must mean the bottle containing the liquor.

Mr. THEODORE: The clause was inserted to meet the difficulty in regard to the re-use of labelled, stamped, or branded bottles. With the amendment it was contradictory. It was clumsily worded, and the clause would be better without the amendment.

Mr. STEVENS (*Rosewood*): It appeared to him that the intention of the subclause as it left the Assembly was clearly to prevent the use of branded, labelled, and stamped bottles, for the purpose of selling any liquor other than that originally contained in those bottles. The object of the Council was to allow such bottles to be re-used, provided that, in addition to the brand, label, or stamp, the name and address of the licensee was shown in legible characters. He thought the meaning of the clause might be made clearer by using the word "also" instead of "only." In his opinion, they wished to allow these stamped bottles to be re-used, and the stamp could not be washed off——

The HOME SECRETARY: They cannot be used under my amendment.

Mr. STEVENS: Here the re-use of a stamped bottle was clearly provided for.

The HOME SECRETARY: Yes; that is where it is filled by the original bottler.

Mr. STEVENS: They were not dealing with the original bottler here, but with the re-use of bottles. As the clause left this Chamber the re-use of labelled bottles was prohibited, but the Council had provided that these labelled stamped bottles might be used, provided the licensed victualler placed his own name and address in legible characters on the bottle also.

The HOME SECRETARY: Then my amendment provides that—"without any other brand or label or stamp thereon."

Mr. STEVENS: It was a clear contradiction of terms, in his opinion. If they wished that these bottles should not be re-used, they should disagree with the Council's amendment, but if they were willing that they should be re-used the word "also" would make it perfectly clear. Clause 102 provided a penalty for the re-use of bottles with labels or stamps, and this clause, if it was required at all, was either, as originally intended, to prohibit the use of these bottles or, as it had come back, to provide that they might be used provided they had the name and address of the licensed victualler as well as the original seller.

Mr. SOMERSET (*Stanley*) thought it would be better to eliminate the whole of subclause (*a*), and substitute a provision to the effect that if a wineseller who used or had on his licensed premises any bottle or receptacle, etc., bearing any brand, label, or stamp other than his own name and address——

The HOME SECRETARY: He must have bottled stuff.

Mr. CORSER: He is selling other brands, too.

Mr. SOMERSET: The Home Secretary's amendment was rather confusing, because it required that original brands and labels had to be removed.

Question—(*Mr. Appel's motion, as amended*)—put and passed.

The HOME SECRETARY: The Council had made a consequential amendment on line 55, inserting "either." In the following lines it would be necessary to make a similar addition after "address" if this was adopted. He moved that they agree to the amendment of the Council.

Question put and passed.

The HOME SECRETARY moved that the Council's amendment in the same subclause, on lines 56 and 57, with the addition after "address" of "only, and without any other brand, label, or stamp whatever thereon," be accepted.

Question put and passed.

On clause 70—"Wineseller to sell only Australian wine"—

The HOME SECRETARY: The Council had added a new subclause, as follows:—

> "(3) Every wineseller shall enter upon every cash sale slip, or bill of parcels, invoice, or account, delivered or rendered to a person purchasing wine from him, correct particulars and the designation of the wine purchased, and for any failure so to do shall be liable to a penalty not exceeding ten pounds."

It had been represented that it had frequently happened that winesellers had supplied wine under the designation of groceries or goods, and the object of the Council in inserting this new subclause was that that should constitute an offence, and that the actual goods and their quality and nature should be described in the invoice. He moved that the Committee agree with the amendment of the Council.

Mr. MURPHY: Under the Council's amendment the wineseller would have to give everyone who went in for a threepenny glass of wine a cash slip.

The HOME SECRETARY: I do not think it means that.

Mr. MURPHY: As far as he could see, this amendment was prepared in the Council for the purpose of dealing with wine and spirit merchants who sold groceries and other things, but it got mixed up with the winesellers' licenses. The ordinary wineseller did not sell groceries. He did not know any case in Queensland where a wineseller sold groceries.

Mr. WINSTANLEY: There are numbers of them.

Mr. MURPHY: It was absurd that a wineseller should have to give a cash slip with every glass of wine he sold.

Mr. MAY: In country districts, grocers sold wines, spirits, and tobacco, as well as groceries, and took out licenses for same, and it was only right that they should give the slip which was required. The clause affected the retail wineseller in towns where they had no spirit license, but simply a wine license. He would like to know if, when they were going along Brunswick street to catch a train late at night, and went into a shop for a sixpenny glass of wine, the dealer would have to give a slip? Would they have to wait for it, and run the risk of losing the train? (Laughter.)

The HOME SECRETARY: No. If the article is delivered, a slip has to be given stating the nature of the goods.

Mr. MAY agreed that if it was delivered to one's private house there should be a slip.

Question put and passed.

On clause 81—"Hours of selling on licensed victualler's or wineseller's premises"—

The HOME SECRETARY: The Council had omitted on line 25 the words "or Christmas Day," and inserted "Christmas Day, or polling-day." That was for the purpose of giving the privilege to a resident lodger of obtaining a drink with a meal in the specified hours on polling-day, as well as on any other prohibited days. That was a reasonable amendment, because it was not desired that polling-day should be the only day on which the resident lodger could not obtain a drink after a meal. He moved that the amendment of the Council be agreed to.

Question put and passed.

The Council's amendment in clause 102, consequential on amendment on clause 68, was agreed to.

On new clause 105—"Penalty for refusing to pay for meals," etc.—

The HOME SECRETARY: The Council had inserted a new clause to follow clause 104, as follows:—

> "If any person supplied with meals or accommodation on licensed premises on demand of payment being made by the licensee of such premises, or by his servant or agent, refuses to pay a reasonable sum for such meals or accommodation, he shall be liable to a penalty not exceeding ————"

to which he proposed to add the words "five pounds." When the Bill was previously before the Assembly, an amendment was proposed to provide that in case of such refusal, the refuser should be stigmatised as a rogue and vagabond. He had declined to accept that amendment, but he was in-

[5.30 p.m.] clined to think that the amendment inserted by the Council was a reasonable one, as some protection should be given to licensed victuallers. The Bill imposed a number of obligations on the licensed victualler, and required him to provide accommodation and keep his premises in a certain condition, and it was only reasonable that, if any person took advantage of such accommodation and refused to pay for same, he should be liable to a penalty. He therefore moved that the new clause inserted by the Council be agreed to, with the addition of the words "five pounds."

Mr. THEODORE contended that it was a wrong principle to put in such a drastic penalty for such a case, as there might be no dishonest intention on the part of a person who secured a meal at an hotel and was then unable to pay when payment was demanded. Persons looking for work in a new district or town immediately went to the hotel and asked for accommodation, perhaps not having any means to pay for meals, but with the intention of looking for work and settling up at the usual time.

Mr. FORSYTH: Suppose he gets no work?

Mr. THEODORE: In that case, he would make other arrangements. Those arrangements were made every day in the year. There were scores of people not able to pay for a meal who were not dishonest. It often happened that a publican would not give accommodation unless it was paid for in advance, but very often they gave accommodation to men looking for work, and if the clause were agreed to, an unscrupulous licensed victualler, if he got a set against a man residing in the hotel, could demand payment, and if the unfortunate individual was unable to pay, he would be handed over to the police. The clause imposed a drastic penalty for a minor offence and for an action which was no offence at all. In mining and other districts, where the population was nomadic, is was the usual thing for a man to go to the hotel, knowing that the publican, if he was a reasonable person, would not look for payment until the end of the week. That was the usual practice, and if the publican liked to be nasty, after the man had had one meal, he could demand payment, and the man might not have a shilling.

Mr. DOUGLAS: He would not refuse to pay; he would say, "I cannot pay."

Mr. THEODORE: If such a man could make arrangements to pay, he would have no objection to the clause, but it would be an offence if he did not pay at once, and the man would, perhaps, be cast into prison. The clause was altogether wrong in principle, and he would vote against it.

