

# FREMANTLE MUNICIPAL LOANS VALIDATION BILL.

## SECOND READING.

HON. M. L. MOSS (West), in moving the second reading, said: This is a small Bill of one clause, and the recital gives the reasons which have actuated me in bringing it forward. It says:—

Whereas certain loans, known as Loans numbers one, five, and six, particulars whereof are set forth in the Schedule hereto, were raised by the Municipality of Fremantle, and the debentures issued therefor were not sealed as required by law in consequence of the said municipality not having, at the time of the raising of the said loans, a common seal, and it is expedient to give validity to the said debentures.

The debentures were issued without the seal of the council being affixed, and some of the debenture holders have now made application to the municipal council to affix the seal; but there is some danger in affixing the seal now, for the debenture holders may think that the debentures without the seal were not genuine. Parliament is asked to declare that the debentures issued are good and valid. The holders of the debentures think that the municipality should now affix the seal to the debentures; but there is a certain amount of danger in doing that, and the municipality have no desire to shirk their responsibilities in paying. It is thought advisable to get Parliament to declare the debentures, which have been issued with the signatures of the mayor and councillors, valid.

Question put and passed.

Bill read a second time.

## IN COMMITTEE.

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

## ADJOURNMENT.

The House adjourned at 8 o'clock, until the next day.

# Legislative Assembly,

Tuesday, 1st November, 1904.

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THE SPEAKER took the Chair at 3:30 o'clock, p.m.

## PRAYERS.

## PAPERS PRESENTED.

By the MINISTER FOR RAILWAYS AND LABOUR: 1, Report on the working of the Government railways for 1903-04. 2, Railways working account for quarter ended 30th September, 1904. 3, Report on condition of Government railways for quarter ended 30th September, 1904. 4, By-law No. 34, re loitering on railway premises.

## QUESTIONS—(1) INCREASE OF PAYMENT TO MEMBERS, (2) REFERENDUM (COUNCIL) BILL.

MR. RASON: I wish to ask the Premier without notice: Is he prepared to fix a date for the discussion of (1) the increase of payment to members, (2) the Referendum (Council) Bill?

THE PREMIER: It is impossible for me to specify a definite date or dates. I am anxious to have these questions discussed on the first opportunity, and shall endeavour to see that they are brought forward early.

MR. FOULKES: May I also ask whether the subject of increased payment to members will be brought forward this session?

THE PREMIER: That question, I may state, has already been brought forward this session.

MR. FOULKES: Will it be brought forward again this session?

THE PREMIER: As far as the Government are concerned, certainly.

## LOCAL COURTS BILL, REPORT.

THE MINISTER FOR JUSTICE brought up the report of the select committee appointed to inquire into the Local Courts Bill.

Report received, and ordered to be printed.

## EMPRESS OF COOLGARDIE G.M. LEASE INQUIRY.

## WITNESS'S REFUSAL TO GIVE EVIDENCE.

THE SPEAKER announced that he had received the following communication from Mr. Horan (Yilgarn), chairman of the select committee appointed to inquire into the Empress of Coolgardie Gold Mining Lease:—

1st November, 1904.

*To the Honourable the Speaker, Legislative Assembly of Western Australia.*

SIR,

We have the honour to report that, in obedience to a resolution of this Honourable House, passed on 5th October last, we have been conducting, as a Select Committee of the House, an investigation into various matters connected with the Empress of Coolgardie Gold Mining Lease.

2. In pursuance of this duty your Committee have found it necessary to summon a number of witnesses.

3. These summonses have been issued in accordance with Standing Order No. 347 and Section 5 of the Parliamentary Privileges Act 1891.

4. On Saturday, 29th October, at 9.20 a.m., Mr. John Drayton, editor of the *Sun* newspaper, was served with a formal summons, in Kalgoorlie, to appear at 10 a.m. on Monday, 31st October, in the Warden's Court, Kalgoorlie, and give evidence before your Committee.

5. Conduct money amounting to one guinea was tendered to and accepted by him. To the Corporal of Police who handed him the summons and conduct money, Mr. Drayton stated that he did not intend to appear.

6. As Mr. Drayton failed to appear at the appointed hour, the evidence of other witnesses was proceeded with, and concluded.

7. The Clerk of the House, acting under instructions, then telephoned to Mr. Drayton and allowed him fifteen minutes in which to appear, during which period your Committee adjourned. In conversation per telephone with the Clerk, Mr. Drayton stated that he was not sure whether he would attend or not, but thought he would. On the reassembling, however, Mr. Drayton appeared before your Committee.

8. Mr. Drayton then refused to be sworn or to make an affirmation, and distinctly declined to give any evidence.

9. Under these circumstances we find that we have no option but to lay these facts before

this Honourable House, and to draw its attention to Section eight of the Parliamentary Privileges Act 1891.

Signed on behalf of your Select Committee,  
A. A. HORAN, Chairman.

## MOTION, FINE OF £100.

THE PREMIER (Hon. H. Daglish) said: Mr. Speaker, following up the report of the select committee you have just read, I think it is necessary for this House to take some action in order to vindicate its powers, and to protect and assist select committees which hereafter may be entrusted with the duty of making investigations on the part of the House. I find, on reference to the Parliamentary Privileges Act under which we are working, that the powers of the House are very clear. Power is given to committees to summon witnesses. It is laid down that any person "refusing to be examined before, or to answer any lawful and relevant question put by, the House or any such committee, unless excused by the House in manner aforesaid"—and the manner is previously specified—"shall be liable to be punished in a summary manner as for contempt by fine, according to the Standing Orders of either House; and in the event of such fine not being immediately paid, by imprisonment in the custody of its own officer in such place within the colony as the House may direct, until such fine shall have been paid, or until the end of the then existing session or any portion thereof." It seems that the witness referred to is the editor of a newspaper of a certain type that has published a large number of articles or assertions, in some instances very lengthy articles indeed, dealing with this particular case the select committee is investigating. It has made a large number of statements with a great deal of positiveness, and it was but natural therefore that the editor should be called upon by the select committee in order to afford them a chance of knowing what information the articles were based on, and what knowledge the editor of the paper possessed. It appears from the report of the select committee that first of all the witness did not attend. Finally he came forward, and I have in my hand a statement of some evidence or rather some of the witnesses' answers to the questions put by the select committee. It appears

that when the witness was about to be sworn, he said: "I decline to be sworn, and have attended here only out of respect to the committee. I have nothing to tell you. Hearsay evidence is not evidence." The chairman stated that he could not accept evidence unless the witness was sworn. The witness said "I decline to give evidence." Another member asked, "Perhaps you have an objection to the ordinary oath and prefer to affirm?" The witness replied: "I decline to do either." The chairman said, "Then the committee will have to take its own action?" The witness replied, "What I have said is with all respect to the committee." The chairman: "It is not that you object to the oath?" Witness: "I decline to give evidence. I have none to give." The chairman: "You have no technical objection to being sworn? You come here in obedience to the summons of the committee?" Witness: "Yes, having regard to constituted authority." The chairman: "I suppose you will recognise that it is for the committee and Parliament to judge whether you have anything to tell?" Witness: "That may be, but I think the committee understands my position. As the editor of a newspaper, whatever comes to me is not evidence: it is hearsay." "Then," said the chairman, "I suppose that all you state from time to time you do not accept the responsibility for, statements made in the newspaper?" Witness: "You will be at perfect liberty to suppose what you like. I will say no more." The chairman: "You refuse to give evidence before this committee?" Witness: "Yes." It seems to me that in a case like this, the offence of the witness is more glaring, more strongly to be condemned and more severely to be punished, than the refusal of any ordinary witness. Certain persons conduct newspapers which send forth continually reports reflecting on the actions of public men of all degree, and also on permanent heads of Government departments. These reports are sent forth without any degree of doubt, without any assertion that they are based on hearsay, but as positive facts. No doubt there are many instances where the public believe that statements so sent forth are really known by the writers, by the editors and publishers, to be actual

matters of truth; yet when we find a witness summoned, an editor of a paper like this who has continually reiterated the demand for inquiry in this very case, who has continually inserted as positive facts a large number of statements reflecting on certain public men and public officers, we see the committee met with a curt refusal to give any evidence whatever, and an assertion that any knowledge possessed was merely hearsay knowledge, I think this is a fitting opportunity to point out that the public of this State are being continually misled by the publication of such hearsay statements, are being continually misled by persons unable or unwilling to take the responsibility for their articles reflecting on all sorts of men who happen to hold prominent public office in this State. It seems to me that we should, in dealing with this case, take that fact into consideration. As we have power to fine, I purpose asking the House to vindicate its dignity, and to vindicate the powers of the committee appointed, by fining, and by fining in a substantial sum. I therefore move:

That the witness, John Drayton, who was summoned to give evidence before the Empress of Coolgardie Gold Mining Lease Select Committee, be fined in accordance with Section 8 of the Parliamentary Privileges Act 1891, in the sum of one hundred pounds, for refusing to be examined before the said select committee.

I trust this motion will commend itself to all sections of the House.

MR. C. H. RASON (Guildford): I rise to second the motion. I have no other course open to me. I think it will be manifest to every member of the House that the dignity of its select committees must be maintained. If it is possible for any witness to decline to give evidence before a select committee, to treat a select committee as Mr. Drayton has thought fit to treat this committee, it must be clear that none of the good results expected from select committees can possibly follow. Such committees will be looked on as impotent. I do not wish to say anything that will magnify or glorify in any way the gentleman referred to, or that will advertise his paper. The individual concerned is a matter of indifference to me. The fact is that an order of a select committee of this House has not

been obeyed, and it is the duty of the House to enforce its authority. I had some doubts as to whether the House of Commons, whose privileges we enjoy, had the power to examine witnesses on oath; but I am glad to find that there can be no doubt on that point. An Imperial Act passed in 1881 gave to the House of Commons the same privileges in that respect as had been enjoyed for many years previously by the House of Lords. Our own Act of 1891 is very clear in its provision that the Council and the Assembly shall enjoy all the rights and privileges of the House of Commons; and above that, we clearly set out in the section to which the Premier referred that "each House of the said Parliament is hereby empowered to punish in a summary manner for contempt, by fine according to the Standing Orders of that House, any person who does any of the following things." One of the acts which renders the doer subject to a fine is "refusing to be examined before or to answer any lawful or relevant question put by the House or any such committee, unless excused by the House in the manner aforesaid." Now I could have understood the person complained of if he had begged to be excused from answering certain questions, and had given reasons for asking for such excuse. But it appears from the evidence read to-day that no excuse was made, no reason held out why evidence should not be given. There was merely a blank refusal to give any evidence at all. It is manifest that such conduct cannot be permitted if committees of this House are in future to be regarded with respect. As for the amount of the fine, I agree with the Premier that a small sum would be of little avail. I do not for myself wish to make any special example of this individual or of the paper with which he is connected. If anyone else had offended in the same manner as this gentleman, I should have been found supporting the Premier's motion as I support it now. We have had a distinct and definite refusal to give evidence. That should not be permitted; and I believe the House will unanimously agree to the motion. But for the evidence produced, I should have felt inclined to ask for some little delay, so that the House might have taken all matters into con-

sideration. But that evidence leaves us no room for doubt. We have the statement of the witness that he positively refused to give evidence. Beyond that we cannot go. There is at once our justification. An hon. member asks whether the witness was warned of the consequences which would follow the refusal. From the statement read it is clear he was told that if he persisted in the line of conduct on which he had set out the committee would have to take the usual action, and that he would be held responsible for the consequences of his refusal. He therefore sinned with his eyes open. If he did not know of the consequences, or if he thought this House or a select committee of this House was not sufficiently protected, he made a grievous mistake, and must take the consequence.

MR. A. A. HORAN (Yilgarn): As the person responsible for the letter read by Mr. Speaker, I think I am entitled to make a few remarks; but these will be brief, in view of the fact that the leader of the House and the leader of the Opposition have agreed as to the course to be taken. I may however mention that the person alluded to and now under discussion refused on the first occasion to attend, or in other words did not attend when he was summoned; and on the second occasion, when the necessary conduct money was sent, he accepted it. I have now before me some farther statements made when he refused to give evidence. I as chairman of the committee said I should like to know why he was not present at 10 o'clock on Saturday morning; and his answer was, "Because I did not intend to come at all." I farther remarked: "You intended to disregard the committee?" He said, "Yes." I said: "Why then did you accept the guinea as conduct money?" He replied: "It was for a previous summons, I understood." I asked: "You disregarded that also?" He answered: "It was handed to me as part of the summons." I asked: "Are you under the impression that people getting a summons get a guinea too?" He replied: "I accepted it, and still hold it." The corporal of police who gave evidence proved that when Mr. Drayton was served with the summons he said he intended to disregard it. I trust that

the dignity of the House and its privileges will be upheld, and that the motion of the Premier will be passed.

MR. J. M. HOPKINS (Boulder): I should like to urge another view of the case, before we determine, after such a brief discussion, on a step which to me at least appears very serious. Perhaps some members are influenced by the fact that Mr. Drayton is the editor of a paper which has attacked certain members of the House. I do not suppose any member of the House has been more viciously attacked than I have been for an extended period by the same journal; but nevertheless is it not possible that some misunderstanding may have arisen at the very inception, and that instead of its being removed, the breach was widened? I would like to suggest, in view of these circumstances and in order that the persons concerned may have time to consider very seriously the step contemplated, that we might defer for farther consideration this proposal until at least the next sitting of the House, so that there will be no undue haste in regard to what I may term a startling departure or such a striking proposal as is embodied in the motion. It is a step that should not be taken without the greatest care and consideration. I do not wish to impute that the Premier and his colleagues and the members of the select committee have not given very careful consideration to this aspect of the case; but surely in a case of this kind the least we can do is to give some farther consideration than that already given it; and indeed it may happen that some reparation may be offered, or that if the person implicated were given an opportunity of attending at the bar of the House some other aspect of the case might be presented. I do not wish to advocate this, but I mention it as actuating me in suggesting that the debate might very well be adjourned until to-morrow afternoon in order that the matter might be thought out well in the meantime.

MR. H. GREGORY (Menzies): The member for Boulder told the House that he came in a little late, so possibly he was not quite aware of all the circumstances in regard to the application of the select committee to obtain the evidence of Mr. Drayton. Had the hon. member known the circumstances—that Mr.

Drayton refused to attend on the first summons, that after receiving conduct money he again refused to attend, and that it was only at the last moment that he did turn up, when he told the select committee that he had no intention of giving evidence, knowing the powers of this House and that the select committee was appointed for the purpose of discovering whether there was any truth in any shape or form in all the scoundrelly statements that appeared in this paper week after week and month after month—had the hon. member known these circumstances I think he would see that we are justified in demanding that this person should give the evidence on which he based these vile and cruel aspersions, to give the select committee a chance of inquiring into them.

MR. HOPKINS: I did not advocate that he should be exonerated.

MR. GREGORY: This newspaper has been demanding that there should be an inquiry into the circumstances surrounding this Empress of Coolgardie case. For the last few years no person has been attacked more violently by this paper than myself: but I looked upon the attacks as dirt, and took no notice of them except on one occasion, when a letter appearing in the paper said that I had tried to sell to the Government a battery in which I was interested at Menzies, and that I was interested in leases at Mulline, and that I had tried to sell to the Government my premises as a site for a State hotel. When they found that there was no truth in the statements they told the public: "He has been accused of being guilty of these things. However, from what we have found out we do not believe it; but you can believe it if you like." Then after this select committee was appointed I noticed this paper said that "the exposure of the Empress of Coolgardie ramp had brought groggery Gregory to his marrowbones," and that "that guileless individual had demanded that all papers connected with the put-up job be placed on the table of the House." Then when the select committee was formed, the paper stated that "in the Empress of Coolgardie affair Dr. Ellis took the part of Harry Gregory, who robbed the prospector to fatten the capitalist." Those are the statements that are appearing. Again it says, "In

consequence of the exposure of this paper of the methods by which the forfeited Empress of Coolgardie mine was returned to the Bull syndicate from which it was rightly taken," and so on about this select committee; and it says here, talking about myself, "he may find himself called upon to reply in another quarter to charges which may arise in the Empress affair." These are the sort of things I would not have taken notice of; but certain members of this House thought there must be something in these cruel accusations appearing week after week, and that some action should be taken to vindicate the character of this House. When the committee started its work and went to find out what reason there was for these statements, the man who was responsible for these things appearing said: "I ignore you and decline to give any information whatever." We have the greatest powers; and I do not think we should abuse them, but there has been too much license altogether taken by certain sections of the Press, not only by this newspaper but by another newspaper which talked about a most respected member of this House, the late Attorney General and present Agent General.

MR. MORAN: Do not drag that in.

THE SPEAKER: The hon. member is wandering from the question before the House.

