

1922.

—
WESTERN AUSTRALIA.

REPORT

OF THE

ROYAL COMMISSION

ON

LICENSING.

Presented to both Houses of Parliament by His Excellency's Command.

[SECOND SESSION OF THE ELEVENTH PARLIAMENT.]

PERTH :

BY AUTHORITY : FRED. WM. SIMPSON, GOVERNMENT PRINTER.

ROYAL COMMISSION.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To Our Trusty and Well-beloved—

Alexander McCallum, Esq., M.L.A.,
Henry Willoughby Mann, Esq., M.L.A.,
Peter Laurence O'Loughlen, Esq., M.L.A.,
William George Pickering, Esq., M.L.A.,
Walter Richardson, Esq., M.L.A.

Greeting:

KNOW Ye that We do by these Our Letters Patent, issued in Our name by Our Governor in and over the State of Western Australia, in the Commonwealth of Australia, acting with the advice of the Executive Council, appoint you to be Honorary Commissioners to inquire into and report upon—

- (1) The statutory law relating to the sale of fermented and spirituous liquors.
- (2) The duties and obligations of licensed persons; the conduct of licensed premises, and the accommodation which, under the existing law, licensees are required to afford to the public.
- (3) The licensing and conduct of railway refreshment rooms.
- (4) The sale of liquor under gallon and two-gallon licenses.

- (5) The operation of the local option provisions of "The Licensing Act, 1911," and particularly as compared with a system of reduction by a Licenses Reduction Board.
- (6) The fees for licenses prescribed by "The Licensing Act, 1911," and the revenue that should be raised from the trade.
- (7) And generally on the administration of the Licensing Acts, and the amendments of the law that are desirable in the interests of the public and of the revenue of the State, and as to the services that should be rendered by licensees, and are due from licensees to the public.

And we appoint you the said Henry Willoughby Mann to be Chairman. And we require you to report as soon as possible to Our Governor in and over the said State of Western Australia the result of your inquiries into the matters entrusted to you by these Our Letters Patent, which We declare to be a Royal Commission to which "The Royal Commissioners' Powers Act, 1902," applies.

Witness Our Right Trusty and Well-beloved Sir Francis Alexander Newdegate, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia, this eleventh day of February, in the year of Our Lord One thousand nine hundred and twenty-two.

[L.S.]

F. A. NEWDEGATE,
Governor.

GOD SAVE THE KING!!!

REPORT.

To His Excellency Sir Robert Furse McMillan, Knight, Lieutenant-Governor and Administrator in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia.

YOUR EXCELLENCY—

In compliance with the terms of the Commission issued by His Excellency the Governor appointing us to inquire into the Statutory Law relating to the sale of fermented and spirituous liquors, etc., we have the honour to report as follows:—

The items of inquiry submitted to the Commission were:—

- (1) The statutory law relating to the sale of fermented and spirituous liquors.
- (2) The duties and obligations of licensed persons; the conduct of licensed premises, and the accommodation which, under the existing law, licensees are required to afford to the public.
- (3) The licensing and conduct of railway refreshment rooms.
- (4) The sale of liquor under gallon and two-gallon licenses.
- (5) The operation of the local option provisions of "The Licensing Act, 1911," and particularly as compared with a system of reduction by a Licenses Reduction Board.
- (6) The fees for licenses prescribed by "The Licensing Act, 1911," and the revenue that should be raised from the trade.
- (7) And generally on the administration of the Licensing Acts, and the amendments of the law that are desirable in the interests of the public and of the revenue of the State, and as to the services that should be rendered by licensees, and are due from licensees to the public.

For Your Excellency's information, we may state that a Bill for the amendment of "The Licensing Act, 1911," was submitted to Parliament last Session. So numerous were the notices of proposed amendments to the Bill that Parliament appointed us a Select Committee on the 4th January, 1922, to report on the measure. Parliament having prorogued before the Committee had taken any action, we were appointed an Honorary Royal Commission on the 11th February, 1922.

In addition to many private meetings, public sittings totalling 32 were held at Dwellingup, Kalgoorlie, Northam, Busselton, Bunbury, Collie, Albany, Geraldton, and Perth; 151 witnesses were examined, and the evidence taken comprises 854 pages.

Two members of the Commission, Mr. Alex. McCallum, M.L.A., and Mr. Peter O'Loughlen, M.L.A., visited the Eastern States during the course of the inquiry and gathered much useful data. Mr. McCallum made a special and exhaustive investiga-

tion into the operations of the Licenses Reduction Board in Victoria, and the information gained by him has been invaluable to the Commission in its deliberations.

Where the suggested amendments were not unanimously agreed to, the names of the members dissenting are shown under Item 7 of the Report.

Attention is directed to the Statements appended to the report, namely:—

- (1) Analyses of beers and stouts.
- (2) Analyses of wines.
- (3) Assistant Government Analyst's report.
- (4) Return showing number and percentage of charges for drunkenness and offences attributable to drink (W.A.)
- (5) Return showing number and percentage of distinct persons charged with drunkenness, etc. (W.A.)
- (6) Convictions for drunkenness per 10,000 inhabitants (States and Commonwealth).
- (7) Cases of drunkenness—all States.
- (8) Consumption (and value) of intoxicating liquors, W.A., 1920.
- (9) Consumption (and value) of intoxicating liquors, W.A., 1921.
- (10) Consumption of alcoholic liquors per head of population—various States.
- (11) Classification of licenses—Western Australia.
- (12) Return showing number of persons per license in each District and result of Local Option Poll, 1921.

ITEM 1.—THE STATUTORY LAW RELATING TO THE SALE OF FERMENTED AND SPIRITUOUS LIQUORS.

There is probably no social question which has been so prominently before the public mind, during recent years, as that of the control of the Liquor Trade. Practically all of the Eastern States legislation on the subject has been materially altered since the passing of our 1911 Act.

With a view to obtaining as much information as possible, considerable latitude was extended to all witnesses, as the Commission considered that progress should be made along any lines conducive to the elimination of any objectionable features attaching to the Trade.

Existing legislation has been carefully studied and the alterations recommended will be found under Item 7, which deals with "Amendments of the law that are desirable in the interests of the public and of the revenue of the State."

At the 31st December last there were 919 liquor licenses in operation, made up as follows:—

General Publicans'	471
Hotel	1
Wayside	97
Wine and Beer	17
Gallon	184
Two-gallon	18
Club	60
Australian Wine Bottle	10
Australian Wine	51
Spirit Merchants'	3
Packet	3
Refreshment Rooms (Midland Line)	4

Appendix No. 11 details the number and class in each Licensing District.

CONSTITUTION OF LICENSING COURT.

Under the present system the State is divided into a number of Licensing Districts. The Licensing Court for each District comprises three persons, including a Police or Resident Magistrate who acts as Chairman.

The Commission is in favour of the retention of Licensing Districts, but is of opinion that more uniform administration would be obtained by the appointment of three permanent Licensing Magistrates whose functions would be to deal with Reduction, New Licenses, Transfers, Renewals, and Removal of Licenses, also to hear and determine offences involving forfeiture of licenses.

CLUBS.

Notwithstanding the fact that many Clubs are very well conducted, the Commission considers it is desirable that the provisions of the Act relating to Clubs should be amended in order that effective supervision may be exercised.

The principal amendments recommended are as follow:—

No visitors or strangers to be admitted during the hours when liquor may not be lawfully sold or disposed of to the public generally on licensed premises.

Premises to be open at all times for inspection by Inspectors of Licensed Premises and authorised members of the Police Force.

Prohibiting the carrying away of liquor in vessels (except by lodgers) during hotel prohibited hours.

Premises to be closed for sale of liquor at 11 p.m. (except to lodgers).

Clubs are required to furnish annually to the Licensing Court statutory declarations setting forth, with regard to the twelve months ending 30th September, the gross amount paid or payable for liquor purchased for the Clubs, including any duties thereon.

These returns for the Metropolitan Area have been perused and it is found that on the above basis of cost of purchases as distinct from selling prices, and on the number of financial members at the same date, the average amount per member per annum ranges from £1 12s. to £35 13s.

The aggregate liquor purchases for year ended 30th September last for 20 representative Clubs, with a total membership of 6,948, was £57,171, equal to approximately £8 4s. per member.

WINE SHOPS.

Many of the premises in which wine is retailed are open to objection. No standard for such premises is prescribed in the present Act, and in many instances rooms contain cubicles or small compartments which, in the opinion of the Commission, are decidedly undesirable.

The Commission has therefore recommended that it shall be unlawful for Wine Shops to have or use in any bar-room or saloon any partition of wood or other material so as to wholly or partially prevent or limit the uninterrupted view of the whole of the room or place where the bar is situated, or to wholly or partially divide such room or place into two or more compartments.

TRADING HOURS.

From the evidence submitted, and the observations of the Commission, it is considered that the present hours in the Metropolitan and Agricultural Districts meet public demands in a reasonable manner, and no alteration is suggested.

So far as the Goldfields District is concerned, the Commission recommends that the opening hour be 9 a.m. (in lieu of 6 a.m.)—thus making the trading hours 9 a.m. to 11 p.m.

The necessity for extending the hours in some centres to meet local conditions was represented by some witnesses, and the Commission has therefore recommended that the Licensing Court be given power to extend or reduce hours at any place within the Goldfields District where in its opinion such a course is desirable.

The liquor trading hours in the other States are as appended:—

South Australia	5 a.m. to 6 p.m.
Victoria	9 a.m. to 6 p.m.
New South Wales	6 a.m. to 6 p.m.
Queensland	6 a.m. to 11 p.m.
Tasmania	6 a.m. to 6 p.m.

BONA FIDE TRAVELLERS.

A good deal of consideration has been given to the question of the advisability or otherwise of deleting the *bonâ fide* traveller provision, particularly within the Metropolitan Area.

The Commission considers that the abuses attributable to the operation of this section will be materially lessened by the suggested legislation prohibiting liquor being taken away from licensed premises on Sundays, and by increasing the qualifying distance from five to ten miles. The alterations proposed would in no way interfere with the reasonable requirements of the travelling public.

The *bonâ fide* traveller mileage in the Eastern States is as follows:—

South Australia—Supply to *bonâ fide* travellers not permitted.

Victoria—20 miles.

New South Wales—County of Cumberland: 25 miles; elsewhere: 10 miles.

Queensland—20 miles and must lodge at the

SERVING OF SEMI-INTOXICATED PERSONS.

A matter to which the Commission has given much thought and inquiry is that of prohibiting the supply of liquor to persons who, whilst they could not be described as "drunk," are apparently under the influence of liquor and practically certain of becoming intoxicated if served with further drink.

Several witnesses cited cases where men have been allowed to loiter in and about hotels in a drunken or semi-intoxicated condition for days—the only limit to their stay being the value of their cheques, such limit being reached, in some instances, in a remarkably short space of time when compared with the value of the cheques.

Whilst these occurrences are relatively few, they undoubtedly do happen, and the Commission has been endeavouring to discover some practicable way of dealing effectively with the problem.

The liquor law of other States and Countries, so far as known to the Commission, does not seem to offer any solution.

As a possible means of improving the position to some extent, an amendment of the present law has been suggested making it an offence for persons visibly under the influence of liquor to be supplied.

ALCOHOLIC STRENGTHS OF LIQUORS.

It is satisfactory to note that drunkenness has shown marked decreases during recent years—the number of cases in Western Australia having fallen from 4,836 in 1915 to 3,563 cases in 1921—*vide* Appendix No. 7. As a possible means of still further assisting national sobriety, inquiries have been made regarding the advisability and practicability of reducing the alcoholic strength of liquors.

(a) *Spirits*.—Under Section 180 of "The Licensing Act, 1911," it is permissible to reduce whisky, brandy, and rum to 25 per cent. under-proof and gin to 35 per cent. under-proof.

