

Mr. GREEN: I withdraw and apologise.

Mr. SPEAKER: If the hon. member repeats the statement I assure him that I will not continue to act leniently towards him.

Mr. GREEN: Why the obvious preparation?

Mr. LAMBERT (Coolgardie) [10.48]: I would like to say a few words—

Mr. SPEAKER: The hon. member has spoken to the question and cannot speak again.

Mr. LAMBERT: I contend that I have not spoken to the motion.

Mr. SPEAKER: Standing Order 118 provides that no member may speak twice to the question before the House, except in explanation or reply; or in Committee of the whole House. The hon. member has spoken to the question and I rule that he cannot speak again.

Mr. LAMBERT: I was looking at another Standing Order.

Mr. SPEAKER: I have given my ruling.

Mr. LAMBERT: You will permit me to quote the Standing Order under which I consider I am entitled to speak. Under Standing Order 117 a member may speak to any question before the House or upon a question or amendment to be proposed by himself. You will recollect that you did not permit me to move that amendment, but ruled it out of order. I was not permitted to either move the amendment or speak to it, and therefore, I contend that I still have a right to speak to the motion before the Chair. I hope you, Sir, will not construe so harshly the Standing Order you have quoted, but will permit me to speak to the motion. I do not think it is the intention of Standing Order 118 that when an amendment is ruled out of order the hon. member who moved it should forfeit his right to speak to the substantive motion.

Mr. SPEAKER: The standing order is perfectly clear. The hon. member has spoken to the question before the House, and I have no power under the Standing Order to permit him to speak again. I rule that the hon. member is out of order.

Mr. LAMBERT: But, Mr. Speaker—

Mr. SPEAKER: The hon. member cannot go on questioning my ruling, except in

the proper way provided by the Standing Orders.

Mr. LAMBERT: I have no wish to do that. Does not your interpretation of the Standing Order appear to be harsh?

Mr. SPEAKER: I am not here to be questioned. The hon. member will resume his seat.

On motion by Hon. P. Collier debate adjourned.

House adjourned at 10.52 p.m.

Legislative Assembly,

Thursday, 22nd February, 1917.

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

THE SPEAKER'S ELECTION.

Notice of Motion withheld from Notice Paper.

Mr. SPEAKER: I wish to make a statement to the House in regard to the notice of motion given by the member for Kanowna (Hon. T. Walker) yesterday. I desire to make it clear that I am not giving a ruling but that I am stating to the House the action I have taken under Standing Order 106, and

the powers vested in me for the protection of the privileges of the House. Under these powers I have directed that the Clerk was not to place the motion of the member for Kanowna upon the Notice Paper for the reasons that I will give. In *May*, page 278, it is pointed out that certain matters cannot be debated save on a substantive motion or by a distinct vote of the House. This motion includes an attack upon the Sovereign, the Heir to the Throne, the Viceroy, the Governor General of India, the Lord Lieutenant of Ireland, the Speaker and members of either House of Parliament, and Judges. It is further laid down in *May*, page 293, that the conduct of the holders of the high offices mentioned, including the Speaker, can only be debated in a motion embodying therein a specific charge. The House will, therefore, see that it is clearly established that the motion at this time must contain a specific charge against the Speaker, Judge, or other person to whom it applies. The present motion is tabled after I have occupied the Chair for only eight days, and obviously makes no specific charge at all. As far as I am personally concerned, I am prepared to let the fiercest search-light of public criticism play upon my every public and private action, as desired by this motion, if such action were permissible. I am certain that the same vindication of my character and actions would take place as has occurred in the various hotly contested elections in my electorate where the whole page of my life has been open to the criticism and review of the people. Further, whilst occupying this Chair I am the custodian of the rights, privileges and liberties of Parliament and of the members of this House of Parliament, and it is not my intention to permit them to be whittled away by an unprecedented motion in this House. The motion is a direct violation of the rules of Parliamentary procedure as laid down in *May*, which is based on the ordinary rules of justice, namely that any accusation or charge must be specifically formulated against the defendant. I would be failing in my duty to the House in laying down a precedent which would attack the present privileges of every member of the House, privileges which every member of Parliament in British countries has always enjoyed, if I permitted this

motion to be placed on the Notice Paper. If this notice of motion were permissible it would be fully permissible for a motion to be tabled, on the election or appointment of any person as a member of Parliament or for the other positions I have named, to the effect that the person so elected or appointed was not a fit and proper person to occupy such position, with a view to attacking his public and private character in general terms. Such action is opposed to all Parliamentary procedure or precedent. I have for this reason ordered the Clerk to remove the motion from the Notice Paper.

Article in the West Australian.

Hon. J. SCADDAN (Brownhill-Ivanhoe) [4.35]: I desire to ask the Premier a question without notice. How does he propose to treat the exposures contained in the article in the *West Australian* this morning, which reflect seriously upon the conduct of this Chamber?

THE PREMIER (Hon. Frank Wilson—Sussex) [4.36]: I have already given an interview to the Press stating my views on the procedure as set forth in that article.

Hon. J. SCADDAN (Brownhill-Ivanhoe) [4.37]: On a matter of privilege, Sir. This is a question affecting every member of the Chamber and affecting the public as well.

MR. SPEAKER: Order! There is no question of privilege which can be brought in here.

Mr. Underwood: He can get privilege.

Hon. J. SCADDAN: I will ask the House for the privilege of submitting a question to the Premier for the purpose of getting information. I think I am entitled to do that, and I am going to insist on the right.

Hon. P. Collier: Any member can rise on the question of privilege.

MR. SPEAKER: The leader of the Opposition will have the opportunity, on a motion for the adjournment of the House which has been handed to the Speaker by one of his supporters, of reviewing the question that he has mentioned.

Hon. J. SCADDAN: That is not the point at all. In any case, the question of a motion which may be tabled by another hon. member subsequent to my asking for the privilege of the House has nothing to do with my position on the question of privi-

lege. I claim that I have the right, if you are here to uphold the rights of members, of asking the House for the privilege of making a statement with the object of getting information. If we cannot do that we might as well close up Parliament. Under Standing Order 137 any member may rise to speak "to order," or upon a matter of privilege suddenly arising. This is a matter suddenly arising. I want to know from the Premier, the leader of the House, what he proposes to do in connection with the disclosures made in the newspaper article referred to, and which reflects upon the House.

Mr. SPEAKER: I rule that the hon. member is out of order in view of the notice of motion that has been given.

Hon. J. SCADDAN: I am going to move that your ruling be disagreed with. The motion you refer to is not before the House.

The Minister for Railways: You do not want to discuss it twice.

Hon. J. SCADDAN: I am not suggesting a discussion upon the matter. I ask the Premier what he proposes to do with regard to these disclosures?

The PREMIER (Hon. Frank Wilson—Sussex) [4.40]: I have answered the leader of the Opposition. I have already made my statement to the Press.

Mr. Underwood: What about making it to us?

The PREMIER: If the hon. gentleman thinks I am here to answer any article which is written in the Press, he is mistaken. He did not take up that attitude when he was in office, and I do not propose to do so either. The leader of the Opposition has asked me a question and I have answered it to the best of my ability. I am not going to tell him what I propose to do.

Mr. Hudson: You will not tell the House what you have told the Press.

The PREMIER: I decline to make a statement in the House upon a Press article written by one man.

The Minister for Works: And prompted by whom?

The PREMIER: Yes, who was the article prompted by? I have made no statement in the matter.

Mr. Foley: That comes well from the Minister for Works.

Mr. Munsie: We have had experience of this kind of prompting.

Mr. Foley: The Press had the run of the files on many things.

The PREMIER: I am prepared at any time to make an announcement in the House upon occurrences which happen in the House, but not with regard to articles which appear in the public Press. It has never been done.

Mr. Hudson: Who is to protect the privileges of the House?

The PREMIER: There are articles in the Press every day, but whoever dreamt of asking the then Premier to make a statement in the House in reply to some article which I have seen this morning for the first time?

Hon. J. SCADDAN (Brownhill-Ivanhoe) [4.42]: I do not suggest that the Premier should reply to articles reflecting upon the administration of the Government, but when it is a matter reflecting upon the honour and integrity of all members of this Chamber, as leader of the House, I think he is bound to make a statement to the House as to how he proposes to proceed. Surely he cannot allow that article to go without some action being taken. It is not merely a matter of an interview, but a matter of action being taken in order to protect the privileges of this Chamber. He is entitled to tell us what he proposes to do to meet the position.

The PREMIER (Hon. Frank Wilson—Sussex) [4.43]: I am not prepared at the present stage to say what I propose to do. The matter will receive due consideration.

PERSONAL EXPLANATION.

Mr. Carpenter and Mr. S. Stubbs.