MR. GREGORY: These statements are filthy. These papers have taken undue advantage of the House, because members took no notice of them; and I think it is unfair that these cruel aspersions should be made time after time. What fairer opportunity was given than in this case? I wanted investigations made, and I had taken great interest in regard to this special matter. Members will admit that, even if I did make an error of judgment, which I do not admit, no one can say that I did not take the greatest interest in trying to bring matters in connection with it to a proper conclusion. I hope the House will insist upon the fullest evidence being given in connection with this matter. I want it to be distinctly understood that I do not wish it to be said I support the motion because I wish to inflict any penalty on these people; but I want it to be understood distinctly that, when we find news-

papers making cruel charges, if the writers of the articles are so cowardly and so contemptible that when opportunity arises they will not give evidence, Parliament has the power to demand the evidence. I hope the House will insist on its dignity and insist on reparation being made.

MR. J. L. NANSON (Greenough): In anything I may say on this subject I do not wish to appear to be defending the action of Mr. Drayton. I understand, however, that where there is a case of contempt in a court of law, the more usual procedure is to bring forward before the court the person guilty of such contempt and, before punishing him, to hear what he has to say, it may be in explanation of or in excuse for the offence he has committed. I think we would do well—at any rate our action would not bear the appearance of having been taken hastily, or it would not appear that there was a desire to be unduly hot in exercising that undoubted strength, the powers invested in us—if we were to call the offender before the bar of the House, and first hear what he has to say before determining what penalties should be imposed on him for his contempt. We have to bear in mind that this is, so far as I am aware—and you, Mr. Speaker, will be able to put me right if I am wrong—the first time in the history of Western Australia in which a witness has refused to give evidence before a select committee and steps have been taken to punish him for his refusal. I am not altogether clear in my mind whether Mr. Drayton realised the nature of the offence he was committing; and although that may not be a palliation, yet I think that Parliament, or a body endowed with vast powers, with absolutely almost supreme powers vested in it, would at least be wise on the first offence of this kind in the State in exercising some degree of magnanimity before proceeding to pass sentence, by giving the offender the right that is given to a criminal in a court of law.

MR. MORAN: Are you sure the House has any power to bring him here? The Standing Orders do not give it.

MR. NANSON: The House has power to do anything. It is the guardian of its own honour in these matters. If it should happen there is no Standing Order to permit the House to do it, a means could be provided by which Mr.

Drayton could be brought before the bar of the House. At any rate it is most extraordinary on the part of the member for West Perth to suggest, because in the Standing Orders a certain means is not provided that is provided in any ordinary court of law, when it is suggested that we should adopt the more usual practice which is adopted in ordinary criminal cases—

MR. MORAN: I hope the hon. member will confine himself as nearly as possible to the truth in this matter.

THE SPEAKER: The hon. member must not make that assertion.

MR. MORAN: I hope the hon. member will strictly confine himself to the truth. I do not say he has not.

THE SPEAKER: The hon. member infers that the member for Greenough is not speaking the truth. I cannot allow that statement to be made.

MR. MORAN (in explanation): I hope the member for Greenough will speak in strict accord with fact as laid out in these Standing Orders. I have suggested nothing, and I do not wish it put in my mouth that I have imputed anything. Indeed I tried to urge both leaders of the House to have this matter brought under Section 7 of the Privileges Act, in which the person should be informed that the House insisted on his answering questions. I think the more power we have, the more sparingly it should be used; but I found my suggestion was prohibited in this matter. The hon. member will find his suggestion is also prohibited. I object to anybody notoriety-hunting at the bar of this House, even if it were the hon. member himself.

MR. NANSON (resuming): There is no need for the member for West Perth to exhibit any warmth in this matter. The House at the present time is exercising judicial functions, and the member for West Perth should not allow his Hibernian temperament to obtain the ascendancy. It is not justified in the circumstances. I only plead in this matter that, before attempting to pass sentence, we should do what is done in every case where the offender in a court of law is found guilty. We should give him the opportunity of bringing forward any reason why sentence should not be passed upon him; and if it be said that the Standing Orders are incapable of meet-

ing this difficulty, then I think we should have very good reason for accepting the proposal made by the member for Boulder, and of agreeing that the farther consideration of this matter should be postponed until to-morrow, in order that you, sir, and your advisers may have an opportunity of looking into the matter and seeing whether some means cannot be found by which, before assessing the punishment we are going to inflict on this offender, we should hear what he has to say.

MR. C. J. MORAN (West Perth): I presume, and I think I am speaking correctly, that this House is bound by its forms in matters of this sort, like any other body. At first I thought we might deal with this matter under Section 7 of the Parliamentary Privileges Act, as the leader of the Opposition will bear me out, and also the Premier. Section 7 provides:—

If any person ordered to attend or produce any paper, book, record, or other document to either House, or to any Committee of either House, shall object to answer any question that may be put to him, or to produce any such paper, book, record, or other document on the ground that the same is of a private nature and does not affect the subject of inquiry, the President, or Speaker, or Chairman of Committee, as the case may be, shall report such refusal, with the reason thereof, to the House, who shall thereupon excuse the answering of such question, or the production of such paper, book, record, or other document, or order the answering or production thereof, as the circumstances of the case may require.

That section means that if any person comes before a committee, as before a court, and proceeds to be examined, and a question is put which is of a private nature or which may incriminate the witness, then the witness may say, "I cannot answer that question" for reasons given. What is the procedure then? The House, on a report from the committee, takes into consideration the question asked and the reasons given in palliation of non-answering, and the House orders one of two things; that the question shall not be put and the answer not pressed, or that the question shall be put and the answer pressed. Before looking at the Privileges Act I thought this case could have been dealt with under that section; but this is not a case of that kind. This is not a refusal to answer any question for reasons given—

this is a refusal to begin. It is an *ab initio* refusal, and this House must act in accordance with the Standing Orders, and if the Speaker acts outside the Standing Orders he is as liable as any other citizen of the State. Perhaps the hon. member for Greenough does not know that. Perhaps the hon. member may suggest the kind of machinery which we should adopt outside the Standing Orders. Nor do I think this is a case in which the Standing Orders should be abrogated for any individual. I find therefore that Section 8 of the Parliamentary Privileges Act deals with this matter, and it is the section under which this matter comes. And there is no power under Section 8 to hale anybody before the bar of the House ; and as long as I am in this House I shall resent one thing and resist it with all my power, the turning the House into a holiday resort to enable people to come here to make speeches before the House. This is the last thing which this House should encourage. I do not believe in it. I do not believe, except in a great national crisis or on great political matters when they are big enough, that members should sit here to hear people addressing them from the bar. There is no necessity for it. We know what would happen. There would be a great speech, the galleries would be crowded, and it would be a great incident in which Parliament would suffer, unless the occasion were one that warranted such extraordinary action. I find that Section 8 of the Parliamentary Privileges Act says :—

Each House of the said Parliament is hereby empowered to punish in a summary manner as for contempt by fine according to the Standing Orders of either House, and in the event of such fine not being immediately paid, by imprisonment in the custody of its own officer in such place within the Colony as the House may direct, until such fine shall have been paid or until the end of the then existing session or any portion thereof, any of the offences hereinafter enumerated, whether committed by a member of the House or by any other person.

These are the things the House may punish for :—

Disobedience to any order of either House or of any Committee duly authorised in that behalf, to attend or to produce papers, books, records, or other documents, before the House or such Committee, unless excused by the House in manner aforesaid.

Refusing to be examined before, or to answer any lawful and relevant question put

by, the House or any such Committee, unless excused by the House in manner aforesaid.

Then the section goes on to deal with other matters. There is not one word or tittle of power to hale an individual before the bar. The member for Greenough ought to be the last to accuse me of seeking to oppress any individual. I wish to give every section of the community justice, and have I not done this since I have been in the House for the last eleven years ?

MR. HOPKINS : I think both of you got a bit warm.

MR. MORAN : I hope not. The hon. member accused me of having a certain amount of national blood in my veins ; but I may remind him that one characteristic of my nation is loyalty. I commend that to the hon. member, and say that if there were any other less severe way of dealing with this question I am certainly in favour of it. I am in favour of moving the great machinery of Parliament slowly, like a great hammer : we should not use it to crush a fly. There is only one way of moving, and that is the way suggested by the leader of the House and the leader of the Opposition. I know my position in this House as a private member, and I shall follow the precedent of the Premier in regard to this charge of indignity to the House. I should be the last one in Western Australia to do anything unless we were compelled to do it. Therefore I find myself in the position of having nothing else to do but to support the motion. We cannot allow a committee to have these refusals. If we allow it once, then the power of select committees is at an end. I commend this to the member for Murchison. If he will look through the Standing Orders he will find it is impossible to adopt the suggestion made by him.

MR. NANSON : Nothing is impossible to Parliament. Parliament is supreme and can make its own laws.

MR. MORAN : Will the hon. member suggest to me how he would go to work. Would he abrogate the Privileges Act and have no privileges, or pass a special Privileges Act ? The hon. member cannot accuse anybody in the House of taking undue advantage of the Standing Orders of the House. Evidently this phase was considered when the Act was

being passed, that we must either let the matter alone or take such action as has been taken by the Premier. I regret the incident very much. I do not understand why the gentleman in question did not answer the questions. No one in this House seeks to interfere with the privileges of the Press; but Parliament has its privileges also, and in this case I must support the action taken by the Government, independent altogether of the personality of the individual.

**THE SPEAKER:** After consultation with the mover and seconder, I have altered the wording of the motion slightly, and I will now read it to the House:—

That the witness John Drayton, who was summoned and refused to give evidence before the Select Committee on the Empress of Coolgardie Gold-mining Lease, is guilty of contempt of this House, and that he be fined in accordance with the terms of Section 8 of the Parliamentary Privileges Act 1891, in the sum of £100, for refusing to be examined before the said Select Committee.

**MR. J. C. G. FOULKES (Claremont):** It may be an advantage for the House to know what is the procedure in the Supreme Court in such cases; for in the Supreme Court, cases frequently arise in which witnesses are brought forward on subpoenas and refuse to answer particular questions. It is a common occurrence, and provision is made for dealing with witnesses who refuse to answer questions. Sometimes questions are put to them by counsel on behalf of a particular party, and in some cases the questions are put by his honour the Judge himself. The questions having been put, and the witness refusing to answer, the next step generally taken is a motion by counsel on one side or the other that the witness be committed for contempt of court. The offence of refusing to answer a question is considered at all times an offence against the court itself, not an offence against either of the parties before the court, the plaintiff or defendant. If it were not so it would be impossible, in some cases, to have complete evidence brought before the court concerning actions sought to be tried by the court. Here, in this case, the action arose some weeks ago. The House considered it necessary to appoint a committee to make inquiries into a particular subject, and the committee were delegated with the

authority of the House and the authority comprised in the Standing Orders. The committee went to Kalgoorlie as agents of this House, as it were, and took some evidence, and certain witnesses were brought before the committee and gave evidence. At last the committee met a witness, duly subpoenaed by the committee, and this witness refused, from what one can gather, to give any evidence before the committee. The committee have reported to the House, and it is a question for the House to say whether we are to take any notice of the refusal of the witness attending before the committee. In the Supreme Court, counsel moves that a witness be committed for contempt, and his honour the Judge, after hearing the application—I do not know of any exception—makes an order that such witness be punished for contempt of court. The Judge makes the order, and as a rule what happens is that the witness, in most cases, is committed to prison or fined. Sometimes the person has ample time for reflection at Fremantle. After the witness has had ample time to consider the matter he has the opportunity, if he likes, of going before the Judge and asking for leave to purge his contempt. If he be able to give some satisfactory explanation to the Judge, after the Judge has made the order for imprisonment and he appeals to the Judge for mercy, the Judge, if he thinks fit, may dispense with any farther punishment and order the prisoner to be set free. But a Judge does not hesitate at any time to punish for contempt of court. If he were to do so it would be found that witnesses would be constantly refusing to give evidence before the court. By Section 8 of the Privileges Act there is power for the House to punish in a summary manner for contempt, by fining, and the House can impose any fine it thinks fit. If Mr. Drayton thinks fit he will have ample opportunity to send a petition to the House asking the House to excuse him from the payment of the fine. It says here that the fine must be immediately paid. He can pay his fine, and after he has paid it he can petition the House that such fine be remitted. But at present all the House is concerned in doing is practically passing judgment on this man. This is treated practically

as a contempt of court. A Judge of the Supreme Court, as I pointed out, can fine or imprison a man for contempt of court, but even then the party punished by the Supreme Court has at all times the liberty, even if in prison, still to petition the court either for the remission of the fine or to be released from prison. But the first thing he has to do at all times is to apologise to the Supreme Court for contempt of court. It is for the House to decide now whether it shall pass a verdict of guilty against this man and whether it shall fine him this amount.

MR. A. J. WILSON: Is there any question about the guilt?

MR. FOULKES: We can take the report from the select committee. They report there that this witness definitely refused to answer any questions. We can only presume that this gentleman, Mr. Drayton, knew what he was doing at the time he made that definite refusal. [Interjection.] We have one editor in this House, and judging from his conduct here we can assume that editors as a rule are a highly intelligent portion of the community, and quite able to know what they are doing, particularly when giving evidence before a committee.

MR. NANSON: One does not always understand the characteristics of Parliament.

MR. FOULKES: I do not wish to drag the member for Greenough (Mr. Nanson) into this discussion. I was afraid, from what was said by the member for West Perth (Mr. Moran), that we should have the case of another editor to be brought forward. I thought then that one editor was quite sufficient for the time.

MR. MORAN: Sufficient for the day is the editor thereof.

MR. FOULKES: Section 8 is quite clear to my mind, and it is for the House to decide whether it shall act in accordance with the section.

MR. FRANK WILSON (Sussex): I have not heard the formal complaint in this matter, but as far as I can gather from reading over the report of the select committee, it appears that this gentleman who refused to attend and give evidence before the select committee has been guilty of a gross contempt of the House. There is no doubt that a select committee appointed by this House represents the

House as a whole, and any contempt or insolence shown to that committee is a contempt of the House. I can imagine that if we were to pass over a matter of this sort without taking due notice of it in exercising the power which is undoubtedly vested in this House, select committees would be unable to carry out their duties in the future. Any person summoned would simply flout that summons and say he did not intend to put in an appearance; or, if he did as a final resort put in an appearance, he did not intend to answer questions. How then could select committees carry on their duties? If a member of this House were summoned before a select committee, would he not have to give evidence? Would he not have to attend, and if he refused to attend would he not have to be called to account and be punished by the House for such refusal? Surely we must mete out to private individuals the same treatment as we should mete out to one of our own members. I hope the House will carry the motion which has been submitted by the Premier and supported by the leader of the Opposition. As to Mr. Drayton being asked or summoned to attend at the bar of the House to explain, it will to my mind be unnecessary in face of the report handed to us by the chairman of the committee. Each member of that committee I suppose endorses this report, and are we to believe the report of our own select committee or not? Decidedly we must give credence to their report. We must, on the evidence of that report, come to the conclusion that this gentleman has been guilty of gross contempt. He accepted the summons, but refused to put in an appearance until the last hour, and when he did put in an appearance he absolutely refused to give any evidence within his power. Under these circumstances, if we are to maintain the dignity and the power of this Parliament, we have no option but to carry a motion of the nature of that which has been proposed.

MR. J. P. McLARTY (Murray): I do not doubt the power of the House to fine this gentleman in his absence the sum of £100, but I should like to know if there is any instance of anyone being fined in the other States in his absence. There are numbers of instances in the British House of Commons where men have been

brought before the House and either imprisoned or fined. I agree with the member for Greenough that it would be better for Mr. Drayton to have a chance to explain himself before the House. It is all very well to talk about upholding the dignity of the House, but I think the dignity of the House will be quite as much upheld if we give these people a chance of defending themselves and of having fair play.

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

Ayes	...	...	...	36
Noes	...	...	...	4

Majority for ... 22

**AYES.**

Mr. Bath  
Mr. Bolton  
Mr. Brown  
Mr. Burges  
Mr. Carson  
Mr. Connor  
Mr. Daglish  
Mr. Diamond  
Mr. Ellis  
Mr. Foulkes  
Mr. Gill  
Mr. Gordon  
Mr. Gregory  
Mr. Hardwick  
Mr. Hastie  
Mr. Hayward  
Mr. Heitmann  
Mr. Henshaw  
Mr. Hicks  
Mr. Holman  
Mr. Horan  
Mr. Keyser  
Mr. N. J. Moore  
Mr. S. F. Moore  
Mr. Moran  
Mr. Needham  
Mr. Nelson  
Mr. Eason  
Mr. Scaddan  
Mr. Taylor  
Mr. Thomas  
Mr. Watts  
Mr. A. J. Wilson  
Mr. F. F. Wilson  
Mr. Frank Wilson  
Mr. Troy (Teller).