Mr. MURPHY opposed the clause, on the ground that they had no right to place a licensed victualler on a different footing to anyone else. The Home Secretary had referred to the number of obligations placed on licensed victuallers by the Bill, but they placed no obligation on a licensed victualler to give board and residence to any person who could not pay for it. If a man went to an hotel for a drink, he could be told that he had to pay strictly in advance, and when the licensed victualler was on the same plane as any other business man, it would be wrong to insert such a clause as that.

The HOME SECRETARY: Let the Committee vote on it; I am not pressing it.

Mr. MURPHY: The Home Secretary introduced the clause as a very desirable amendment.

The HOME SECRETARY: I am not anxious about it.

Mr. MAY pointed out that people knocking about out West might have no work to do, but might have a prospect of getting work, and they went to an hotel and put up there perhaps for five or six weeks, with the intention of paying afterwards. There might be a few loafers who did not pay, but the bulk of the people, if they got credit from a publican, invariably paid up as soon as they started work.

New clause put and negatived.

On clause 121—"Liquor not to be sold by wholesale except in places proclaimed"—

The HOME SECRETARY: The Council added "registered distillers" to those mentioned in the clause. As there was no reason why a registered distiller should be excepted, he moved that the Council's amendment be agreed to.

Question put and passed.

A consequential amendment in clause 122 was also agreed to.

On clause 126—"Registration of bottlers"—

The HOME SECRETARY: The Council had omitted the words "as an agent" in that clause, which was consequential on the amendments agreed to in clause 58. He therefore moved that the Council's amendment be agreed to.

Question put and passed.

A further consequential amendment on line 4, page 54, was also agreed to.

Hon. J. G. Appel.]

The HOME SECRETARY: In line 6, the Council had omitted the words "a bottler" and inserted the word "he." That was also a consequential amendment, and he moved that the Council's amendment be agreed to.

Mr. HARDACRE pointed out that that amendment showed the necessity of using a different type for amendments inserted by the Legislative Council. The words "a bottler he" were printed in ordinary type, and he suggested that in future a heavier type be used for amendments.

HONOURABLE MEMBERS: Hear, hear!

Question put and passed.

Further consequential amendments in lines 27 and 28 were also agreed to.

On new clause 152, as follows:—

> "If upon the application for registration of any club it is proved that such club was in existence at the time of the passing of the Licensing Act of 1885, and was registered under the Registration of Clubs Act of 1904, or that such club was registered under the last-mentioned Act on or before the first day of January, one thousand nine hundred and seven, the provisions of this part shall not apply other than those providing for registration and the payment of an annual registration fee and section one hundred and twenty-nine.
>
> "Section one hundred and thirty-seven shall not apply to any such club."

The HOME SECRETARY: This clause provided that the provisions of this part of the Bill should not be applicable to clubs which were in existence at the time of the passing of the Act of 1885 and were registered on or before January, 1907. The original Bill exempted clubs which were registered prior to the passing of the Act of 1885, but the Assembly refused to accept that provision. The Council had reinserted it, and proposed to exempt all clubs registered up to the year 1907 from the operation of the provisions of the Bill. That would practically mean every club registered in the State, and he did not think there was any justification for such an amendment. He moved that the amendment be disagreed to.

Mr. FIHELLY wished to say a word or two in support of the Council's amendment. It was all nonsense to say that there was some reason to exempt four clubs, and bring all others under the operation of the provisions of the Bill. Those four clubs were no more entitled to exemption than were other clubs. For many years he had been a member of the Irish Association Club, which was registered under the law. They had a library and debating society, and the environment at the club was elevating and edifying. He did not know of any better educational institution for young men than that club, and he should be very sorry to see it crippled in its operations by this Bill. He had seen the Premier there.

The PREMIER: And I had a very pleasant time.

Mr. FIHELLY: He knew from what took place among the cheery multitude who were present that the hon. gentleman was satisfied with his reception. The only club in Australia that was visited by the Right Hon. Mr. Bryce was the Irish Association Club, and he expressed in most eloquent and felicitous terms his appreciation of the value of the institution. The provisions of this Bill would practically abolish that club.

Mr. TROUT: How will this Bill abolish it?

Mr. FIHELLY: Every member of the Irish Club was not a "wowser" sort of person who stopped at home on a Sunday afternoon; he liked to go to the club and enjoy himself in a rational and intellectual manner. As it was a working-man's club, he hoped the Committee would not knock it out. The Queensland Club, the Johnsonian Club, and a couple of other clubs were to be exempt from the provisions of the original Bill, but working-men's clubs were afforded no such consideration—they would be crushed by the operation of the Bill. He was going to divide the Committee on this new clause.

Mr. MORGAN (*Murilla*): He was pleased that it was the intention of the Committee to reject the new clause inserted by the Council. If a club was properly conducted and deserving of a license, its members should not object to its being under the supervision provided for by the Bill. Hotelkeepers, who conducted equally as good places as clubs, were subject to its provisions.

Mr. FIHELLY: Clubs are co-operative institutions, and are not run for profit.

Mr. MORGAN: There were clubs at Mildura, in Victoria, where there was more drinking going on than there was in hotels, and, as far as he was concerned, if it was a question of wiping out clubs or hotels, he would vote for wiping out clubs. There were a number of clubs in this State which were a disgrace to the country, and he held that it was the duty of the Committee to see that all clubs were placed under proper supervision.

Mr. WILLIAMS (*Charters Towers*) supported the Council's amendment. They ought not to be guided in this matter by the fact that there were clubs in Mildura, which was in another State, which were mere drinking places. Clubs in Queensland were well conducted; they were not run for profit, and they were practically the home of many of their members, particularly bachelor members, and it would be introducing a wrong principle if they placed them in the same position as hotels.

Mr. WHITE (*Musgrave*) regretted to hear the experience of the hon. member for Murilla in connection with clubs. He belonged to several clubs, and he had never seen excessive drinking in them; in fact, he belonged to one club where there was absolutely no drinking. Clubs were quite necessary for men like himself, who had no homes of their own, but were among the homeless poor. (Laughter.) Members could be just as comfortable there as any man in his own home, and he sincerely hoped that clubs would not be unnecessarily interfered with by the operation of this Bill.

Mr. WINSTANLEY did not see why there should be any class legislation in this matter, and thought that clubs should come under the operation of the Bill. Whatever might be said about clubs in Brisbane, he knew that in some towns in Queensland clubs were formed for the express purpose of enabling their members to do what they could not do otherwise. As clubs dispensed liquor, they should be under the same rules and regulations as hotels.

Mr. GRANT (*Fitzroy*): The hon. member who had just sat down said this was class legislation. Did not the hon. member know that working men had clubs? And why should working men not have clubs where they could meet together for social enjoyment? He understood that the majority of the members of the Irish Association Club were what were called working men. A number of such institutions were residential clubs, and bachelors made them their home. Several of the members of the Rockhampton Club lived at the club—it was their home. If a man lived in a boarding-house he could take drink in there on a Saturday and drink as much as he liked on the Sunday, but if he lived at a club he would not enjoy that advantage under this Bill. It was a mistake to imagine that clubs were only for the well-to-do, and he held that it would be a good thing if there were more social clubs for working men. As had been pointed out, clubs were co-operative societies, and it was not to anyone's advantage that the members should drink at the club.

Mr. E. B. C. CORSER (*Maryborough*) noticed that the application of the amendment was restricted to any clubs registered up to 1907, and that would be unfair to some clubs which registered since [7 p.m.] that date—one was a club in Maryborough, which had a large membership, and there might be others. Provision should be made to include all clubs which were registered up to 1912, if it was thought wise to include any.

Mr. HARDACRE: Past, present, and future.