Mr. CARPENTER (Fremantle) [4.44]: I desire to make a personal explanation. When speaking on the motion before the House last night I referred to an incident which had occurred some nights previously, when the member for Wagin (Mr. S. Stubbs) had received a note from the Premier—the hon. member was then acting as Chairman of Committees—after receipt of which he immediately sent for me to take his place in the Chair. I informed the

House that in my opinion the note contained a request from the Premier that the member for Wagin should leave the Chair in order that his vote might be given when the approaching division came on, so that the Government should not be shorn of his vote in the division. In the report of my remarks in the Press to-day I am apparently made to say that I saw the note after I had taken the Chair. The report, of course, is an abridgement of my remarks, and the interpretation put upon the report, as it appears in the Press, might convey the impression either that the member for Wagin had shown me the note or that he had left it on the Table, and that I had afterwards read it. I wish to correct any such impression. All that I said to the House was that I saw the note passed from the Premier to the member for Wagin, who then sat in the Chair.

QUESTION — ENEMY SUBJECTS IN GOVERNMENT EMPLOY.

Mr. HEITMANN (without notice) asked the Premier: In view of the policy of the present Government to dispense with the services of all persons of enemy origin, and in view of the knowledge of the Government that this policy has not been fully carried out, what does the Premier intend to do in the matter?

The PREMIER replied: So far as I know, the instructions of the Government have been carried out. I am not aware that the case to which some hon. member drew my attention by question, is an officer under the direction of the Government. I believe the officer referred to is under the direction of the House.

Mr. Heitmann: Do you intend the policy to apply in all cases?

The PREMIER: To all enemy born subjects, yes, most decidedly.

Mr. Heitmann: I think it is up to you to see that the policy is carried out. There are several enemy born subjects still in the service; and in good positions, too.

Hon. J. Scaddan: Up to very recently, at all events, there was an Austrian, of some such name as Patich, employed by the Government electrician.

The PREMIER: I shall be glad to have particulars of such cases.

Mr. Heitmann: In reply to my question on Tuesday, you admitted that you knew there was one such officer still in the Government service, and not dismissed.

The PREMIER: I do not know to what reply the hon. member refers.

Mr. Heitmann: You said you referred the matter to the Speaker on the 18th January. That was the reply to my question.

The PREMIER: Yes, of course.

Mr. Heitmann: Why did you refer the matter to the Speaker?

The PREMIER: I do not control the officers of this House.

Mr. Heitmann: You are the Treasurer.

The PREMIER: That matter is under the immediate control of the Speaker. The late Speaker was written to on the 18th January regarding the matter. I have not received his reply yet.

Mr. Heitmann: Do not you think it is your duty, as leader of the Government, to see that these men are cleared out?

The PREMIER: I cannot stand here to be cross-examined by the hon. member. If he will assist me by giving the names of any enemy born subjects in the service, I will issue instructions.

Mr. Heitmann: You have one now reporting the proceedings of this House.

Hon. J. D. Connolly (Honorary Minister): The member for Geraldton previously was complaining about the dismissal of these men.

Hon. J. Scaddan: If the policy is good enough for the 8s. a day man, it is good enough for the man getting five hundred a year.

Mr. TROY: With the permission of the House, I should like to make a statement regarding the matter which has been raised by the member for Geraldton, and regarding which the Premier said he was unable to take any action. The Premier did write to the Speaker of the House on or about the 18th of last month respecting the matter. The House was not then sitting, and the Speaker does not decide these matters without the concurrence of the Printing Committee. In accordance with the Premier's request, a meeting of the Printing Commit-

tee was called for Wednesday last; but, owing to my having resigned on the previous Tuesday, the meeting had to be abandoned. The matter is now before the present Speaker, and will be decided by the Printing Committee in due course.

NOTICE OF QUESTION—TRADING CONCERNS AND GOVERNMENT ASSISTANCE.

Hon. W. C. ANGWIN: I desire to give notice that, at the next meeting of the House I shall ask the Premier the following question:—1, Did the Minister for Agriculture make an error in stating, in reply to a question asked by the member for North Perth (Mr. Smith) on Tuesday last, that the Government have advanced, by way of loan, the sum of £2,500 towards the formation of a co-operative fruit canning and drying company? 2, If not, is it the custom of Ministers individually to grant such loans without making the Treasurer aware of same? 3, If so, how is it possible for the Treasurer to control the finances?

The PREMIER: In view of the notice of question just given by the member for North-East Fremantle, I wish to explain that an error was made in replying to the previous question. That question consisted of six paragraphs; and I replied that I was not aware of granting, or promising to grant, any subsidy or loan to anyone since July last. The Under Treasurer unwittingly furnished me with the erroneous reply that no such subsidies or loans had been made or promised. I gave that information to the House. My colleague, the Minister for Agriculture, now informs me that an advance has been arranged to be made to the Associated Fruitgrowers, Limited, that the amount is £2 500, that the loan is repayable in 10 annual instalments, with interest at the rate of 6½ per cent per annum, and that the first instalment is due on the 31st December, 1919. The reply to paragraph (5) of the question is that there are similar business undertakings, or trading concerns, already established within this State. The reply to paragraph (6) of the question is that such assistance is not given for the purpose of competing with persons already

engaged in such business undertakings or trading concerns. I did not give this explanation immediately, because I wanted to see the hon. member concerned, and to explain the matter to him. Moreover, I wanted to make further inquiries, because, a mistake having been made in one instance, I wished to be sure that this amount was the sum total. The advance had the approval of Cabinet.

Hon. W. C. Angwin: In view of the information by the Premier, I withdraw my notice of question.

PERSONAL EXPLANATION.

Resignation of the Speakership.

Mr. TROY (Mt. Magnet) [4.55]: With the consent of the House, I desire to make a personal explanation referring to an article which appeared in the *West Australian* of this morning. I shall restrict my remarks to essentials, because I want to place the true position before this House. I think it is due to hon. members to know the exact circumstances of my resignation from the Speaker's Chair. In to-day's *West Australian* appears a leader referring to the appointment of the Speaker and demanding a searching investigation. The article states that there has been trafficking in connection with the recent appointment, and asks this House to appoint a select committee to investigate the matter. In a further article, headed "The Speaker's Appointment—Astounding Allegations—Reported Extraordinary Intriguing," considerable reference is made to myself as the former Speaker; and, in inquiring why I resigned, the article said there were certain allegations which, if true, might constrain the public to a certain conclusion. So far as my resignation is concerned, the statement I gave to the *West Australian* on the day I submitted my resignation to the House, that my resignation was purely a voluntary matter and that no pressure whatever had been brought to bear on me by my own party or any other party, is correct in every particular. I propose now to give the House the details. My own party were not at any time in favour of my resigning the Speakership. Let that be dis-

tinely understood. At the party meeting which discussed the proposal to move a motion of want of confidence, I understand, it was agreed that I should not leave the Chair. The chairman of that meeting, Mr. Munsie, conveyed that intimation to me later in my room. I stated at the meeting that, no matter what the party might decide, the question was one I would have to decide for myself, and then adopt the course which, in my opinion, would be the right and proper one. The leader of the Opposition, I understand, gave the Premier notice of his intention to move a want of confidence motion. The Premier then saw me in the Clerk's room. He asked me what I proposed to do, because I had already informed him that when I did intend to resign the Speakership, I would give him fair and adequate notice.

The Premier: That is correct.

Mr. TROY: Naturally, the Premier asked me what I proposed to do. I said it was a matter which I had not yet taken into consideration properly. I did take the matter into consideration then; and on Friday, the next day, I notified Mr. Munsie, the chairman of the Labour party, and Mr. O'Loughlen, the Whip, that, in the circumstances, I had decided to resign. I stated that I did not think I could decently hold the position in the peculiar circumstances, and that I would be adopting the proper course by handing in my resignation. May I say that I also discussed the matter with the member for Boulder (Hon. P. Collier) and the late Colonial Secretary (Hon. J. M. Drew), who are personal friends of mine? These gentlemen endeavoured to dissuade me from my purpose. I had told Mr. Wilson that I would give him notice of my intention on the next Saturday. I desired, however, to see the leader of the Opposition before I took the step. I was unable to consult all the members of the party, but I desired to consult as many as I possibly could, before I took the step of resigning: because the party were well aware of my intention. I rang up the leader of the Opposition on Saturday morning, and asked him if he could see me at Parliament House. He told me to come along. However, although I waited here until nearly midday, Mr. Scad-

dan did not put in an appearance. He saw me on Monday, and then told me that on the Saturday he had gone to Fremantle to see the hon. Mr. Verran off by the steamer, and that the time had been too short to permit of his calling at Parliament House. I saw Mr. Wilson on Saturday at noon, and I told him then that I had not consulted Mr. Scaddan.

The Premier: You said you had not decided.

Mr. TROY: I told the Premier that I was inclined to resign but that in any case I would give him 24 hours' notice of my intention to do so.

The Premier: That is correct.