**NOES.**

Mr. Hopkins  
Mr. Layman  
Mr. McLarty  
Mr. Nanson (Teller).

after it had been carried, speaking as the leader of the House, I expressed my intention for the present of taking no farther action, because I thought that the decision of this House would have had sufficient weight with that newspaper to induce it to apologise for the contempt of which it had been guilty, and I saw no necessity to take farther action in the event of that apology being tendered in the ordinary course. I was perhaps influenced somewhat in my desire to take no action by the fact that the paper was somewhat inimical to myself on political questions. I looked very eagerly for an apology subsequent to the sitting of the House on the 20th, but the only comment I have seen so far was that which I will read. It appeared as an afternote to the report of the discussion which took place on the subject of this contempt, and ran as follows:—

The statement of the Chairman of Committees, that his complaint of discourtesy was intended to have a general and not a particular application, makes it clear that our reporter was misled in regarding Mr. Thomas as the specific offender. The mistake arose out of the fact that Mr. Bath made his complaint just after Mr. Thomas had offended in the manner referred to, and our reporter wrongly, it would now appear, took the chairman's statement as being directed specially against Mr. Thomas; an inference which, not unnaturally, was drawn from the fact that Mr. Thomas resented the imputation of discourtesy. We, therefore, have pleasure in making the necessary correction. At the same time, we are compelled to assert that Mr. Thomas's accusation that this paper "went out of its way to make an attack, and stated a gross untruth," is as much without justification as his other statement, that we have "imputed motives to him in leading articles for the seat he occupied in the House." We leave to the consideration of the public the suggestion of Dr. Ellis that "the criticism of the Press regarding the actions of members in the House should be stopped forthwith."—*Ed. M.H.*

Question thus passed.

**PRIVILEGE—MORNING HERALD REPORT.**

**MOTION TO SUMMON THE PRINTER.**

**THE PREMIER (Hon. H. Daglish):** On another question of privilege which has already been before this House, I am compelled to submit to this Chamber a motion which I regret it should be necessary to move. It relates to the case of the *Morning Herald*, which was brought before this Chamber on the 20th of last month. A motion was then carried adjudging the publisher of the *Morning Herald* to be guilty of contempt, and

**MR. NANSON:** There was a farther statement.

**THE PREMIER:** Well, I confess I have not been able to find any farther statement.

**MR. NANSON:** In the next day's issue.

**THE PREMIER:** Perhaps the hon. member alludes to a poetical effusion in the nature of a parody. If he can give me a copy of an apology that the paper has published, I am sure that will satisfy

me that I need not perform what now appears to be a duty. I can assure hon. members that the duty is unpleasant. We have just dealt with a case in which a substantial fine has been inflicted. I readily admit that the case just dealt with appears to me more flagrant than that now under notice. With regard to this case, as I think an apology for the contempt would have met the case, we may proceed by a course somewhat different from that adopted in the preceding case; and I therefore move:—

That Archibald Davidson, the printer and publisher of the *Morning Herald*, be ordered to attend at the Bar of this House on the third day of November instant, to show cause why he should not be dealt with for his contempt in publishing in the *Morning Herald*, on the 20th day of October, 1904, a false libel touching the conduct of a member of this House as such member.

Under the privileges of Parliament, it is competent for this Chamber either to fine the publisher or, if it choose, to adopt the other course of directing the Attorney General to prosecute the publisher for libel. The mere adjudging of contempt establishes, I understand, a misdemeanour on the part of the publisher of the paragraph held to be in contempt. However, it seems to me that the best course in this instance will be to afford the publisher an opportunity of appearing at the Bar of the House, in order to show why he should not be dealt with; and I therefore move accordingly.

THE MINISTER FOR RAILWAYS AND LABOUR (Hon. J. B. Holman): I second the motion.

MR. C. H. RASON (Guildford): When discussing the previous motion dealing with this paragraph, I said that the circumstances were hardly such as rendered it necessary to take special action. I said also that I regretted my absence from the House at the time of the occurrence in question. But after looking up the *Hansard* report of the debate, and after consulting members who were present, I think there is a great deal of excuse for anyone who did imagine that the remarks of the Chairman of Committees were particularly addressed to the member for Dundas (Mr. Thomas). I find that the Chairman made his remarks immediately after the member for Dundas rose to speak; and the member for Dundas evidently took those remarks

to have special application to himself, because he protested. When the Chairman subsequently explained to the House that those remarks were not specially directed at the member for Dundas, he made the position clear to everyone. But prior to that, at all events, any person, any reporter, might well be excused for taking those remarks to have special application to the member for Dundas. When the Chairman of Committees made it clear that they had no special reference, exception having been taken by the member for Dundas to a report which appeared in the *Herald*, there was published in that paper on the 20th October a full report of the debate, and at the end of that report the remarks which the Premier has just read, containing amongst other words these: "We therefore have pleasure in making the necessary correction." Now, surely, with that the matter might well have been allowed to drop. I trust I should be the last man in the world to mete out different treatment to two persons guilty of the same offence. I do not regard individuals or newspapers in the matter. I look at the offence. Let us look at the offence in this case. A mistake is made; it is admitted; and regret is expressed that it should have been made. Now was it on the face of it reasonably a mistake? That is what I ask myself, and what I think members should ask themselves. Could any unprejudiced, unbiased person have reasonably made the mistake made by the *Morning Herald*? I submit that anyone could easily have made the mistake. I go farther, and I say I myself should have made exactly the same mistake. If to-day I made or attempted to make a speech in this House, and you, Mr. Speaker, in your wisdom made a complaint, I should at once think that your remarks were specially addressed to me. Naturally I should think so. Naturally anyone hearing those remarks would take it that I was the sinner, that if complaint was made immediately after I had said something, the complaint arose out of something I had said. It is therefore, I submit, reasonable to think that the reporter on this occasion, whoever he was, made a mistake without any prejudice and without any bias. The mistake having been made, the paper, I submit,

does all we can reasonably ask it to do. It admits the mistake, and expresses regret that it should have ever been made. Therefore I think the matter should have been allowed to drop, and that it should be dropped even now. However, if the House is anxious that the gentleman whose name we have just heard should appear at the Bar to show cause why he should not be punished for having inserted a false libel, I do not see why there should be any serious objection other than that we are going too far in taking such strong action regarding so trivial a matter. "A false libel" is the wording. Exception must be taken to that, because one can hardly say that the words published amounted to a false libel. What happened? A member rose. The Chairman of Committees objected to members rising when he is just about to put the question. The member who had risen at that particular moment explained to the Committee, with some warmth I believe, that he was perfectly within his rights in rising when he did, and that he would maintain his rights in Committee. The paper stated that the remarks of the Chairman were addressed to that member; but afterwards found it had made a mistake, and expressed regret. Surely there is no need to go beyond that. The circumstances are totally different from those of the case previously dealt with to-night; firstly as to the seriousness of the offence, and secondly as to what followed afterwards. Suppose for one moment that between the time of Mr. Drayton's having refused to give evidence before that select committee and to-day he had stated that he found he had made a mistake, and regretted having made it, then I am sure no member of the House would have voted for the infliction of a fine so heavy as we have inflicted. Not one member but would have thought that there the matter might end with regard to Mr. Drayton. And so I submit that in this case we should not unduly advertise the *Morning Herald*; because that is what it seems to me we shall be doing. Just as strongly as I objected to unduly advertising the other paper we recently referred to, so strongly do I object to giving a gratuitous advertisement to the *Morning Herald*. I hope the matter will be allowed to drop.

MR. J. M. HOPKINS (Boulder) : Surely these proposals are not to be introduced from now onward, perhaps to eternity, and passed with the slight consideration that characterised the first motion to-night. I do not wish to discuss that motion; but my memory is very clear regarding the original incident to which the present proposal of the Premier refers. The hon. member who preceded the member for Dundas had taken his seat, and there was a pause; but I believe that pause was unnoticed by the member for Dundas. When he rose, he had not realised that there was a pause. The Chairman then entered a protest. I think I am correct in saying that he entered a protest. I think I am also correct in saying the protest would not have been entered had it not been for the fact that the member for Dundas had risen to speak. That being so, there was no wonder that the member for Dundas felt hurt, and I think there is no wonder that persons in the Press gallery interpreted the situation at least differently from what the member for Dundas did, or perhaps different from the interpretation placed on the situation by the Chairman. That is the aspect of the case as it appeared to me. I did not care to take part in the debate on the previous proposal; but when I find the Premier submitting a motion saying that the publisher is guilty of publishing a false libel, magnifying a small incident and attaching importance to a matter which to my mind is trivial, I must give my opinion. It is all very well for members to speak of preserving the dignity of the House. It is questionable whether there is much dignity attaching to rushing proposals of this kind through without giving members time to consider, and to look up precedents in cases of this kind. We are miserably short of legal talent in the House. There is only one legal member here.

MR. E. NEEDHAM: Quite enough.

MR. HOPKINS: If the legal member was of the calibre of the member for Fremantle I would endorse that sentiment. It is a matter of gratification to know that we have one legal member here, and when we see instances of this kind introduced, perhaps without consideration and being forced through without that amount of debate which those persons implicated

would expect to be devoted to a question of such importance, it is little wonder that one or two members take exception and offer opposition to the proposal going through on a silent vote. I think if the members look into the question impartially—but I suppose that is a hard matter for a member who feels hurt—we might come to a very different decision. Before a Supreme Court Judge, utterances are unimpassioned, and I do not hesitate to say that the course that is to be taken is not altogether without that feeling which to my mind reflects discreditably on a judicial tribunal.

MR. FRANK WILSON (Sussex) : If members do not care to debate a question of this sort, the fault is theirs. They have the opportunity, and I do not think we ought to say or imply that this House has come to a wrong conclusion in any matter because members have missed their opportunity of debating it.

MR. HOPKINS : Not that ; we never had time.

MR. F. WILSON : We had a vote on the question when the member for Dundas first drew the attention of the House to it, and the House decided then that a certain person, the publisher of the *Morning Herald*, was guilty of contempt. That took the matter away from the member for Dundas and made it one of our own concern. At the same time the Premier indicated that he would refrain from taking any action on the vote, in order to give the newspaper, or the editor, a chance of apologising for the error he had made. I think that every member who spoke on that occasion regretted that the House was placed in the position of having to take the stand that it was necessary for a member of the House to come here and make such a complaint, and after hearing the complaint it was necessary for the House to pass a resolution that the newspaper was guilty of contempt. At the same time members were unanimous in their feeling that the House having taken the matter up, and having passed such a resolution as it did pass on that occasion, it was necessary to see the matter through and see that the editor of the newspaper made due apology. The opportunity was given. All we now have to concern ourselves about is whether the apology tendered was an apology at all, or suffi-

cient to the House and to Parliament not to the member for Dundas, for it does not affect him very much. We find in the editorial footnote which the Premier read, the only reference in the nature of an apology. The footnote says :—

We therefore have pleasure in making the necessary correction.

It goes on to say :—

At the same time we are compelled to assert that Mr. Thomas's accusation that this paper "went out of its way to make an attack and stated a gross untruth" is as much without justification as his other statement that we have "imputed motives to him in leading articles for the seat he occupied in the House."

I am inclined to think it was not an apology, but was rather an aggravation of the first charge. I am not standing here to say that the first charge was a gross contempt of the House. I think speaking on that occasion, I made it clear that I thought there were many cases in which the House had been treated with worse contempt than on that occasion, but I said once the House had determined that it was contempt, that contempt should be purged. It is due to the House to see that the resolution of the House is carried out. Has there been an apology? I cannot accept it as such; it is an aggravation of the first offence. The person directly interested in the newspaper said an apology appeared later in some doggerel verses, and that there was one verse in which an apology was given. That verse is as follows :—

This verse, as you'll guess,

Is just an apology—nothing less.

All accusation we here withdraw

Against that innocent little "jackdaw."

That is amusing, but I venture to think it is not satisfactory. It is belittling the functions, the power, and the dignity of the House, and I am not prepared to accept a verse of that description as anything more than adding insult to injury. I hope that members will take the matter up, and will insist upon an apology. The wording of the footnote is an aggravation of the offence, and if the hon. member who interjected wishes us to consider a verse of the description such as that referred to as an apology I may say it is a greater insult to the House, and I resent it as a member of the House. I hope the motion of the Minister will be carried, and tha-

any person guilty of farther contempt of the House will be brought to the Bar and there be made to apologise, to show that Parliament is preeminent and that Parliament must be obeyed.

DR. ELLIS (Coolgardie) : In making a few observations on the motion, I do so feeling that the so-called apology was little else than an insult to the dignity of the House. As far as I can make out, the newspaper made the necessary correction, and made a false statement concerning myself which did not tend to make the apology felt. I have no objection to criticism by the Press. I have been criticised ever since I have been in public life, and I have never objected ; but what I do object to and what other members object to is the imputation of improper motives. I cannot understand any section of the Press calling itself respectable not apologising, after the House has voted that newspaper guilty of contempt. It is not a question of the House not discussing the question, for the House had deliberated and had declared that the newspaper was guilty of contempt ; and having been adjudged guilty of contempt, it was the proper function on the part of the newspaper to bow to the decision of the House. But I understand that on this occasion the newspaper did not bow to the decision. I am astonished that a newspaper which hinks it upholds the dignity of the State and the interests of the State should go out of its way not to bow to the decision arrived at, and I believe unanimously arrived at, but should offer farther insult. In this way the newspaper is not only belittling itself but lowering the Press from the position which it ought to occupy ; and the Press has, to a large extent, given the English-speaking race liberty, and now this portion of the Press is trying to get rid of that liberty. Liberty too freely used becomes license, and I cannot understand a newspaper of this description absolutely forgetting its position and refusing to apologise, but adding insult to injury. This newspaper was asked to apologise. The Premier said he would go no farther because he trusted that an honourable journal would uphold the honour of the Press and the supreme honour of Parliament by offering to apologise for its conduct. Any Press conducted on

proper lines would naturally bow to the authority of the House. Anyone acquainted with public life must know that a newspaper which had been adjudged guilty of contempt must apologise without question. I quite agree that the offence is nothing like so serious as the previous one upon which we have been deliberating.

MR. NANSON : Why magnify the offence ?

DR. ELLIS : I am not doing so. I consider when the leader of the House thinks that the honour of the House has been injured and that we have been treated wrongly by this newspaper, it is the duty of the House to support the Premier in the action he is taking. If we do not follow the direction which the leader of the House gives, there will soon be anarchy and we shall have license running riot.

MR. FOULKES : You always follow his dictation.

DR. ELLIS : My particular dignity does not matter in this case. This is a matter of the dignity of the House, and the hon. member knows it. If a mistake is made before a Judge, everyone bows to the Judge ; and I am astonished that a member of the legal profession is not willing to bow to the decision of the House. I cannot understand members of the House not taking this matter seriously, for if the House does not regard its own honour as a matter to be considered seriously, if members do not think, after arriving at a resolution and arranging for a certain course of action, that that action should not be carried out, it is not taking seriously the honour of the House, and the sooner the deliberations of the House are not carried out the better.

MR. DIAMOND : Are you sure you are taking the matter seriously now ?

DR. ELLIS : I am. If we lower the House, we lower the State and diminish the dignity of the House and the Chair. If we do away with a resolution of the House, we are not doing that which will uphold the foundation of English liberty. I cannot understand how any person who is acquainted with the first principles of honourable conduct should call such a statement as appeared in that paper an "apology," or can imagine that any honourable man would consider it to be

an apology. If this is the kind of apology we are expected to accept, we had better do away with all questions of honour; but I hope this House will see that in the present, and in the future, its proceedings are carried on with dignity, and that its honour is always maintained.

MR. J. C. G. FOULKES (Claremont): The last speaker has said a great deal about the honour and dignity of this House, and has called attention to the fact that on a previous occasion the House came to a certain conclusion in regard to the present case, and that therefore farther proceedings must be taken to carry out that decision. It is within the knowledge of most members that when this question was discussed, no notice had been given of it, and consequently the attendance of members on this (Opposition) side of the House was small. Pretty well every member who spoke on the question deprecated any farther action being taken. There was a small attendance; but it is curious that on one side of the House there was a large attendance of members, and evidently they knew what was to be brought forward.

THE SPEAKER: The hon. member is not in order in reflecting on the conduct of the House.

MR. A. E. THOMAS: In explanation, I may state, as mover of that resolution, that before bringing it forward I consulted the Speaker; I also consulted the Premier and the leader of the Opposition.