A perusal of the evidence will show that much interesting information was tendered on this matter. A "Memorial" presented to the Commission on behalf of the Wholesale Wine and Spirit Merchants' Association of W.A., the Scottish Distilleries, and the Brands Protection Society of W.A., sets out the following reasons why the present law should not be interfered with:—

That excessive dilution is detrimental to quality, and it is exceedingly difficult to keep bright high-class brands which contain a considerable percentage of malt whisky.

It is also desired to emphasise the fact that great dilution affects the flavour not only in degree but in kind.

It must always be borne in mind that the taste and character of the spirit which has stood for some time in a diluted form is very different from the taste and character of the same spirit immediately after dilution—and this is the case whether such spirit is diluted with plain or with mineral waters, and this applies particularly to whisky.

As applied specially to whisky it is common knowledge that whisky and soda, or even whisky with plain water, which has been allowed to stand for some time becomes insipid and characterless, and loses its aroma and bouquet.

In some brands the change in character is more noticeable than in others, in consequence of varia-

whiskies, from which these brands are blended; but the important practical fact is that excessive dilution does radically alter the essential characteristics and qualities of whisky, and of course it is on these characteristics that the reputation of a high-class brand is based.

Experience has also proved the great practical difficulty that exists in combating successfully the milky or opalescent effect that excessive reduction of whisky produces. No doubt such opalescence can, to a great extent, be removed by repeated and strenuous filtration, but only by removing in the process valuable constituents which give distinctive flavour and character.

There are various methods of filtration, some of them more drastic than others; but one inevitable result is common to all, namely, the extraction to a greater or less degree of the essential oils, etc., that are characteristic of fine whisky. Filtration is, in practical effect, a modified form of rectification.

It is further to be noted that it is much more difficult to render some whiskies clear than others, and that various types of malt whiskies used in blends, as well as different ages and different proportions of such malt whiskies, require different treatment. Commercial experience further demonstrates that different sorts of water (*e.g.*, distilled water or hard water) affect different whiskies in different and sometimes in quite opposite ways.

If whiskies are compulsorily reduced to too low a strength, a new method of drinking will almost certainly come into existence; and the proposed low strength whisky will be drunk without any further dilution.

Grave hardships to the owners of proprietary brands and to distillers of high-class Highland and other malt whiskies would be involved by the policy of Reduction of Strength in contemplation, which in the face of past experience is not a feasible proposition.

In expressing the above views your "Memorialists" venture to remind the Commission that compulsory dilution to a degree that would rob high-class brands of their distinctive characteristics, and practically reduce all brands to one common level of mediocrity, would obviously be to the advantage of those whose aim is cheapness rather than quality.

The subject of excessive Reduction of Whisky was exhaustively dealt with by the Scientific Advisers of the Wines and Spirit Brands Association of Great Britain, and a copy of their Notes is respectfully furnished for the consideration of the Commission.

The Assistant Government Analyst and Toxicologist (Mr. Chas. E. Stacy) in evidence stated that he fully agreed with the arguments advanced in the "Memorial." It has been ascertained that although it is allowable in South Australia and England to reduce to 35 per cent. under-proof it is very seldom, if ever, that any advantage is taken of the provision.

It is considered that no appreciable benefit would result from making such a provision permissive, and to make it mandatory would probably reduce all whiskies to one inferior standard.

After mature deliberation the Commission is of opinion that the percentage prescribed in the Act should not be altered. In any event, it is problematical whether any further weakening of spirits would appreciably reduce drunkenness, as it might reasonably be supposed that such further adulteration would lead to "neat" drinking.

All of the technical witnesses before the Commission advocated that the period for which whisky should mature in wood before being retailed should be extended from two years (as now prescribed in

the "Food and Drug Regulations") to three years, and the Commission strongly recommends accordingly.

(b) *Beer and Stout*.—Samples were taken of all beers and stouts manufactured in this State, and results of analyses are contained in Appendix No. 1.

Bearing in mind the allegations often made in recent years that some beers contain an undue amount of chemicals, it is gratifying to note that the Assistant Government Analyst in his report (Appendix No. 3) states that the result of analyses of beers and stouts in the Metropolitan Area goes to show that they are brewed from malt, sugar, and hops, that the country beers were largely sugar beers, which means that more sugar and less malt was used in their manufacture, and that injurious substances were entirely absent.

The percentage of proof spirit ranges from 6.61 to 9.56 in the beers and from 8.77 to 12.12 in the stouts. The proof spirit strengths of beers in the Eastern States are as under:—

New South Wales ..	7.5 to 9.5
South Australia ..	5.23 to 10.76
Victoria ..	7.49 to 12.84
Queensland ..	7.5 to 10.6

Beer being the principal alcoholic drink of the community, the Commission has given close thought to the question of reducing its spirit strength, while still retaining the palatableness of the beverage. The brewers in the State who were examined consider that if any maximum is fixed for beer it should not be less than 9 per cent., and for stouts not under 12 per cent. It was argued that beer made in Western Australia required relatively high alcoholic strength to ensure the retention of its quality after being transported long distances in the outback country under extreme climatic conditions.

There is no doubt that the public demand for light ales is increasing, and this is evidenced by the recent conference of brewers in the Eastern States, which recommended that the maximum proof spirit in all beers should be 8 per cent.

The Commission is of opinion that light ales would be beneficial to the public, and recommends that a maximum of 9 per cent. proof spirit be prescribed for beer and 12 per cent. for stout. The adoption of standards will necessitate more frequent analyses of the liquors.

(c) *Wines*.—In view of the wide-spread interest and misapprehension manifested regarding the sale of wines popularly designated "Pinky," samples of a number of the wines now on the market were purchased from various retail shops in Perth and submitted to the Government Analyst, whose report and analyses are attached (Appendices Nos. 2 and 3). It will be noted that all of the wines submitted were natural wines made from grapes, and that no artificial colouring matters could be detected.

The term "Pinky" is apparently a colloquialism applied to any wine the abuse of which produces drunkenness of a particularly dangerous or violent type. The Assistant Government Analyst in his report states:—

"A great deal has been said about the evil effects of the bad qualities of 'pinky,' or Australian sweet

can be purchased at a very cheap rate—thus a bottle of whisky costing from 10s. to 12s. 6d. contains only 2½ times more alcohol than the same quantity of sweet red wine which may be retailed at from 1s. 6d. to 2s. It also contains three times as much alcohol as beer, which is sold for 1s. 2d. per bottle."

Section 32 of "The Licensing Act, 1911," provides that wine shall not contain more than 35 per cent. of proof spirit. In the other States the percentages allowed by Statute are:—

South Australia ..	35 per cent.
Victoria ..	32 per cent.
New South Wales ..	30 per cent.
Queensland ..	40 per cent.

Bearing in mind the value of the wine industry to the State, the Commission was anxious to ascertain whether it was not practicable for the vignerons to produce a much lighter wine suitable to public requirements. Experienced practical vignerons representing the Wine Growers' Association stated it was essential for a sweet wine to contain about 34 per cent. proof spirit. They also pointed out that the Australian climatic conditions are not favourable to the vinting of a light sweet wine, as the bright sunshine causes the grapes to be rich in sugar, and the resultant fermentation of that sugar produces a beverage which is stronger in spirit than if the grapes were grown in milder climates.

A standard of "soundness" should certainly be prescribed as soon as possible. The Assistant Government Analyst in his evidence stated that wines containing more than 0.18 per cent. of volatile acidity were unsound, and a Committee of Experts appointed by the South Australian Government in 1917 recommended that no wine should be sold which contains a greater quantity of volatile acidity than two grammes per litre calculated as acetic acid.

The Commission recommends that the standard of "soundness" as suggested by the Assistant Government Analyst be adopted.

LIST OF OTHER MATERIAL AMENDMENTS.

Approximately 130 amendments are recommended in the last section of this report, and apart from those referred to under Items 1 to 6, the following are included:—

- Increases in minimum penalties for breaches.
- Restrictions regarding retailing of wine by vignerons.
- Single women over 30 years of age to be permitted to hold publicans' general licenses.
- Managers of State hotels to be subject for certain purposes as to hours of trading, etc., to the control of the Licensing Court.
- Prohibiting sub-letting of dining-rooms.
- Age at which liquor may be supplied increased from 18 to 21 years.
- Making it an offence for any person to falsely represent himself as being over 21 years of age.
- Exclusion of children from bars—age increased from 14 to 16 years.
- Making it an offence for any person to send

Prohibiting the employment of any person under age of 21 years in bars.

Registration of Asiatics at present employed in licensed premises and prohibiting employment of any than those so registered at introduction of Bill.

Prohibiting betting on horse-racing and posting of betting and racing results in licensed premises.

Increase in number of offences which render licenses liable to forfeiture.

Licensing Court to have power to fine in lieu of forfeiture in certain circumstances.

Liquor in quantity of not less than a half-pint to be sold in standard measure if demanded.

Prohibiting the taking away of liquor in vessels during prohibited hours or within one hour of closing time.

ITEM 2.—THE DUTIES AND OBLIGATIONS OF LICENSED PERSONS; THE CONDUCT OF LICENSED PREMISES, AND THE ACCOMMODATION WHICH, UNDER THE EXISTING LAW, LICENSEES ARE REQUIRED TO AFFORD TO THE PUBLIC.

It is found that the conduct of licensed premises, so far as illegal trading is concerned, has been, on the whole, good. The accommodation provided is generally adequate and satisfactory, but there is room for improvement in a few instances where licensees fail to cater for the requirements and convenience of the public by closing their dining-rooms or charging excessive tariffs, thus converting their premises into merely drinking saloons, and frustrating the obvious intention of the Act.

There are no provisions in the Licensing Act whereby delinquents in these respects can be summarily dealt with, and it is only at the annual Licensing Court when applications are made for renewals of licenses that the matters referred to can be effectively determined.

The Commission has recommended legislation which, in its opinion, will remedy this defect.

ITEM 3.—THE LICENSING AND CONDUCT OF RAILWAY REFRESHMENT ROOMS.

There are two classes of railway refreshment licenses operating in this State, namely, those issued by the Licensing Courts under Section 34 of "The Licensing Act, 1911" (in force on the Midland Railway Company's line), and those issued by the Commissioner of Railways under Section 59 of "The Government Railways Act, 1904."

There is no limitation to the class of persons who may be supplied with liquor by licensees on the Midland railway, whereas under the provisions of the Government Railways Act the supply is restricted to *bonâ fide* travellers on the railway. This anomaly will be overcome in the suggested legislation.

Under both forms of license, the sale of liquor is confined to within 30 minutes before and 30 minutes after the arrival and departure of any passenger train.

At the present time the rooms licensed by the Commissioner of Railways are not "licensed premises" within the meaning of the Licensing Act, except in connection with the provisions of such Act dealing with the adulteration of liquor.

In the Eastern States the conditions enumerated hereunder apply to such licenses:—

Victoria.—Granted by the Licensing Court to any fit and proper person appointed by the Victorian Railway Commissioners. No such license is granted within the City of Melbourne or within a distance of 20 miles thereof (*vide* Section 17 of No. 3028, Victoria). No person can be supplied with liquor unless he has travelled at least 20 miles by train. (Section 17, Subsection 2, *ibid*). Liquor can only be supplied from the time of the actual arrival of the train at the railway station until its departure therefrom, but not during a longer period than 20 minutes from its arrival.

South Australia.—Issued by the Treasurer upon payment of an annual fee of £10. (Sections 121 and 124 of 1917, South Australia). Liquor can only be supplied from the time of actual arrival of train, and for not more than 15 minutes after such arrival, and between hours of 5 a.m. and 6 p.m.; and is prohibited altogether on Sunday. (Section 122, *ibid*).

Queensland.—Issued by the Commissioner of Railways. Liquor may be sold within a reasonable time before and after arrival and departure of passenger trains. The licensees are only authorised to supply liquor during prohibited hours to passengers who are in possession of, and can produce to such licensees, a ticket authorising them to travel by railway for a journey of at least 20 miles beyond such station. (Section 204 of 1912, Queensland).

Practically all of the witnesses examined considered there was room for considerable improvement in the conduct of Government railway refreshment rooms, and that better results could be achieved if the licenses were controlled by the Licensing Courts.