Mr. TROY: On Monday morning Mr. Scaddan called at Parliament House, and I told him that I had determined to resign. Mr. Scaddan, in the course of his remarks, said, "Of course it rests with yourself." On that afternoon between four and five o'clock, I saw the Premier—

The Premier: It was between 5 and 5.30 o'clock.

Mr. TROY: And I informed him that I intended to resign next day. It has been inferred in the newspaper article that I learnt of certain matters regarding the present Speaker. May I say that I had no consultation with, nor did I see, the present Speaker from the day on which the House rose—the Thursday when notice of the no-confidence motion was given—until the time of his election as Speaker. I had no conversation whatever with him, and I had no knowledge as to the course he proposed to take. On the Tuesday, the day after I had notified the Premier of my intention to resign, the member for Kalgoorlie (Mr. Green) and the member for Forrest (Mr. O'Loughlen) told me that they had been assured by Mr. E. B. Johnston, the present Speaker, that he proposed to vote with the Opposition on the no-confidence motion. Mr. Green told me that Mr. Johnston had asked him to second the amendment which he intended to move, and Mr. O'Loughlen told me also on the previous night that he had been in association with the present Speaker for several hours, and that that gentleman had assured him he was prepared to vote with the Opposition on the no-confi-

dence motion. I had no knowledge of any proposed action on the part of Mr. E. B. Johnston when I handed in my resignation, and it was not until the Tuesday when my resignation was in that I heard of Mr. Johnston's proposed action. I make this statement because it has been inferred that I have been intriguing. I do not think, however, that any member will say that any action of mine was in the nature of an intrigue. I ask the House to accept the explanation because it is the truth, and can be borne out by the members to whom I have spoken and by the Premier himself.

URGENCY MOTION: THE SPEAKER'S ELECTION.

Mr. SPEAKER: I have received a notice under Standing Order 47 from the hon. member for Mt. Margaret (Mr. Taylor) to the effect that he desires to move the adjournment of the House on a matter of urgency for the purpose of drawing attention to the public distrust in recent occurrences in this House as shown in an article appearing in this morning's *West Australian*. I notice that the Standing Order says—

A member wishing to move "that the House do now adjourn" shall first submit a written statement of the subject proposed to be discussed to the Speaker, who, if he thinks it in order, shall read it to the House; whereupon if seven members rise in their places to support it, the motion shall be proceeded with.

I regret to say that the notice the hon. member gave me was very short, and I have only had an opportunity of looking into the question of whether it was in order or not during the last few minutes while this discussion has been going on. The wording of the motion certainly appears to me to be out of order. I have tried hard to find a way to give the hon. member an opportunity to discuss this question if it was the wish of the House, but I have here a manual of procedure—

[Opposition members laughed.]

Mr. SPEAKER: Order! If hon. members are not prepared to listen in silence

as prescribed by the Standing Orders, I shall have to take notice of their conduct. The motion of the hon. member for Mt. Margaret, in my opinion, is out of order. The manual I have before me distinctly points out that on a motion for adjournment a member cannot revive a discussion on a matter which has already been discussed in the same session. He cannot raise a question of privilege, and this newspaper article is clearly a question of privilege and should be so dealt with. The discussion on the motion must not raise any question which, according to the rules of the House, can only be debated on a definite motion after notice. It is absolutely clear that charges as to the conduct of members can only be debated on a motion of which distinct notice has been given, and it is clearly laid down in *May* that the conduct of members cannot be attacked on a motion for adjournment. In those circumstances and since it is clear to me that the motion is out of order, I do not propose to read the motion to the House under this Standing Order.

Mr. TAYLOR (Mt. Margaret) [5.10]: In submitting to you, Mr. Speaker, the motion for adjournment, I did so in writing in accordance with the Standing Orders. I endeavoured to meet the requirements of the Standing Orders by couching the motion in language which would not be offensive. Standing Order 47a reads—

A member wishing to move "that the House do now adjourn" shall first submit a written statement of the subject proposed to be discussed to the Speaker who, if he thinks it in order, shall read it to the House, whereupon if seven members rise in their places to support it, the motion shall be proceeded with.

I have complied with that Standing Order, and so have you, Sir. You have read my motion to the House, and nothing remains now but for the seven members to rise in their places.

Mr. SPEAKER: Order! I said I would not read the hon. member's motion.

Opposition members: You did read it.

Mr. TAYLOR: You read my motion to the House at the beginning. You said, "I have received written notice of motion from

the hon. member for Mt. Margaret" and then you went on to read it.

Mr. SPEAKER: I did not read it; I will refer to *Hansard*.

[*Hansard* report obtained by the Speaker.]

Mr. SPEAKER: The member for Mt. Margaret (Mr. Taylor) stated that I had read his motion to the House, a statement which I knew to be incorrect; but since *Hansard* was here to confirm me, or otherwise, and since the hon. member occupies a prominent position in the House, I decided to get the *Hansard* report of the proceedings. From this I notice that I read the Standing Order and then went on to point out that it was clear to me that, although I would have liked to give opportunity for discussion of the subject, the motion was in my opinion out of order. I said, "In these circumstances, and since it is clear to me that the motion is out of order, I do not propose to read the motion to the House under the Standing Order."

Hon. J. Scaddan: You require to get more of the *Hansard* report.

Mr. SPEAKER: The member for Mt. Margaret will withdraw the erroneous statement he made, namely, that I had read the motion.

Mr. TAYLOR: I withdraw the statement. Will you permit me now to say that the report you have received from *Hansard* is true in every particular, as far as it goes, but that you read my motion at an earlier stage, a stage before that covered by the report which you have.

Mr. Green: We all heard it.

Mr. Hudson: Everybody heard it.

Mr. TAYLOR: I will draw your attention, Sir, to this point. After the reading of my motion there was some little space, and you were going to proceed to do something, when the member for Guildford rose and remarked, "What about notices?" After that the member for Pilbara and also the member for North-East Fremantle submitted notices. It is from that point that you are reported in the section of *Hansard* handed to you, and not from the first stage.

Mr. SPEAKER: The hon. member is entirely mistaken. I am certain that my memory and the official records of the House

could not both be at fault in this one particular.

Mr. Underwood: I will back my memory against yours, and I say you did read the motion.

Mr. TAYLOR: Will you be good enough, Sir, to ask *Hansard* to produce a record of all the proceedings of this afternoon?

Mr. Troy: Will you, Sir, hand to the member for Mt. Margaret the report *Hansard* has given you, so that the member for Mt. Margaret may satisfy himself that the statement you are making is correct? I think that would settle the whole matter.

Mr. SPEAKER: I will do so.

Mr. Underwood: I am absolutely certain you read it. If *Hansard* has not got it then *Hansard* is wrong, or is under the domination, like the rest.

Mr. TAYLOR: I find from this *Hansard* report that it is exactly as I have said. This report deals with the proceedings since the members for Pilbara, for Guildford, and North-East Fremantle gave notices of questions. You read my motion before that stage. Then there was an interregnum, and all this took place afterwards. If you call for the report of the whole of the proceedings you will find that there was no necessity to make me withdraw. Of course I have done so, but I do not like to be subjected to compulsion under the rules of the House when I am absolutely correct. Will you ask for the report of the whole of the proceedings?

Mr. SPEAKER: Certainly.

The PREMIER: My recollection of the proceedings is that you, Sir, mentioned a notice of motion which you had received from the member for Mt. Margaret who, you intimated, desired to move the adjournment of the House. I do not remember the reading of the motion. Even if the Speaker did read the motion, it has not been read under the Standing Order.

Mr. SPEAKER: I have received from *Hansard* a further section of the record of proceedings. This record shows that I stated as follows—"I beg to inform the House that I have received a notice of motion from the member for Mt. Margaret under Standing Order 47." Then the member for Guildford rose and asked, "What about notices of questions?"

Mr. TAYLOR: This is what *Hansard* shows—

I have received a notice of motion under Standing Order 47 from the member for Mt. Margaret to the effect that he desires to move the adjournment of the House on a matter of urgency for the purpose of drawing attention to the public distrust in recent occurrences in this House as shown in an article appearing in this morning's *West Australian*.

Mr. SPEAKER: Please pass that up to me.

Mr. TAYLOR: It is marked; you marked it yourself.

The Premier: How fair you are!

Mr. SPEAKER: The hon. member did not read this correctly. My words are as follows—

I have received a notice of motion under Standing Order 47 from the member for Mt. Margaret to the effect that he desires to move the adjournment of the House on a matter of urgency for the purpose of drawing attention to the public distrust in recent occurrences in this House as shown in an article appearing in this morning's *West Australian*.

Mr. Taylor: That is all my motion.

Mr. SPEAKER: I was letting the House know the effect of the motion. I was not reading it under the Standing Orders.

Hon. P. Collier: This is absolutely shocking!

Mr. Foley: Do I understand, Sir, that you rule the motion out of order?

Mr. SPEAKER: In my opinion it is out of order under that Standing Order.