MR. FOULKES: All that may have been done; but I say a large number of members on this side of the House did not know that question was to be brought forward. When the question was discussed, pretty well every member who spoke expressed a wish, and the Premier also spoke to the same effect, that no farther notice should be taken of the matter. The Premier gave us to understand that he hoped that the member for Dundas, the mover of the resolution, would be satisfied in having been able to give his explanation to the House, and that there was nothing to be gained by following up the motion with farther proceedings if the motion were adopted; also that those farther proceedings would not help the hon. member, nor add to the dignity of the House. The leader of the Opposition also spoke practically in the

same strain, saying that if farther proceedings were taken they would not add to the dignity of the House; and that he hoped the member for Dundas, having had an opportunity of explaining the report as given in the *Morning Herald*, was not correct, would be satisfied. Pretty well every member who spoke begged the member for Dundas to let the question drop. I know that when the question was put to the House no call was made for a division; but many of us on this side recognised that it would have been quite hopeless to call for a division because we knew that members on the other side looked upon the question, not from the standpoint of the dignity of the House, but as a political question.

THE SPEAKER: The hon. member is out of order in making that statement and must withdraw it.

MR. FOULKES: That was the impression I was under.

THE SPEAKER: The hon. member must withdraw that statement, in an unqualified manner.

MR. FOULKES: I do not know quite what I have to withdraw.

THE SPEAKER: The hon. member said that hon. members had voted on account of political reasons, and not on account of the dignity of the House. That is out of order, and the hon. member must withdraw it.

MR. FOULKES: I withdraw those words. No division was called for by members on this side of the House, for reasons I am not at liberty to mention, and the motion was passed, although many of us strongly dissented from the passing of it. We felt it would be useless calling for a division, and so the motion was passed; but all along I was hoping the Premier would not think it necessary to take farther steps, because he had said that if farther proceedings were taken we should not in that way add to the dignity of the House. On this occasion I called attention to the fact that the reporter was quite justified in coming to the conclusion that the remarks made by the Chairman of Committees did refer to the member for Dundas; and he said that any jury or any reasonable body of men would be justified in coming to the conclusion that the remarks of the Chairman of Committees did refer to the member for Dundas. It has to

borne in mind that the member for Dundas had been addressing the Committee at the time the Chairman made a statement calling attention to certain facts, and the *Herald* reporter who took the remarks down was justified in coming to the conclusion that they applied particularly to the member for Dundas. We have heard since then that the Chairman of Committees did not intend those remarks to apply particularly to the member for Dundas; but how was any reporter, how is any body of reasonable men, to know what was in the mind of the Chairman of Committees? They can only judge from what they hear; and I feel it my duty now to warn the Premier, who has suggested the possibility of having other proceedings taken against the proprietors of that newspaper and to let the Attorney General prosecute them, that I hope he will take such steps that a jury may have an opportunity of coming to a decision on the question. I feel certain that the proprietors of that newspaper need not be alarmed at the prospect of having the case tried by the Supreme Court, because when the whole case is stated impartially in court and the evidence is brought forward—

**THE SPEAKER:** The hon. member is wandering a little from the motion. He is not in order in discussing what are the probabilities of a case in the Supreme Court.

**MR. A. J. WATTS:** Is the hon. member in order in imputing partiality to members of this House?

**THE SPEAKER:** The hon. member is not in order in imputing partiality, though I did not hear the words.

**MR. FOULKES:** I stated that the proprietors of the newspaper need not be alarmed at the prospect of having the case tried in the Supreme Court. As I stated when this question was brought forward, the reporters were quite justified in coming to the conclusion they did that the remarks made by the Chairman of Committees applied particularly to the member for Dundas. No one can contradict that. The Chairman of Committees has stated that he did not intend his remarks to apply particularly to the member for Dundas; but how can reporters, or how can anybody, say what was in the mind of the Chairman of

Committees that evening? I must warn this House that this case is not on all-fours with the case we have considered previously this afternoon. The other was the case of a witness who had refused to give evidence before a select committee of this House; and it had nothing to do with a breach of privilege as regards the conduct of any member of this House, but was simply the case of a witness who had been ordered to attend and had refused to give evidence. The two cases are not on all-fours. The leader of the Government may think that all editors have the same set of crimes, and practically he asks us to deal out the same set of punishments. That is a wrong position for the House to take, and we shall stultify ourselves by taking it and bring discredit on the House. The Premier appears to expect us to fight every newspaper in the State which has the impudence, as he may call it, to reflect on the dignity of this House. It is a foolish step to take, and I am certain he will bitterly regret it.

**MR. A. J. DIAMOND** (South Fre-mantle): It is my intention to vote against the motion, for reasons I will state. I was present when the incident occurred that has caused all the trouble, and at the time there was no doubt in my mind about the reference of the Chairman of Committees being to the member for Dundas. It seemed to me at the time, while thinking that the Chairman of Committees had made a mistake, as in my opinion he did, that the member for Dundas had done nothing to call for animadversion. When the matter came before the House afterwards, I was not present. I think the mistake made by the reporter was a natural mistake, and I regret that the matter is being farther proceeded with.

**MR. J. L. NANSON** (Greenough): It is somewhat unfortunate that when matters dealing with the dignity of this House and the estimation in which this House is held by the public are to be considered, due notice should not be given to members of the Assembly, so that there may be time for reflection as to the course of action which should be taken. In this particular matter, when it first came before the Chamber it would have been simple enough to have tabled a notice of motion, so that it would have

been well in the minds of members what was intended, and we could have acted with due reflection. If it was necessary or advisable in that instance to have given some notice, I contend that it is even more advisable in the present instance when a motion is brought forward to summon the publisher of the *Morning Herald* to the Bar of the House and, I take it, to admonish him and possibly inflict penalties upon him. There has been a great deal of discussion as to whether the *Morning Herald* made any apology for this misstatement. Let us in the first place consider how the matter was brought up. Newspaper reporters, no more than members of Parliament and no more than any member of the public, claim infallibility. The newspaper reporter is liable to make a mistake, and under ordinary circumstances if a newspaper does make a mistake or if it is judged to have made a mistake by persons competent to decide whether it has done so, the newspaper, or the generality of newspapers, is only too glad, not only to make a correction, but also to express regret for having made the mistake. If the member for Dundas had taken the same simple and obvious course he might have taken and simply mentioned to the newspaper that the incident had been misreported, I do not doubt for a moment that an explanation would have appeared the following morning, and with that explanation an expression of regret that the mistake had occurred. But what do we find that hon. member doing? We find him coming down to the House and bringing forward a motion accusing the journal of having been guilty of a breach of privilege. It was necessary for him, in order to obtain the support of the House to that motion—I suppose it was necessary for him—to make some remarks in support of it, and what do we find him doing? We find him making a very much more gross accusation against that journal than that journal ever made against him. We find the hon. member accusing the paper in question with having published a "gross untruth." Now, if there is any meaning at all in the English language, it is perfectly clear that when one accuses an individual of stating an untruth, one accuses him of deliberately stating what

he knows to be untrue. One accuses the newspaper, as the hon. member did in these exact words, of "going out of its way"—those are the words I believe he is reported as having made use of in his speech, according to *Hansard*—"to state a gross untruth." Therefore we have the most serious charge imaginable against the integrity of the newspaper and its conductors, that because of some feeling presumably against that hon. member, some strong personal feeling, some rancour, some altogether unwarrantable feeling against him, the conductors of that paper allowed their malice to get the upper hand, and went out of their way to publish deliberately some statement they knew to be a falsehood. That was at any rate the speech of the hon. member on the occasion to which I refer; and he was not content with that, but gave additional weight to his accusation by declaring that on previous occasions in its leading columns that journal had imputed motives to him; and as I read his speech—and I think every hon. member who has read it will agree with me—he attempted to show that this particular journal had a bias against him, was continually criticising him hostilely, and endeavouring to damage him in the eyes of the public, and in order to do so it did not hesitate to stop at falsehood to accomplish its ends. When the member moved his motion other members spoke, and the tendency of most of them was, on the whole, to treat the incident as not of very great importance. Indeed, one member urged the member for Dundas to drop the motion; but the hon. member refused to drop it, and the motion was carried, as has been explained, in a thin House and without a division. The terms of that motion were—

That in the opinion of this House the statement read from the *Morning Herald* of to-day's date, in which the Chairman of Committees is reported as having accused the member for Dundas of gross discourtesy to the Chair by rising on every occasion during the discussion on the Municipal Bill when he, the Chairman, had risen to put the question, being untrue and being a grave reflection on the member for Dundas, the publisher of the said paper is guilty of contempt of this House.

There was no attempt made to ascertain whether the paper—I am assuming for the sake of argument —

**THE SPEAKER:** The hon. member may refer to the previous debate, but not to reflect on a vote of the House.

**MR. NANSON:** My meaning must have been misunderstood. I did not intend to reflect on the vote of the House for the purpose of censuring that vote; but I wished to point out that if there was any evidence when the House came to the vote that a mistake had been made (whether the report was right or wrong I am going to touch on later), there was nothing to show the House that it was not a perfectly natural unintentional mistake made by a reporter, without any bias at all and published by the paper without any bias at all. No discrimination was shown. The publisher was found guilty of contempt; but there was no discrimination between the paper that wilfully makes a misstatement and the paper (which may happen to any newspaper publishing under conditions of considerable stress and hurry) making a slip of the pen. If the member for Dundas, when he brought this motion forward, had refrained from making this most serious accusation of a charge of wilful falsehood against the newspaper or the conductors of that newspaper, the very strong probability is, I fancy, that an expression of regret, as sincere as could possibly be wished for, would have been published. But if the honour of the member for Dundas is dear to him, so also is the honour of the persons who conduct newspapers; and I can quite well understand that a charge of wilful and gross untruth having been made, the newspaper withheld its hand so far as publishing a very strong expression of regret was concerned. The newspaper looked at the matter on reflection as one of very exaggerated importance. Several members said it was open to question whether the House was acting wisely in advertising a matter of this kind in the way it had done. The newspaper in question thought the easiest way of settling the matter would be to treat it purely in a jocular fashion; and in pursuance of that line of action, to show they bore no ill-feeling against the member for Dundas, to show that the matter had been tremendously exaggerated and that it was a little unintentional error that had been made to appear as a grave crime of misdemeanour, and to

show that the paper at any rate had no strong feeling on the subject, the next day published an apology, not in sober prose, but in metrical form—a "Parliamentary Ballad" it was called. The member for Sussex has declared that this ballad is an aggravation of the offence rather than an excuse for the original offence. I submit that if any member will take the trouble to read those lines he will see that, instead of being an aggravation of the original offence, they breathe all through them a spirit of utmost good humour towards the member for Dundas. They give a perfectly accurate account of what occurred at that sitting of the House, and they end up with the apology demanded. The lines begin with a simple statement of fact:—

The Speaker sat in the Speaker's own Chair—

No one can take any exception to that. It is not suggested for a moment that you, Mr. Speaker, sat in anybody else's chair, but in your own chair. That is correct. It proceeds:—

All the members then present were there—

**THE SPEAKER:** I do not think the hon. member should refer at any length to that, because that particular publication is not in question. The member for Sussex is not taking exception to it.

**MR. NANSON:** The question we are debating is whether the publisher of the *Morning Herald* should be brought before the Bar of this House because, as the Premier pointed out, that newspaper did not apologise for certain statements. My argument is directed to show that on the Saturday following the debate, the newspaper in question published an accurately correct version of what occurred at that sitting, and that this version ended up with an apology. That being so, there is no necessity to go on with this motion. The motion should be negatived because the apology has been tendered. On the first occasion a correction was made that might be regarded as an apology; and on the second occasion, in order that there might be no doubt at all, that apology is put in most express terms, and it is under the heading "Apologia," which is Latin for "apology."

All the members then present were there—we are told. There is nothing wrong

with that. It does not say that any members who were present were not there.

THE SPEAKER: I must rule the hon. member out of order in making extended reference to these verses. Anything in the nature of an apology can be referred to, but a description of the proceedings of the House is not in order.

MR. NANSON: I bow to your decision, and I pass therefore to the apology itself. It is a very simple apology contained in four lines:—

This verse, as you'll guess,  
Is just an apology—nothing less.

The member for Dundas, I take it, does not want more than that. He does not want less than that. He got his apology. Then it goes on—

All accusation we here withdraw—

No reservation, no qualification of any kind; withdrawn absolutely—

Against that innocent little jackdaw!

It may be said these words "innocent little jackdaw" are contemptuous, that they are an insult to the member for Dundas. I take it that it is on account of the last line that the member for Sussex regarded the apology as worse almost than the original offence; but let us for one moment consider in what way this little metaphor, comparing the member for Dundas to a jackdaw, was used. I think nearly all the members have a literary taste to a certain degree, and they will all be aware that not only in poetry but also in prose it is a common occurrence to liken a person to a bird or an animal, and to do so in a perfectly complimentary way. For instance, when you wish to speak in a complimentary fashion of England's greatest poet, Shakespeare, you call him "the swan of Avon." Again, when you wish to speak in a complimentary fashion of Australia's greatest singer, you refer to Madame Melba as "the Australian nightingale." Again, in regard to paying a compliment to a politician, I have heard in this House the late member for Northam, the predecessor of the present member for Northam, again and again referred to in complimentary terms as "the lion of Northam."

MR. CONNOR: We have heard "fox" too.

MR. NANSON: Yes; and we have heard of another animal not of equally savoury character; but I do not suppose the member for Kimberley wishes to infer anything against the respectability of the bird known as the jackdaw. When the member for Dundas was likened to a jackdaw, that was done for this reason. It was said, as was explained earlier in the debate, that the member for Dundas might be described as the "jackdaw of r-e-a-m-s;" and it was merely a delicate allusion to the facility which he possesses, to a degree unparalleled I believe in this House, in filling the reams of *Hansard*. I believe on one occasion last session the hon. member—

THE SPEAKER: I do not think the hon. member's remarks are relevant to the question before the House.

MR. NANSON: I was arguing that an apology had been made, and that there was nothing disrespectful in that apology; that in applying to the member for Dundas the epithet "that innocent little jackdaw," it was a perfectly complimentary remark, just in the same manner as it is complimentary when you refer to Shakespeare as "the swan of Avon," when you refer to Madame Melba as "the Australian nightingale," also as when you refer to the late member for Northam as "the lion of Northam;" and in this instance we referred to the hon. member as "the jackdaw of reams"—r-e-a-m-s, reams of paper, in delicate allusion to the fact that on more than one occasion he has spoken at very great length in this House.

THE SPEAKER: I have already called the hon. member's attention to the fact that his remarks are entirely irrelevant.

MR. NANSON: I would like your ruling, sir, whether I am in order in my argument that in using the words "innocent little jackdaw" in that apology, no disrespect was intended to the hon. member?

THE SPEAKER: That is not the question before the Chair. The question before the Chair is the general motion, and the hon. member must confine his remarks to that point. I understood he intended to show that an apology had been tendered, and I gave him latitude in order that he might do so. The hon. member must not go outside that in discussing a motion of this description.

MR. NANSON: I am somewhat at a loss to know what your ruling is.

THE SPEAKER: I will make it definite. The remarks must be relevant to the question before the Chair, or I shall rule them out of order.

MR. NANSON: I may be wrong, but I understand that the question before the Chair—I am open to correction—is whether the publisher of the *Morning Herald* should be brought before the House because the editor of the *Morning Herald* has not tendered an apology for a certain allegation.

THE SPEAKER: I will read the motion, so that the hon. member may have no ambiguity in the matter. [Motion read.] If the hon. member wishes to refer to anything that has been published, it must be dealing entirely with the matter originally under discussion, and not anything subsequently published unless the hon. member wishes to show that such farther comment was an apology.

MR. NANSON: The argument of the Premier in moving the motion was that the motion would never have been brought forward had an apology been tendered.

THE PREMIER: It would never have been brought forward by me.

MR. NANSON: No. Both in the previous debate and in the debate on the present motion, the statement was made repeatedly, I think by members, that if an apology were made the demands of the occasion would have been met. Surely I am entitled to debate the point raised by the Premier as to whether an apology has been made or not?

THE SPEAKER: The hon. member is in order in debating that.

MR. NANSON: Yes, I thought so; but do I understand that I am not in order in debating the question as to whether the apology is an apology, or is not to be regarded as an apology?

THE SPEAKER: I hardly understand what the hon. member is asking. The hon. member's remarks must be thoroughly relevant to the question. The remarks regarding the "jackdaw of reams," and so on, I do not consider to be relevant to the question, and I rule them out of order.

MR. NANSON: My contention is that an apology has been made, and therefore there is no need to proceed with this

motion; that there was no malice shown, and that the editor was perfectly willing to make the necessary reparation. I am entitled, I submit, to prove, subject to your ruling, that the editor has made the necessary reparation. Of course, if you rule that in attempting to do that I am out of order, then I must submit to your ruling; but what I wish to show the House is that the newspaper, in the terms which referred to this matter, has dealt with it fully and fairly, and therefore this motion may very well be negatived. I think that a good deal of liberty should be allowed in a matter of that kind; but of course I am entirely in your hands. If I am not allowed to develop that line of argument, I must submit to your ruling.

THE SPEAKER: The hon. member is in order in referring to the motion; but I said that certain remarks he was making use of were decidedly irrelevant, and I could not permit them. The hon. member must keep to the motion.