Mr. E. B. C. CORSER: He would not go so far as future, because there might be a different kind of club brought into existence to evade the Licensing Act. He moved the omission of "seven," on line 26, with the object of inserting "twelve."

The CHAIRMAN: I must remind the hon. member that the question is that the new clause be disagreed with.

Mr. HARDACRE did not know whether members who were supporting the Council's amendment knew what they were doing. (Laughter.) The clubs included under the amendment could sell liquor at any time they liked, and also sell drink to outsiders.

HONOURABLE MEMBERS: No, they cannot.

Mr. GRANT: Even strangers are not admitted .

Mr. HARDACRE: Under clause 149 there was a special prohibition against clubs selling to people outside.

Mr. BERTRAM: The rules of the clubs provide that they can only sell to members.

Mr. HARDACRE: Under the Council's amendment, they would be able not only to sell at all hours of the day and night, but to outsiders as well, because they would be exempted from the provisions of section 148, which prohibited them from selling to outsiders—they would be able to do as they liked, without any supervision by the police, or any other limitations. It was simply going to bring chaos.

Mr. FIHELLY thought that old members of clubs, like the hon. member for Leichhardt, showed themselves too well informed about the business carried on in clubs as a rule. There was a vast difference between the operations of a club and the operations of an hotel. An hotel, in the first place, was run for individual gain, but the club was a purely co-operative concern, and if there was a credit-balance, it went to improve the surroundings of the members. Not only the clubs of the well-to-do, but the clubs of the working men, had become essentially a part of our social life, and it would be a pity if they were brought under a local option Act—for this was a local option Act—because they could then be wiped out. They could also be made to close at 11 o'clock. The Irish Club, to which he belonged, was in the habit of running till about 12. During a lecture or an entertainment of any sort, the bar was always closed. Why should that club be closed down after 11 o'clock, as it would practically have to be under the Bill? The club was a co-operative concern—an extension of the family life, and he hoped the Committee would do nothing to jeopardise the existence of a club like the Irish Club, in connection with which there was a debating society and a splendid library, and where periodical scientific lectures were given.

Mr. MORGAN: This Bill won't stop them from doing that.

Mr. FIHELLY: He intended to put the hon. member for Murilla on the visitors' list, so as to show him how differently clubs were conducted in Brisbane to what they were in the country, from which he had come so recently.

Mr. MAY: That is a reflection upon the Western clubs.

Mr. FIHELLY: The clubs were well conducted, and the secretary generally did the work gratis.

Question—That the Council's new clause 152 be disagreed to—put; and the Committee divided:—

AYES, 38.

Mr. Adamson	Mr. Larcombe
,, Appel	,, Lennon
,, Barber	,, Luke
,, Barnes, G. P.	,, Macartney
,, Barnes, W. H.	,, McCormack
,, Bebbington	,, Morgan
,, Bertram	,, Murphy
,, Blair	,, Paget
,, Bridges	,, Payne
,, Denham	,, Petrie
,, Foley	,, Somerset
,, Gilday	,, Stevens
,, Gillies	,, Swayne
,, Grayson	,, Theodore
,, Gunn	,, Tolmie
,, Hardacre	,, Trout
,, Hunter	,, Walker
,, Huxham	,, Wienholt
,, Land	,, Winstanley

Tellers: Mr. Bertram and Mr. Morgan.

NOES, 10.

Mr. Bouchard	Mr. Kessell
,, Coyne	,, May
,, Fihelly	,, Vowles
,, Grant	,, White
,, Hodge	,, Williams

Tellers: Mr. Fihelly and Mr. Vowles.

PAIRS.

Ayes—Mr. Booker and Mr. Fox.
Noes—Mr. Ryan and Mr. Hamilton.

Resolved in the affirmative.

Clause 153—"Exemption in case of outdoor games"—

The HOME SECRETARY: The Council had amended the proviso by omitting the words "forty-seven," and inserted in lieu thereof the words "forty-eight." As the Assembly had omitted the new clause to

follow clause 104, that amendment was not necessary, and he therefore moved that it be disagreed to.

Question put and passed.

Clause 167—"When first local option vote may be taken"—

The HOME SECRETARY: The Council had inserted a new subclause (*g*) as follows:—

> "(*g*) In lieu of the form of ballot-paper prescribed by Form No. 1 of the Eighth Schedule to the said Act, the form of ballot-paper prescribed in Form No. 41 of the Second Schedule to this Act shall be used with such modifications as are necessary."

The form of ballot-paper referred to was much simpler than the one under the local option clauses of the present Act, which was somewhat misleading. It was a very good alteration, and made the matter quite clear for those likely to use it for voting purposes. He therefore moved that the Council's amendment be agreed to.

Question put and passed.

Clause 171—"Vote on prohibition"—

The HOME SECRETARY: The Council had inserted, in lines 7 and 8, the words "or at any Senate election thereafter." As hon. members were aware, in 1925, a vote may be taken on Resolution D, and the amendment had been inserted to make it absolutely certain that at any Senate election thereafter a vote could be taken on that resolution. He consequently moved that the Council's amendment be agreed to.

Question put and passed.

A consequential amendment in clause 11 was also agreed to.

Clause 176—"When a resolution is carried"—

The HOME SECRETARY: The next amendment of the Council's was in clause 176, which was a very important portion of the Bill, and was one in which provision was made that any resolution could be carried if at least 25 per cent. of the electors in the local option area had voted at the poll. The Legislative Council had omitted the words "twenty-five per centum" and inserted the words "one-half." It was needless to point out to those hon. members who had to do with the various debates that took place in connection with the passage of this measure through the Assembly last session that the Council, having insisted on certain amendments which the Assembly declined to accept, the Bill was lost, and that important measure of liquor reform was delayed.

An HONOURABLE MEMBER: All the better.

The HOME SECRETARY: He did not follow the hon. member who interjected "All the better," because the administrative clauses alone were of such a reform character that they were absolutely necessary for the proper administration of the liquor legislation. Those members who were animated with a desire to see that reform legislation come into operation must realise that if a similar happening was not to take place again, it would be necessary for them to endeavour to compromise the matter with the Legislative Council. Whatever their personal opinions on the subject might be, or however they might desire that their own personal opinions in that matter might be carried into effect, experience had shown that, if they desired to see that legislation come into effect on the date mentioned, they would have to give something more than it was proposed to give in the first instance, and endeavour to meet the Legislative Council on the matter.

Mr. THEODORE: Why back down?

The HOME SECRETARY: The hon. member could call it backing down or whatever he liked; his (Mr. Appel's) desire was to see the Bill become law, and with that desire he was prepared to compromise in the matter by moving the omission of the words "one-half," and that there be inserted in lieu thereof the words "thirty-five per centum." The clause would then read—

> "Any resolution shall be carried if at least thirty-five per centum of the electors of the local option area have voted at the poll."

Mr. LENNON: Will a simple majority carry it?

The HOME SECRETARY: He proposed, in this connection, as a compromise, to move at the proper time that in connection with all reduction resolutions the majority must be a simple one; but in connection with Resolution D and Resolution E the majority must be a three-fifths one. He, therefore, moved that the Committee disagree to the Legislative Council's amendment, omitting the words "twenty-five per centum" and inserting in lieu thereof the words "one-half," and offer them in substitution the words "thirty-five per centum."

Mr. WINSTANLEY (*Charters Towers*) was surprised at the attitude of the Government with regard to this amendment. While he was prepared to hear that some compromise would be proposed, he never anticipated anything like that now submitted to the Committee. [7.30 p.m.]

The provisions giving the people the right to decide whether the number of licenses should be reduced were not worth the paper they were written on, because the most ardent reformers in the State recognised that, in forcing some people out of the trade, they would be only making it better for those who were left in. Only last Saturday, a local option poll was taken in a certain town, and there was an overwhelming majority against a reduction in the number of public-houses, for the reason he had just stated. With regard to allowing a 35 per cent. poll, he thought that was a mistake, because all that would be necessary in that case would be to tell people not to trouble their heads about the vote, but to keep away, and the whole thing would be defeated. The proposal with regard to a three-fifths majority was nonsensical. If this Bill was not better administered than the existing Act had been, it would not effect much reform.