Mr. TAYLOR: In defence of the attitude I have taken up, let me say that where our Standing Orders make provision for the conduct of the business of the House, you cannot accept any other authority but our own Standing Orders. Standing Orders 47 and 47a make provision for a motion of this character, and you have complied with those Standing Orders to the length of reading my motion. Under the Standing Orders it is my duty to make the language of my motion clear and not offensive. The urgency is then justified by seven members rising in their places.

The Minister for Works: They did not rise.

Mr. TAYLOR: The Speaker gave them no chance to rise. Your authority, Sir, although you did not quote it is, I think, *Ilbert, May, Ilbert*, and all those authorities come in only when our own Standing Orders are silent. For the edification of yourself and others, let me read our first Standing Order, which is as follows:—

In all cases not provided for herein-after, or by sessional or other orders, resort shall be had to the rules, forms, and practice of the Commons House of the Imperial Parliament of Great Britain and Ireland, which shall be followed as far as they can be applied to the proceedings of this House.

Now our own Standing Orders have made ample provision for my motion. I have complied with them, and you have complied with them to the extent of reading that motion, and there is now nothing left to be done except for seven members to rise in their places. I do not desire to be offensive, but I must remind you that when the leader of the Opposition was asking a question you indicated to him that he would have an opportunity of discussing that question under my motion.

Mr. SPEAKER: That was before I had had an opportunity of deciding whether the motion was in order.

Mr. TAYLOR: I gave you my notice of motion at 20 minutes past four. When my leader sat down I suggested to him not to press his question as he would have an opportunity of discussing the matter, Mr. Speaker having said so. If your ruling is based on *Ilbert* I must object, because I claim my motion to be in order under our own Standing Order 47a.

The ATTORNEY GENERAL: Permit me to say a few words on this question.

Mr. Carpenter: You are a whale on Standing Orders.

The ATTORNEY GENERAL: I think members might take the trouble to read Standing Order 47a and if they do so they will see at once that it has not been complied with. A member wishing to move that the House do adjourn under Section 47 shall first submit notice of same to Mr.

Speaker, who if he thinks it in order shall read it to the House.

Mr. Taylor: He read it to the House.

The ATTORNEY GENERAL: Mr. Speaker I submit merely read the motion incidentally, and without expressing any opinion that it was in order.

Member: That is very weak.

The ATTORNEY GENERAL: I listened to the member for Mt. Margaret, as I always am prepared to listen to any hon. member who has any remarks to make to the House, and I trust a similar privilege will be extended to me. I say that if Mr. Speaker did read the motion or refer to it, he did so incidentally only, for the purpose of indicating what he had received. I submit, Sir, you did not read it to the House after you had formed a judgment as to whether or not it was in order. If you had done that you would have deliberately read the motion to the House and put it to the House. Standing Order 47a proceeds—

Whereupon if seven members rise in their places to support it the motion shall be proceeded with.

That was not done. Our Standing Orders are purely formal and are intended to control the formal business of this House. This is a most formal matter, and I submit the Standing Orders should be carried out in their entirety. They were not so carried out. You, Sir, did not express a view as to whether you thought the motion was in order or not. When that stage had been reached it would be necessary that a certain number of members should rise in their places to support it.

Mr. Taylor: Mr. Speaker never put it to the House.

The ATTORNEY GENERAL: And he never having formally read the motion to the House there is no possibility of the matter being further discussed.

Hon. T. Walker: That is Mr. Speaker's fault.

The ATTORNEY GENERAL: I appeal to members to please allow me to proceed. This is an important matter upon which the public want to know what is done.

Hon. W. C. Angwin: They do.

The ATTORNEY GENERAL: But if members persistently interject in this insane fashion the public cannot possibly know,

it is merely obstruction of business. I submit, this being a formal matter, the rules of the House have to be complied with to the highest degree; and if you, Sir, do not think the motion is in order, and say so, it proceeds no further. The fact of your having incidentally mentioned it, or having read it as a notice received from the member for Mt. Margaret, is not a formal ruling permitting the House to resort to Section 47a.

Mr. SPEAKER: There is no motion before the Chair.

Mr. TAYLOR: I would point out, Sir, if you persist in your ruling, that I have already moved that the House dissent from that ruling. At the moment I do not know whether you do persist in your ruling. Our Standing Orders to my mind are clear; and I ask you now for a definite ruling under Standing Order 47a.

Mr. SPEAKER: As I said before, I had not then had an opportunity of perusing the motion. Having now done so, it is absolutely clear to me that the motion is not in order.

Mr. TAYLOR: What part of the motion is offensive or is out of order. In what way is it out of order?

Mr. SPEAKER: "Recent occurrences in this House as shown in the article appearing in the *West Australian*."

Mr. Holman: Apparently the rights and privileges of the House cannot be safeguarded.

Mr. SPEAKER: I have read the article referred to in the motion, and having read it, it is clear to me that the motion is not in order. Holding that view, it would have been impossible for me to have said that I considered the motion to be in order under Sec. 47a. I rule the motion is out of order.

Mr. Holman: Try Standing Order 139 now.

Hon. T. WALKER: I wish to have your decision, Sir, on a question of privilege. I had desired to move in this matter of privilege earlier, and I wish to know now if this matter be taken that you will not rule me out of order because I have permitted other business to be taken. I desire to rise on a matter of privilege and desire to know if I do so rise I shall not

be interrupting the debate now proceeding. I simply rise on a matter of privilege.

Mr. SPEAKER: It will depend upon the Standing Orders of the House. I am not prepared to give the member for Kan-owna any promise.

Hon. T. WALKER: But we must have a ruling from the Chair. I know that one question is as much a matter of privilege of the House as the other.

Mr. Holman: Take the vote on this first, and afterwards introduce the other.

Hon. T. WALKER: I think this matter ought to be settled. It is one equally affecting the privileges of the House and the right of free speech within the House. It was for this reason that I permitted this matter of privilege to remain in abeyance pending a settlement on the other question.

Mr. TAYLOR: I have already moved, Mr. Speaker, to dissent from your ruling, that is your ruling of my motion out of order and quoting as your authority some foreign authority. My motion is to dissent from Mr. Speaker's ruling.

The Premier: Does anybody second it?

Mr. TAYLOR: That is not my business.

Mr. SPEAKER: Order! The hon. member wishes to move a motion. Has he sent it up in writing?

Mr. TAYLOR: I did that at the last sitting of the House and you said it was not necessary. I knew it was, but you ruled that it was not.

Mr. SPEAKER: Order! I did not rule anything of the kind. In any case, the hon. member would be out of order in referring to anything which occurred previously, necessarily in different circumstances.

Mr. Carpenter: What are we coming to?

Mr. SPEAKER: The question is that my ruling be disagreed with on the ground that it is against the Standing Orders of the House. In order that there may be no misunderstanding, my ruling is that I do not consider the motion is in order under Standing Order 47a.

Dissent from Speaker's Ruling.

Mr. Taylor: I move—

That the Speaker's ruling be dissented from.

In dissenting from your ruling, Mr. Speaker, I hold my own opinions which are supported by our Standing Orders. The authority you now quote for ruling my motion out of order is not the authority you gave when you ruled my motion out. You have shifted from *Ilbert* to our own Standing Orders, after I had drawn attention to the fact that the proceedings of this House are governed by our own Standing Orders in all cases in which provision is made therein.

Mr. Speaker: Order! The hon. member is out of order. I distinctly read the Standing Order to the House in the course of my remarks.

Mr. Taylor: You quoted *Ilbert* as your authority first when you ruled me out. I then on a personal explanation pointed out that under our own Standing Orders my motion was in order. So that no difficulty of this character might crop up, I was careful to see that Rule 47a provided the necessary authority. It was then your function under our Standing Orders, and especially under Standing Order 47a to satisfy yourself as to the wording. Standing Order 47a was drafted many years ago, after Standing Order 47 had been in existence for many years. The House found that Standing Order 47 did not provide a sufficient safeguard, that Mr. Speaker, the House, or private members, or the Government could get outside of Standing Order 47. Therefore the Standing Orders Committee, on the advice of the House, drew up Standing Order 47a some five or six years ago, in order that the functions of Mr. Speaker might be removed so far as urgency was concerned. The only function of Mr. Speaker in the matter is to see that the language of the motion is in order, that it is not offensive and that it conforms to the rules of the House. There is nothing in my motion offensive to the House, and there has been nothing discussed in the House antecedent to this motion which the Standing Orders in our own volume would have made it difficult for me to get over. I may tell the House I looked up all the authorities on this subject I could find. I was incensed when I read the article this morning. I felt that as a member of this

House, by my presence in this House, I helped the House to do an act which was not a credit to the House, that reflected dishonour upon myself and upon the House.

Mr. Speaker: Order! The hon. member must not reflect upon the House. He must withdraw.

Mr. Taylor: I am reflecting upon myself.

Mr. Speaker: The hon. member must withdraw.