The principal matter complained of was that the rooms were allowed to trade long after the hotels were closed, in some instances (in country districts) trading up to 3 a.m.

The Commission considers that the Licensing Court should control all channels through which liquor is sold, and the suggested amendments provide that the powers conferred on the Commissioner of Railways shall not be exercised without the confirmation of such Court.

The Commission is of opinion (Chairman dissenting) that the best interests of the public would be served if the Government railway refreshment rooms were run by the Department.

RAILWAY REFRESHMENT CAR LICENSES.

The evidence submitted in regard to the above was in favour of the abolition of this particular form of license. It was argued that the operation of this license interfered with the convenience of the travelling public, particularly women and children, and that on most lines refreshment rooms are provided at reasonable intervals, thereby rendering the travelling bar unnecessary.

The Commission agrees with the representations made and has recommended the deletion of this form of license.

ITEM 4.—THE SALE OF LIQUOR UNDER GALLON AND TWO-GALLON LICENSES.

GALLON LICENSE.

At 31st December last there were 184 gallon licenses in operation, mainly held by grocers.

A perusal of the evidence will disclose that a strong prejudice against this class of license is held by a large section of the community. The main argument advanced by these persons for the elimination of this license was that under its provisions women were enabled to obtain liquor surreptitiously; in some instances through the action of the licensee in fictitiously describing same in the "accounts rendered." The Commission has suggested a clause which makes it an offence to falsely describe liquor.

Practically the whole of the opposition, however, was based on hearsay, there being no first-hand evidence to support the statements made.

On the other side, it was argued that this license supplies a public need, and if it were abolished and men had to go to hotels for their evening drink they would there be induced to drink more than if supplies were available in their own homes, where they had the restraining influence of their families.

The Commissioner of Police, in his evidence, stated that relatively very few complaints were received regarding infringements by gallon licensees.

The Commission is of opinion that this form of license supplies a reasonable public requirement, and should therefore remain.

TWO-GALLON LICENSE.

The Commission, in view of their suggested amendment creating a brewer's license similar to that operating in Victoria, has recommended that the sections dealing with Spirit Merchants' Licenses and Two-gallon Licenses be merged, thereby doing away with the necessity for the latter form of license.

ITEM 5.—THE OPERATION OF THE LOCAL OPTION PROVISIONS OF "THE LICENSING ACT, 1911," AND PARTICULARLY AS COMPARED WITH A SYSTEM OF REDUCTION BY A LICENSES REDUCTION BOARD.

A review of the results attained at the Local Option poll held in April, 1921, shows that its operation was illogical and ineffective. Districts which are obviously over-licensed carried "Continuance," whilst some districts with the smallest ratio of public houses to the population voted "Reduction." All the evidence tendered at Kalgoorlie by representatives of the Temperance organisations, Breweries, and Licensed Victuallers' Association, agreed that at least 50 per cent. of the existing licenses in that district should be abolished. Notwithstanding this, "Continuance" was carried in that district by a majority of 363.

Appendix No. 12 sets out in statement form the results of the poll compared with the number of persons per license in each of the Licensing Districts.

The following are a few instances culled from the statement:—

District.	Approximate population.	No. of licensed premises providing accommodation in addition to liquor.	No. of persons per license.	Result of Local Option Poll.
Broome	1,050	6	175	Carried "Continuance."
Collie	8,150	10	815	Carried "Reduction."
Coolgardie	2,450	14	175	Carried "Continuance."
Cue	1,150	20	57	do. do.
Guildford	15,400	13	1,261	Carried "Reduction."
Kalgoorlie	23,100	91	254	Carried "Continuance."
Kanowna	2,150	16	134	do. do.
Kimberley, West	420	4	105	do. do.
Leederville-Subiaco	30,960	8	3,870	Carried "Reduction."
Mt. Magnet	1,220	21	58	Carried "Continuance."

This weakness in the Local Option system, so far as "Reduction" is concerned, is confirmed by the results obtained in other States.

During the 20 years prior to 1906, when Local Option was operating in Victoria, 122 polls were held and resulted in the closing of 217 hotels. In the same period 145 new licenses were granted, the net result being a decrease of 72 hotels.

In 1906 a Licenses Reduction Board was provided for and has from that time to 21st December last closed 1,437 hotels.

Compensation for the premises closed under Local Option averaged £980 each hotel, which was paid by the taxpayers; and under the Board £514 each from a fund provided by the liquor traders.

By the 1916 Act the Licenses Reduction Board was constituted the Licensing Court of Victoria and given the whole duty of granting, renewing, trans-

ferring, and taking away liquor licenses—wholesale and retail—throughout the State.

Particulars regarding New South Wales and New Zealand are appended:—

New South Wales.

In New South Wales Local Option polls were taken in 1907, 1910, and 1913. Reduction was carried at the 1907 poll in 65 electorates and continuance in the remaining 25 electorates. In 1910, only 14 electorates voted for reduction, and in 1914, 15 electorates.

1907.—The Courts ordered the closing of 293 hotels following on the 1907 poll, out of 3,023 then existing, and the final 54 closed in 1913.

1910.—Following on the 1910 poll, 28 were closed as follows:—One in 1912, and 27 in 1913.

1913.—Following on the 1913 poll, 23 were closed in three electorates. In the other two electorates, hotels could not be closed as the existing number was below four, so that the limitation of 25 per cent. operated.

The total hotels closed since 1907 as the result of the three polls is 345.

In addition to hotels, 58 wine licenses were taken away as the result of the three polls.

A Licenses Reduction Board was appointed in 1920.

LOCAL OPTION.

New Zealand.

In New Zealand, since 1893, Local Option polls have been taken at the General Elections.

"No license" was carried as follows:—1893, Clutha; 1902, Ashburton, Mataura; 1905, Grey Lynn, Oamaru, Invercargill; 1908, Eden, Ohinemuri, Masterton, Wellington South, Wellington Suburbs, Bruce.

Mr. McCallum, M.L.A., a member of the Commission, visited the Eastern States recently and reports that in each of the States he interviewed Ministers of the Crown and the officials charged with administering the licensing laws, and they were unanimous in the view that the Victorian legislation was the most modern and effective and that, in the event of their own laws being amended, provisions of the Victorian Statutes would be adopted.

The main feature is that, under the Reduction Board method, the elimination of undesirable and surplus hotels is certain of speedy accomplishment, whereas under local option such houses are practically sure of a lengthy life, as the districts in which they are situated almost invariably vote against reduction.

The Commission has recommended that the existing Act be amended to provide for a periodical State-wide poll to be taken (on a day other than that on which a parliamentary election is held) on the question of a "wet" or "dry" State, such poll to be decided on a simple majority of the votes cast, and voting to be compulsory; provided, however, that a minimum of 85 per cent. of the electors on the roll is essential, but that such percentage shall suffice to carry the question for or against prohibition. Penalty for failing to vote to be £5. The matters of reduction and new licenses to be part of the functions of the suggested State Licensing Court.

It is considered that a more reliable and well-balanced reflex of public opinion would be obtained by a State-wide poll than by District polls. District polls are often more influenced by the manner in which hotels in the immediate locality are conducted, rather than by the merits of the general issue.

Coupled with compulsory voting, the Commission considers a simple majority should determine the issue. A minimum poll of 85 per cent. of the electors on the roll is prescribed as a safeguard against a poll being open to question, through a number of persons neglecting to vote and trusting to escape the penalty.

For the purpose of reducing licenses, it is proposed that a Compensation Fund be established by an annual levy on the holders of Hotel, General Publicans', Wine, and Wine and Beer Licenses of

2 per cent. (1 per cent. from the licensee and 1 per cent. from the owner) on the cost of liquor purchased calculated on the same basis as suggested under Item 6 of this Report. To enable the work of reduction to be proceeded with without undue delay, it is proposed that the Court be given power to borrow money.

ITEM 6.—THE FEES FOR LICENSES PRESCRIBED BY "THE LICENSING ACT, 1911," AND THE REVENUE THAT SHOULD BE RAISED FROM THE TRADE.

The Commission is of opinion that the present system of fees is inappropriate and anomalous in its operation.

Hotels which provide extensive and up-to-date accommodation for the travelling public pay the same fee and in some instances more than hotels which make considerably more profit by catering solely for the drinking habits of the people.

The restriction and reduction of licenses materially enhance the value of remaining licenses to the holders, but under existing conditions no additional benefit accrues to the State which confers the privilege.

Some witnesses have urged that the liquor trade was not a legitimate avenue for the collection of revenue, but it is admitted by practically all authorities that State created monopolies are proper objects of taxation.

After having weighed the evidence submitted and carefully investigating other methods of taxation, the Commission recommends that the fees be levied on a percentage basis calculated on the net cost of liquor purchases (*i.e.*, exclusive of excise and duty) on the basis, in the case of beer, on the price *f.o.b.* or at place of manufacture, and in the case of wines and spirits on the price at the place of disposal.

The Commission was, however, unable to agree on any specific percentage. It was moved by the Chairman that the percentage be 7 per cent., which it was estimated would result in a revenue of £80,000 per annum, as against £36,000 under the present system. Mr. Pickering stated he was prepared to agree to the suggestion provided the increased fees were not made applicable to clubs. The other Commissioners could not see their way to make any recommendation.

NEW LICENSES.

Section 47 of the Licensing Act provides for premiums for new Publicans' General Licenses.

The section as it now stands is faulty and open to objection.

It is very rarely that an application is made for a Publican's General License. Rather, the practice is to apply for a provisional certificate as provided by Sections 59 and 60. Apparently no offer is to be made for the grant of a certificate which once obtained enables its holder, on complying with the conditions contained in the certificate, to obtain a license for the house without making an offer above a nominal sum.

The granting of such a license confers a valuable asset to the owner of the property, and the inadequate return by way of premium the State has

received since the passing of the 1911 Act may be gleaned from the following incomplete data (which does not, of course, include price paid to the Crown for sites) supplied to the Commission:—

	Premium received.
Carnarvon:	
Denham Hotel, Shark Bay	£5
Pearlers' Rest, Shark Bay	£5
Gascoyne Hotel, Carnarvon	£10
Sandhurst Hotel, East Carnarvon ..	£10
Toodyay:	
Wyalkatchem Hotel	£1
Commercial Hotel, Trayning ..	£10
Katanning:	
Gnowangerup Hotel	£1
Beverley:	
Kondinin Hotel (offer made, but not granted)	£1
Moora:	
Three Springs Hotel	£25
Perenjori Hotel	£1
Dongarra:	
Commercial Hotel, Three Springs ..	£25
Ballidu Hotel	£5
Pithara Hotel	£5
Perenjori Hotel	£5
Perenjori Hotel	£1
Collie:	
Nannup Hotel	£1

The Commission has suggested a provision inaugurating a new policy applying to all new licenses, under which tenders will be called by the Licensing Court.

ITEM 7.—AND GENERALLY ON THE ADMINISTRATION OF THE LICENSING ACTS, AND THE AMENDMENTS OF THE LAW THAT ARE DESIRABLE IN THE INTERESTS OF THE PUBLIC AND OF THE REVENUE OF THE STATE, AND AS TO THE SERVICES THAT SHOULD BE RENDERED BY LICENSEES, AND ARE DUE FROM LICENSEES TO THE PUBLIC.

(a) ADMINISTRATION.

We are glad to be able to state that not a single substantiated complaint was made regarding the administration of the Licensing Acts. Indeed we are convinced, bearing in mind the multifarious duties of the Police, that the Department has used great care to see the provisions of the existing law were properly administered. In this respect we desire to pay special tribute to the successful work of the Department in the detection and suppression of illicit sales of liquor.

Under the present conditions as provided by Section 173 of "The Licensing Act, 1911," the Inspectors of licensed premises are only required to report upon licensed premises to the Licensing Bench, and then only if required by the Bench so to do. We do not think that this is quite satisfactory, inasmuch as such reports are not forwarded to the Commissioner of Police, who is responsible for the provisions of the Licensing Acts being enforced.