The HOME SECRETARY: You know absolutely nothing about the matter when you make that statement.

Mr. WINSTANLEY: He knew that the existing Act had not been properly administered. As for the measure now before them, it gave the people privileges with one hand and took them away with the other. He regarded the proposal just made by the Minister as a considerable backdown, after the statements made by the Premier and the Home Secretary on a previous occasion, and he hoped the Committee would disagree with the Council's amendment, and leave the clause as it was when it left the Assembly.

Mr. MURPHY (*Burke*) thought it was generally recognised that if the Bill was to become law there must be some compromise. He was a member of the conference of last session to which the Home Secretary referred, and he thought that if there had been a little sweet reasonableness shown by the hon. gentleman and his friends the Bill would have been passed last session; but they were determined not to give way on any point, but to have the whole Bill and nothing but the Bill. If the Council threw the Bill out again there would have to be a special session and a referendum, and it would be better for the Committee to get the measure out of the way. Ever since he had been in Parliament they had been promised a Liquor Bill, and every session such a measure had been mentioned in the Governor's Speech. Now they had a liquor Bill, and the temperance people stated that it was a fairly good Bill, and one which would enable the authorities to control the liquor traffic. It was a big move in the direction of liquor reform, and he hoped that representatives of the temperance party would recognise that if they were to get it they must compromise. As Mr. Lesina used to say, if they could not get the whole hog they had better take a good pork chop, and in this measure they had a good pork chop.

Mr. BARBER (*Bundaberg*): He was tired of the shilly-shallying, vacillating attitude of the Government in regard to this matter. Where were all the backbone and grit they boasted of possessing last year, when they threatened to force war on the Council, and threatened to annihilate that Chamber if they did not submit to the desires of the Government? Considerable time was spent by the House last year over this measure, and the taxpayers were involved in considerable expense in putting the Bill through both Houses. Yet they had seen what in his opinion was practically a public scandal in another place, where a mere handful of individuals, representing certain interests, were able to insist upon certain provisions in this Bill. He doubted whether such persons would have been allowed to vote on such a measure in the mother of Parliaments. Had they done so they would probably have lost their seats. Yet the Government of Queensland sat quietly down, and calmly and collectedly accepted the proposals of another place. Rather than agree to the compromise now proposed, he would submit the Bill to a referendum of the people, and let them decide whether a measure which was passed by the representative Chamber should become law or not; but to allow themselves to be coerced and bounced by another place was one of the most humiliating positions he could conceive of. He had wondered several times that evening why it was that the representatives of "Bung" went round the Chamber with a seraphic smile on their faces, and showed no sign of a storm. The reasons were now evident. No doubt the Premier or the Home Secretary had allowed it to percolate into the minds of the trade representatives what the attitude of the Government was with regard to this amendment. He did not wonder that they had worn the seraphic smile which they had done to-day. Let the Government raise their hats to "King Bung," who reigned supreme in Queensland to-day. How long would it be before the Home Secretary would have to say from his place here that unless they ruled the liquor traffic the liquor traffic would rule Queensland? It was about time the Chief Secretary put his foot down firmly, and let it be known to the people of Queensland that the representatives of what, after all, was a small industry—although there was a large amount of capital invested in it, but which paid the lowest percentage of wages in proportion to capital invested of any industry—that that industry was to practically run the Government of the State. In his opinion, the Government should take up a firm attitude against making any compromise at all with another place, and let the Bill go to the electors. If the electors turned it down, he could then understand the Government making some compromise.

The PREMIER said that the perfervid utterance of the hon. member who had just resumed his seat reminded him of a sentence by one of Britain's ablest statesmen about "the hare-brained chatter of irresponsible frivolity."

Mr. THEODORE: That fits you.

The PREMIER: There was no responsibility resting upon the hon. member, and therefore he had been able to counsel something which, if the counsel were taken, would not be for the best interests of Queensland. He was not prepared to allow that the hon. member was the sole custodian of either the morals or the welfare of the State. The question before the Chamber was that in relation to local option, and the alteration was from 25 to 35 per cent. of the total vote cast at a local option poll. It was hardly conceivable that less than 35 per cent. could be polled—it was not 35 per cent. in favour, but 35 per cent. of the total vote cast. If there were not such a vote cast there was precious little interest taken in a question of such magnitude as this.

Mr. FOLEY: Why did you make it 25 per cent.?

The PREMIER: If he could get 25 per cent. he would get it, but for anybody to think of surrendering all the advantages which the Bill contained, merely because they could not get their entire will, was the action of those who were not responsible.

Mr. THEODORE: That was your own opinion six months ago.

The PREMIER: It was his opinion to-day if he could get 25 per cent., but he was not prepared to lose this Bill, after all the toil that had been put into it, just because of being unable to agree on the local option clauses of the Bill. It will remain in the power of the Assembly hereafter to effect further reform.

Mr. FOLEY: How do you know the Council will accept it?

The PREMIER: He could not tell what they would do.

Mr. HUNTER: I can tell you that they will. It is common property.

The PREMIER: He was glad to hear that they would. If hon. members took up the heroic attitude of throwing the Bill away because they could not get all they wanted——

Mr. WINSTANLEY: You said that before.

The PREMIER: He was discussing the matter from to-day.

Mr. WINSTANLEY: The responsibility is yours.

The PREMIER: He did not want to share the hon. member's responsibility, and he did not ask the hon. member to share

his. Assuming they said that they would accept nothing other than 25 per cent., and they would only accept the simple majority in respect of the proposition, and the Bill was lost——

Mr. FOLEY: Let the people decide.

The PREMIER: There, again, the hon. member was the irresponsible man. This vote would have to be taken at the next Federal election, and there were no less than six referenda to be submitted at that time.

Mr. THEODORE: Where is the necessity of taking it at the next referenda?

The PREMIER: It must be taken on a public occasion, otherwise they would not have a representative vote. Would it be reasonable to ask the people of Queensland to deal with this proposition on the top of six referenda proposals? In the big interest created in respect of the Constitutional questions, this matter might be overlooked. It was not reasonable that the State should interpose at the time of the Federal election when there were six referenda proposals to be submitted. Who was playing at this time the real game for temperance reform —the man who said, "Test it if you will," or the one who said, "Let us get 99 per cent. of what we are out for, and the 1 per cent. can be in the womb of the future." The multitude of advantages contained in the Bill—apart from the question of reduction or total prohibition—were in themselves important enough for them to accept the compromise. As for worrying themselves about 1926, that was too far off, and his opinion was that long before that time there would be quite ample opportunity, and he thought public opinion would shape that way for even more drastic reform in regard to local option being submitted; but to risk all the labour that had been put into this for two sessions—postpone it for twelve months—merely because of something that might happen in 1926, was not common sense. All the bounce about climbing down went for nothing at all. He was out for the public interests——

Mr. LENNON interjected.

The PREMIER: The hon. gentleman had shown a greater affinity and love for liquor vested interests than he had. There had been three successive Premiers who shied at this Bill, and the Opposition, in their public print, had said that the Government would not bring it on again this session. It was one of the best liquor Bills in Australia, and the only point of difference was as to what should take place in 1926. Common sense said, "Get what you can now, and let those who come after us deal with it."

Mr. THEODORE: You are setting up vested interests in the three-fifths majority.

The PREMIER: In 1926?

Mr. THEODORE: Yes.