Mr. Taylor: I withdraw. Reflections were cast upon me, as a member of this House, by the newspaper for some act I committed in the House, and this paper had a week before published a guardedly eulogistic leading article upon the actions of this House. I have known of this journal for the last 23 years. I have been in Parliament for 16 or 17 years in this State, and have sat here for the longest continuous period of any other hon. member. I have also watched closely the attitude of the Press on the procedure of the House. Eight days after this guardedly eulogistic leading article appeared, the paper in question became possessed of knowledge which it did not possess when it wrote its article for the country to read as the expression of the opinion of the Press, and it felt that it was incumbent upon it to—

Mr. Speaker: Order! The hon. member must discuss the motion and not the newspaper article.

Mr. Taylor: I must give my reasons for my motion, and must justify the necessity for it on a question of urgency under Rule 47a. The urgency of my motion lies in the fact that the public are disgusted with the attitude of this House within the last few weeks, and that feeling of distrust is growing with such rapidity that the Press which defended us, and did so with all their great powers as a paper, now find, on further enlightenment, that it was necessary for them, not alone to tell the public that this House had committed something which it should never have committed, but that it was necessary for them to write a little leading article apologising for what they had said a week ago, because their eyes were not then opened.

Mr. Speaker: Order! The hon. gentleman must not proceed to discuss the newspaper article.

Mr. Taylor: I am not discussing the merits or demerits of the article.

Mr. Speaker: Order! The hon. gentleman said he had looked up a number of precedents which would show that the motion was in order, and my ruling wrong. If he gave these precedents, he would enlighten the House. I am not going to permit him to discuss the article under the motion now before the House.

Mr. Taylor: I am not discussing the article, neither am I quoting it. I have no paper before me. I am discussing the impression which that article left upon my mind as a citizen of Western Australia. I feel that hundreds and thousands of other people have the same impression. I have to remember that I am associated with Parliament. The urgency of the matter is this: that to-day it came under my notice that something had been done which should not have been done, and if I do not tell Parliament that it has made an error, I am not doing what I am called upon to do. Parliament should be allowed to rectify a wrong, and this afternoon is the first opportunity afforded for doing so. Are we going to let Parliament continue to stand disgraced in the eyes of the public, when we have so clearly this opportunity of defending it?

Mr. Speaker: Order!

Mr. Taylor: We now have the opportunity—

Mr. Speaker: Order! The hon. member must stop speaking when I call order.

Mr. Taylor: I have no desire to be disrespectful; I cannot hear you.

Mr. Speaker: Order! The hon. member will withdraw the remark to the effect that Parliament was disgraced.

Mr. Taylor: I did not say that.

Mr. Speaker: The hon. member will withdraw the remark to which I have taken exception.

Mr. Taylor: I withdraw. I hope you will not take it as offensive, Sir, when I say that if any man or woman does something wrong upon evidence or knowledge that they have before them, and if then they believe that they did the right thing and could hold up their heads and walk through the streets without a blemish on their character, but

some weeks afterwards find that the action they took, they took upon unreliable information, and which came from an unreliable source, if that man or woman did not take the first opportunity to rectify that wrong, they would be guilty of a wrongful act. This House has been accused of doing something which it ought not to have done, and if this House will not rectify that wrong it must stand condemned in the eyes of the people. Parliament has been made dear to its people for centuries in the old land, and this endearment has been carried across the sea thousands of miles to Australia, where our Parliaments have become endeared to our people. To-day that feeling is trembling in the balance, the reverence of the people for their Parliament is waning. Am I not justified, therefore, in asking Parliament to remove that stigma which is likely to, or has any pretension to, make the people distrust it? Am I not justified in putting up that statement? The Standing Orders make ample provision for me, or any other member of the House, to do this. You, Sir, on your ruling, have been the only stumbling block. Your ruling is wrong. It is wrong as a ruling, and it is wrong as one would apply ordinary common sense to Rule 47a. I cannot refrain from dissenting from it. May I say that when my leader was pressing a question upon the Premier, and you were trying to prevent him from putting his question, you told me he would have an opportunity on my motion later on of discussing that question. You imposed upon my credulity. You had convinced me—

Mr. Speaker: Order! The hon. member must not reflect upon the Chair.

Mr. Taylor: If you say I have done so, I will withdraw. You so satisfied me, at all events, that you were going to—

Mr. Speaker: Order! The hon. gentleman knows that I explained the shortness of the notice that he had given to me.

Mr. Taylor: All the explanations that can be made in a gagged Parliament like this will never justify a quiescent attitude on this point in the eyes of the public of Western Australia. We can be hoodwinked and shuffled as much as we like but cannot protect ourselves. We could not protect ourselves if we had an asbestos suit on. Public opinion is so hot that it would burn through

it and would consume us, even if we were wrapped and lapped in it. We are not allowed to discuss the matter. The only proper course to be taken is for Parliament to be told the truth this afternoon. Hon. members are here who can speak for themselves and speak the truth, and clear the reputation of this hon. Chamber, and hon. members who are not at all implicated. I know that I am not voicing the opinion of numbers of members of the House when I say that I hold myself responsible for the action of Parliament last Tuesday. I helped that action along because there was no chance of my offering any resistance. Resistance would have been hopeless. I had no opportunity; there was no discussion, no division, and no vote. This is the time to take action. To-day is the day on which the matter first came under my notice and under the notice of the public. I have taken the first opportunity of letting in the light of day upon it, and letting hon. members justify themselves, remove the stigma from those who are mentioned, and also exonerate those who are absolutely innocent of any attempt to degrade this Chamber. One would think that, in a free enlightened country like this, the hon. gentleman who wields the power that the Speaker wields would, if it were necessary, under these extenuating circumstances, relax or stretch our Standing Orders in the defence of our Parliament, in order that we might vindicate our Parliament, the people's Parliament! I do not think I am alone in this Chamber in my expression of opinion. I believe that every man and woman of the age of 21 in Western Australia to-day, if I told them that Parliament was challenged and charged, and I said I could not defend it because that book of rules was accepted as the authority, would say "Burn your rules and defend the honour of your Parliament and your people." I am blocked in doing that on such flimsy grounds, and that being so, am I not justified in speaking with some warmth? Is there anything in the world that a man would defend more than his country with the same warmth than he would defend the people's Parliament? It has stood high in the estimation and in the trust of the people. It has passed laws which have pressed heavily upon the people, but its people have respect for it and bow to its

laws. Once establish disrespect for Parliament and there is nothing left. Government will become unbearable. If the motion is not discussed, and if my motion of dissent is not carried, what will follow? It will be brought home to the minds of the people that party politics are running so high, that those in power have so much to cover up that they will not allow free discussion. That is the position beyond a doubt. I think I have made it abundantly clear that, under Rule 47a, my motion is in order, and that no other authority can override our Standing Orders. Other authorities only come in when our Standing Orders are silent. As I have said, we have made ample provision for this. It was not thought by the Standing Orders Committee that things could occur which have occurred this afternoon. There were contingencies which the Standing Orders Committee never thought would arise, and that is the reason why they did not make specific provision. If they had known that these contingencies which have arisen would have done so, they would have made another Standing Order. They did not see six years ahead. It is abundantly clear that my motion is in order, and that your ruling, Sir, is out of order. If the ruling is going to be carried and justified on the votes, then what is the good of our Standing Orders?

The Minister for Works: Why do you not state your facts?

Mr. Taylor: I am speaking facts. The Standing Orders say that a member can move "That the House do now adjourn" under certain conditions, and I hold that these conditions are complied with.

The Minister for Works: You have not shown them yet.

Mr. Taylor: Standing Order 47a says—

A member, wishing to move "That the House do now adjourn," under No. 47 shall first submit a written statement of the subject proposed to be discussed to the Speaker, who, if he thinks it in order, shall read it to the House; whereupon if seven members rise in their place to support it the motion shall be proceeded with. Now let me read the notice of motion—

I desire to move the adjournment of the House on a matter of urgency, for the purpose of drawing attention to the pub-

lic distrust in recent circumstances in this House, as shown in an article appearing in this morning's *West Australian*.

How is the language of that motion out of order? Where is the language of that motion offensive? When a newspaper article impugns the integrity and the honour of this House, am I not justified in bringing forward arguments so as to ventilate the matter and to exonerate the House? And you will not let me, Sir. Your action of this afternoon on this motion, instead of being in keeping with the high office you hold and with the traditions handed down through the centuries to protect the rights and privileges of Parliament, is beyond a shadow of doubt a stifling and a gagging of Parliament, preventing Parliament from justifying itself, preventing us from letting in the light of day on certain transactions, shady transactions, in this House.

Mr. Speaker: Order! The hon. member will withdraw.

Mr. Taylor: I withdraw. Shall I withdraw once or twice?

Mr. Speaker: Order!