MR. NANSON: I endeavour to do so; but this is the only opportunity I shall have of speaking on the motion, for I shall have no opportunity of replying, and I want therefore to anticipate the argument which may be used—in fact the argument has been used already by the member for Busselton—

MR. FRANK WILSON: I do not know of any such member in this House. Who is the member for Busselton?

MR. NEEDHAM: The member for Sussex.

MR. NANSON: The member for Sussex—I beg the hon. member's pardon. The argument has already been used that instead of the apology being a reason why the motion should not be carried, it is a reason why it should be carried. I am attempting to argue that the apology is a reason why the motion should be negatived, and in doing so I have referred to the only line in the apology to which exception might be taken. It may be said that the words "innocent little jackdaw" are used against the member for Dundas in an insulting manner. I was attempting to prove that instead of being used against him in an insulting manner, they may bear the construction that they were used in a perfectly legitimate manner. I have quoted instances from literature in endeavouring to show that they were intended in a perfectly

friendly way; and I think I have shown that the analogy, the metaphor, was not an insulting one; that it is a perfectly usual thing to liken a person to some bird, which is frequently done in a complimentary fashion.

**THE SPEAKER:** I have already directed the hon. member not to refer to the matter. If the hon. member persists, I shall have to take what course is left in my hands.

**MR. NANSON:** Then I will not refer to that farther, except to say there is such a thing known to writers as poetic license; and feeling that this is a poetic license, I think the House will be unwise to consider that on the part of the publisher of that paper there was any intention either to insult the House or to insult the hon. member. In dealing with these matters, a very invaluable quality is the possession of a sense of humour. I think if the member for Dundas had that sense of humour a little more developed than apparently he has, and if the Premier had that sense of humour—

**MR. THOMAS:** You are not dealing with the member for Dundas, but the House.

**MR. NANSON:** I think that if a number of members in the House, including the member for Dundas and the Premier, had their sense of humour a little more developed than apparently they have, they would not have allowed this matter to go to the length it has done. What is it the House proposes to do in this motion? It first declares that a false libel has been committed. I do not know, I may be wrong, but it seems to me that the word "libel" would have been sufficient to meet the case. I do not know whether "false libel" is necessary; but the House having decided in its wisdom that a false libel has been published by the paper, the House is going to afford the printer an opportunity of appearing at the Bar of the House. I should have thought that if an offence had been committed and someone has to be punished, it would be a wise thing and a fair thing to punish the person who actually committed the offence. The publisher may have technically shown contempt; but it was impossible for him to judge, as he was not in the House at the time, whether that paragraph was accurate or whether it

was not. I submit, therefore, that if anyone has to be called to the Bar of the House, the right person to call to the Bar would be, if you can obtain that person, the person who wrote the paragraph. The proprietors of the newspaper in question should be given an opportunity either of surrendering the person responsible for the paragraph or the writing of it to the mercy or to the vengeance of an outraged Chamber, or of appointing someone else to come before the Chamber; but it is scarcely consonant with one's idea of justice to bring before the House the gentleman named in the motion, Mr. Davidson, the foreman printer of the newspaper; a gentleman who, no matter what happens, in the ordinary pursuance of his duty has to see that the matter sent in to him is set in type; a gentleman absolutely ignorant of the facts connected with it, who exercises no discretion, but is simply the foreman printer—instead of bringing someone in a more responsible position. I think the proprietors of the paper should be given an opportunity of deciding whether they should hand over to the justice of this House the gentlemen who, in a moment of inadvertence possibly, or on mischief intent if we are to believe the member for Dundas, wrote this paragraph.

**THE MINISTER FOR JUSTICE:** What about the editor?

**MR. NANSON:** I think the editor would be a very suitable person to summon to the Bar, because the editor is responsible for everything that goes into the paper, whereas the publisher is responsible in a technical sense only, and it is no part of his duty to judge whether a statement is libellous. That is certainly one of the duties of the editor.

**MR. THOMAS:** You will see by the Standing Order that it is the printer or the publisher who must be brought before the House.

**MR. NANSON:** In the earlier portion of my remarks I said it was a pity that notice was not given of such motions. If notice had been given in the first place, an explanation would probably have been forthcoming, and would have saved all this trouble. I happened to be present in the House at the time when the member for Dundas was called to order or was reprimanded by the Chairman of

Committees; at least he appeared to me to be reprimanded. Although it now seems, according to the statement of the Chairman, that I was in error, I had no doubt that his reprimand was directed specifically at the member for Dundas, and generally at any member who in the past had offended or in the future might offend in the same manner. But it seems that the Chairman's statement was not intended to apply specially to the member for Dundas. And if members of this House present at the time made such a mistake—and I am not the only member who made it, because the member for Claremont (Mr. Foulkes) has said that he understood the reprimand to apply to the member for Dundas, and other members have endorsed that view—does it not seem somewhat harsh to brand a paper with having published a libel, to bring the publisher to the Bar of the House to reprimand him, and to impose what penalty the House may deem fit? Does it not seem a somewhat harsh proceeding, when precisely the same mistake made by the newspaper, or by the reporter responsible for the mistake, was made by a number of hon. members? There is a farther consideration to which we may apply ourselves—whether proceedings of this kind are likely to enhance the dignity of the House in the eyes of the public. We know that Parliament is a very high and mighty institution; that its powers are simply boundless. I suppose it would be competent for Parliament, at any rate if the necessary legislation were passed, absolutely to suspend the publication of newspapers in this State. In fact there is nothing that is not within the power of Parliament, so long as the two Houses can pass the necessary legislation and can secure the assent of the Crown to the Bill. And this great power being vested in Parliament, surely we shall best consult our own dignity, we shall best consult the public good, if we use that power in moderation, and use it in a common-sense manner. I do not doubt that whatever may be the opinion of this Chamber, the opinion of the majority of the people outside is that even though a mistake was made, most unnecessary importance has been attached to that mistake; that the correction having been made, the matter might have been

allowed to drop. Now what will happen suppose this motion be carried, and the offender be brought to the Bar? I take it he will apologise; I suppose he will apologise in due form: he can hardly do otherwise. Whatever the feeling of injustice seething within his breast, if he be a prudent man, having nothing whatever to do personally with the point at issue, he will express due contrition; and thus the solemn farce will end so far as he is concerned. But immediately he has apologised, immediately he is punished in whatever form the House may decide, if we decide that punishment is necessary, then will come criticism. The House will be open to criticism for its action; and if by a hairbreadth or more than a hairbreadth that criticism should exceed what the House considers legitimate, are we to suppose that every newspaper that transgresses in this way is then to be brought to the Bar of the House? If we are to enter on a policy of this sort, it seems to me that before very long, instead of being at issue with one newspaper, we shall be at issue with every newspaper in the State; and instead of devoting our sittings to the discussion of legislation and the passing of supply required for His Majesty's services, we shall be engaged in endless debates on the privileges of this House and the rights of newspapers. There must in all these matters be a great deal of give and take. Though I am myself connected with newspapers, I do not for a moment contend that newspapers do not make very grave mistakes. I have never been on a newspaper that did not make mistakes. I should give very little for a newspaper that did not err occasionally. If it were so infallible that it could never possibly go wrong, I fancy very few people would care to read it. However, members of Parliament, seeing that they themselves speak frequently on the spur of the moment, frequently indulge in strong language, just as the member for Dundas indulged in strong language in regard to this paragraph, seeing that members show this human weakness themselves, I submit that they will act wisely in showing some little consideration for the weakness of newspapers, for the liability that newspaper proprietors have in common with the rest of the human race to err, and that members

should allow this incident to close. If they do not allow it to close, I have already indicated what will happen. An apology, as I suppose, will be tendered ; and then criticism will follow. The question members have to ask themselves is, when these proceedings are over, when the apology has been tendered and the whole question can be calmly reviewed, whether the House will have really gained in dignity, in prestige, in authority, by demanding an apology at the Bar. Perhaps I may be prejudiced on the point ; but I do not think the House will have gained a single point worth having. Everyone knows that the powers of the House are enormous. Everyone knows that if newspapers or if persons comment disrespectfully on the doings of the members of the House, they are liable to be brought to the Bar of the House ; but if we are to make free use of that power, why our action, instead of stopping comment in the future, will rather encourage other newspapers to comment in order that they may have the benefit of the same sort of advertisement as will be given in the present instance. It is not as if newspapers were unaware of the penalties they are liable to. Newspaper proprietors know well that whatever the House may decree, whatever punishment it may impose, must be submitted to. But there is an even stronger force than Parliament, a force which makes and unmakes Ministries. That is the power of public opinion. And I would ask members, seeing that they are armed with these great powers, not to strain these powers to breaking point, not to create sympathy outside with the persons brought to the Bar, but to look at this matter in the same light as they looked at similar matters in the past : to punish where it is clearly shown that there is a deliberate attempt to do harm to a member—though we have never yet gone so far as that ; but where a mistake is made, or where there is every reason to suppose that an unintentional mistake is made, when there is no malice and no ill-feeling the House should say that the matter had better be dropped. On the previous occasion no division was taken on this question. On the present occasion I hope a division will be taken if necessary ; if, the matter having been debated, the Premier does

not conclude that the incident is closed. I have already said, and perhaps I speak with some degree of authority on the matter, I have every reason to believe that there would have been no objection at all to expressing regret in the usual course for making the mistake. I can quite understand that when a charge is made of wilfully publishing a falsehood, then if regret is expressed without any attempt at justification, the public are likely to believe, and members are likely to believe, that the accusation is borne out, and that the offence imputed by the member for Dundas was actually committed. I contend at any rate that it was necessary, in vindication of the honour of those who conduct that newspaper, that the matter should be explained. The paper published a perfectly fair correction. It said it had pleasure in making that correction. It went as far as it could, considering the charge made. If it has not gone far enough, if hon. members, divesting the question of all personal considerations, are really of opinion that the dignity of the House has been flouted, if they really think there is any intention on the part of the Press or this particular section of it to hold up the House to scorn or ridicule, then a very evident duty is cast upon members, not merely to call the publisher to the Bar of the House, but to avail themselves of that other weapon they can employ, by laying an information against the publisher or the proprietors of that paper, so that the case can be tried in the criminal court and a penalty imposed. An offence has either been committed or has not been committed. If this matter go into a court of law, the question of technicality must come up ; and assuming that a conviction follows, whatever sentence may be passed will indicate whether the breach of privilege was merely technical or a really serious breach of privilege. I submit with all respect that the House will not act wisely, even if it act within its rights, in taking notice of merely technical breaches. If it can be shown that there was any attempt to insult the hon. member who has complained, that there was any unwillingness to publish a correction ; then there may be reason to go farther. But that has not been shown. It has been shown that the very fullest

report of the whole proceedings was published next day; that a correction was published; and that on the following day the matter was treated in a genial manner, in the most good-humoured manner possible, and without any malice; and on that day something in the nature of an apology was made. All these circumstances and requirements of the case having been met, and the matter having been discussed, I think the House will do well to look at it, as I am sure nine people out of ten outside the House look at it, as having been magnified, as having been subjected to wrong construction and to misinterpretation. I do not doubt that the member for Dundas was annoyed at the time. We are all annoyed more or less when statements appear in the Press, and I suppose I have suffered myself as much as anybody from newspaper criticism; but I do not doubt that the member for Dundas, whose disposition is a kindly one, will, when he has thought this matter over and when he has had time for reflection, be of the opinion that there was no malice in the matter, that the whole thing has been unduly magnified; and under these circumstances I urge him, not as a plea for the newspaper but out of regard for the interests of the House and the estimation in which the House should be held by the public, to join with me in asking the Premier to withdraw the motion. I make no plea on behalf of the newspaper if it has done something wrong, and if members are convinced that it should be punished, punished it must be; but I make a strong plea on behalf of the House, for I feel sure that if the matter goes farther the verdict of public opinion will be that members had not enhanced the dignity of the House.

MR. A. E. THOMAS (Dundas): After careful consideration of this matter, and after consultation with the Speaker to know what action I should take, and after consultation with the leader of the House and the leader of the Opposition, I thought it necessary to bring the matter of the paragraph before the House for its decision and to place myself in its hands, considering the charges were made against me. I read the paragraph to the House, and if it is necessary I will read it again to the hon. member for Greenough for his edification. I took the action I did believing it necessary to put myself

right in the eyes of the public. The hon. member has stated that I was totally wrong in making the charge against the newspaper, "that they had gone out of their way to publish a statement against me," and that I have gone out my way to say that the newspaper was guilty of a gross untruth. At that time I considered that the newspaper had gone out of its way, because instead of referring to the matter in the debate where the incident took place, the newspaper devoted a special paragraph to the matter and headed it in large type "Chairman complains of discourtesy," and in that paragraph it was pointed out that the Chairman had to appeal to the House two or three times against gross discourtesy of which I had been guilty. I cannot understand what the member for Claremont means or infers in the course of the remarks which he made this afternoon. He stated, if we read his words aright, that because the Opposition were thin they did not divide the House against the motion which said that the newspaper was guilty of contempt. I can only take that to mean that in the opinion of the Opposition the House was doing wrong in vindicating my character, that it was doing wrong in the opinion of the Opposition side of the House, and that if the Opposition had been in stronger force they would have made a party question of the matter and refused to grant me justice. The offence has been ten thousand times aggravated by the speech of the member for Greenough this afternoon. Let us analyse what did occur on the occasion referred to. Nine members spoke to the motion which I brought forward. The Premier spoke, the leader of the Opposition, the Chairman of Committees, Mr. Frank Wilson (the member for Sussex), the member for West Perth, the member for Yilgarn, the member for Claremont, and the member for Coolgardie. Both the leader of the Opposition and the member for Claremont stated that in their opinion they did not consider the report regarding me to be true, and that they felt sympathy for me in bringing the motion forward, but that I should then allow the matter to drop. The leader of the Opposition in the course of his remarks deprecated any farther action being taken, and asked me to withdraw the motion because he

felt satisfied that the person in charge of the newspaper would see fit to withdraw the article and apologise to me. Two weeks practically have elapsed since the publication of that paragraph, and to my mind the offence has been grossly aggravated and has been more than ever aggravated by the speech which the member for Greenough has seen fit to inflict on the House this afternoon. That member as I consider—if I am in order in saying so, I am not sure whether I am—has practically been insulting the House by the jocular manner in which he has referred to the question and by the remarks which in his wisdom he has seen fit to make.

MR. NANSON: Are we forbidden to joke?

MR. THOMAS: I say that in my opinion the member has been guilty of insulting the House by the remarks which he has made. The hon. member states that I should have taken another method or procedure in this case. I referred the hon. member to the Standing Order on which I brought the matter forward, and it was not my fault that a substantive motion had to follow.

MR. NANSON: Why not use common sense instead of the Standing Orders?

MR. THOMAS: I will use what the hon. member apparently lacks, before I finish my remarks. I brought the motion forward and explained to the House—the hon. member was not present; that was not my fault—that any member complaining to the House of a statement in a newspaper as a breach of privilege shall produce a copy of the paper containing the statement in question and be prepared to give the name of the printer and publisher, and also submit a substantive motion declaring the person in question to have been guilty of contempt. Had I the power under the Standing Orders I should not have mentioned the publisher or the printer, for we know full well that they have nothing to do with the matter. I should have referred to the editor of that newspaper, and I do not know if the editor, Mr. Nanson, is the same person the member for Greenough or not. That has nothing to do with the question. I should have referred to the person who I believe is a man called Mr.

MR. NANSON: You believe wrongly, so it happens.

MR. THOMAS: The member for Greenough said that the representatives of the Press do not claim infallibility. They do not claim that they cannot make mistakes, they are like other people, and if the Press representatives had been adjudged to have made a mistake they would have been only too glad to have corrected it. The hon. member then stated that if I had only gone down on my knees in the office of the newspaper—

MR. NANSON: I rise in explanation. I do not think that I ever suggested the hon. member should go down on his knees.

MR. THOMAS: I draw the inference from the remarks.

MR. NANSON: I do not think that my words conveyed that the hon. member should occupy a position of humility.

MR. THOMAS: The hon. member said that if I had gone to the Press probably they would have made amends. When I considered that the privileges of this House had been attacked, I not only had the right to incidentally protect myself, but as a member of the House, knowing that the privileges of the House had been interfered with, it was my duty to bring the matter before the House. The hon. member was given an ample opportunity to make amends. His own leader in this House stated that he was sure the hon. member would do so.

MR. NANSON: What amends do you propose?

MR. THOMAS: The leader of the Opposition stated, in advising that no farther action be taken, that he felt sure his colleague—I do not know that he referred to the hon. member as his colleague—but he said that the person in authority in the newspaper office would make amends and apologise.

MR. RASON: If a mistake had been made.