The PREMIER: The hon. gentleman could reckon that the last word had not been said upon temperance matters. The Council said they wanted 50 per cent. The Assembly said 25 per cent., and a fair compromise was 35. It must be allowed that if there could not be 35 per cent. of the total vote polled, there was not much interest in the question. Then they adhered to a simple majority in relation to the reduction, and as to something to take place in 1926, were quite prepared to compromise by allowing the three-fifths. His point was this—he was not making a fuss about what he wanted doing, and then taking away the means of doing it—he wanted to do it—he wanted to leave the Assembly's mark upon the statute-book, and when it came to further reform, then their successors, whoever they might be, would deal with that reform. (Hear, hear!)

Mr. ADAMSON: The Chief Secretary had said that unless they accepted this compromise in relation to the matter of the 35 per cent. and the three-fifths majority, they were going to lose the Bill. Judging from the majorities with which the Bill was passed in the Assembly, a very remarkable change must have come over hon. members opposite, if there was any danger of losing the Bill, or else the Chief Secretary and those associated with him were not sincere when they put these provisions in the Bill in the first instance.

The PREMIER: You have no justification for making that assertion.

Mr. ADAMSON: He could not understand why the Government should put such provisions in a Bill unless they intended to stand by them. Everything showed that, so far as the voting at these particular polls was concerned, it had been difficult to get very high polls.

The PREMIER: Because they have not been held at the time of a general election.

Mr. ADAMSON: While it was desirable to get as many to vote as possible, he was of opinion that the people who went to vote ought not to be penalised by those who stayed away. All that the trade had to do was to persuade men not to go to the poll and vote; if they did not get the 35 per cent. poll, the thing was of no effect. The Government had given way upon the points which the temperance people regarded as vital; they had compromised in favour of the trade in both cases. They had raised the size of the poll from 25 per cent. to 35 per cent., and they had increased the majority from a simple majority to a three-fifths majority. The great mass of
[8 p.m.] temperance reformers did not care much about reduction. What the hon. member for Herbert, or some other hon. member, had said was quite true: that in this case, they had to march through monopoly to prohibition, and hon. members on the other side knew that the Labour party were against all kinds of monopolies, and one of the worst monopolies was the drink monopoly. Some temperance people were quite content to ask for reduction, but last year he had read a letter from a prominent supporter of the Government, stating that as far as reduction was concerned at Ipswich, they had accomplished nothing, and they had been working since 1885. They had a poll yesterday at Nundah, in relation to prohibition, and if it had been decided on a simple majority prohibition would have been carried. Why should they depart from a simple majority rule in a case like that? They buttressed and pampered the drink traffic in every possible way, and they legalised a traffic that was ruining and blasting the lives of thousands, and nobody knew that better than the Premier and the Home Secretary. In the matter of the Industrial Peace Bill, if that was sent to the country to decide by a referendum, it would be decided by a simple majority, and they could take a hundred other subjects of the same kind, and they would all be decided by a simple majority. Lord Rosebery said years

ago: "Unless the country controls the drink traffic, the drink traffic will control the country," and in that case, the trade, helped by those interested in it in another place, was controlling the Assembly. All the best provisions in the Bill were carried by a good majority in the Assembly, and the strong temperance men on that side of the House stood by the Government every time, and now it was found that in a matter that would make or mar the Bill the Government were prepared to back down at the behest of another place, and at the behest of the trade. The Premier said he was not much concerned about the three-fifths majority, because it would not be brought into operation until 1926, and that was quite true. There were many desirable things in the Bill, and the temperance reformers recognised that the Government had put many admirable clauses in the Bill; but in that particular matter they had taken from them what was more important than any of those other things.

The PREMIER: Something in 1926.

Mr. ADAMSON asked whether the Premier would agitate the country in 1926 for a simple majority?

The PREMIER: Let us get what we can now.

Mr. ADAMSON: Or would the hon. gentleman still temporise between now and 1926?

The PREMIER: I am the only one who has been game in the last twenty-six years to bring temperance reform before the House.

Mr. ADAMSON: He did not want to detract from anything the Premier had done, as the Government had put into the measure some good provisions, but they were destroying the good they had done when they increased the poll to 35 per cent., and increased the majority to a three-fifths majority. It not only gave the trade breathing space till 1925, but it gave them breathing space for long after, because unless they could get prohibition carried by a simple majority, there was no hope of carrying it. It was said that compromise was the essence of politics, but there were times when compromise ought to be put aside, and when opportunism ought to be killed, and when men should stand for principle; and he held that this was the time when men should stand for principle. If it was some traffic that was benefiting the country, or making people happy, or helping to develop the country, he could understand the Premier compromising in its favour; but it was a traffic for which nobody could plead. The drink traffic was indefensible, and all the best men in the world to-day realised that, and in his heart of hearts the Premier also realised that, but, simply to placate men who were living on the ruin of other people, he was prepared to back down.

The PREMIER: It is not to placate anybody: it is to secure a much-needed measure of reform that we are after.

Mr. ADAMSON: He was prepared to accept the Premier's statement, but it was a great pity that, having given them to understand that an effective measure of reform was to be passed, the hon. gentleman had taken away with the right hand or with the left hand what he had given with the left hand or with the right hand.

Mr. THEODORE: Whilst he thought an increased percentage of electors required to carry any of those resolutions might be a desirable thing, he was prepared to support the 35 per cent. in place of the amendment suggested by the Council. With regard to the increased majority, he was prepared to vote for a simple majority on any question submitted under those resolutions. They could trust the people not to do an injustice to any section of the community, and if they left it in the hands of the community to decide even a momentous question such as the abolition of the drink traffic, they could depend on getting a just verdict.

* Mr. DOUGLAS thought the 35 per cent. was a very reasonable compromise in that matter, and while he did not attach a great deal of importance to having any percentage at all if a simple majority was going to rule, still, he thought it should be fixed at such an amount as to get an effective vote; and if it was fixed at 35 per cent., those advocating a reduction would work to get as many votes as they could in favour of reduction; and on the other hand, those who did not believe in a reduction would also be obliged to work if they wanted to get their views carried. He had no doubt that by fixing a 35 per cent. vote they would get over a 50 per cent. vote. At the recent Senate election there was a 68 per cent. vote, and if any interest was taken in those resolutions, there would be a much larger vote than 35 per cent. of those on the roll. So far as the three-fifths majority was concerned, he pointed out that the present Act provided for a two-thirds majority of the ratepayers' roll, and a three-fifths majority on the ordinary electoral roll was a very much better percentage than a two-thirds majority of the ratepayers' roll. In New South Wales, Victoria, Western Australia, and New Zealand, a three-fifths majority was provided for before no-license could be brought about, and in 1925 they would have the benefit of the experience of the other States, because before that time it would be possible to have had a vote taken on the same resolutions in those States. The member for Rockhampton wished to know whether the Home Secretary and the Premier would urge a simple majority before 1926. It was quite possible that before that time the hon. member and his friends would be on the Treasury benches, and they would be able to bring in an amending Bill. He was strongly in favour of liquor reform, and he believed that the Bill, taken as a whole, would do good, and he really thought that a three-fifths majority was a reasonable thing. To have a 35 per cent. poll would mean that at least 21 per cent. of the electors on the roll would have to vote in favour of no-license, and if they had a 60 per cent. poll, at least 36 per cent. of the people would have to vote in favour of no-license. He was going to support the amendment moved by the Home Secretary, with the object of getting the Bill through. Some rabid temperance people, of course, wanted to have the whole hog, but they should recognise that other people thought that liquor in moderation was beneficial, and that it was a wise thing to show toleration and moderation in all matters. With the view of getting the Bill through, he was prepared to accept a poll of 35 per cent., and a three-fifths majority on the resolution with reference to no-license.