In view of the ever-increasing work under the Licensing Laws and the importance it is to the

welfare of the community and the protection of law-abiding licensees that the provisions of the law regarding the sale of liquor should be strictly enforced, we are of the opinion that a special branch of the Police Department should be created to deal exclusively with the administration of licensing matters. This branch should be under the control of an experienced senior officer (under the direct supervision of the Commissioner), whose whole time should be devoted to that purpose especially, including frequent inspections of liquor and licensed premises and the reporting on the conduct and condition thereof to the Licensing Court and the Commissioner. Such reports and the services of the officer generally would be of incalculable value to the Court, especially in the exercise of its functions dealing with de-licensing of premises.

The Commission also recommends that the Inspectors of Liquors should be transferred from the State Hotels Department and be attached to the proposed branch.

(b) AMENDMENTS OF THE LAW THAT ARE DESIRABLE IN THE INTERESTS OF THE PUBLIC AND OF THE REVENUE OF THE STATE AND AS TO THE SERVICES THAT SHOULD BE RENDERED BY LICENSEES AND ARE DUE FROM LICENSEES TO THE PUBLIC.

Section 5.—Interpretation of "Intoxicating Liquor."

After word "perry," in last line, add "but does not include any liquor which does not contain more than two per cent. of proof spirit." (South Australian Section 4.)

Section 6.—Penalties at foot of sections and sub-sections.

To be amended by substituting the words "one fifth" for the words "one tenth." (Clause 3 of Bill.)

Section 8.—Licensing Courts: Constitution of Licensing Courts.

That provision be made for the appointment of a Court consisting of three (3) permanent Licensing Magistrates to (in addition to the duties imposed by Clauses 39 and 40 of the Bill, viz., New Licenses and Reduction) deal with transfers and renewals and hear and determine cases involving forfeiture of license, throughout the State, with the right to call upon the local Police or Resident Magistrates to sit with them in an advisory capacity; provided also that the Court shall have power to delegate its authority, in so far as formal transfers and renewals in places north of 26 degrees south are concerned, to any Police or Resident Magistrate. Court also to have power to delegate authority to any one or more of its members.

Provision also to be made that the Board's determinations in all its administrative acts shall be final and conclusive.

Section 27.—Licenses: Description of Licenses.

(1.) In subsection (1) (c) strike out the words "Wayside House licenses." Should fees be calculated on a percentage basis, it is considered that this form of license should be incorporated with that of the "Publican's General License."

(2.) *Ibid.* (ee) strike out "Australian Wine Bottle License." Present holders of this license should be given opportunity of taking out "Australian Wine Licenses."

(3.) *Ibid.* (h) strike out words "Railway Restaurant Car License." (Messrs. Pickering and O'Loughlen dissenting.)

(4.) Insert "Brewer's License."

(5.) *Ibid.* subsection 4, strike out the words "hotel license or."

Section 30.—*Wayside House License.*

Strike out the section.

Section 32.—*Australian Wine License.*

(1.) In Section 5 of No. 1 of 1917, subsections (1) and (2), strike out the words "and newspapers."

(2.) Add new section:—

"Any holder of an Australian Wine License who keeps or brings or permits to be brought on his licensed premises any liquor other than wine the produce of fruit grown in any State of the Commonwealth shall be liable for a first offence to a penalty of not more than Five pounds, and for a second or subsequent offence to a penalty of not less than Two nor more than Ten pounds." (Victoria, Section 215.) (Chairman dissenting.)

(3.) Add new subsection:—

"Australian Wine Licenses shall only be issued or renewed to premises of a standard to be prescribed by the Court, and it shall be unlawful to have or use in any bar-room or saloon any partition of wood or other material so as to wholly or partially prevent or limit the uninterrupted view of the whole of the room or place where the bar is situated or to wholly or partially divide such room or place into two or more compartments. Any licensee who contravenes the provisions of this subsection shall be liable to a penalty of £25."

Section 32 (a).—*Australian Wine Bottle License.*

Strike out the section.

Section 34.—*Railway Refreshment Room License.*

After word "liquor," in fourth line, insert "to *bonâ fide* travellers on the railway."

Section 35.—*Railway Restaurant Car License.*

Strike out the section.

Section 36.—*Spirit Merchant's License.*

(1.) Strike out the proviso.

(2.) Strike out word "imported," in line 3, and also all words after "gallons," in line 4, and substitute (1) "not to be drunk on the premises in which such liquor is sold"; (2) "the minimum quantity shall consist wholly of spirits or of wine or of beer or of some other kind of liquor and shall be delivered and taken away from the premises at one time and not by instalments."

(3.) Make provision for increase of license fee from £15 to £30 within 10 miles radius of G.P.O., Perth, and £20 elsewhere.

Section 37.—*Two-gallon License.*

Strike out section and substitute:—

"A brewer's license shall authorise the licensee to sell and dispose of beer or porter made in Western Australia, in quantities of not less than two gallons." (See Sections 16 and 130, Victoria.)

Make provision for increase of license fee from £15 to £30 within 10 miles radius of G.P.O., Perth, and £20 elsewhere.

Section 40.—*Temporary License.*

Paragraph to be added:—

"A temporary license may authorise a licensee to exercise the privileges of his license within or beyond the limits of the district in which his licensed premises are situated." (Clause 7 of Bill.) (Mr. Pickering dissenting.)

Section 44.—*Exemptions.*

(1.) In subsection (1) (a) strike out the words "of his own growing" and substitute "grown." (See Section 12 of Victorian Act, Section 13 of South Australian Act, and Section 5 of Queensland Act.)

(2.) *Ibid.* (b) strike out words "of his own growing" and substitute "grown within the State."

(3.) In the proviso to subsection (1) strike out all words after "wine" and insert in lieu thereof:—

(i) is neither sold nor delivered to any person to whom it is by this Act made unlawful to sell or supply liquor, and

(ii) is not consumed or intended to be consumed on the premises where the same is sold, and

(iii) is not sold or delivered during any day or time during which the sale of liquor is prohibited.

(Section 13, subsection 2, of South Australian Act.)

(4.) Delete subsection 3 of Section 44 and substitute in lieu thereof:—

"The powers conferred on the Commissioner of Railways by Section 59 of 'The Government Railways Act, 1904,' shall not be exercised without the confirmation of a Licensing Court and on such conditions as the Court may deem fit; the Licensing Court to have power to withdraw its sanction on proof to its satisfaction that the conditions have not been observed."

Section 45.—*New Licenses.*

(1.) Repeal section and insert a section in place thereof as follows:—

Subject to the provisions of Parts V. and VI. of this Act every application for a license for premises not licensed at the commencement of this Act shall be granted or refused in the absolute discretion of the Court. (Section 8 of Bill.)

(2.) The Commission recommends the adoption of Clause 39 of the Bill with the following amendments:—

(a) The petition for the grant of a license or the registration of a club should be signed by a majority in number of the adult residents living in an area to be prescribed by the Court.

(b) That the words in subsection (1) "for certain specified premises" be struck out, and consequential amendments made throughout.

(c) That in the event of a license being approved, the Court shall prescribe the necessary accommodation and call tenders for premium for license, such premium to be paid to Consolidated Revenue. If, as a result of a petition and inquiry by the Court, a new license is considered necessary in any district where a delicensed house exists, the Court may without calling tenders fix a premium to be paid by the owner of such premises for the granting of such license.

(3.) The Licensing Court to have power to fix a premium in the event of conversion of hotel or way-side house license into publican's general.

Section 47.—Premium for new Publican's General License.

Strike out the section consequential on Subsection (c) of Section 45.

Section 48.—Application to be heard in open Court.

After word "applicant," in fourth line of Subsection (2), add "provided also every applicant shall with his application deliver to the Clerk of the Licensing Court testimonials as to his character and suitability for the particular premises applied for, and it shall be the duty of the Inspector of Licensed Premises to make a searching investigation as to such applicant's character and suitability and as to the genuineness and value of such testimonials, and to report in writing fully thereon to the Court. The Court in dealing with every such application shall take into consideration such testimonials and report." (Victorian Section 92.)

Section 49.—Certain licensed houses to possess accommodation for travellers and guests.

(1.) Strike out section and substitute in lieu thereof:—

"No (a) publican's general license; or (b) hotel license, shall be granted for any premises within the City of Perth or Town of Fremantle unless such house has (separate from and in addition to the entrance to the bar) an entrance for the sale of liquors not to be drunk on the premises, and also contains for public accommodation not less than 12 bedrooms and two sitting-rooms besides the rooms occupied by the family and servants of the applicant, together with a suitable complement of bedding and furniture; nor unless every room so required for public accommodation is so constructed as freely to admit light and air, and contains at least one thousand two hundred cubic feet, except in the case of a bedroom intended for the accommodation of one person only, which contains at least eight hundred and fifty cubic feet; nor unless such house is substantially constructed of durable materials and the rooms are furnished and divided by partitions of stone, brick, or plaster, or, in the case of rooms other than bedrooms, wholly or partly of glass, wood, or other material of which the Licensing Court approves: nor unless such house is provided with baths and at least one closet for every ten lodgers the house can accommodate, placed in suitable places for males and females separately, and also urinal conveniences on the premises for the use of the public frequenting

the house, and also where necessary in the opinion of the Licensing Court with stabling sufficient for the accommodation of not less than three horses.

And a publican's general license or hotel license shall not be granted in respect of any premises elsewhere than in the City of Perth or Town of Fremantle:—

Unless such house contains not less than six bedrooms and two sitting rooms besides the rooms occupied by the family and servants of the applicant together with a suitable complement of bedding and furniture; nor unless such house is provided with sufficient bath, closet, and urinal accommodation, and also where necessary in the opinion of the Licensing Court is provided with stabling sufficient for the accommodation of not less than three horses. (Section 28 of Victorian Act.)

(The Commission recommends the foregoing for all new licenses and that in the case of renewals of licenses for existing premises licensees may be given time by the Court, not exceeding five years from 1st January, 1923, in which to comply with the new standard.)

The Licensing Court may insert conditions as to further accommodation in its certificate, and any such conditions shall be deemed to be conditions imposed and binding on the licensee.

If any such licensed house is not provided with or shall cease to be provided with the accommodation required by this section or by the conditions inserted in the certificate, the Licensing Court, upon proof thereof to its satisfaction, may suspend the license until such accommodation is provided.

(2.) Provision also to be made for the following:—

(1) Each such licensed premises to be fitted with an up-to-date approved system of sewage treatment if ordered by the Licensing Court. (Mr. Pickering disagrees with the matter being left optional with the Court.)

(2) All places used for the storage, preparation, serving, and consumption of food to be fitted with fly-proof screens.

(3) That each bedroom be supplied and fitted with Yale lock or lock of a similar type.

Section 50.—Temporary Licenses.

Amend to read:—

"Temporary and occasional licenses may be granted at any time by the Chairman or any member of the Licensing Court or, if application is not opposed, by the Clerk of Court of the District wherein the license is to be exercised, and subject to such conditions as may be deemed fit,"

and delete the rest of the section.

Section 52 (a).—Tariffs for Meals.

Add new section as follows:—

"Where the Licensing Court is satisfied that any licensee is not genuinely catering for the requirements of the public, the Licensing Court may prescribe tariffs for meals to be supplied to customers by the holder of a publican's general license, and it shall be the duty of the licensee to provide meals as prescribed, if so required by a customer, at not exceeding the tariff so fixed. Penalty £20."

Section 57.—Removal of Licenses.

Section should be added providing that the Licensing Court may fix a premium as a condition to the removal of a license from licensed premises to any other premises in the same District.

Section 58.—Temporary removal in case of destruction of premises by fire, etc.

Add new paragraph as follows:—

"(2) A sitting of the Licensing Court may be held to deal with applications under this section at such time as the Chairman may appoint." (Clause 11 of the Bill.)

Section 65.—Females.

Section to be amended to allow a single woman over 30 years of age being granted a publican's general license.

Section 67.—Certificate to be void for non-payment of license fee.