MR. THOMAS: If a mistake had been made, and a mistake had been made. We know full well what under the Standing Orders and the forms of the House might follow, and the Premier stated that he did not intend at that juncture to take farther proceedings, that he had consulted *May*, which book laid it down that a motion of this sort might be

discussed without farther action, and the Premier hoped that the proprietors of the newspaper would see fit to withdraw the article in question and apologise, and express regret for having infringed the undoubted privileges of the House. The leader of the Opposition indorsed the remarks of the Premier in allowing the matter, at that stage, to drop. Ample opportunity has been given to apologise to me, who incidentally is the aggrieved party and to make reparation as far as the House is concerned, seeing that its privileges have been interfered with. Next morning there was an aggravation of the offence, and the offence has been more aggravated by the member for Greenough this afternoon.

MR. NANSON: Will the hon. member read the aggravation?

MR. THOMAS: The Premier read them.

MR. NANSON: I thought you referred to the latter date.

MR. THOMAS: I do not intend to inflict on the House what the hon. member is proud to call a "poem." In his defence the member for Greenough admitted that the newspaper had not expressed regret, and the reason submitted for not doing so was that in the remarks which I made I stated that the newspaper had been guilty of going out of its way to publish a gross untruth. That was the reason he stated the newspaper had in refusing to publish an apology; yet the hon. member for half an hour was trying to argue that a full apology had been made, though farther on he stated that no apology was made.

MR. NANSON: I rise to a point of order. It was only on being called to order by the Speaker that I abandoned that line of argument.

MR. THOMAS: In trying to justify the action of the newspaper in doing what the Premier asked it to do in order to avoid farther proceedings, the member for Greenough stated that I had said so and so in my speech in introducing the motion. If that was to be objected to it could have been objected to by the hon. member's own leader at the time. I would point out that because one member in the opinion of another errs, that is no reason why the member should treat a resolution of the House with contempt, which apparently the hon. member

is doing this afternoon. Let the member for Dundas be as guilty as he likes in this connection, the member for Dundas is no longer directly concerned in the matter. I submitted myself to the House, and the House took the matter out of my hands. The hon. member has aggravated the offence by trying to treat the House in a highly jocular fashion.

MR. NANSON: I was perfectly serious all the time.

MR. THOMAS: The most serious thing in the hon. member's speech was that he threatened the House with the consequences that would follow if they proceeded with this matter. He threatened the House with farther criticism.

MR. NANSON: I deny that I threatened the House in any way.

MR. THOMAS: If the hon. member did not, then it is not the correct inference.

MR. NANSON: I rise again. Is the hon. member in order in stating that I threatened the House?

THE SPEAKER: The hon. member for Dundas must withdraw the remark.

MR. THOMAS: I had withdrawn it. I said that if it were not the correct inference I withdrew it.

MR. NANSON: I ask for an unqualified withdrawal.

THE SPEAKER: The hon. member must withdraw.

MR. THOMAS: I withdraw and substitute this: I heard the hon. member say that farther criticism would follow, and I draw no inference from that. I withdraw my remarks in that connection, and say that the inference is an incorrect one.

At 6:30, the SPEAKER left the Chair.

At 7:30, Chair resumed.

MR. A. E. THOMAS (continuing): There are one or two points I wish farther to speak about in this connection. I regret the hon. member to whom I have been referring does not see fit to be in his place to hear the continuance of the remarks I feel compelled to make against him; also that the member for Claremont, to whom I have referred, is not present to hear my farther remarks concerning him. I pointed out, and I desire to repeat, that this action of the

Premier's has nothing to do with me personally. I might possibly, had I worried through the Standing Orders, have found some power by which I might have again brought the matter before the House; but I consider that having made my motion in strict conformity with the Standing Orders, and the motion I made having been adopted by practically a unanimous voicing of the opinion of every section of the House, and having submitted myself to the House and the House having carried a resolution affirming that the publisher of the *Morning Herald* was guilty of contempt of the House, and the matter having thus been taken out of my hands, I say the matter to-day is not one that deals with me in my capacity wholly as a member of this House. It deals with a resolution which the House has adopted; and as the Premier pointed out, if that member had taken the opportunity of doing what his own leader stated he would be sure to do, namely to withdraw the article and apologise to the member indicated, also expressing regret for having gone against the privileges of the House, then no more would be heard about the matter. Ample and full opportunity having been given him to do that, he should be the last to complain of the action of the leader of the House in moving the present motion; that action being taken in order to see that when the House passes a resolution, that resolution shall be duly attended to. Everything that has been stated by the hon. member and also by the member for Claremont is simply an aggravation of the contempt, simply an attempt to turn the whole thing off by a side-wind; and again, at any rate on behalf of the occupants of this bench, I desire to enter my most vigorous protest against the statement made by the member for Claremont and against the remarks of the member for Greenough, that had not my motion been brought forward in a thin House, and had the Opposition been present in force on that day, the motion to vindicate my character and to show that the privileges of the House should not be interfered with would not have been carried. I have always tried to conform to the rules of the House, and to act in strict accord with the forms laid down by the present and the previous Speaker; but I

cannot say that the same has been observed this afternoon by either of the hon. members to whom I have referred. Every member who spoke on that occasion said he sympathised with me, and considered I had a grievance and that I should bring the matter before the House. The only point of difference between us was whether, having submitted myself to the House, I should own I was in the wrong and withdraw my motion or allow the matter to be decided on the voices. If those members considered it wrong to pass that resolution, it was their duty to come to this House and call for a division, and to go into the division lobby in justification of the so-called principle they have been advocating this afternoon. I consider it is not strictly a vote of the House where there is no division; but all the same it is on record in our Minutes that the resolution was adopted, and therefore both of the hon. members have been questioning the proceedings of a division of this House in the matter. I can hardly think that those two members, who have been in this House for three years and know all the old members at any rate, should get up in their places and state this was a purely party move, and that if the Opposition had been in stronger force they would have defeated the motion. I repeat that before bringing it forward I consulted every member who was then within the precincts of Parliament. I asked the leader of the House whether he thought I was justified in bringing it forward. I asked the leader of the Opposition also, and I spoke to members on both sides of the House. Everyone to whom I spoke told me I was doing the right thing to bring it forward. Now, we have two members on the Opposition side daring to stand up and say I have done this as a party move.

MR. NANSON: I never said "party move," nor did I make any reference to party in the matter.

MR. THOMAS: The hon. member stated it was done in a thin House, and that had members on the Opposition side been in stronger force, something else might have eventuated.

MR. NANSON: I repeat that I did not refer to that aspect of the matter.

THE SPEAKER: The member for Dundas must accept the denial.

MR. THOMAS: One member did state it was a party move, and he had to withdraw that statement. During the recent political campaign no man was more particular than the member for Greenough over the attacks made upon him in the Press. The member is now trying to turn this matter off as a joke, and has asked the Premier and myself to consent to the withdrawal of the motion, and tries to pass the matter off in a jocular fashion; but when the *West Australian* published an account of one of his meetings in his constituency, no one could have been stronger for weeks after in denouncing the *West Australian*.

MR. NANSON (in explanation): The member for Dundas refers to a telegram which appeared in the *West Australian* dealing with the report of an election meeting at which I spoke. The exceptional circumstances are as follows. A meeting was held at Northampton at which the *West Australian* newspaper was represented by its own correspondent. That correspondent sent a report of the proceedings down. A political opponent of mine also sent down an incorrect report to the *West Australian*. The *West Australian* discredited the report of its own correspondent, and although it knew that the other correspondent was my political opponent, published his report. I took exception to that, but never made use of the circumstance, as a breach of privilege.

MR. THOMAS: The hon. member was not a member of this House at that time, so he could not.

MR. NANSON: I would not have done so if I had been.

MR. THOMAS: The hon. member has repeatedly referred to attacks made upon him in the Press.

MR. NANSON: I deny that. I said I had been politically attacked in the Press, but made no farther reference to it.

MR. THOMAS: I am bound to accept the hon. member's statement. I have no desire to speak farther on this question. I would not have spoken at all on the matter had it not been for the remarks in aggravation of the offence made by the hon. member, and also by the member for Claremont. I regret that these remarks should have been made; I regret the manner in which the House was treated by the member for Greenough; I

regret that it was necessary for him to be repeatedly called to order in that connection. I have practically done in this matter. I only wish to say farther that the hon. member has told us that he considers it complimentary to members of this House to compare them with animals or birds. It may be complimentary to the hon. member to compare him with the animal he so graphically described when referring to a former Premier (Mr. Leake), which necessitated the quarantining of the seat occupied by the hon. member in this House.

MR. F. CONNOR (Kimberley): If there had been any doubt in my mind as to how I should vote on this division, that doubt was dispelled by listening to the speech of the member for Greenough. I think that speech was an insult to the intelligence of this House, which can only be wiped out by the farthest possible steps that can be taken in connection with the matter before the House.

MR. NANSON: Is the hon. member in order in stating that a speech I made is an insult to the intelligence of the House?

THE SPEAKER: I do not think the expression is unparliamentary.

MR. CONNOR: When the hon. member comes before this House and quotes doggerel poetry as a justification for a reporter in his employment making reports which this House has said, and will continue to show by the division, to have been derogatory to the character of an hon. member of this House whom we all respect, I say he insults the intelligence of this House by almost excusing the action of publishing the report.

MR. NANSON: Is the hon. member in order in reflecting upon the intelligence of this House?

THE SPEAKER: I hardly think it is a point of order. I think the hon. member is perfectly in order.

MR. CONNOR: It strikes me that this debate has degenerated. I think there is only one bad fault in connection with it, that it gives absolutely undue prominence to the paper in which this article was published. That is the worst point in the whole debate. I have no hesitation in saying that the member for Greenough, intentionally in my opinion, made use of argument whereby he tried to justify, in place of apologising for, the action of a

servant of the paper over which he is responsible. Let me tell the hon. member that it is well understood, not only by certain members of this House, but by the public generally, that he personally incites or instructs that certain articles should be written about certain members of this House because of the seats they occupy.

**THE SPEAKER:** The hon. member is not in order in making that assertion.

**MR. NANSON:** The statement having been made, am I in order in giving it an unqualified denial?

**THE SPEAKER:** The hon. member is in order in doing so.

**MR. CONNOR:** May I quote a reference in the hon. member's paper. According to you, sir, I am out of order and must withdraw what I said; but I can have my own opinion as to why these attacks were made. During this session members who have been trying to do their duty towards their constituents have been called "clowns;" and I was informed by a good authority that the article was written by the hon. member's instructions.

**THE SPEAKER:** The hon. member knows he is out of order in making this inference.

**MR. CONNOR:** May I quote my authority?

**THE SPEAKER:** No.

**MR. NANSON:** The hon. member can quote his authority in the newspaper, if he likes.

**MR. CONNOR:** I think so much prominence has been given to this matter that it behoves the House to see it to the bitter end, and that no attacks are made on individuals in this House because of the seats they occupy in it. I will not say these attacks are made by any particular paper. Whatever side a member occupies, if he does what he thinks best according to his lights, and does what is best for his constituents, he has no right to be attacked by the papers of this country; and we can do no better to-night than, with almost unanimity, by a sweeping majority emphasise that hon. members, when they do their duty honestly and fairly, should have the protection of the Chair and the protection of the House.

**MR. W. NELSON (Hannans):** I do not intend to say very much on this topic. I should like to commence by

expressing my regret that nearly two hours have been absolutely wasted in dealing with this matter, and by farther expressing the opinion that this waste of time could have been entirely avoided had the member for Greenough thought fit to make that apology to this House, either personally here or through his paper, which I feel sure in his heart of hearts he admits to be right.

**MR. NANSON:** I do not. I think it is a rank injustice, whether by Parliament or any other body, that is about to be perpetrated. I refer to the whole action.

**MR. NELSON:** The hon. member in his cooler moments—

**MR. NANSON:** I am perfectly cool.

**MR. GORDON:** It is the member for Hannans who has got his wool off.

**MR. NELSON:** I admit that the member for South Perth is referring to the fact that there is absolutely nothing between myself and heaven. I can only reply by saying that I am sorry nature has been as ungenerous to the outside of my head as it has been to the inside of the hon. member's head. All I desire to point out to the member for Greenough is that the member for Dundas came to this House and stated, possibly not as calmly as he might have done, but I think on the whole fairly—

**MR. NANSON:** Is it fair to accuse a paper of uttering a gross untruth?

**MR. NELSON:** We must always take the circumstances into consideration. I think on the whole the member for Dundas acted fairly, while he acted promptly. After it had heard what he had to say and what could be said from the other side of the House where the member for Greenough sits, and after it had taken all the facts into consideration, without being actuated in the slightest degree, in my opinion, by personal animus against the member for Greenough, whose ability every member of this House recognises and admires, and with regret that the act should have to be done, the House carried the motion. I submit that when that motion was carried it was no longer a question of the language used by the member for Dundas, no longer a question as between that member and the member for Greenough, but it was a question between the member for Greenough and this House. I feel sure that if he had consulted his

own dignity and the dignity of this Assembly the member for Greenough would have taken the first opportunity available of making a full and frank apology.

MR. NANSON: Did you think the House altogether right?

MR. NELSON: I think the House was right.

MR. NANSON: And I think it was wrong.

MR. NELSON: I say that even if the House in passing the motion had gone a little too far—and I want to assert even now that it did not do so—I want to tell the hon. member that the House, in a matter of this kind, can only act in certain specified ways, and that possibly if there had been a milder way, or more fitting way, of dealing with the matter, it would have been dealt with in that way. I submit that this House acted honourably, that it acted without personal animus, that it consulted in its action its dignity, and did not desire in any way to humiliate the hon. member; and I believe that, taking all these facts into consideration, even if the House had not done technically exactly what it should have done, it was the hon. member's duty, valuing, as I believe he does, the dignity of this House, to make the necessary apology, to have saved all this trouble, and to have prevented a debate which I, a comparative stranger to this House, say in my opinion considerably marred the dignity of this Assembly. I want to say right here, if you, Mr. Speaker, will allow me, that the speech made by the hon. member, taking all the circumstances into account, was unworthy of the position he holds and unworthy of the dignity of this House. For example, we had a laboured attempt at humour. The hon. member twitted the member for Dundas (Mr. Thomas) of lacking a sense of humour, and I must confess that the exhibition we had this afternoon does not lend itself to the idea that the member for Greenough has been very largely endowed with that desirable quality.

MR. NANSON: It was not intended as humour. With Scotch perversity you have mistaken for humour what was stated in seriousness.

MR. NELSON: I am under the impression it was Sidney Smith who once said it required a surgical operation to

get a joke into a Scotchman's head; and I must confess that it would require more than a surgical operation to get the hon. member's jokes into anybody's head, because they do not happen to be there.

MR. NANSON: I rise to a point of explanation. I was never more serious in my life.

THE PREMIER: On a point of order, I ask if the rules of this House allow that a member shall continually interrupt members who are speaking, for the purpose of making so-called explanations? And I ask, if such explanations are not in order when a member has finished his remarks, and are not out of order if volunteered while a member is speaking.

THE SPEAKER: An explanation should not be made, according to the strict rules of parliamentary practice, in such a way as to interrupt a member speaking. The practice of this House has been to permit a member to rise to a point of explanation and interrupt a member speaking; but I shall have to take steps, if these points of explanation are too frequently availed of, to revert to the proper mode of debate; that is, that a member desiring to rise to a point of explanation must wait until the member on his feet has finished his speech. I trust that the latitude allowed in the past will not be exceeded, so as to result in my enforcing a different rule.

MR. NELSON: I desire to say that if the hon. member, in his disquisition on the jackdaw, did not intend to be humorous—I admit that he failed in the result—then I entirely fail to understand what the hon. member was driving at. I may say that the hon. member quoted largely from a poem which at any rate professed to be humorous, and which, if you will allow me to say so, was one of the most insipid productions I ever heard in my life. So far was that poem from being a mitigation of the offence, if the paper had done nothing else but publish that poem, that alleged poem, I venture to say that on account of the infinite badness of it this House would be perfectly justified in immediately suppressing that newspaper. I do not desire to make a long speech on this. I feel convinced that the matter has already occupied unduly the attention of this House, and I would again appeal

to the hon. member, because he can help us. There is no doubt whatever that the state of affairs is getting serious. We have met here to-day to discuss public business, and we have been, from the sitting of the House to the present moment, occupied exclusively talking about the dignity of this House, under conditions that appear to be little dignified. I say that under the circumstances I have a right to appeal to the hon. member, in his own vindication and in the vindication of this House, to help us out of the difficulty by taking a course which he can take without any loss of dignity to himself. I say that all he has to do is simply to inform us that he is willing to publish in to-morrow's paper the necessary apology, and there need be no farther trouble in the matter. I feel sure that if this is not done we will all be compelled, in the interests of the dignity of this House, to do what we do not care to do, to take a course of action we would rather not take; and I say that when, without any loss of dignity and without in any way admitting that he has been guilty of an untruth, the hon. member can do this, he ought to do it. The hon. member complains that the resolution of the House involves that the paper contained deliberate untruth, that a statement was made by the paper in spite of the fact that those connected with the paper knew that the statement was false. I do not think myself that is a fair interpretation. The word "untruth" certainly lends itself to an interpretation of that kind, but that was not in my mind when I voted for this resolution, and I feel sure that if in to-morrow's *Herald* we have a statement to the effect that the assertion was made in error and in good faith, but inasmuch as it reflected unjustly on an hon. member of this House the statement is unreservedly withdrawn—an announcement which, as I have said, the hon. member could make without any loss of dignity—it will entirely remove the difficulty, and an unfortunate incident which has marred somewhat the dignity of this House will be ended in a satisfactory manner. Therefore, I ask the hon. member, in the interests of this House and the business of this country, to take the only course which in my opinion can satisfactorily terminate the unfortunate incident.