Mr. FORSYTH (*Murrumba*) thought the proposal made was a fair compromise. They could not get everything they wanted, and, as a matter of fact, in the business of life and in politics, they had to compromise. If they had at least 25 per cent. of the electors

on the roll voting at a local option poll, and a simple majority was sufficient to decide Resolutions A, B, and C, that would mean that 13 per cent. of the total number of electors was required to carry a resolution. If the poll was 35 per cent. instead of 25 per cent., that would mean that 18 per cent. of the electors on the roll would be necessary to carry any of those resolutions—only a difference of 5 per cent. It was really a splitting of straws to a large extent. He could quite understand that people who were in favour of local option desired to see it come into operation as soon as possible, and that they wished all questions to be decided by a simple majority. Those members who held that view were, no doubt, sincere in their opinions, but they should not allow their sincerity in the matter to wreck the Bill altogether by sending it back to the Council, and saying they would have the Bill, the whole Bill, and nothing but the Bill. If they did that, he felt almost certain that they would lose the Bill for another year. The three-fifths majority would only apply to the total prohibition and new license resolutions, and he doubted very much if they would be able to carry those resolutions until after they had carried Resolutions A, B, and C. It would be a wise thing, therefore, after all the time and labour they had bestowed on the measure, to compromise rather than lose it altogether, and he sincerely trusted that the Committee would agree to the amendment proposed by the Home Secretary. The man of moderate opinions was invariably the man whose opinions were respected, and while he did not blame those members who were in favour of doing away with the liquor traffic, he thought they should recognise the position, and accept the compromise which was offered. He should like to see the Bill pass and come into operation, so that they might profit by the experience they would gain by its operation, and if he were present when the division was taken, he would vote for the motion of the Minister as a fair and reasonable compromise with the Council.

The HOME SECRETARY desired to put his motion in a regular form, and, with that object in view, he would ask permission to withdraw the motion now before the Committee, and substitute for it the following:—

> "That the Committee disagree to the amendments in clause 174 (now 176), but offer the following compromise:—
>
> "Any resolution shall be carried if at least thirty-five per centum of the electors of the local option area have voted at the poll, and if, in the case of Resolutions A, B, or C, the majority of the votes given at the poll has been given in favour of the resolution, or, in the case of Resolutions D or E, at least three-fifths of the votes given at the poll have been given in favour of the resolution."

The principal objection of those members who had spoken against the proposed compromise was that only a three-fifths majority would be required in a poll which could not take place until 1925. They were prepared to lose the many advantages which the Bill would give to those who desired liquor reform because they could not get exactly what they wanted in connection with a matter which could only take effect in 1925. What were they prepared to throw away?

[*Mr. Forsyth.*

From the moment that this Bill became law, no provisional certificate could be granted until an automatic poll of the electors of the district had been taken on the question. That in itself was one of the greatest reforms that had been effected anywhere in connection with the liquor trade. It was a provision which did not exist in any State in the Commonwealth. They would have reforms in administration. A licensing bench would consist of a stipendiary magistrate alone, and there were valuable provisions dealing with the sale and adulteration of liquor. From the year 1915 no new license could be granted until Resolution E had been carried, and to carry that resolution a three-fifths majority would be required. Were all these things not present advantages? And were they to be cast aside simply because, in 1925, a three-fifths majority would be required to carry certain resolutions? He could not for one moment conceive that members were indisposed to compromise on a ground like that. He was not here to say whether what the Council had done was for the advantage of the State or not, but they were up against this issue: That on the last occasion they had endeavoured to force the hands of the Council, but had not succeeded. They wanted to insist on all that was in the Bill, with the result that they got nothing.

Mr. ADAMSON: The majority in favour of the Bill was bigger this time than last time.

The HOME SECRETARY: Quite so. Did the Government weaken in this Chamber? It was only when they came up against the same wall that they did on the last occasion when the Bill was lost that they proposed to compromise. The Bill was one of the best measures in connection with liquor reform that could be found in any State in the world. As administrative head of the department for something like three and a-half years, he knew the difficulty of administering the present law, and there was in the Bill all that was required to enable the administration to be effectively carried out. Were they going to cast that all on one side? He desired to see this measure, which would be so effective in connection with liquor reform, become the law; and to attain that end he was prepared to compromise with the Council—to let that matter which could only take place in 1925 stand on one side for the purpose of obtaining all the immediate advantages under the Bill. He did not think that in taking up that position he was backing down. When the hon. member for Rockhampton gave this matter mature consideration, he would admit that it was better to get all those clauses which made for present reform on the statute-book rather than to cast them aside because they would not get what they wanted in connection with a matter which was to take place in 1925.

Mr. ADAMSON: We do not propose to do that, and we do not think there is any danger of it if the Government stick to their guns.

The HOME SECRETARY: The hon. gentleman should not accuse them in the matter.

Mr. ADAMSON: He has not done so.

The HOME SECRETARY: If hon. members opposite had been in the position that for two sessions he and his colleagues had been in—of having to fight for the Bill—they would only be too glad to get a

material advantage, which they would get by accepting this compromise—get 99 per cent. of the benefits of the measure, which would make so effectively for liquor reform. He would now formally withdraw his first amendment.

Amendment, by leave, withdrawn.

The HOME SECRETARY then moved his amended motion.

Mr. WINSTANLEY rose to a point of order, and asked the Chairman's ruling as to whether it was in order to put the two amendments together in one clause.

The CHAIRMAN: It is quite in order for the Minister to do so.

Mr. GILLIES (*Eacham*) wished to voice his disgust at the mutilated condition of what he regarded as the vital portion of the Bill. This was a question that should be decided by the House. He regretted that there were so many champions of the liquor trade in another place as to be able to return the clause in this mutilated form. He was sorry to see the Home Secretary back down as he had done. The hon. gentleman said that there was no backing down, and that it was an honourable compromise. If the Home Secretary was sincere in his desire for liquor reform, why did he not go to the country on the question of the abolition of the Upper House, instead of the general strike? He would rather see the Bill go to the people than that they should back down to this extent. A bare majority should be allowed to decide the question, because it was a people's question. Everyone who desired liquor reform realised that one of the stock arguments on the part of the trade was that they were not given sufficient notice. They desired to give them notice that in 1926 there was a possibility of prohibition being carried, and with a bare majority. Of course, when a trade was encouraged by the laws of the State, as the liquor trade was, either time or monetary compensation should be given, and it was due to Parliament to notify the trade that at a certain time a simple majority should decide whether the trade should be wiped out. The Home Secretary should stand by his guns, and if the Upper House was not satisfied, let the question go to the country.

Mr. WINSTANLEY said the speech of the Chief Secretary was entirely uncalled for when he characterised the speeches of hon. members on this side as irresponsible chatter. Members on this side felt their responsibility just as keenly as the hon. gentleman did. A great deal had been made about the fact that the three-fifths majority did not come into operation till 1925—so much the worse, it was one of the blots on the Bill. Had the Government said from the commencement that they were going to compromise with the Council, the people would have been prepared. Notwithstanding the statements of the Chief Secretary and the Home Secretary, their action could be regarded as nothing but a back down, and a swallowing of their words. The Home Secretary put the advantages at 99 per cent., but other people might be forgiven if they disagreed with him. It was yet to be proved whether the people would get the bulk of the advantages set out in the Bill—it was quite another thing as to whether they would get them under good administration; it had yet to be proved whether this Bill would be administered in a better way than the present Act. The time had been fixed so far away as 1925, simply in the interests of the trade. As far as other Governments making an alteration was concerned, it was well known that Governments were loth to deal with questions of this kind. After a Bill like this was passed, and it was clearly understood by the trade that they were secure till 1925 from prohibition, if any Government tried to alter the date, and to bring it nearer, there would be a great outcry about repudiation. He had said from the commencement that 1925 was too far away to place the time when the people would have an opportunity of saying whether they would have the drink traffic or not. The arguments put forward by the Home Secretary were illogical, and would be just as sound if put forward for the acceptance of the amendment. After all the Government had said about their fearlessness, and about standing by their principles, they might very well have stuck out for a simple majority. Whatever excuse the Government might make, there was no doubt they had receded from their position, had backed down, and had practically capitulated the whole thing.