Amend by inserting in place of the words "for the license," in lines two and six respectively, the words "on the issue of the license." (Clause 12 of the Bill.)

Section 70.—Fees.

To be amended to provide:—

(1.) That a percentage fee be charged, calculated on the cost of liquor purchases (excluding duties and excise), to be on the basis, in the case of beer, on the price f.o.b. or at place of manufacture, and in the case of wines and spirits at the place of disposal.

(2.) Payments to be made quarterly.

(3.) Adoption of Mr. Mann's proposed amendments to Subsections 5, 6, and 7 of Clause 15 of the Bill as set out on page 4 of Legislative Assembly Notice Paper No. 62.

(4.) That the license fees payable by a licensee under this Act shall not be deemed of the nature of rent or to be regarded as a factor in fixing the annual value.

Part V., Sections 75 to 86.—Local Option.

Provision be made for a periodical State-wide poll to be taken (on a day other than that on which a Parliamentary Election is held) on the question of a "wet" or "dry" State, such Poll to be decided on a simple majority of the votes cast and voting to be compulsory; provided, however, that a minimum of 85 per cent. of the electors on the electoral roll is essential, but that such percentage shall suffice to carry the question for or against prohibition. (Mr. Richardson dissenting to the State Poll and to the prescribed minimum, and favours local option within electoral boundaries.) Penalty for failing to vote £5. The matter of "Reduction" to be dealt with by the Board.

Section 87a.—State Hotels.

Insert new section as follows:—

"The managers of all State Hotels shall be subject to the control of the Licensing Court so far as hours of trading and conditions imposed by the Act on licensees as to—

(1) supplying liquor to intoxicated persons (Section 112);

- (2) permitting drunkenness (Section 113);
- (3) supplying liquor to persons under age (Section 117);
- (4) exclusion of children from bar (Section 116);
- (5) sanitary matters (Sections 91 and 92)."

Licenses Reduction.—Clauses 35 and 37 of Bill.
Clauses agreed to.

Clause 38 of Bill.—Number of Licenses.

Clause recommended with substitution of words "licensed premises" for "licenses" wherever appearing.

Clauses 40 to 45 (inclusive) of Bill.—Jurisdiction and Procedure of Board.

Adoption recommended. Clause 44 to be amended to provide that reasonable time be given by the Court to the licensee of licensed premises in which to close his premises after de-licensing of same has been decided on.

Add new clause as follows:—

"The Board, in determining which licenses shall cease to be in force, shall—

- (1) consider the convenience of the public and the requirements of the several localities in the electorate;
- (2) subject to the above consideration, have regard to—
 - (a) the character of, and the accommodation afforded by, any licensed premises;
 - (b) the manner in which the business has been and is being conducted; and
 - (c) the distance between such premises and the licensed premises nearest thereto;
- (3) subject to the above considerations, have regard to convictions (specified in Section 139) within three years prior to the date of hearing, against any person who, at the date of the offence, was a licensee of the premises."

Clauses 50 and 51 of Bill.—Deprivation of License.

Adoption recommended. In Clause 51, after word "Lessee" wherever appearing, add words "or sub-lessee."

Clause 52 of Bill.—Compensation Fund.

(a) Levy to be 2 per cent. (1 per cent. from licensee and 1 per cent. from owner) on the net purchase price of the liquor (i.e., excluding duty and excise). Levy to be restricted to Publican's General License, Hotel License, Australian Wine License, and Australian Wine and Beer License. In the event of the 1 per cent. payable by the owner being paid by the licensee, the licensee shall have power to deduct same from any rent due or payable.

(b) Provision should be made empowering Board to borrow money so that it can operate immediately.

Section 93.—Alteration or enlargement of licensed premises.

Penalty of £50 to be prescribed.

Section 94.—Penalty for refusing entertainment.

(1.) Penalty to be increased to £50. Licensing Court to have power to prescribe hours during which meals shall be obtainable.

(2.) After "cause," in line three, insert "the proof of which shall lie on such licensee."

Sections 97 and 98.—Licensed premises not to be open before or after certain hours. No liquor to be sold on Sundays and certain other days.

(1.) Section 97 to be amended to provide that the hours of trading in the Goldfields District (as defined in Section 5 of No. 63 of 1915) be from 9 a.m. to 11 p.m.; the Licensing Court to have power to extend or reduce such hours where deemed necessary. (Mr. McCallum dissenting.)

(2.) In Subsection (2) of each section after the word "lodger" insert "or weekly or other boarder."

(3.) The expression "boarder" in this Act means one who habitually from day to day obtains his meals on the licensed premises, but only while he is obtaining such meals between the hours of twelve and two in the afternoon and six and eight in the evening. (Victorian Act, Section 180.)

(4.) Provision to be made permitting the serving of meals and sale of refreshments other than intoxicating liquor after closing hours. (See Section 6 of Victoria, No. 3028.)

(5.) Adopt new subclause:—

(a) Any person other than a lodger who carries away liquor in any vessel from any licensed premises during any day or any time during which the sale of liquor is prohibited by law, or within one hour of closing time, commits an offence against this Act. Penalty two pounds. (See Victorian Act, Section 190.)

(b) Any member of the police force may, without any warrant, seize and carry away any vessel found in the possession of any person (other than a lodger) seen coming out of any licensed premises at any time during which the sale of liquor is prohibited by law, and which the person so seizing has reasonable cause to believe contains liquor. (See South Australian Act, Section 200, Subsection 3.) (Mr. O'Loughlen dissenting.)

Clause 55 of the Bill.—Register of Lodgers.

Clause recommended, with proviso in Subsection (2) that the lodger himself shall enter his name and private address.

Section 100.—Definition of bona fide traveller.

Section to be amended:—

(a) That qualifying distance be increased to 10 miles.

(b) That within a radius of 10 miles of the G.P.O., Perth, it be optional for licensees to supply liquor to *bona fide* travellers on Sunday or during prohibited hours. (See Section 185 Victoria.) (Mr. O'Loughlen dissents, and considers present provision should remain.) (Mr. Richardson dissents to retention of provision so far as Metropolitan Area is concerned.)

Section 103.—Persons found drinking liquor on premises during prohibited time.

After word "liquor" in Subsection (1), line two, insert "or found to have been drinking liquor."

After word "on" in Subsection (a), line one, insert "or leaving," and after word "lodger" in line four insert "weekly or other boarder."

Section 106a.—Penalty if liquor is drunk on premises contrary to license.

Create new section incorporating provision of Section 220, Victorian Act.

Section 106b.—Penalty on licensee for falsely describing liquor.

Create new section:—

"Any licensee who supplies or causes to be supplied any liquor and charges for it under fictitious heading or description shall be liable for a first offence to a penalty of not less than £10 nor more than £20, and for a second and any subsequent offence to a penalty of not less than £20 nor more than £50."

Section 108.—Penalty for keeping billiard or bagatelle table without license.

Section to be amended to provide that the Publican's General License shall only entitle the holder to have a billiard room in or attached to his licensed premises.

Section 110.—No action for price of less than one gallon of liquor.

New subsection:—

"Any person who at the time of being supplied with liquor or if supplied with meals or accommodation at licensed premises, on demand of payment by such licensee or by his servant or agent, refuses to pay a reasonable sum therefor commits an offence. Penalty £10." (See New South Wales, Section 69.)

Section 112.—Penalty for supplying liquor to intoxicated persons.

(a) Strike out words "on any licensed premises."

(b) After word "intoxication," in line 3, insert "or visibly affected by liquor, or who aids or abets any person in a state of intoxication in obtaining or consuming any liquor." (Victoria, Section 176.)

Section 113a.—Penalty on Licensees harbouring Police during hours of duty.

Incorporate provisions of Section 18 of "The Police Act, 1892," substituting "licensee" for "person" in first line. (See also Section 194, Victorian Act.)

Section 115.—Bars not to be sublet.

(a.) Amend by also prohibiting subletting of dining rooms.

(b.) Insert new clause providing that licensees desirous of having more than two bars must obtain permission of the Court and pay an annual fee of £10 for each additional bar. (See Sections 116 and 214 of Victorian Act, Section 64 of New South Wales Act, and 134 of South Australian Act.)

Section 116.—Exclusion of children from bars of licensed premises.

(1.) Amend Subsection 4 by striking out word "fourteen" in line two and substituting "sixteen."

(2.) Amend Subsection 6 by substituting word "or" for "and" in last line.

Section 117.—Penalty for supplying liquor to children.

(1.) In Subsection (1), line 4, strike out word "eighteen" and substitute "twenty-one." (See South Australian Section 170, Queensland Act, Section 71.)

(2.) Add new subsection:—

"Any person who in any place not being licensed premises but on a highway or place adjacent to licensed premises supplies or causes or permits to be supplied any liquor to any person apparently under the age of 21 years shall be liable to a penalty of £20."

(See Queensland, Section 15 of 1914.)

(3.) Add new subsection:—

"No licensee shall suffer or permit any person under the age of 21 years to be employed as a barman or barmaid.

Provided that nothing in this Act shall prevent the employment by a licensed person of a member of his family or his servant whose age exceeds 16 years as a messenger to deliver intoxicating liquor."

(See Section 68, Subsection 3, of English Act, 1910.)

(4.) Add new Section 117 (a):—

"Any person who by falsely representing himself to be over the age of 21 years obtains or attempts to obtain liquor at any licensed premises commits an offence against this Act. Penalty £5."

(5.) Add new Section 117 (b):—

"Any person who sends or causes to be sent any person under the age of 16 years for the purpose of procuring any liquor shall be liable to a penalty of not less than £10."

(South Australian Act, Section 171.)

Section 118.—Penalty for supplying liquor to Aborigines.

Amend by inserting after "person," in line four, "or solicit or receive from any aboriginal native an order for the supply or delivery of liquor."

(See Tasmanian Act, Section 34.)

Section 125.—Powers of Police with respect to persons on licensed premises at prohibited times.

(1.) In subsection 4, strike out the words "lawful purposes," and insert in lieu "purposes not made unlawful by this Act or any other Act relating to the sale of liquor." (Clause 65 of Bill.)

(2.) Penalty be increased to £10.

(3.) Add new subsections:—

(a) "If the licensee took all reasonable care to prevent such person coming or remaining on such premises for an unlawful purpose; or

(b) that the licensee had taken all reasonable care to ascertain and actually believed that the purpose for which such person had come or remained on such premises was a lawful purpose the Court may dismiss the case against the licensee." (See case *Griffin v. Larum*, 1915, New South Wales, 32 W.N. No. 10.)

Section 128.—Justices may prohibit supply of liquor to inebriates.

(1.) Add new subsection:—

(b) "All proceedings under subsection (1) of this section shall be heard with closed doors."

(See South Australian Act, section 175.)

(2.) Increase penalty to £25.

Section 130.—Penalty for employing females beyond certain hours.

(1.) Insert after "female" in line three "other than his wife or daughter over age of 21 years."

(2.) In subsection (1) (c) strike out words "eleven o'clock" and substitute "closing hours."

Section 130a.—Employment of Asiatics.

Add new clause providing that all Asiatics employed on licensed premises at the date of the introduction of this Bill be registered, and that it be made unlawful for a licensee to employ on his licensed premises any Asiatic who is not so registered, and any licensee contravening the provisions of this section shall be liable to a penalty of £25.

Section 131.—Penalty for permitting drunkenness, disorderly conduct, etc.

Penalty be increased from £30 to £50 for first offence and for any subsequent offence after previous conviction £100.

Section 131a.—Posting of Betting Placards.

Create new section as follows:—

"Any licensed person who placards, posts up, or exhibits or permits or suffers to be placarded, posted up, or exhibited in or on or about his licensed premises any information or notices relating to betting or the results of horse racing shall be liable to a penalty of not less than £5 and not more than £20."

Section 131b.—Betting on licensed premises unlawful.

Incorporate the provisions of Section 200 Victoria, subsections (1) and (2), with alteration after word "bets" in the second line, insert "on horse racing," and after "betting" in third line, insert "on horse racing," and strike out all words after "pounds" in line 7 of subsection (1) to the end of that subsection.