MR. NANSON: Will you extend to me the form of apology you suggest, and I will pass it on to that newspaper.

MR. H. GREGORY (Menzies): I regret with the hon. member opposite that so much time has been devoted to this matter, and I feel satisfied that when the criticism appeared there was no intention on the part of the reporter who published it to make any unfair or untruthful report. I regret very much I was not in the House when this discussion took place last week. I was one of those who had been absent from the House during the greater part of the debate, and when I came in here late my impression was that the Chairman spoke as if he were rebuking the member for Dundas for having delayed the progress of this House; and I am quite certain the hon. member himself felt that he was being rebuked by the Chairman on that occasion, because he spoke rather strongly at the time and stated that he had risen quickly; that he had no desire to do anything derogatory to his position. I think the wisest course we can adopt would be to adjourn the debate to-night. I feel quite satisfied that proper reparation will be made in regard to this matter; that if the correction which has appeared has not been sufficient to satisfy this House, a farther correction will appear. I therefore beg to move the adjournment of the debate, with a view of being able to get farther discussion in the event of a proper apology not appearing.

THE SPEAKER: In the first place, the hon. member cannot move the adjournment of the debate after making a speech; and I would moreover point out that under the Standing Orders, a question of privilege must be finished straight away, and cannot be adjourned and other business taken until the question has been disposed of.

MR. A. J. WILSON (Forrest): In considering this question it does seem to me that we certainly should take into consideration the circumstances which are responsible for the paragraph that originally appeared, to which exception was taken by this House. We have to bear in mind that it is just possible that one could place the interpretation upon the utterances of the Chairman of Committees which was placed upon them

by the reporter who was responsible for the paragraph appearing in the paper. Other people who were in the precincts of the House at the time and who heard the statement made by the Chairman of Committees certainly came to the conclusion that the reference was applicable specifically to the member for Dundas. If that be so, there is at least some little excuse for the reporter in the Press gallery coming to the conclusion that the reference was made particularly in the first place, or specifically in the first place, to the member for Dundas. But even if so, the House has decided that the appearance of this paragraph in the paper was tantamount to a breach of the privileges of this House. That having been determined, any farther action that might have been contemplated or that the House desired should have been taken, or anything that should devolve on the person guilty of this contempt should certainly, in my opinion, have been determined by the House itself. What do we find? We find there is nothing determined by the House with regard to this matter, but a statement is made by the Premier that, according to *May*, he finds that a motion of this kind may be carried and nothing farther take place. Then he goes on to express the opinion that in view of what has transpired certain things, such as a contradiction of the paragraph and an apology to the member for Dundas, should appear. If the Premier had expressed the opinion that the publisher of this paper should contribute a sum of £50 to some charitable institution as a penalty for what had appeared in the Press, we would hardly have expected the publishers of that paper to comply with the wishes or request of the Premier. I use that merely as an illustration of how far we can reasonably expect the person responsible for the appearance of that paragraph in the paper to go by way of apology. I confess I feel somewhat disappointed that so much prominence has been given to what to me seems a rather small and insignificant affair.

MEMBER: Why add to its prominence?

MR. A. J. WILSON: Simply because so many other members seem to think it fairly prominent. I am not following their example, as the hon. member will probably find before this question is

decided. It seems to me that the statement appearing on the morning after the discussion, the admission or acknowledgment on the part of the editor that the original statement was incorrect, the publication of the whole of the debate and of the decision of the House on the question, and the acknowledgment of the mistake, are tantamount to the contradiction which the Premier hinted be naturally expected the paper to make. The making of that correction was also in my opinion tantamount to an acknowledgment that what the paper had said regarding the member for Dundas was untrue.

MEMBER: Was it an apology?

MR. A. J. WILSON: I say that if a statement were made that anything which appeared in the Press was incorrect, I should certainly take that as equivalent to saying that the statement was untrue.

MR. NANSON: But not wilfully untrue.

MR. A. J. WILSON: Quite so. It is possible for one to make a mistake without making it wilfully; and doubtless the immoderate language of the member for Dundas, when he accused the proprietors of the paper of publishing a gross untruth, may be entirely unwarranted. Whether that did affect the position so far as the paper was concerned I do not know; but I do not think that the making of one misstatement by the member for Dundas would be sufficient justification for a refusal by the proprietor of the paper to make adequate amends for any breach of the privileges of this House. However, I feel that the original statement which appeared in the paper is a statement which will very seldom appear in any other paper; for any newspaper which values its reputation and its connection will be loth to have to make a correction of that nature, to have to admit publicly that anything which appeared in its columns was an incorrect statement of what actually transpired in this House. Such an admission is, I think, a very considerable giving way on the part of the newspaper; an admission which no newspaper of repute would care to make without a certain amount of shame in the making. And I venture to think that the statement made by inadvertence in the first place was thoroughly and adequately compensated for by the statement which

subsequently appeared in the *Morning Herald*.

MR. J. L. NANSON (in explanation): I regret very much that the time of the House should have been taken up with this debate, and I am in a position to state that the proprietors of the newspaper concerned are prepared, out of deference to the House, to express regret at the appearance of the paragraph. At the same time, if that explanation is accepted it will be stated that the mistake—mistake it was—was purely an inadvertence; that there was no basis whatever for the supposition of the member for Dundas that the statement was made deliberately because there was some animus against him on the part of the newspaper. That is the insinuation, I am authorised to state, the newspaper feels in this matter, that it should have abused its position as an organ of public opinion by allowing any feeling it might have to prejudice it in criticising the action of a member. I have been asked to state that there is no such feeling whatever; and I hope that, I having made that explanation, the member for Dundas will accept it in the spirit in which it is made.

THE PREMIER (in reply): In view of the words we have just heard from the member for Greenough, I do not think it necessary for me to proceed with my motion. However, in consequence of some remarks made in the discussion, I should like, before withdrawing the motion, simply to say that it has no party significance whatever so far as I am concerned; that had the member affected (Mr. Thomas) sat on the other instead of this side of the House, or had the paper concerned been any other paper instead of the *Morning Herald*, my attitude would have been the same. I acted simply in consequence of an expression of opinion by this House on the same subject, and acted, as it appeared to me, in pursuance of a duty which I owe to the House. I regretted the necessity for so acting, and am pleased indeed to have an opportunity of asking leave of the House to withdraw the motion.

Motion by leave withdrawn.

#### ASSENT TO BILLS.

Message from the Governor received and read, assenting to the Metropolitan

Waterworks Act Amendment Bill and the Tramways Act Amendment Bill.

#### PUBLIC SERVICE BILL.

##### RECOMMITTAL.

On motion by the PREMIER, Bill re-committed for farther considering Clauses 5, 6, 7, 22, 34, 51, 55, 58, 88, and 89.

MR. BATH in the Chair; the PREMIER in charge of the Bill.

Clause 5—Nonapplication of Act to certain officers:

MR. MORAN moved an amendment;—

That the words "any officer or class of officers to whom or to which the Governor declares the provisions of this Act shall not apply," in lines 14 and 15, be struck out, and "any officer or class of officers to whom or to which, on the recommendation of and for special reasons assigned by the Commissioner, the Governor declares the provisions of this Act shall not apply," be inserted in lieu.

The amendment embodied the Commonwealth provision, and was in consonance with amendments previously made to take from the Government the responsibility and to throw it on the Commissioner. This was so much in keeping with the spirit of the Act that little argument was needed. The Commissioner, who had the responsibility, should recommend what officers should not be brought under his control; and the Government would still have the right to reject his recommendation upon giving reasons to Parliament for the rejection. It would be out of keeping with the spirit of the Act if the Government could exempt all sections of the service without giving reasons for so doing.

THE PREMIER doubted if the amendment were desirable. The Commissioner once having classified the service and got it going as a classified service, there might be good reasons for requiring that he should recommend it before any person under his control was removed from that control; but this clause merely provided that the Commissioner should at the outset decide what officers, other than those specified, should be kept out of his control. In other words, it gave him authority to take over the whole service other than what he had reasons for not taking over. The power might more properly be left in the hands of the Governor—that would be the Government, who already had the power, but

required the Commissioner's recommendation before acting. Assuming there were officers doing certain work in any one department and that they should not come under the Commissioner, the Commissioner could not decide on the point until after inspection of the work, which would be a roundabout way of achieving the object sought by the member for West Perth. The Government would be anxious to include as many as possible under the control of the Commissioner. The clause was ample as it stood. He (the Premier) had agreed to the recommendation of the clause in order that members might give it the fullest discussion, but he preferred the clause as it stood in the Bill.

DR. ELLIS: It appeared to be best to accept the amendment, because at any time the Government of the day might exempt the whole of the civil service from the control of the Commissioner.

THE PREMIER: Not after a classification was in operation. Exemption later on would be on the recommendation of the Commissioner.

DR. ELLIS: There was no statement in the clause to limit it to the commencement of the Act.

MR. RASON: There was a good deal in the amendment of the member for West Perth. Already by this clause certain classes of the public service were exempted. All branches of the service the Government thought should be exempted were exempted, but the clause made it possible for any Government, simply by notice in the *Government Gazette*, to declare that the Act should not apply to other branches of the public service. This ought not to be possible. There ought to be grave and substantial reasons for departing from the wording of the Commonwealth Act in this respect. The amendment followed the wording of the Commonwealth Act; and there must have been good reasons for using these words in the Commonwealth Act. There was no reason to lead us to believe the words should not be in our Bill.

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

Clause 6 — Appointment of Public Service Commissioner:

On motion by the PREMIER, the following was inserted as Subclause 5:—

The Commissioner shall receive a salary at the rate of £1,000 per annum. Such salary is

hereby charged on the Consolidated Revenue Fund, which to the necessary extent is hereby appropriated accordingly.

Clause as amended agreed to.

Clause 7—Suspension or removal of Commissioner:

On motion by the PREMIER, Subclause 4 struck out, and the clause as amended agreed to.

Clause 22—Qualification for appointment:

On motion by the PREMIER, the words, "But such person shall, as soon as he is classified so to do, apply for and obtain a certificate of naturalisation under the laws of the United Kingdom or of the Commonwealth," were added to Subclause 2, and the clause as amended was agreed to.

Clause 34—Temporary employment:

THE PREMIER moved an amendment:

That Subclause 7 be struck out.

During the Committee stage of the Bill it was mentioned that the carrying of Subclause 7 would entail a good deal of clerical work; recognising that, it was intended to strike it out.

Amendment passed.

THE PREMIER moved farther amendments:

That in lines 38 and 39 the words "deemed to have been" be struck out; also that there be added to the clause the words "and if any such person shall have been employed on the temporary staff continuously for three years next preceding the commencement of this Act, he shall, for the purposes of this Act, be deemed to have been appointed to the permanent staff from the date of the commencement of such service."

That was in accordance with a notice given by the member for West Perth, but the words had been improved on legally. The object of the member was achieved, but in order to provide against the granting of superannuation rights, an amendment would be necessary in Clause 88.

MR. MORAN: If the amendment had not been adopted, the Bill would contain certain anomalies. There were so many temporary hands who had been employed in departments for years, while other favoured individuals had come in and within a few months had been placed on the permanent staff. The Bill was now about as perfect as it could be made in the way of doing justice to the service.

**MR. F. F. WILSON:** What was the definition of the word "temporary"? Would it include employees now classified as "extra labour"?

**THE PREMIER:** No; not unless it was not intended to dispense with their services, and the Commissioner, on examination, certified that their services were permanently required. The very term "casual" carried with it that the persons were only employed from week to week, and any casual employee could not be regarded as having as strong an occupancy as a temporary employee. In many departments it had been the custom only to appoint officers to the temporary staff, and these would be covered by the clause, but the casual labour staff would not be covered by the clause. Only those whose services the Commissioner certified would be permanently required would be covered by it.

**MR. F. F. WILSON:** In the Government Printing Office there were men who had served from three to seven years. They were classed as "extra labour hands." These men were entitled to the greatest consideration, as they had been practically permanently employed in the Government Printing Office. These men should have received permanent appointment long ago.

**MR. N. J. MOORE:** The same thing applied to men employed as timber inspectors. Some of the men had been employed for seven or eight years, but they were only paid for the time they worked.

**THE PREMIER:** There was no wish to damp the zeal of members, and if members wished to bring under notice deserving cases which should be considered by the Commissioner, it would be better if they assumed that the Commissioner was not present in the House. Members could rest assured that the special business of the Commissioner would be to deal with all cases and give justice to all the employees of the State.

Amendments passed, and the clause as amended agreed to.

Clause 35—Power to create or abolish offices and alter classification or grading:

**MR. MORAN** moved an amendment:

That the word "officer," in line 2, page 13, be struck out and "office" inserted in lieu.

It might be advantageous and perhaps even necessary to grade an office up or

down as the importance of the work increased, but he did not think an officer should be handled in that way without good and specific reasons.

**THE PREMIER:** Under the clause it would be necessary, in order to alter the grading of an officer, for the Commissioner to support the recommendation of the permanent head, and for the Governor to approve of the recommendation of the Commissioner. Surely that was adequate protection.

**MR. MORAN** did not press the amendment.

Amendment negatived, and the clause passed.

Clause 51—Offences by officers in Administrative Division:

**THE PREMIER** moved an amendment:

That the words "and thereupon the Commissioner shall hold an inquiry to investigate the case and report," in lines 23 and 24, be struck out.

The only object was to make the clause more explicit, and he thought that in this case he could improve upon the wording in the Commonwealth Act.

**MR. RASON** admitted it was advisable that the words referred to should be struck out, but did not agree with the Premier that these words followed the Commonwealth Act.

Amendment passed, and the clause as amended agreed to.

Clause 55—Proceedings of board:

**THE PREMIER** moved an amendment:

That Subclause 3 be struck out and the following inserted in lieu: (3.) If the board disallow an appeal, they may order the appellant to pay the costs of and incidental to the appeal, to be fixed by the board.

This amendment was moved in accordance with the understanding arrived at whilst the Bill was passing through Committee, merely giving the board the power, if it chose, to cause any appellant to pay costs.

**MR. N. J. MOORE:** Was there machinery in the measure for enforcing an award?

**THE PREMIER:** The amount could be deducted from the officer's salary.

**MR. N. J. MOORE:** Would it not be necessary to have a provision in the Bill?

**THE PREMIER** would make an enquiry on the point.

MR. MORAN : It was, in his opinion, necessary to have in the Bill such a provision as that suggested. He knew there was power to deduct insurance and that sort of thing, and also fines inflicted by the head of a department. This was one of the matters the Premier could easily look into and have rectified in another place.

THE PREMIER : Clause 61 dealt with penalties. It would not cover these appeals, but he thought there was power to make regulations in regard to appeals.

MR. FOULKES : It would be necessary to have a distinct clause. Costs were not looked upon as a penalty.

THE PREMIER : The clause could be added in another place.

Amendment passed, and the clause as amended agreed to.

Clause 58—Rent charged to officers residing in Government buildings :

THE PREMIER moved an amendment that the following be added :—

But no officer shall be subject to any deduction from his salary as rent of any premises he may continue to occupy, if at the commencement of this Act such premises were occupied by him free of rent.

MR. BURGESS : Supposing an officer in a certain district who occupied Government premises were removed, how would he be affected if he went to another district ?

MEMBER : Such officer would lose his rent.

MR. MORAN : The officer might do so.

MR. BURGESS : If an officer were removed to-morrow to another place and would have to pay rent, that would be very unfair. That would occur in lots of cases.

THE PREMIER : It was impossible to frame a subclause that should entirely protect every public servant in every imaginable contingency ; nor could he enlarge the proposed addendum without running some risk of sacrificing State interests for the good of certain officers. This he was not prepared to do. Members should credit future Governments with some fairness and discretion. Presuming that the Government and the Commissioner desired to be fair, the clause would not act unfairly to any officers now occupying quarters.

MR. NEEDHAM thanked the Premier for meeting to some extent the views of

members on the Government cross-benches. But suppose a teacher was promoted from Section B to Section A, and simultaneously transferred from one school to another ; if he had occupied free quarters at the first school, would he, if he had to pay rent at the second, receive an equivalent ?