Mr. LARCOMBE said it was surprising to see the Home Secretary get up and say that he thought the original clause was a good one, but, after hearing the arguments of another place, he considered the amendment was a reasonable one, and was prepared to accept it.

The HOME SECRETARY: Which one does the hon. member refer to?

Mr. LARCOMBE: He referred to the amendments right through the Bill. No matter what amendment had been discussed, the Home Secretary got up and said, after the convincing arguments of another place, he was satisfied.

The HOME SECRETARY: And I will continue to do so.

Mr. LARCOMBE: Why? Simply because the Assembly was not the ruling Chamber. The Council was the ruling Chamber. The Home Secretary could realise the brilliancy of the arguments adduced by members of another place, but when the leader and deputy leader on that side of the House got up and offered convincing arguments, the hon. gentleman was deaf and dumb.

The HOME SECRETARY: What about the hon. member himself?

Mr. LARCOMBE thought he compared very favourably with the Home Secretary. (Government laughter.) The hon. gentleman reminded him of one of Bunyan's characters, "All he hath lieth in his tongue, and his religion is to make a noise." (Opposition laughter.)

The CHAIRMAN: Order! I must ask the hon. member to keep to the question before the Committee.

Mr. LARCOMBE: He did not think there was any strong argument against the acceptance of a 35 per cent. vote, but, at the same time, he failed to see why a clause like this should be mutilated by the Council. If it was a good thing to insert a specific vote in that connection, why did not the Government do it in connection with the Bible in State schools referendum? Why not do it in regard to the election of members, and in regard to the Industrial Peace Bill, which was fraught with very far-reaching importance? In those cases there was no suggestion that there should be a specific vote. He

would be prepared to vote for the 35 per cent., but, unfortunately, he had to vote for the 35 per cent. and for the three-fifths majority, or vote against both, and he preferred voting against both rather than vote for both. All the talk about the Bill being lost if they did not accept the amendment was misleading the Committee, and was all moonshine. It was throwing dust in the eyes of the people, because they had the Constitutional Referendum Act, and if the Council refused to pass the Bill, it could be referred to a referendum of the people, and if the Bill was submitted to the people, and the people rejected it, that was their own lookout, and the Government would be exonerated. The strongest reason why he was opposing the amendment was, because he considered the Council had no right to override the will of the Assembly and the will of the representatives of the people on an important clause like that. The Government were not sincere in the matter of liquor reform when they were prepared to accept the Council's amendment. A more humiliating position it was hard to conceive. It
[9 p.m.] was an abject, humiliating surrender on the part of the Government, and the very fact that there was no mention of a prohibition vote till 1925 proved conclusively that the Government were not sincerely desirous of bringing about temperance reform in Queensland.

Question—That the Legislative Council's amendment be disagreed to—put; and the Committee divided:—

AYES, 43.

Mr. Allan	Mr. Land
,, Appel	,, Luke
,, Barnes, G. P.	,, Macartney
,, Barnes, W. H.	,, Mackay
,, Bebbington	,, Mackintosh
,, Bertram	,, May
,, Blair	,, Morgan
,, Bouchard	,, Murphy
,, Bridges	,, Paget
,, Caine	,, Payne
,, Corser, E. B. C.	,, Petrie
,, Crawford	,, Somerset
,, Denham	,, Stevens
,, Douglas	,, Tolmie
,, Foley	,, Trout
,, Grayson	,, Vowles
,, Gunn	,, Walker
,, Hardacre	,, Welsby
,, Hodge	,, White
,, Huxham	,, Wienholt
,, Kessell	,, Williams
,, Kirwan	

Tellers: Mr. Foley and Mr. Murphy.

NOES, 12.

Mr. Adamson	Mr. Hunter
,, Barber	,, Larcombe
,, Coyne	,, Lennon
,, Fihelly	,, McCormack
,, Gilday	,, Theodore
,, Gillies	,, Winstanley

Tellers: Mr. Gillies and Mr. Larcombe.

PAIRS.

Ayes—Mr. Booker and Mr. Fox.
Noes—Mr. Ryan and Mr. Hamilton.

Resolved in the affirmative.

The HOME SECRETARY moved that the Committee intimate to the Council that they were willing to substitute the provision he had already indicated [vide page 2848] for the first paragraph in the clause,

Mr. COYNE asked the ruling of the Chairman as to whether, after the Committee had disagreed to the Council's amendments, they could insert a new paragraph in the clause.

[*Mr. Larcombe.*

The HOME SECRETARY: We do not insert it; we offer it.

Mr. COYNE: The only thing the Committee could do with regard to an amendment received from the Council was to accept, reject, or amend it. Having disposed of an amendment of the Council, they could not then amend the remainder of the clause.

The CHAIRMAN: It is not proposed to do so. It is proposed to offer the Council this amendment as a compromise.

Mr. COYNE: They were offering something which they had no right to offer, and which should not be before the Committee.

The CHAIRMAN: Order! I rule that the motion is in order.

Mr. COYNE: Then, he was under the painful necessity of moving that the Chairman's ruling be disagreed with. He did not think it was competent for the Committee after negativing the Council's amendment, to offer any addition to the clause as it left the Assembly.

Mr. WINSTANLEY thought it was a clearly laid down rule that they could agree to, disagree to, or amend an amendment by the Council, but that they could not amend the whole clause at this stage. It was now proposed to amend the clause, not to add to or accept or reject the Council's amendment. They were proposing a new provision, and to allow that would be to establish a new and bad precedent. For that reason, he should support the motion that the Chairman's ruling be disagreed with.

Mr. FIHELLY: He did not pose as an authority on the Standing Orders, but it appeared to him that those members who had spoken in favour of the motion to disagree with the Chairman's ruling were right. Standing Order 277 said—

> "When a Bill is returned from the Legislative Council with amendments, such amendments shall be considered in Committee of the Whole House and agreed to, or agreed to with amendments, or disagreed to, or the further consideration thereof may be put off for three or six months, or the Bill may be ordered to be laid aside."

It was clear that they could not dismiss an amendment of the Council, and then offer something in its stead. Unless some rule could be found to the contrary, he was inclined to the opinion that the Chairman's ruling was wrong.

Mr. LENNON was inclined to agree with the suggestion that the Chairman's ruling was wrong. During the six years he had been in the House, he had never known anything of this kind, though, of course, that did not prove that it was wrong. As far as his knowledge went, it was unprecedented in the House, and there did not appear to be anything in the Standing Orders to justify such action as that which it was now proposed to take. The power of the Committee was limited to accepting, or rejecting, or accepting with amendments, any amendments made in the Bill by the Council.

Mr. THEODORE: There seemed to be some complication in this matter. The Premier and the Home Secretary should be just as concerned to see that the Standing Orders were carried out as members of the Op-

position. It seemed to him that under no circumstances could more than one amendment be put as one question at one time, as had been done with reference to the Council's amendments in that clause, but the Chairman had ruled that such a procedure was in order. Now, the Committee were exceeding their power by adding some matter to the clause after having disagreed to the Council's amendment in that clause, and he submitted that was not in order.

The PREMIER: Earlier in the evening the hon. member for Herbert suggested that the two amendments in the clause—that was, the percentage of voters and the majority required to decide a question—were so intimately associated that they might be discussed together. It was agreed that it was convenient to do that, and the Committee had proceeded along the line of discussing the two amendments together, and the common sense of the Committee would say that that was a convenient and reasonable way of dealing with the matter. The Committee said they were not prepared to accept the Council's amendments, but certain members on the opposite side of the House voted to retain the 50 per cent. poll and the simple majority.

Mr. LENNON: Nothing of the sort.

The PREMIER: Those who voted "ayes" voted to disagree with the Council's amendments, and it was previously intimated that if the Committee disagreed with those amendments it would be proposed to substitute a 35 per cent. poll.

Mr. COYNE: You have no power to do that.

The PREMIER: He contended they had the power. If, however, the Chairman so ruled, that settled the point, but even if they had not the power they could send it back to the other House with a notice of disagreement, and it would come back again.