Section 132.—Evidence of permission of drunkenness.

In subsection (1) strike out all words after "he" in the fourth line and substitute the words "and the persons employed by him took all reasonable steps to prevent drunkenness on the premises." (See Section 46, New South Wales, and 141, South Australia.)

Section 133.—Billiards, etc., not to be played in Public Houses after 11 o'clock, except by bona fide lodgers.

To be amended to provide for—

(1.) Present hours to remain for licensed premises outside a 10-mile radius of the G.P.O., Perth.

(2.) Within that radius hours to be restricted to hours when liquor may be lawfully sold or disposed of to the public on licensed premises. (Mr. O'Loughlen dissenting.)

(3.) In subsection (1), after word "licensees," insert "of premises licensed for the sale of liquor."

(4.) Insert subsection as follows:—

"No licensee under a billiard table license for premises not licensed for the sale of liquor shall permit any billiards, bagatelle or other games to be played on his licensed premises

after eleven o'clock at night except under the authority of an occasional license, but not at any time on any Sunday, Christmas Day, or Good Friday." Penalty £20. (Clause 66 of the Bill.) (See South Australian 24 of 1917, and W.A. Police Act, 1892, Section 61.)

Clause 68 of Bill.—Closing of premises in case of Riot.

Insert a new section:—

133b. Any police or resident magistrate may, if any riot or tumult happens or is expected to take place, order or direct the licensee of any licensed premises situated at or near to the place where such riot or tumult happens or is expected to take place to close his licensed premises for such time as the magistrate thinks fit; and any person who does not obey such order or direction shall be liable to a penalty of not exceeding Twenty pounds.

Section 139.—Forfeiture of License after repeated Convictions.

(a) In subsection (1), after word "offences," insert ("whether such convictions are in respect of the same kind of offence or not.")

(b) *Ibid.* insert additional sections 94, 111, 112, 113, 115 (subletting of bars only), 118, 121 (a), and 180 (in so far as adulteration with deleterious matters (not water) is concerned.

(c) *Ibid.* after "fit," in line 10, insert "and if convicted three several times of such offences as under this Section within twelve months shall."

Section 141.—Forfeiture of licenses in certain cases.

(1.) Add following paragraphs:—

(e) is of drunken or dissolute habits and unfit to hold a license; or

(f) knowingly suffers his licensed premises to be used for immoral purposes. (Clause 69 of Bill.)

(g) fails to keep a well appointed eating-house with requisite appliances in operation for the daily preparing and serving of meals to guests on his licensed premises.

(2.) Also amend section by adding after word "void," "or at the discretion of the Court such licensed person shall forfeit and pay for such offence a penalty of not more than £100." (See South Australian Act, Section 149, Subsection 8.)

(3.) Create new subsection:—

"A sitting of the Licensing Court may be held to deal with offences under this section at such time as the Chairman may appoint."

Section 141a.—Standard Measures.

Add new Section 141 (a), as follows:—

"All liquor sold under the authority of this Act, in a quantity not less than half a pint shall, if required by the purchaser, be measured and delivered according to imperial standard measures, and shall, upon demand by the person receiving the same, be remeasured for his satisfaction in the same premises and in the same measures, or any other standard measures he procures, but not if the liquors have been taken to any other room or away from the licensed premises, or have been partly consumed before a remeasurement is demanded. On failure to

Sections 142 to 171.—Clubs.

Provision to be made for:—

(1) Secretary of a club to be made liable for strangers using the club's premises within the meaning of Subsection (a) of Section 149.

(2) No visitors or strangers to be admitted during the hours when liquor may not be lawfully sold or disposed of to the public generally on licensed premises.

(3) (a) Club premises shall be open at all times to the inspection of any inspector of licensed premises or inspector of liquor, or a member of the police force authorised in writing by a member of the Licensing Court, who shall respectively have power to enter into and search all such premises. (Victorian Act, Section 134.)

(b) The secretary or other person in charge of a registered club who refuses to admit an inspector or such authorised member of the police force on his demanding to enter, or obstructs him or causes or permits him to be obstructed or delayed in the discharge of his duty, commits an offence against this Act. Penalty: £20.

(4) Conditions applying to the taking away of liquor on Sunday or during prohibited hours from licensed premises to be made applicable to club premises.

(5) Clubs to be closed for the sale of liquor at 11 p.m. except to *bona fide* lodgers, but no person shall be deemed a *bona fide* lodger of a club unless such club contains 10 bedrooms together with suitable complement of bedding and furniture. (Mr. O'Loughlin dissenting.)

(6) Residential clubs to keep a register of lodgers.

(7) Amend Section 145 Subsection (a) by providing that for any new clubs a minimum number of 100 members in the metropolitan district (as defined by the 1915 Act) and 50 members elsewhere.

(8) In Section 146, Subsection (k), substitute "21" for "18," in last line, and add after "age," in last line, the words "provided also that junior members shall not be admitted to any portion of the club premises in which liquor is sold or consumed."

(9) In Section 146, Subsection (1), strike out all words from and including "except," in line 1, to and including word "bar," in last line. This restriction shall not apply to those employed on the administrative work of the club. Provided that no person under the age of 21 shall serve in a bar. Provided also, that no person under the age of eighteen shall be employed in or about a bar or to deliver liquor in the club's premises.

(10) Section 146 (m): Omit the words "is provided for," and substitute for the words "under Section 15 of the Early Closing Act Amendment Act, 1904," the words "may for the time being be lawfully employed."

(11.) Section 147: Alter penalty £10 for first offence, £25 for subsequent offence after previous conviction, and for three convictions within any one year the de-registration of the club, at the discretion of the Court.

(12.) Section 149: (a) Consequential amendment of hours; (b) strike out all words after "visitors," in the fourth line to the word "midnight" inclusive, in the tenth line, and substitute the word "member" for "members," and delete "two" in twelfth line; (c) after words

(13) Section 155: Consequential amendment re number of members so far as new clubs are concerned; also insert new paragraph:—

(ee) That persons who are not members are habitually admitted to the club premises merely for the purpose of obtaining liquor. (Clause 70 (2) of Bill.)

(14) Section 162: Same conditions to apply to clubs as to general publicans in regard to furnishing of returns of liquor purchases.

(15) Section 163, line 4: Strike out words "next sitting," and provide for a subsection as follows:—

"A sitting of the Licensing Court may be held to determine complaints under this section at such time as the chairman may appoint."

(16) Section 170: After word "twelve," in third line, insert "one hundred and seventeen."

Section 173.—Duties of Inspectors.

In Subsection (c), strike out all words after "therein," and substitute "and such report shall describe the condition of the premises, fittings, and furniture, and the manner in which such premises have been conducted during the preceding twelve months, and generally as to whether the provisions of this Act are duly observed. Copies of such reports to be forwarded to the Commissioner of Police."

Section 176a.—Proof strengths of Beers and Stouts.

Create a section making it an offence to sell any beer containing more than 9 per cent. proof spirit or any stout containing more than 12 per cent. proof spirit. Also provide that the requirements of the Food and Drug Regulations dealing with liquor be incorporated in the Licensing Act.

Penalty: £50 for first offence, and £100 for any subsequent offence after previous conviction.

Section 180.—Sale or possession of adulterated liquor.

(1.) Penalty for the adulteration of liquor with water to be not more than £50.

(2.) Penalty for adulteration with deleterious substances named in the section be £200 for first offence, and second offence for such adulteration loss of license.

(3) Create a section making it an offence to sell whisky which has not been kept at least three years in wood.

(4.) Section 180 (a): Create new section incorporating provisions of Section 167, Subsections (1),

(2), and (3), Victorian Act, in so far as adulteration of liquor with deleterious substances is concerned.

Section 194.—Proof of license.

Delete section and insert in lieu thereof:—

"Any person alleged in any complaint under this Act to be a licensed person shall, for all purposes connected with and in all proceedings under or upon such complaint, be deemed to be a licensed person, and to be licensed in respect of the premises (if any) in respect of which he is, in such complaint, alleged to be licensed, unless he at the hearing of such complaint satisfies the Court to the contrary." (South Australia, Section 279.)

APPRECIATION.

The members of the Commission desire to place on record the very excellent services of Mr. W. S. Andrew, the Secretary. No task was too great nor a detail too small for him to accomplish in the performance of his duties.

His activity in securing information, his courtesy to witnesses, and his desire to elucidate material points of evidence, stamped him as one who is a credit to the Service, and capable of retaining the confidence of the Government in matters requiring a controlling and administering mind.

The Commission desire also to give their commendation to Inspector O'Halloran who, by the courtesy of the Government and the Commissioner of Police, was made available to assist the Commission in conducting its investigations.

The Commission is of opinion that no person in the State has a better knowledge of the Licensing Laws than Inspector O'Halloran—his suggestions to the Commission were the outcome of much study and thirty years of meritorious service. The Commission is convinced that his vast experience in the Police Service, his determination of character, and his clear mindedness eminently fit him to deal with important and administrative matters.

HENRY W. MANN,

Chairman.

PETER O'LOGHLEN,

ALEX. McCALLUM,

W. RICHARDSON,

W. GEO. PICKERING,

Commissioners.

W. S. ANDREW,

Secretary.

7th July, 1922.

APPENDIX No. 1.

ANALYSES OF ALES AND STOUTS.

I forward herewith report on the first batch of liquors (beers and stouts) from the Metropolitan Area :—

Lab. No.	Marks.	Spirit Strength.		Solid Ex-tract.	Dextrin.	Ash.	Salicylic Acid.
		Proof Spirit.	Alcohol by weight.				
		°	°	°	°	°	grains per gal.
80069 ...	Ale ...	9.29	4.26	2.38	1.94	.10	2.43
80070 ...	do.	8.90	4.08	2.42	2.07	.08	3.11
80071 ...	do.	8.00	3.66	2.88	2.20	.10	1.77
80072 ...	do.	7.62	3.48	3.06	2.53	.13	2.05
80073 ...	do.	8.38	3.84	2.84	2.35	.08	6.00
80074 ...	Stout ...	12.12	5.57	5.30	3.38	.14	Nil
80075 ...	do.	8.77	4.02	4.49	2.58	.19	Nil
80076 ...	do.	11.30	5.19	2.93	1.79	.18	Nil
80077 ...	do.	10.89	5.01	4.95	2.70	.20	Nil
80078 ...	do.	10.89	5.01	3.12	2.01	.10	1.21

Other preservatives absent in all cases.

Arsenic, metallic impurities and hot substances absent.

Foreign bitter substances absent.

Strychnine and cocculus indicus specially looked for but absent.

COUNTRY BREWERIES.

Lab. No.	Marks.	Proof Spirit.	Alcohol by Weight.	Solid Ex-tract.	Dextrin.	Ash.	Non-coagu-able Protein.	Salicylic Acid.
		°	°	°	°	°	°	grains per gallon.
80345 ...	Ale ...	6.61	3.02	3.51	1.48	.09	.12	Nil
80346 ...	do.	7.87	3.60	4.31	3.07	.14	.19	2.89
80264 ...	do.	7.24	3.31	2.93	1.43	.11	.14	2.05
80347 ...	Stout ...	10.49	4.82	2.60	1.77	.12	.24	Nil
80348 ...	do.	10.76	4.94	5.08	4.07	.12	.18	Nil
80265 ...	do.	10.09	4.73	5.43	4.77	.15	.25	Nil

Other preservatives absent in all cases.

Arsenic, metallic impurities and hot substances absent.

Foreign bitter substances absent.

Strychnine and cocculus indicus specially looked for but absent.

I forward herewith report on last four samples of beer and stout.

Owing to the large quantity of beer which had to be used in the search for saccharin, there was insufficient of the sample to search for foreign bitters, etc. None, however, have been found in any of the beers examined to date, and there is no reason to suspect these samples in that direction.

They appear to have been brewed from sugar, malt, and hops, and are normal with the exception that Lab. No. 80500 contains a very small quantity of saccharin in addition to salicylic acid, and Lab. No. 60368 has much more salicylic acid than is allowed by the Food and Drug Regulations, viz., 3 grains per gallon.