Mr. Hudson: I support the motion of the member for Mt. Margaret that your ruling be disagreed with, Mr. Speaker. I do so for no other reason than that you have made a mistake in the interpretation of the Standing Orders and of your duty in this connection. I wish to point out to you that the authority which you quoted is outside the scope of our Standing Orders, is in itself ancient history, and has no application to this matter.

Mr. Speaker: Order! I am sure the hon. member desires to be fair. Will he pardon my saying that I read the Standing Order first?

Mr. Hudson: I do not intend to dispute because of any trivial matter of that kind. I hope that when I am called to order it will be for something of a serious nature. My point is that during the 1906 session of this Parliament it was found that Standing Order 47, as then existing, was not sufficiently liberal to enable members of the House to exercise the privilege, which they then thought they enjoyed, of moving the adjournment of the House on matters of urgency. The question was brought up by

Mr. T. H. Bath, whom *Hansard* if 1906, page 1053, reports as moving—

That in the opinion of this House it is desirable that the Standing Orders relating to a member's privilege of moving the adjournment of the House on a matter of urgency should be amended so as to more definitely prescribe the procedure.

In speaking to the motion Mr. Bath pointed out that the practice of the House of Commons, which required 40 members to rise in their places in order to enable a member to move the adjournment of the House, was unworkable in a House comprising only 50 members. Both Mr. Bath, who was speaking from the Opposition side, and Sir Newton (then Mr.) Moore, the Premier of the day, admitted that it was not within the province of the Speaker to determine whether a matter was urgent or not, whether a member should proceed with his motion. They agreed that this was entirely a question for the House itself. Then, the question being one for the House itself, the next point was how many members of this House should be required to rise in their places to support the urgency of a motion and enable it to be debated. The only duty cast upon the Speaker was to see that the form of the motion complied with the Standing Orders. In the present instance it is not suggested that the form of the motion is out of order. In moving his motion Mr. Bath said—

In the House of Commons of Great Britain the number of members is 670, and the number who would have to rise is 40, or a proportion of one in 15. In regard to the practice adopted in Great Britain, in Blackmore's "Speaker's Decisions"—decisions given between 1884 and 1895—the decision of the then Speaker, the Honourable Mr. Peel, is given on this question of what constitutes a matter of urgent public importance. He gives this decision: "The question whether a matter is one of urgent public importance is within the discretion of members, who may choose to support the proposal of the member moving the adjournment."

Even before the adoption of our present Standing Order on this point a Speaker of the House of Commons whose decisions are

respected, ruled that it was within the discretion of members who might choose to support the proposal of the member moving the adjournment. And that is really all we have in our Standing Order to-day, that so long as the form of the motion is in order and the member moving it is supported by seven members, that member is entitled to proceed with his motion. I will quote a little more of Mr. Bath's speech, because his contentions were not in any way questioned from either side of the House. Indeed, when this Standing Order came before the House for discussion, it was supported without dissent, except as to the number of members required to support a motion—whether the number should be four or seven. It was eventually fixed at seven. Mr. Bath said—

It is the fact of members rising in their places to support the member who desires to move which practically decides the urgency of the question. In regard to this subject, as I said before, I think it is unsatisfactory that any Government majority for the time being should be able to make a party question of the matter, and should be able to say that a member should not be heard; because, after all, I want to impress on members who are new to the House that the question of rising to move the adjournment can in no sense be a vote of censure on the Government. Sir Newton Moore, who was then Premier, said—

I do not intend to offer any objection to the motion, but I am prepared to move an amendment to give effect to the desire the hon. member has expressed. I think the object he has in view would be met by the amendment I now move—"That the following words be added to the motion: 'and that the Standing Orders Committee be requested to draft a new Standing Order accordingly for submission to the House, and further that the Committee do submit any additional amendments to the Standing Orders as to them may seem desirable.'"

Sir Newton Moore further said—

Apparently the rule has been in this House, where a matter has been brought forward by a member as a question of

urgency, that the decision has been left to the Speaker; but latterly the practice has been for the Speaker to place the responsibility on the House to decide whether a matter is urgent or not. On one occasion I asked and obtained the permission of the Speaker to move a motion on a question of urgency.

These are the words of Sir Newton Moore, who was then Premier, and who was supported by Mr. Frank Wilson and by a few other gentlemen still in this House.

At the same time I agree with the leader of the Opposition that it is advisable that a question of this kind should not be made a party question, and I consider it preferable that the Speaker should take it into his hands to give the decision, rather than leave it to the decision of the House. Very often to leave it to the House has the effect of making it a party question—

The Premier: Whom are you quoting now?

Mr. Hudson: I am still quoting Sir Newton Moore.

The Premier: I think you have read a little too far.

Mr. Hudson: No; these are the words of the Premier of that day.

—and as we have a Standing Orders Committee that has had very little to do during the last session or two, I think it could be very well employed in considering the proposal brought forward.

The report of the Standing Orders Committee in this connection was considered by the House on the 19th September, 1906; and the House decided that it was for the Speaker to decide as to the form in which the motion was drafted, and for the House to decide as to the question of urgency. I submit that the motion drafted by the member for Mt. Margaret complies with the Standing Orders, and that he has carried out all necessary steps up to the point of seven members rising to support him. I take it seven members will support him. If they do, then, I take it, the hon. member is entitled to go on, and your decision, Mr. Speaker, is absolutely wrong.

Mr. Holman: I support the motion that the Speaker's ruling be disagreed with.

I have read the debate on the motion moved by Mr. Bath in 1906, and I have also read the report of the Standing Orders Committee dealing with the matter. It was long considered by our Parliament that in connection with motions of urgency there was an injustice. In support of this I desire to refer to an authority that every member of the community, not only members of this Chamber, must respect—the late Sir James Lee Steere. The report of the Standing Orders Committee, dated the 11th September, 1906, contains the following:—

The compilers of our Standing Orders, in adopting the procedure, omitted to provide specially for the question of urgency, which was therefore left, with the others, to the Speaker. For more than 10 years this course was followed without any difficulty arising, though there is reason to believe that permission to move was more than once refused. But in 1903 the late Sir James Lee Steere himself felt the desirability of transferring to the House the responsibility of deciding the question of urgency, and on the 19th August of that session put the question, "That the hon. member for Mt. Margaret have leave to move the adjournment of the House for the purpose of bringing this matter (previously submitted to the Speaker in writing) before it." The precedent thus established has been followed ever since.

The only question Mr. Speaker has to decide at the present time is whether the language of the motion is in order: the question of urgency is left to the decision of hon. members. High as the authority of any Speaker may be, he has no right to curtail the privileges of members of the Assembly.

Hon. J. Scaddan: He is here for the purpose of protecting their rights and privileges.

Mr. Holman: In view of the example set by Sir James Lee Steere, it ill becomes any person following him in that high office to endeavour to usurp the privileges of the House.

Hon. J. D. Connolly (Honorary Minister): But Standing Order 47a was not in existence then.

Mr. Holman: No. That Standing Order was adopted at the instance of Mr. Bath, then leader of the Opposition.

Hon. J. D. Connolly (Honorary Minister): But you were quoting from Sir James Lee Steere's time.

Mr. Holman: Yes. Despite the Standing Orders, Sir James Lee Steere refused to exercise his right to decide the question of urgency, and left it to be decided by members themselves. In 1906 the Standing Orders were amended in order to protect the privileges of hon. members; and to-day no Speaker has the right to say whether or not a matter of urgency shall be debated. The Speaker's only right is to decide whether the form of an urgency motion is in order or not. It would ill become members of this House to allow such an attack as appeared in the Press to-day, to allow Parliament to be prostituted and then not permitted to protect itself—

Hon. P. Collier: Are members opposite ashamed of it, or afraid of it, or what?

The Minister for Works: We are ashamed of you.

Mr. Holman: Every member of this House should rise to demand the bringing to book of those who are responsible if the statements in that article are true, or, if the statements are untrue, to demand that the persons responsible should be made to suffer. I have no desire to traverse the ground covered by the member for Yilgarn. I shall now read further from the report of the Standing Orders Committee of 1906 to show beyond the shadow of a doubt that the effect of their amendments was to take away from the Speaker the decision on the question of urgency, and transfer it to hon. members.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. Holman: We were dealing with the question of disagreeing with your ruling. I have shown that previously there had been some disagreement as to the methods, and I recollect the circumstances of an incident which took place in the old House when Mr. Hudson, the member for Yilgarn, quoted rather fully from Mr. Bath's remarks, and also those of a former Premier, Sir Newton

Moore. On the 19th August, 1903, the then Speaker, the late Sir James Lee Steere, ruled as follows:—

The hon. member for Mt. Margaret has handed me a request, that he may be allowed to move the adjournment of the House for the purpose of calling attention to the utterances of the Minister for Works at a meeting held in support of one of the candidates for the extraordinary vacancy caused by the resignation of the member for North Fremantle. Some members will recollect that last session I laid down a ruling, which I intended to abide by in the future, that I would not take the responsibility on myself of saying whether an hon. member who desired to move the adjournment of the House for calling attention to a matter of urgency should be allowed to do so, but I would follow what I ascertained was the Parliamentary practice of asking the House whether it would give the hon. member leave to move, and that it was for the House to say whether leave should be given to move the adjournment for calling attention to a matter of urgency. The question is now that the member for Mt. Margaret shall have leave to move the adjournment of the House for the purpose of bringing this matter before it.