THE PREMIER : Each case would be considered on its merits.

MR. A. J. WILSON opposed the amendment. The true remedy was to give such officers salaries sufficient to enable them to pay fairly for the privilege of living in Government quarters. When the discussion of the proposal for raising members' salaries was resumed, we should have a statement that a Minister of the Crown should be allowed to live rent free in a Government house. The members for York and Fremantle pointed out some of the innumerable difficulties which would attend the administration of this clause. We should not lay down any hard-and-fast rule, but should leave such cases to the Commissioner, who, if he thought present salaries inadequate and compensation necessary for loss of free quarters, could take the responsibility of making recommendations. If in order, he (Mr. Wilson) would move that after the word "Governor," in line 3, the words "on the recommendation of the Commissioner" be inserted. If the Premier's amendment passed, the question would arise whether the privilege of quarters attached to the office or to the officer. The successor to an officer who had enjoyed such a privilege might, if the salaries were the same, have a good claim for a continuance of the privilege.

THE CHAIRMAN : The hon. member would not be in order in moving the amendment he indicated, as the Premier's amendment dealt with a later portion of the clause.

MR. A. J. WILSON : Could we not negative the Premier's amendment, and then move another amendment in the preceding portion of the clause ?

THE CHAIRMAN : No.

MR. MORAN : There was something to be said in favour of the hon. member's (Mr. Wilson's) suggestion. The vast difficulties surrounding the question of rent were apparent. However, the Premier's amendment would give at least a modicum of

justice to the officers concerned. The rent question would form one of the greatest difficulties in the initiatory work of the Commissioner. Though an officer were confirmed in his free quarters while occupying them, he would if shifted lose his statutory privilege, and be at the mercy of the Commissioner. But the Commissioner was impartial; the Government would endeavour to be fair; and the fact of the officer's having enjoyed free quarters in his old place would weigh heavily in getting him a similar concession in the new, or a corresponding increase of salary. The Premier's amendment was a considerable concession.

**MR. R. G. BURGESS:** Government officers receiving £1,200 or £1,400 a year, and occupying princely establishments rent free, must live rent free for ever if the amendment passed. Some of these quarters were worth from £150 to £200 a year. Was that just to other officers who had extra work forced upon them, and who could be deprived of their quarters at the discretion of the Commissioner? We must not look to the Government in passing Bills, but must pass what was fair to the State and the public in general. The amendment would give certain officers an unfair advantage, so that it would be better not to pass the amendment.

**DR. ELLIS:** The amendment would do away with anomalies that might otherwise exist. No doubt the clause would not go far enough in one way, and too far in another way; but it was a fair concession.

**MR. MORAN:** There would be anomalies no matter what we did in the matter. Persons drawing large salaries would be confirmed in their rent-free privileges; but there was a greater number of small-salaried officers who would be confirmed in their rent-free privileges. He (Mr. Moran) had met two teachers each receiving less than £100 per annum, and they had little quarters rent-free. These teachers were very anxious lest they should be called upon to find house rent out of £2 per week. The great majority would get justice. We could not make a maximum or minimum salary in the matter. A man with a salary above any maximum that might be fixed was entitled to be confirmed in his privilege. The cases pointed out by the member for York were those of officers not earning

the big salaries they received. He (Mr. Moran) hoped no undue consideration would be given to those occupying positions they were not entitled to, and which they were not filling well, their positions having lost a considerable amount of the dignity and importance attached to them in the past. The amendment was as near as we could get to preserving the privileges of the majority, though the small minority might unduly gain.

**THE PREMIER:** The clause created or conferred no privileges whatsoever. It gave nothing that was not already possessed by officers, and was necessary in order to confirm existing privileges. If the Government had not been anxious to retain these privileges, the clause need not have been put into the Bill. It was because the Government were anxious to curtail, and without injustice remove, an anomaly that the clause found place in the Bill. The addendum was moved solely because the Government recognised what might be regarded as a right on the part of an officer. The principle actuating the Government was that they had entered into a contract with an officer to pay him a certain salary and give him certain quarters rent free, and that while the officer adhered to his part of the contract the Government must do the same. The Commissioner would have power to adjust any wrongs, because he had the power to raise or lower salaries. The State was bound to honestly fulfil the obligation to give certain officers rent-free privileges; but no new right was created. The Bill was a definition of existing rights with a tendency in the direction of modification by the powers conferred on the Commissioner. The Government strove to carefully avoid any injustice. The high-salaried officer had the same claims to fair treatment as the low-salaried officer.

**MR. F. F. WILSON:** It appeared to be the object of the members for West Perth and Fremantle to protect small school teachers. Would a school teacher coming to a school where his predecessor had a rent-free house be confirmed in that rent-free privilege? It would be better to adjust salaries and to strike out the rent-free privilege.

**MR. MORAN:** If we struck out the rent-free privilege, we might be a long

time before we struck in an increase of salaries.

MR. TROY supported the amendment, not because he desired to have the privileges of the highly-paid civil servants retained, but because he desired to have the existing privileges of teachers maintained. Teachers were the poorest-paid servants in the State, and their privileges should be retained. He regretted the Premier could not agree with the member for York that officers receiving high salaries should be compelled to pay rent; but in the circumstances, he (Mr. Troy) must be consistent with his previous attitude on this question and vote for the amendment.

Amendment put, and a division taken.

MR. A. J. WILSON called attention to the fact that the member for Greenough, who was present when the division was called for, was now absent from the Chamber.

THE CHAIRMAN: Any member was at liberty during a division to leave the Chamber before the doors were ordered to be locked.

Division resulted as follows:—

Ayes	...	...	...	29
Noes	...	...	...	4

Majority for ... 25

#### AYES.

Mr. Bolton  
Mr. Carson  
Mr. Connor  
Mr. Daglish  
Mr. Diamond  
Mr. Ellis  
Mr. Foulkes  
Mr. Gregory  
Mr. Hardwick  
Mr. Hastie  
Mr. Hayward  
Mr. Heitmann  
Mr. Henshaw  
Mr. Hicks  
Mr. Holman  
Mr. Horan  
Mr. Keyser  
Mr. McLarty  
Mr. S. F. Moore  
Mr. Moran  
Mr. Needham  
Mr. Nelson  
Mr. Quinlan  
Mr. Scaddan  
Mr. Taylor  
Mr. Thomas  
Mr. Troy  
Mr. Watts  
Mr. Gill (Teller).

#### NOES.

Mr. Burgess  
Mr. A. J. Wilson  
Mr. F. F. Wilson  
Mr. Gordon (Teller).

staff of any department at the commencement of this Act who, under the provisions of Section thirty-four, shall be deemed to have been appointed to the permanent staff prior to the commencement of this Act," be inserted.

This was an amendment to the superannuation provision which he referred to when dealing with the amendment to Subclause 9 of Clause 34. It made the clause more specific.

MR. MORAN: When moving with the object of placing temporary hands on the permanent staff, dating from their continuous employment, he did not wish to claim any benefits for those officers under the Superannuation Act. The State was fully protected.

Amendment passed, and the clause as amended agreed to.

Clause 90—Regulations:

THE PREMIER moved an amendment:

That in Subclause (b), after "clerical," the word "educational" be inserted.

This enabled officers of the educational division as well as of the clerical division to be transferred to the professional division.

Amendment passed, and the clause as amended agreed to.

Bill reported with farther amendments.

## PUBLIC HEALTH BILL.

### SECOND READING.

Debate resumed from the 27th October.

MR. C. H. RASON (Guildford): I understand the Government do not intend to offer any opposition to the Bill being referred to a select committee. I think this is the best course to be pursued. I regret very much that I cannot see my way to congratulate the Minister in charge of the Bill on the manner in which he introduced it, or on the lucid explanation he gave of the particulars of the Bill. I admit it is a difficult measure, bristling with technicalities, but a Bill of the utmost importance. No more important measure could be entrusted to any Minister. I regret that it did not appear to receive that consideration at his hands that its importance deserves. I may be excused for saying that the Minister appeared to me to have endeavoured to surmount the difficulties by tobogganing down the marginal notes of the Bill. I have no wish to appear as a pessimist; there are too many of that class already;

Amendment thus passed, and the clause as amended agreed to.

Clause 89—Superannuation:

THE PREMIER moved an amendment:

That in line 3, after "of this Act" the words "or to any person on the temporary

but there is no use denying the fact that, so far as sanitation and hygienic precautions are concerned, Western Australia is in a very bad way. The principal cities and towns in Western Australia, in regard to their sanitary methods, are little short of a disgrace. They are very much behind the times, at all events, and it is absolutely necessary that we should have some legislation of this kind. The late Government realised that, and had been for many months at work on a Bill of this kind. Drafts of that Bill can be produced. True it is that this Bill differs from those drafts in very many important respects. The most important difference, so far as I am able to ascertain, is that whereas it was proposed by the late Government, if they had brought down a Bill, to have a central advisory board, a board that could have advised and perhaps dominated district boards, under this Bill the power will be given to a principal medical officer of health, subject to the Minister. I should like to say there will be a new department of health created, and it seems to me that we are multiplying departments at a somewhat rapid rate; and those who know Ministerial office are aware that, given a department, there can at once be built around that department all sorts of offices. There will be not only an immediate head but an under secretary and several other officers. First of all get a department, and around that can be built up a number of offices. We have a department of labour which is a new creation; now a new department of public health, and around that will be built offices. We are to have a commissioner of the public service; there will be a number of offices built up around him. It must not be forgotten we are still to have a board for water supply and sewerage, and I am afraid that the duties of this latter board and of the public health department in many instances will overlap and clash. I myself should very much prefer to see, instead of a department of public health administered by a medical officer of health subject always to the Minister, at all events so far as the metropolitan coastal district and the metropolitan goldfields district are concerned, an elective board. Take Fremantle and the towns between Fremantle and Perth, take Perth and the

towns between Perth and Midland Junction: it seems to me we might have an amalgamated board, a board elected from the ratepayers in the different districts I have referred to; and we could also have the same system in the metropolitan district on the goldfields.

MR. CONNOR: An honorary board?

MR. RASON: Yes; I see no reason why it should not be an honorary board, or a board at all events which would have a very small acknowledgment for its services. [MEMBER: Like the members of this House.] I would say at once if you institute a comparison of that kind you must institute a comparison between the values of the service rendered. I do not wish to draw invidious distinctions for a moment. I think we could have a board that would give good service, and yet would receive small acknowledgment for the service given. And there would be this advantage about it, that we should have a continuity of practice. Let us say that we have that control which is provided in this measure, the control of the medical officer of health subject to the Minister; we may have now or we may have hereafter a Minister who will have very decided views upon the question of sanitation. We may have and we should have a medical officer of health at the head of this department holding very strong views also. The views of those two gentlemen may clash. Which are going to prevail, the views of the Minister or the views of the medical officer of health? Then again neither of those two gentlemen, neither the Minister nor the officer, might remain in office for a very long period. I should not regard a catastrophe that would remove the present Minister with any very great satisfaction; but we might have changes; we might therefore have changes in the practice in force to-day, and so to-morrow there might be a change in the whole system. Everything that has been done so far may be done away with, and some new system, shall I say new fads, may be introduced. That is very likely to happen, if we have, as we ought to have, men who will take an interest in their work. The more interest they take and the more energy they put into their work the more likely, as I have pointed out, will that be to occur; and that will

lead to a very unhappy state of affairs so far as the ratepayers of these different districts are concerned. Then, again, with a medical officer of health who has to control the Health Department, there will be, it seems to me, a dual control over district medical officers. There is a clause of this Bill which provides that the principal medical officer shall hold office during the pleasure of the Crown, that is the Minister. If the Minister disagrees with the views of the chief medical officer of health, he can get rid of him at any moment. Then all district medical officers of health, inspectors, analysts, and other officers appointed by the various local authorities are appointed subject to the approval of the Minister, and may at any time be removed by the Minister. The Minister can appoint someone in an officer's stead, and fix the remuneration; this remuneration is a charge on the local body; yet the person so appointed cannot be removed or cannot have his remuneration reduced except with the approval of the Minister, nor can he be reappointed without the approval of the Minister. This means, if it means anything, that the Minister has entire control over the medical officer, district medical officer, analyst, inspectors, and any officer appointed under the Bill. Although the local bodies have to appoint these officers and have to bear the expense of whatever remuneration the Minister likes to fix, they have absolutely no choice in the retention of their own servant. The Minister may at any time get rid of him; and with regard to the Government medical servant now, we know that in many districts the medical officer is appointed by the Government and he fills the position naturally of health officer in the district, but his immediate head in the Medical Department is a gentleman known in the service, I believe, by the expression "P.M.O.," Principal Medical Officer. Now we shall have another gentleman appointed under this Bill who will also control him, and he will be known as the "C.M.O.H." To which of these two is a district medical officer going to owe allegiance?

THE COLONIAL SECRETARY: The same thing obtains now under the present system.

MR. RASON: That does not make it good.

THE COLONIAL SECRETARY: The same thing obtains now.

MR. RASON: A great many things have obtained in the past and will no doubt obtain in the future, which are not by any means good. That is no justification at all. I wish to point out it is highly possible that the views of these two principal officers will clash in many respects.

THE COLONIAL SECRETARY: That will not affect the district medical officer.

MR. RASON: It will affect a district medical officer to this extent, that he will want to know which of these two heads he is going to obey. If one chief orders one thing and another orders another, whose instructions is he to carry out?

THE COLONIAL SECRETARY: What does he do now?

MR. RASON: I submit that is a very great possibility; and I do not think anything of the sort does exist now. The local boards of health have supreme control over their officers of health. They appoint one and they can get rid of him, and as an officer of health he owes his allegiance to the district board and to them only. As a medical man he owes his allegiance to the Principal Medical Officer. I do not wish to labour the Bill at any length. I had intended to speak at some length on the Bill, but as I understand it is to be referred to a select committee, any excuse that I may have had for doing so is removed. I wish to point out that I recognise legislation of this kind is necessary. I do not say that the Bill as it stands is perfect, nor do I think it is. Some considerable amendment will no doubt be suggested by the inquiries the select committee will make. It is due that an inquiry should be made. This Bill will affect many very large towns and cities of Western Australia, and the people throughout Western Australia. They have to bear the burden of the taxation, and we cannot, without some inquiry and some reference to their views upon the subject, adopt sweeping legislation of this character. I should like to see some provision made, which I do not gather is in this Bill, for appeals from the verdict of district boards. There are to be district boards, and I know that in the past—and I expect they will also do

so in the future in many cases—they have adopted what appears high-handed conduct. For instance, they may condemn as totally unfit some building which appears to them to be not quite fit for habitation; whereas by a very small expenditure it could be made very well fitted for habitation. I should like to see some court of appeal provided where a person feeling aggrieved at an order by a district board of that kind may be able to obtain redress. I do not propose at this stage to discuss the Bill farther. I hope it will be referred to a select committee, and that the members of that committee will be men who will take a deep interest in their subject; that recognising that the welfare, the health, and even the morality of the people of Western Australia depend to a very great extent upon their sanitary surroundings, the committee will realise the importance of the questions with which they are dealing, and will bring to their consideration the utmost energy and the utmost desire to obtain a Bill which will give satisfaction to the people of Western Australia, and at the same time promote the health of the people of Western Australia.

On motion by MR. BATH, debate adjourned.

#### ADJOURNMENT.

The House adjourned at fourteen minutes past 10 o'clock, until the next afternoon.

## Legislative Council,

Wednesday, 2nd November, 1904.

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Inspection of Machinery, in Committee resumed, progress .....	985

THE PRESIDENT took the Chair at 4.30 o'clock, p.m.

#### PRAYERS.

#### PAPER PRESENTED.

By the MINISTER FOR LANDS: Upper Capel Roads Board By-laws for heavy traffic.

#### BILLS, THIRD READING.

NOXIOUS WEEDS, read a third time and transmitted to the Legislative Assembly.

FREMANTLE MUNICIPAL LOANS VALIDATION, read a third time and transmitted to the Legislative Assembly.

#### ABORIGINES PROTECTION BILL.

##### SECOND READING.

Debate resumed from the 12th October.

HON. G. RANDELL (Metropolitan): My object in moving on the last occasion that the second reading of the Bill be deferred for three weeks was to enable two other members of the Council to deal with it. As I now understand that a motion will be made to refer the Bill to a select committee, it will not be necessary for me to say more than a few words. I believe that some of the clauses will work oppressively, particularly those relating to agreements. I understand there are no agreements entered into with natives in the North, but that the natives are free to go and come as they like, this being the practice on most of the large stations; and I believe the system has worked satisfactorily for years past. In view of the motion that is about to be made, I think we may accept the second reading, and the Bill can be dealt with by a select committee in a much better way than in the whole House.