Lab. No.	Marks.	Proof Spirit.	Alcohol by Weight.	Solid Ex-tract.	Dextrin.	Ash.	Non-coagu-able Protein.	Salicylic Acid.
		°	°	°	°	°	°	grains per gallon.
80500 ...	Ale ...	9.56	4.39	3.56	3.12	.11	.19	2.52
80501 ...	Stout ...	10.22	4.70	3.23	2.75	.12	.17	Trace
80368 ...	Ale ...	8.77	4.02	3.07	1.86	.12	.20	4.94
80369 ...	Stout ...	8.90	4.08	3.29	1.61	.13	.15	Nil

APPENDIX No. 2.

ANALYSES OF WINES.

Particulars of Sample.	Lab. No.	Spirit Strength, Proof Spirit.	Alcohol by Weight.	Solid Extract.	Ash.	Volatile Acidity.	Fixed Acidity.	Sulphurous Acid Grms. per pint.	Angular Rotation.
1. Port	80177	25.16	11.65	13.14	.49	.44	.36	.83	— 4.35
2. Claret	80178	24.66	11.42	3.28	.46	.20	.45	Trace	...
3. Port	80179	23.84	11.04	7.26	.41	.38	.46	1.69	— 1.89
4. Port	80384	32.80	15.27	10.78	.34	.08	.39	...	— 8.12
5. Port	80385	33.66	15.68	4.83	.12	.11	.36	...	— 8.86
6. Port	80386	20.03	9.25	4.08	.16	.57	.52	.74	— 4.22
7. Sherry	80387	33.84	15.76	.63	.10	.16	.38	...	...
8. Port	80350	28.16	13.07	4.34	.12	.15	.37	...	— 7.38
9. Port	80351	34.01	15.84	5.19	.12	.08	.36	...	— 7.25
10. Port	80352	29.01	13.48	3.27	.08	.08	.31	...	— 4.29
11. Port	80353	34.7	16.17	3.43	.10	.10	.41	.22	— 4.80
12. Port	80354	19.87	9.18	4.96	.08	.40	.37	.44	— 3.60
13. Port	80491	29.01	13.48	9.3	.38	.18	.41	1.51	...

Government Chemical Laboratory,
Perth, 21st April, 1922.

EDWARD S. SIMPSON,
Government Mineralogist and Analyst.

APPENDIX No. 3.

- Copy of Report submitted by Mr. Chas. E. Stacy, Assistant Government Analyst and Toxicologist.

BEERS AND STOUTS.

The result of analyses of beers and stouts in the metropolitan area goes to show that they are brewed from malt, sugar, and hops. No bitter, other than hops, could be detected, and injurious substances such as strychnine and cocculus indicus (picrotoxin), arsenic, or hot substances are entirely absent.

The beers are preservatives with salicylic acid, and in only one instance was the legal amount exceeded, and subsequent analyses of this brand have been satisfactory. The stouts are a little higher in spirit strength and in all cases but one are not preservatives. The condition and clarity of the beers are quite satisfactory.

With regard to the Northam and Goldfields beers, the spirit strength is somewhat lower, especially the Boulder beer, and there does not seem to have been much, if any, trouble to render the product clear. With the exception of the Northam sample the beers and stouts especially contained large quantities of residual yeast which under microscopical examination proved to be full of bacteria, though none of a pathogenic (harmful) variety. Such a beer, however, would have no chance of keeping for a length of time as compared with those brewed in the metropolitan area. There is evidence that they are largely a sugar beer, that is to say, more sugar and less malt is used in their manufacture. However, in these samples again, there was no evidence whatever of any injurious substance being employed, and the preservative was quite in order, none being found in the Boulder ale, nor was there any at all in the stouts.

Saccharin in Beers.—The beers brewed in the metropolitan area have been also examined for the presence of saccharin. This substance is used as a sweetening agent and sugar substitute—it has roughly 500 times the sweetening power of sugar. From a public health point of view, although prescribed for people who suffer from diabetes, it must be regarded with considerable suspicion. According to researches at the Lester Institute it is a powerful auxetic (that is, it stimulates the growth of cellular tissue), and may predispose a person to cancerous growths. This substance is difficult to detect in beers owing to the difficulty in separating completely the powerfully flavoured hop bitters and other interfering substances. Two of the beers brewed in the metropolitan area are distinctly suspicious in this respect. In one case, there is very little reason to doubt that this substance is present. In view of further research which is being made, however, I am not prepared to make a more definite statement.

WINES.

The adulteration of wine is practically confined to:—

- (1) Addition of cane sugar.
- (2) Plastering.
- (3) Dilution with water.
- (4) Fortifying with alcohol other than grape spirit.
- (5) Artificial wine and artificial colouring.

The examination of the samples submitted showed the wines to be without adulteration with cane sugar.

Plastering is the addition of excessive quantities of plaster of paris for fining purposes; this again was not evidenced.

It is practically impossible to say that a wine has been adulterated by the addition of water, however much it may be suspected. Such adulteration, however, in addition to spoiling the bouquet of the article would render it very liable to become "unsound" or acid, and would not be resorted to in any *bona fide* wine saloon.

The question of added alcohol other than grape spirit would only be considered in connection with an artificial wine, and I may say that all the samples submitted were natural wines made from grapes, and no artificial colouring matters could be detected.

Five of the wines submitted were unsound, that is, they contained more than 0.18 per cent. of volatile acidity. This destroys the smoothness and bouquet of the wine and is a sign of one or more factors, viz.:—

- (1) Careless fermentation,
- (2) Improper storage,
- (3) Dilution with water.

While the unsoundness of a wine renders it practically unsaleable, it does not render the wine unfit for consumption, or deleterious.

A great deal has been said about the evil effects of the bad qualities of "pinky," or Australian sweet red wine, but all the evidence goes to prove that its only danger is the large quantity of alcohol that can be purchased at a very cheap rate—thus a bottle of whisky costing from 10s. to 12s. 6d. contains only 2½ times more alcohol than the same quantity of sweet red wine which may be retailed at from 1s. 6d. to 2s. It also contains three times as much alcohol as beer, which is sold for 1s. 2d. per bottle.

Spirit Strength in various Countries.

I have obtained a good deal of data from various sources on this question, and I may say that the spirit strength is sometimes given as per cent. proof spirit, sometimes as alcohol by weight, and sometimes alcohol by volume. In order to allow you to compare these figures some simple approximate factors will allow you to con-

vert one into the other, thus for average whisky strength—

alcohol by volume $\times 1.75$ gives % proof spirit,
alcohol by weight $\times 2.1$ gives % proof spirit;

for wine and beer strengths—

alcohol by volume $\times 1.77$ gives % proof spirit,
alcohol by weight $\times 2.2$ gives % proof spirit,
and of course the reverse applies.

PER CENT. PROOF SPIRIT.

	Beer.	Stout.	Sweet Wines.	Dry Wines.
South Australia	5.23—10.76	9.69—13.94	...	...
New South Wales	7.5 — 9.5	9.40—12.7	20.4—35.9	17.5—28.8
Victoria	7.49—12.84	8.64—14.35	...	...
Queensland	7.5 —10.6	11.0 —12.0	(Sweet and Dry Wines.)	27—40
Western Australia	6.61—9.29	8.77—12.12	19.87	34.7

The latest figures I can get for beer in England are from a publication in 1911, but whether they are taken earlier than that I cannot say. They are as follows:—

Light and mild ales ..	8.9 % proof spirit.
Burton	12.16 % proof spirit.
Strong ale	19.00 % proof spirit.
Dublin stout	12.28 % proof spirit.
London porter	9.54 % proof spirit.

APPENDIX No. 4.

ELEVEN YEAR BASIS, SHOWING NUMBER AND PERCENTAGE IN ALL CLASSES, CHARGED AGAINST PERSONS (EXCLUDING ABORIGINES, LUNATICS, AND NEGLECTED CHILDREN) FOR DRUNKENNESS, HABITUAL DRUNKENNESS, AND OTHER CHARGES ATTRIBUTABLE TO DRINK.

YEAR (Calendar).	DRUNKENNESS (Percentage compared with total of all classes of offences).	HABITUAL DRUNKENNESS (Percentage compared with total of all classes of offences).	OTHER OFFENCES ATTRIBUTABLE TO DRINK (Percentage compared with total of all classes of offences).	Total.	Percentage over all Classes.
	%	%	%		%
1911	4,736 or 34.17	121 or .87	2,357 or 17.00	7,214	52.04
1912	4,748 or 31.51	159 or 1.05	2,607 or 17.30	7,514	49.86
1913	5,247 or 32.31	85 or .52	3,158 or 19.44	8,490	52.27
1914	5,751 or 32.28	93 or .52	2,891 or 16.23	8,735	49.03
1915	4,689 or 31.54	147 or 1.00	2,354 or 15.83	7,190	48.37
1916	4,173 or 26.82	69 or .44	1,517 or 9.75	5,759	37.01
1917	3,887 or 31.39	64 or .51	1,642 or 13.26	5,593	45.16
1918	3,387 or 28.22	72 or .60	1,642 or 13.68	5,101	42.50
1919	2,869 or 28.74	88 or .88	1,500 or 15.04	4,457	44.66
1920	3,556 or 31.26	74 or .65	1,723 or 15.15	5,353	47.06
1921	3,512 or 30.51	51 or .45	1,636 or 14.21	5,199	45.17

APPENDIX No. 5.

DISTINCT PERSONS CHARGED WITH OFFENCES APPLICABLE TO DRINK IN THE STATE OF WESTERN AUSTRALIA (EXCLUDING ABORIGINES, LUNATICS, AND NEGLECTED CHILDREN). TABLE SHOWS NUMBER OF MALES AND FEMALES WITH EQUIVALENT PERCENTAGE OVER ALL CLASSES OF CRIME.

Year.	DRUNKENNESS.			HABITUAL DRUNKENNESS.			ATTRIBUTABLE TO DRINK.			GRAND TOTALS.		
	Males.	Females.	Total and Percentage compared with Total No. of Offences.	Males.	Females.	Total and Percentage compared with Total No. of Offences.	Males.	Females.	Total and Percentage compared with Total No. of Offences.	Males.	Females.	Total and Percentage compared with Total No. of Offences.
			%			%			%			%
1911	2,654	221	2,875 or 20.74	60	16	76 or .55	1,652	75	1,727 or 12.46	4,366	312	4,678 or 33.75
1912	2,395	224	2,619 or 17.38	82	20	102 or .68	1,659	131	1,790 or 11.88	4,136	375	4,511 or 29.94
1913	2,459	239	2,698 or 16.61	54	23	77 or .47	2,112	141	2,253 or 13.87	4,665	403	5,028 or 30.95
1914	2,635	239	2,874 or 16.13	69	16	85 or .47	1,933	105	2,038 or 11.44	4,681	360	4,997 or 28.04
1915	2,348	231	2,579 or 17.34	70	25	95 or .64	1,451	87	1,538 or 10.35	3,869	343	4,212 or 28.33
1916	2,565	392	2,957 or 19.00	26	25	51 or .32	1,362	112	1,474 or 9.48	3,953	529	4,482 or 28.80
1917	2,389	344	2,633 or 21.26	18	30	48 or .30	1,418	142	1,560 or 12.60	3,925	516	4,241 or 34.25
1918	2,183	287	2,470 or 20.58	35	17	52 or .43	1,387	108	1,495 or 12.46	3,605	412	4,017 or 33.47
1919	2,030	230	2,260 or 22.65	51	18	69 or .69	1,095	96	1,191 or 11.94	3,176	344	3,520 or 35.28
1920	2,310	281	2,590 or 22.86	45	11	56 or .49	1,456	117	1,573 or 13.83	3,820	409	4,229 or 37.18
1921	2,488	222	2,710 or 23.54	34	8	40 or .35	1,475	130	1,605 or 13.94	3,997	358	4,355 or 37.83

APPENDIX No. 6.