That shows that it is only within the province of the House to say whether a matter of urgency should be dealt with or not. When we come to consider the importance of the two matters, the remarks of the Minister during an election speech and the article in this morning's newspaper, under the headlines, "The Speaker's Appointment—Astonishing Allegations—Reported Extraordinary Intriguing," and that the article, if it means anything, means that an insinuation is being cast against the honesty of hon. members and the proper carrying out of the business of Parliament, then I claim that the subjects are matters of urgency. On another occasion an effort was made to move the adjournment of the House on a question of urgency, but the Speaker ruled it out under Standing Order 47. The matter was then debated in the Chamber a fortnight or so later, and the outcome was that the Standing Orders Committee

was delegated to endeavour to bring in a further Standing Order to provide that members themselves should have the power of determining whether a matter should be debated by the House. That Standing Orders Committee presented a report to the Legislative Assembly on the 11th September, 1906, and in the course of that report it was set out—

In reporting on the question submitted to them, your committee think it advisable to review the circumstances of the case, though, doubtless already familiar to hon. members. The practice of discussing matters of urgency under cover of a motion for the adjournment of the House is one of the methods adopted by the House of Commons to give opportunity for the ventilation of public questions, apart from financial and legislative business of the House.

There is no doubt about this being a public question, and an important public question too.

The right to initiate such discussion is by no means without restrictions. The matter must be definite and of urgent public importance; it must not deal with privilege or the conduct of certain officials, nor anticipate debate on matters already set down for discussion. The question whether the matter be definite and free from other disqualifications is decided, like other questions of order, by the Speaker; but the question of urgency, being necessarily a matter of opinion and dependent on time and circumstance, is submitted to the House, the support of 40 members being necessary before the discussion can proceed. The compilers of our Standing Orders in adopting this procedure omitted to provide specially for a question of urgency, which was therefore left, with the others, to the Speaker. For more than 10 years this course was followed without any difficulty arising, though there is reason to believe that permission to move was more than once refused. But in 1903 the late Sir James Lee Steere himself felt the desirability of transferring to the House the responsibility of deciding the question of urgency, and on the 19th August that year put the

question, "That the hon. member for Mt. Margaret have leave to move the adjournment of the House for the purpose of bringing this matter (previously submitted to the Speaker in writing) before it." The precedent thus established has been followed ever since.

And on no occasion since that time has the Speaker had the temerity to rule any such question out of order.

By the resolution referred to your committee, the House has decided that the procedure should be more definitely prescribed, and has directed that a new Standing Order be drafted accordingly. In thus defining the procedure, your committee consider that an amendment by which leave may be given on the support of a smaller number of members than a majority of those present may safely be made, provided that the restrictions on the nature of the subject to be discussed be strictly maintained.

Then the report quotes Standing Order 47 and recommends the addition of Standing Order 47a, which has already been read to the House to-day. The committee conclude their report by stating that during the session it would be impossible for them to give consideration to other matters referred to them. When we refer back and read the attitude of the late Sir James Lee Steere, a gentleman of great experience and high integrity, who was respected by everybody, when we find the example that he set, I do not think it is possible for any other Speaker to depart from the precedent he established by ruling a motion for the adjournment of the House on a question of urgency out of order. I do not think the present Speaker has the power to do such a thing. If he did possess the power it would not be possible to bring before this Assembly any matter of urgency because the Speaker would simply declare it to be out of order. Then where are we? Absolutely gagged. It is a disgraceful thing that members should allow themselves to be gagged and bound down in such a manner. That kind of thing will reflect discredit on the Assembly. Where are we if we cannot freely and openly discuss matters of public importance which demand immediate attention. I would rather be out of the Cham-

ber for good if that kind of thing prevailed; it would be a standing disgrace to be a member of such a Parliament where free speech was blocked. Free speech is the only protection we have. A Speaker who might be most unscrupulous—I am not referring to the present Speaker, but I am trying to illustrate what would happen if we had an unscrupulous Speaker—could prevent almost anything from being ventilated in the House and the whole of the traditions of Parliament would be scattered to the winds.

The Attorney General: That is a reflection on this House because this House would not appoint such a person as Speaker.

Mr. Holman: What greater reflection on the House can there be than the present action? It is beneath the dignity of the Premier and Speaker that they did not take up the question of the publication of the article to which we have referred.

Mr. Taylor: It should not have been left for me to do.

Mr. Holman: Certainly not. The matter should have been taken up by those in Parliament holding responsible positions, which positions should command respect. Who can respect them if statements such as that which appeared in this morning's newspaper are allowed to go unchallenged, and if we permit the Speaker to declare that a motion for the adjournment of the House on a question of urgency such as this is out of order, and cannot be discussed. I maintain that when the *Hansard* report of the earlier part of the proceedings was read to this Assembly to-day, that part which was marked in blue should have been read to members from the Chair, and it should not have been left to a private member to read it.

Mr. Taylor: Mr. Speaker said it was not there.

Mr. Speaker: Order! The hon. member for Murchison must not reflect on the Chair.

Mr. Holman: I desire to treat the Chair with all that respect which my five years' experience as Chairman enables me to appreciate is due to it. This is one of the most important questions that has ever come before this Assembly. A reflection has been cast on each and every one of us here, and are we now going to allow the statements which have been published to go unchallenged, or shall we stand up as men and protect our

interests, and show that we did not indulge in intriguing or resort to those practices referred to in the article. What we have to bear in mind is this: the vote that will be given on this question may be set down as a precedent for all time. We must remember, too, the Government now in occupation of the Treasury bench may not always be in power, and that at some future time they may be lashed with their own cord. I do not think members are so lost to sense of honour that they will vote to gag themselves and establish a precedent which will be nothing but a disgrace to a Parliament of the British Empire.

Mr. Carpenter: A few evenings ago we were discussing the disputation of your ruling on another subject. I ventured then, in all respect, to remind you, Sir, that for the time being you were the custodian of the rights of members.

Mr. Speaker: The hon. member is not in order in referring to a previous debate of this session.

Mr. Carpenter: I was not discussing it. I merely remarked that I had reminded you that you were the custodian of the rights of members, and of those whom they represent. One of the most sacred rights of this and every Parliament is the right to bring any question before the House as a matter of urgency in accordance with the Standing Orders. This practice is in vogue in every Parliament, and if hon. members will take the trouble to ascertain how similar motions are treated in other Parliaments, they will come to the conclusion that in this Parliament the right of moving the adjournment of the House to discuss a question of urgency is hedged about with limitations that do not apply in other Australian Parliaments. In the South Australian Parliament a member, at any time during questions and notices of motion, may move the adjournment of the House himself, without a seconder, and without asking anyone to rise in support of his motion. And he may discuss any matter which he thinks is a question of urgency. The Speaker's opinion is not asked or required under the Standing Orders. In New South Wales they have the same right, with the exception that five members in a House of, I think, 90, are required to rise in support of the member who moves the adjourn-

ment. In that case the Speaker's opinion is not asked at all, and it is left to the member himself to decide whether it is a matter which should be brought before the House. In our national Parliament the same rule obtains. Members there claim and exercise the right to discuss any question on a motion for adjournment, and whereas at one time they had a rule that seven members must rise to support the motion, they themselves have removed even that limitation, and the member himself may now move the adjournment of the House without consulting the Speaker if he thinks the question of sufficient importance. May I also remind you, Sir, that on one occasion royalty attacked the privileges of the British House of Commons, and the gentleman who occupied a similar position to yours resisted that attack when he replied to King Charles, "I have neither eyes to see nor tongue to speak except as this House directs me, whose servant I am." I want to emphasise those last words "whose servant I am." We put one of our own number in the Speaker's Chair, not to be our master, not to say that we shall not exercise the rights which have always been exercised by every Parliament, not to say that, because he does not wish a question discussed, it is out of order; we put him there to control the debate in accordance with our Standing Orders, and he has no right to read into them anything they do not contain. The Standing Order under which you have ruled the motion out of order has been quoted several times, but I wish to quote it again. It is as follows—

A member wishing to move "That the House do now adjourn" under Standing Order 47 shall first submit a written statement of the subject proposed to be discussed to the Speaker, who if he thinks it in order shall read it to the House; whereupon, if seven members rise in their places to support it, the motion shall be proceeded with.