Mr. HARDACRE: Why not deal with it in the House?

The PREMIER: As long as they proceeded on common-sense lines, he did not mind how it was done. He had indicated the lines on which they proposed to proceed, and he thought it was studying convenience and common sense to work along those lines. If the Chairman was not satisfied that that was a safe course of procedure, he (Mr. Denham) was willing to let it go past, and get it fixed up on the report stage.

Mr. HARDACRE pointed out that when they got to the report stage the House could do what it liked with the Committee's recommendations: it could agree with them or differ from them, and then put them in such a way as the House desired. In the meantime, they should conform to the Standing Orders, and get the amendment drafted in a more suitable way.

The HOME SECRETARY: In order to expedite business, if the hon. member for Warrego would withdraw his motion, he was quite prepared to ask leave to withdraw his own motion, because the compromise would be embodied in the message, and that was quite sufficient to indicate to the Council what the Committee suggested.

Mr. COYNE: He had no objection to withdraw his amendment. He only wanted to say that he was right in his contention, and had plenty of authorities in support of it. On the assurance of the Home Secretary that he would do it in another way, he asked leave to withdraw his amendment.

Amendment, by leave, withdrawn.

The HOME SECRETARY asked leave to withdraw his motion.

Mr. HARDACRE said the Home Secretary could not send a message to the Council suggesting a compromise.

The HOME SECRETARY: It will be embodied as a reason. The House will have to agree to the message.

Mr. HARDACRE: The Committee must report to the House, and the House could then send a message of compromise to the Council as to what had been done in Committee.

The CHAIRMAN: Is it the pleasure of the Committee that the Home Secretary's motion be withdrawn?

HONOURABLE MEMBERS: Hear, hear!

Motion withdrawn accordingly.

On clause 180—"Subsequent polls after Resolution D and thereafter Resolution E carried"—

The HOME SECRETARY: In this clause the Council had inserted the words "shall be taken." The clause read as follows:—

> "If Resolution D, having been carried, has been subsequently reversed by the carriage of Resolution E, then, in the next local option vote, the vote shall be taken only on Resolution D; and thereafter in all future local option votes the vote shall be taken only on Resolution D or Resolution E, as the case may be, and on no other resolution."

This was a little amendment which was required in the clause, and he moved that the Committee agree to it.

Question put and passed.

On clause 183—"Change of boundaries"—

The HOME SECRETARY: The Council had made an amendment in this clause by inserting "or excluded from." This provided that where changes had taken place in the boundaries of an area, and a poll might have been taken in a portion of such area added to another area, the resolution which had been carried should remain in that area so severed until another local option vote had been taken. The amendment of the Council was a reasonable one, and he moved that it be agreed to.

Question put and passed.

On clause 187—"Resolution A, how given effect to"—

The HOME SECRETARY: The Council had amended subclause (4) by the omission of the word "twelve," and the insertion of "thirty in lieu thereof," making the period thirty months during which the licensee could continue to carry on his business after a reduction vote. It would not be possible to concede that space of time, for the reason that the time would run into a period when the succeeding vote was to be taken. But, again, in the spirit of compromise, he was quite prepared to give a further six months, which would make the period eighteen months instead of twelve months. That would bring it up to 31st December of the year preceding the year in which the poll was to be taken. To be in order, he moved that the Committee disagree to the amendment of the Legislative Council.

Question put and passed.

On clause 183—"Resolution D, how given effect to"—

The HOME SECRETARY: The Council had omitted "twelve," on line 41, and inserted "thirty." This had reference to a period which would be allowed to a house which was closed owing to a vote of total prohibition. The same remark applied to this as to the previous amendment. It would not be possible to give the concession asked for by the Council, but he was quite willing to concede a further six months, making the period eighteen instead of twelve months. At the present juncture, he moved that the amendment of the Legislative Council be disagreed to.

Question put and passed.

The House resumed. The CHAIRMAN reported that the Committee had agreed to some amendments, disagreed to other amendments, and agreed to others with amendments.

The report was adopted and the Bill was ordered to be returned to the Legislative Council with the following message:—

"Mr. President,—

"The Legislative Assembly having had under consideration the Legislative Council's amendments in the Liquor Bill, beg now to intimate that they—

"*Disagree* to the amendment in clause 23, line 55 (now 56)—

"*Because* the matter was fully considered by the Commissioner of Public Health, who was of opinion that 500 cubic feet was sufficient.

"*Disagree* to the amendment in clause 25, line 12 (now 13), for similar reasons.

"*Agree* to the amendment in clause 58, line 48—

"*Because* such amendment is in furtherance of the intention of the Legislative Assembly: and for this reason they do not in this case insist on their undoubted sole right to determine the rate and incidence of the fees to be imposed.

"*Agree* to the amendment in clause 68, lines 50 to 52, with the following amendment:—After the word 'address' add the words 'only and without any other brand, label, or stamp whatever thereon'—In which amendment they invite the concurrence of the Legislative Council.

"*Agree* to the amendment on lines 56 and 57, with the following amendment:—After the word 'address' add the words 'only and without any other brand, label, or stamp whatever thereon'—In which amendment they invite the concurrence of the Legislative Council.

"*Disagree* to the insertion of new clause to follow clause 104—

"*Because* it is not considered reasonable that a person who may be unable to pay should be liable to be fined and possibly imprisoned for default.

"*Disagree* to new clause to follow clause 150 (now 151)—

"*Because* it is considered that all clubs should come within the scope of the Bill.

"*Disagree* to the amendment in clause 151 (now 153), line 37 (now 40)—

"*Because* it is no longer necessary.

"*Disagree* to the amendments in clause 174 (now 176), lines 7 and 8, and lines 9 and 10—

"*Because* the percentage of electors is too great and the number of voters required for the carriage of Resolutions is too high: but offer to accept the omission of the first paragraph and the substitution therefor of the following paragraph:—

"Any resolution shall be carried if at least 35 per centum of the electors of the local option area have voted at the poll, and if, in the case of Resolutions A, B, or C, the majority of the votes given at the poll has been given in favour of the Resolution, or in the case of Resolutions D or E, at least three-fifths of the votes given at the poll have been given in favour of the Resolution.

"*Disagree* to the amendments in clause 185 (now 187), page 74, line 24 and clause 186 (now 188), line 41—

"*Because* the period mentioned is too long, but offer to substitute the words 'eighteen months,' in which proposed substitution they invite the concurrence of the Legislative Council.

"And *agree* to all other amendments in the Bill."

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

RETURNED FROM COUNCIL.

The SPEAKER announced the receipt of a message from the Council returning this Bill without amendment.

HOLIDAYS BILL.

MESSAGE FROM COUNCIL.

The SPEAKER announced the receipt of a message from the Council returning this Bill with amendments.

Ordered that the message be taken into consideration to-morrow.

RESTORATION OF STATE PATENTS BILL.

MESSAGE FROM COUNCIL, No. 2.

The SPEAKER announced the receipt of a message from the Council returning this Bill, and stating that the Council disagreed to the amendments in clause 2, [9.30 p.m.] because they would inflict a hardship on those who had actually made and put a patented invention into practice after the patent had lapsed, and would not be in accord with previous State legislation or with Federal legislation.

Ordered that the message be taken into consideration to-morrow.

INCOME TAX DECLARATORY BILL.

MESSAGE FROM COUNCIL.

The SPEAKER announced the receipt of a message from the Council returning this Bill with an amendment.

Ordered that the message be taken into consideration to-morrow.

INSPECTION OF MACHINERY AND SCAFFOLDING ACT AMENDMENT BILL.

MESSAGE FROM COUNCIL.

The SPEAKER announced the receipt of a message from the Council returning this Bill with amendments.

Ordered that the message be taken into consideration to-morrow.

The House adjourned at twenty-five minutes to 10 o'clock.