CONVICTIONS FOR DRUNKENNESS PER 10,000 INHABITANTS.

State.	1915.	1916.	1917.	1918.	1919.	1920.	1921.
New South Wales	138.2	123.1	111.3	107.2	99.3	78.0	...
Victoria (a)	49.7	42.9	29.2	21.5	20.5	25.1	...
Queensland	235.7	192.7	192.0	167.3	159.9	159.5	...
South Australia	91.5	79.3	71.1	74.9	69.6	71.1	...
WESTERN AUSTRALIA	153.0	133.8	128.5	110.7	91.9	106.7	107.7
Tasmania	30.7	24.2	20.5	20.9	22.4	25.0	...
Northern Territory	358.8	416.6	417.5	162.2	226.7	...	...
Commonwealth	131.4	113.6	100.8	91.8	86.6	80.6	...

(a) First offenders and those arrested on Saturdays and detained until Monday are generally discharged without conviction.

APPENDIX No. 7.

DRUNKENNESS—CASES.

State.	1915.	1916.	1917.	1918.	1919.	1920.	1921.
New South Wales (a)	26,010	23,192	21,063	20,651	19,834	16,315	...
Victoria (b)	13,453	11,316	7,575	5,987	6,237	7,154	...
Queensland	16,260	13,374	13,562	12,302	12,178	12,231	...
South Australia (c)	4,060	3,451	3,097	3,308	3,197	3,463	...
WESTERN AUSTRALIA (d)	4,836	4,242	3,951	3,459	2,957	3,630	3,563
Tasmania (e)	628	488	415	433	485	536	...
Northern Territory	158	208	210	81	109	...	...

(a) 6 p.m. closing from 21st July, 1916. (b) 6 o'clock closing from October, 1916. (c) 6 o'clock closing from March, 1915. (d) 9 o'clock closing from January, 1916. (e) 6 o'clock closing from 1915.

APPENDIX No. 8.

WESTERN AUSTRALIA.

CONSUMPTION OF ALCOHOLIC LIQUORS.

	Wine.		Beer.		Spirits.		TOTAL. Wine, Beer, and Spirits.	
	1911.	1920.	1911.	1920.	1911.	1920.	1911.	1920.
Production (gallons)	153,665	162,397	5,112,958	6,035,824	...	...	5,266,623	6,198,221
Imports "	134,699	211,492	594,794	106,731	371,013	149,810	1,100,506	468,033
Exports "	741	8,536	3,279	695	2,189	166	6,209	9,397
Production plus Imports less Exports "	287,623	365,353	5,704,473	6,141,860	368,824	149,644	6,360,920	6,656,857
Estimated Value (no allowance for breaking down) £	215,717	365,353	1,426,118	2,149,651	922,060	718,291	2,563,895	3,233,295
If allowance made for breaking down:—								
Gallons ... .. "	...	...	...	...	405,712	184,062	6,397,808	6,691,275
Estimated Value £	...	...	...	...	1,014,280	883,498	2,656,115	3,398,502
Average Retail Prices assumed (per gallon)	15 —	£1	5 —	7 —	£2 10 —	£4 16 —	...	...
Net Revenue—Customs £	6,701	5,584	26,210	3,852	196,769	137,284	229,620	146,720
Net Revenue—Excise £	...	...	57,353	372,417	10,319	38,287	67,672	410,704

APPENDIX No. 9

WESTERN AUSTRALIA.

YEAR ENDED 31ST DECEMBER, 1921.

ALCOHOLIC LIQUORS RETAINED FOR CONSUMPTION.

(On basis of average cost to consumer.)

	Cleared.	Interstate Imports.	Production.	Exports.	Consumption.
Wine (gallons)	3,863	+ 145,383	+ 152,979	— 2,419	= 299,806 £299,806 ^a
Beer „	29,760	+ 158,419	Excised. + 5,174,628	— 73	= 5,362,734 £1,876,957 ^a
Spirits „	88,254	...	Excised. + 27,599	— 398	= 115,455 £635,002 ^a
After breaking down ... .. „	...	...	...	...	133,594 ^b £734,767 ^a
Mean population ... ..	...	...	...	...	333,257 £2,911,530 ^a
Per head ... ..	...	...	...	...	£8·737 ^a

^a Estimated per gallon :—Wine, 20s. ; Beer, 7s. ; Spirits, 110s.^b Allowance of 23 per cent. added to every 100 of bulk spirits.

APPENDIX No. 10.

ESTIMATED CONSUMPTION OF ALCOHOLIC LIQUORS (GALLONS) PER HEAD OF POPULATION.

STATE.	SPIRITS.				WINE.				BEER.				TOTAL.			
	1914.	1915.	1919.	1920.	1914.	1915.	1919.	1920.	1914.	1915.	1919.	1920.	1914.	1915.	1919.	1920.
New South Wales ...	0·89	0·77	0·51	0·43	0·48	0·43	0·68	0·72	12·79	12·22	13·16	12·10	14·16	13·42	14·53	13·23
South Australia ...	0·43	0·46	0·38	0·36	0·75	0·75	0·75	0·75	12·10	11·34	12·04	13·58	13·33	12·55	13·17	14·69
Tasmania ...	0·22	0·23	0·03	0·05	0·01	0·01	...	0·002	10·29	8·24	9·39	9·21	10·32	8·47	9·67	9·44
Western Australia ...	1·01	0·76	0·17	0·56	1·06	0·83	0·96	1·11	18·53	17·42	17·89	18·64	20·60	19·01	19·02	20·31

Information not available from Queensland and Victoria owing to abolition of records of "Interstate Transfers."

The figures for Western Australia for the year 1921 are as under:—

Spirits ... ..	...	...	...	40	gallons per head.
Wine ... ..	...	...	...	90	" "
Beer ... ..	...	...	...	16·0	" "
Total ... ..	...	...	...	17·7	" "

APPENDIX No. 11.

CLASSIFICATION OF LICENSES IN EACH LICENSING DISTRICT AT 31st DECEMBER, 1921.

District.	Publicans' General.	Wayside.	Wine and Beer.	Gallon.	2-Gallon.	Club.	Australian Wine Bottle.	Wine.	Spirit Merchant.
Albany	10	2	...	2	1	3	...	...	...
Avon	8	3	...	2	...	2	...	...	...
Beverley-Pingelly	9	2	...	1	...	...	...	...	...
Broome	4	...	2	5	...	...	...	...	...
Bunbury	8	2	1	5	...	2	2	...	...
Canning	10	...	1	8	1	1	...	1	...
Claremont	6	...	...	8	...	4	1	3	...
Collie	7	3	...	2	...	1	...	1	...
Coolgardie	8	6	...	2	...	...	...	...	...
Cue	13	5	2	2	...	1	...	...	...
Fremantle	33	2	2	20	2	7	4	6	2
Gascoyne	6	2	...	5	...	1	...	...	...
Geraldton	8	...	1	10	1	2	...	...	...
Greenough	4	6	...	6	...	...	...	...	...
Guildford	13	...	...	4	1	2	...	1	...
Irwin	6	...	...	5	...	...	...	...	...
Kalgoorlie	85	2	4	17	2	6	...	2	...
Kanowna	9	7	...	3	...	...	...	...	...
Katanning	9	1	...	1	...	1	...	...	...
Kimberley, East	3	1	...	3	...	...	...	...	...
Kimberley, West	3	1	...	1	...	...	...	...	...
Leederville-Subiaco	8	...	...	9	...	1	1	4	...
Menzies	6	3	...	3	...	...	...	...	...
Moore	5	1	...	1	...	2	...	...	...
Mt. Leonora	11	3	...	4	...	...	...	...	...
Mt. Magnet	17	3	1	4	...	...	...	...	...
Mt. Margaret	10	5	...	5	...	...	...	...	...
Murchison	11	3	1	6	1	...	...	...	...
Murray-Wellington-Forrest	12	5	...	...	...	...	...	...	...
Nelson	12	...	...	...	...	...	...	...	...
Northam	10	...	...	1	1	3	1	1	...
Perth	42	...	2	25	8	17	...	29	1
Pilbara	6	4	...	4	...	...	...	...	...
Ravensthorpe	4	3	...	...	...	...	...	...	...
Roebourne	6	2	...	4	...	...	...	...	...
Sussex	8	1	...	...	...	...	1	...	...
Swan	7	6	...	1	...	...	...	1	...
Toodyay	8	2	...	...	...	2	...	2	...
Wagin	4	2	...	...	...	...	...	...	...
Williams-Narrogin	7	6	...	2	...	1	...	...	...
Yilgarn	8	3	...	2	...	...	...	...	...
York	7	...	...	1	...	1	...	...	...
Total	471	97	17	184	18	60	10	51	3

In addition to the above there are 3 Packet Licenses, 1 Hotel, 4 Refreshment Room Licenses on the Midland Railway Company's line, and 6 unlicensed State Hotels.

APPENDIX No. 12.

STATEMENT SHOWING NUMBER OF PERSONS PER LICENSE AT 31st DECEMBER, 1921, AND RESULT OF LOCAL OPTION POLL.

Licensing District.	Approximate Population.	Total of all Liquor Licenses.	No. of Hotel, General Publican's, Wayside, and Wine and Beer Licenses.	No. of Persons per License.		Result of Local Option Poll, 30-4-1921.	
				All Classes Licenses.	Hotel, General Publican's, Wayside and Wine and Beer Licenses.	Continuance carried by (Votes).	Reduction carried by (Votes).
Albany	8,500	18	12	472	708	...	11
Avon	7,700	15	11	513	700	26	...
Beverley-Pingelly ...	8,100	12	11	675	736	...	175
Broome	1,050	11	6	95	175	69	...
Bunbury	6,650	20	11	332	604	324	...
Canning	18,800	22	11	854	1,709	...	735
Claremont	16,300	22	6	740	2,716	...	760
Collie	8,150	14	10	582	815	...	225
Coolgardie	2,450	16	14	153	175	54	...
Cue	1,150	23	20	50	57	144	...
Fremantle	30,600	78	37	392	827	1,132	...
Gascoyne	2,500	14	8	178	312	156	...
Geraldton	4,650	22	9	211	516	330	...
Greenough	4,200	16	10	262	420	210	...
Guildford	16,400	21	13	781	1,261	...	314
Irwin	5,000	11	6	454	833	160	...
Kalgoorlie	23,100	118	91	195	254	363	...
Kanowna	2,150	19	16	113	134	117	...
Katanning	6,650	12	10	554	665	186	...
Kimberley, East ...	700	7	4	100	175	59	...
Kimberley, West ...	420	5	4	84	105	20	...
Leederville-Subiaco ...	30,960	23	8	1,346	3,870	...	1,992
Menzies	1,000	12	9	83	111	43	...
Moore	6,450	9	6	716	1,075	233	...
Mt. Leonora	1,700	18	14	94	121	82	...
Mt. Magnet	1,220	25	21	48	58	93	...
Mt. Margaret	1,950	20	15	97	130	53	...
Murchison	1,990	22	15	90	132	181	...
Murray-Wellington-Forrest	11,270	17	17	663	663	259	...
Nelson	6,820	12	12	568	568	162	...
Northam	5,720	17	10	336	572	...	292
Perth	45,800	125	45	366	1,017	1,156	...
Pilbara	830	14	10	59	83	77	...
Ravensthorpe	580	7	7	82	82	46	...
Roebourne	930	12	8	77	116	80	...
Sussex	3,700	10	9	370	411	47	...
Swan	7,420	15	13	494	570	...	240
Toodyay	6,500	14	10	464	650	314	...
Wagin	5,000	6	6	833	833	...	24
Williams-Narrogin ...	5,200	16	13	325	400	14	...
Yilgam	1,220	13	11	94	110	49	...
York	5,800	9	7	644	828	162	...
All Districts	327,190	912	586	358	558	6,401	4,768

In addition to the above there are 3 Packet Licenses, 4 Refreshment Room Licenses on Midland Railway Company's Line, and 6 unlicensed State Hotels.