There is only one possible interpretation of those words "if he thinks it in order," namely if it does not contain anything offensive; if it is in accordance with the rules of debate, and if it is not proposed to discuss anything which should not be discussed under the rulings given in accordance with *May*

or other authorities. If those words had never been inserted in that Standing Order there would have been no doubt whatever as to the member's right to move the motion; and I make bold to say that when those words were inserted it was not done with the intention of giving the Speaker power to bring any personal or party feeling into the matter, or to give him as an individual the right to say whether or not he wished to have a certain question discussed. The words were intended to be read in their ordinary broad sense, and since you have put a narrow interpretation upon them, I hope the House will disagree with your ruling. It would be a sorry day for the House and the State if the suspicion were allowed to creep in that the Speaker, for any purpose other than that of debate, was allowed to rule against an hon. member who wished to discuss a matter of public importance: as for instance, because he as an individual occupying the Speaker's Chair for the time being, thought it inadvisable to have that question discussed. The Standing Order was never intended to give the Speaker that power. He is there to assist every member of the House to exercise the fullest liberty of debate. But the ruling we are objecting to has departed from that practice and has put a gag upon members, which I hope and believe the House will not accept. I join with the member for Murchison (Mr. Holman) in appealing to members on the other side to realise that this is something greater than a party question. It may be that those who were responsible for the election of the present occupant of the Speaker's Chair may desire, perhaps unconsciously, to fall in with his ruling. Let me remind them that there are considerations far more important in connection with questions of this kind, and that it may be their turn bye-and-bye to find themselves on this side, in a similar position to us, resenting an attempt to prevent them from discussing something which is in the mouth of every man in the street, which is discussed on the trams in language more forceful than polite. A stigma rests on the House, and the suspicion is that the Government have something they wish to hide, and that the Speaker, perhaps unconsciously, is assisting in the hushing policy.

That is being discussed in the street to-day. For the sake of political decency, for the sake of the honour of this House and Parliament generally, I appeal to those on the Government side to support us in asserting the rights and privileges of members.

The Premier: I deprecate the heat which has been imported into the debate. Except in an extreme case it is the duty of members to maintain the ruling of the Speaker.

Mr. Taylor: This is an extreme case.

The Premier: No. Unless it is a very extreme case members of the House should support the ruling of the Speaker. Notwithstanding all the arguments that have been put forward by members opposite, I maintain that in the present instance you, Sir, have exercised the powers that are conferred upon you by the Standing Orders. The Standing Order in question has been quoted over and over again by member's opposite to show that you had no power to do as you did. But the language is plain and convincing to everyone who wishes to read the Standing Order with an open mind. It reads as follows—

A member wishing to move that the House do now adjourn under Standing Order 47 shall first submit a written statement of the subject proposed to be discussed to the Speaker, who, if he thinks it is in order, shall read it to the House, whereupon, if seven members rise in their places to support it, the motion shall be proceeded with.

Hon. members have referred at some great length to a previous period, in 1906, when this matter was debated. The outcome of that debate was the Standing Order under which you ruled this afternoon. It is perfectly true that the Standing Orders were not explicit prior to this question being submitted to the Standing Orders Committee. In August, 1906, the then Premier, Sir Newton Moore, moved the addition of certain words to a motion in order that this matter might be taken into consideration by the Standing Orders Committee. And in moving the addition of those words, admitting that they were required to amend our Standing Orders, he made the following remarks—

I agree with the leader of the Opposition that it is advisable that a question of this kind should not be made a party question. I consider it preferable that the Speaker should take it into his hands to give the decision rather than leave it to the decision of the House. Very often the leaving of it to the House has the effect of making it a party question.

It was on the carrying of that motion, moved by the then Premier and supported by the remarks I have quoted, that this Standing Order was drafted. And the Standing Order leaves it undoubtedly in the discretion of Mr. Speaker to withhold a motion for the adjournment of the House if he thinks such motion is not in order. That is the position in a nutshell. The Speaker must decide, and you, Sir, have decided this afternoon that the motion is not in order. Therefore, you refuse to submit it. You gave some reasons why this motion is not in order. You referred to the *Manual of the House of Commons* in connection with public business, and you quoted from page 55—

Motions for the adjournment of the House for the purpose of discussing a definite matter of urgent public importance are subject to the following restrictions:—That not more than one such motion can be made at the same sitting, not more than one matter can be discussed on the same motion.

That is the section you referred to, Sir—

That the motion shall not provoke discussion of a matter which has been discussed in the same session.

Then you went on again to quote No. 6—

The discussion on a motion must not raise any question which, according to the rules of the House, can only be debated on a distinct motion after notice. That was the section under which you ruled.

Mr. Carpenter: That is away from our Standing Orders.

Hon. J. Scaddan: It does not bear on the question.

Hon. J. D. Connolly (Honorary Minister): It bears very much on it.

The Premier: That, Sir, was the procedure you quoted to this House.

Mr. Underwood: But it is wrong.

Mr. Taylor: It has no bearing on the question.

The Premier: Has it not? What is the motion? Hon. members opposite frequently complain that everything is made a party question, but this matter is certainly being made a party question by them. The Speaker was appointed last week, and the House elected him.

Mr. Taylor: What has my motion to say about the Speaker?

The Premier: That was the time to ventilate any matters in connection with the appointment of the Speaker.

Hon. T. Walker: We were not permitted to do so.

The Premier: The Standing Orders lay down that the motion must be definite. Is it definite? The member for Murchison (Mr. Holman) has himself emphasised that it is most indefinite. What are we asked to consider? An article that has been written in one of the newspapers.

Mr. Taylor: That is a very different question from the appointment of a Speaker.

Mr. Carpenter: The article is entirely against you, and you know it.

The Premier: There is absolutely nothing definite in that article.

Mr. Foley: We are looking for something definite.

The Premier: The member for Fremantle has risen in his place and spoken about what he heard in a tramcar. Is not this Parliament above sinking to take notice of such little tattle as one hears in street tramcars?

Mr. Carpenter: It is being talked about everywhere.

The Premier: Because, forsooth, it affords members opposite an opportunity of casting mud at members on the Treasury bench and their supporters, they must bring it forward.

Mr. Taylor: My motion does not indicate any mud-slinging at all.

The Premier: The Standing Orders, Sir, support you in your ruling.

Mr. Taylor: Read the one I have quoted.

The Premier: The hon. member may turn them up for himself. It is laid down that motions of this nature must not debate questions that should be debated on a distinct motion after notice.

Mr. Carpenter: That is not in our Standing Orders.

The Premier: And I assert this matter can be debated on a distinct motion after notice. Hon. members opposite, who howl for freedom of speech from others, exhibit a strong inclination to deny that same freedom of speech to others. Freedom of speech! I ask them to refrain from that cry. I would never stand up for the purpose of defending freedom of speech which is likely to develop into license.

Mr. Underwood: And you are to be the judge of the license.

The Premier: Another aspect of the matter is that members opposite have urged that this ruling will not be taken as a precedent. I hope it will be. I have never, in all my parliamentary experience, seen such a gross attempt to force home an unfair advantage than has been made on this occasion. We are in the midst of a no-confidence debate, and yet the time of this House has been wasted with trivial motions of this sort, raised upon some wretched article in one of the newspapers of the State, an article which merely says there are rumours alleging this, and rumours alleging that. If we are to maintain our dignity, and our rights in this Chamber, then we must be above taking such prompt notice of articles of this description. We must endeavour to rise above the degenerating spirit of this age, which is prepared to condemn any man on the merest rumour without giving him a chance of proving his innocence.

Member: That is what you are doing.

The Premier: Members opposite grasp like drowning men at a straw. They know they cannot carry their no-confidence motion, and consequently they set to work and scheme for the introduction of some motion on a side issue which will serve their purpose. I remember that on numerous occasions during the last five years, while my friends opposite were in charge of the House, article after article appeared in the Press criticising certain actions of this House. But they took no notice. I remember that they had a big altercation with a certain gentleman who writes for the *West Australian*; and on that occasion they did not hale that gentleman before the bar of the House, but they retorted in kind from

their places in this Chamber.

Mr. Underwood: We put him out of the House.

The Premier: But on this occasion they ask that we shall ignore all the Standing Orders which control this House, and they ask that we shall ignore the precedents laid down by the mother of Parliaments, the British House of Commons. We are asked to take away from the dignity and power of Mr. Speaker, who has been from time immemorial recognised as holding the right of deciding what is right, what is in order, and what is out of order in this House. I think we are getting over the odds—

Mr. Munsie: I think we are, too.

The Premier: That members opposite are exceeding all the limits of political decency in the conduct of the business of this House. They have shown that they are willing to adopt any attitude possible—

Mr. Foley: I rise to a point of order. I ask whether the Premier is in order in saying that we on this side of the House have relinquished all sense of political decency in this Chamber.

Mr. Speaker: If the Premier said that, I must ask him to withdraw.

The Premier: I withdraw.

Mr. Taylor: You should also apologise to the House.

The Premier: Very well, I will apologise. I shall conclude my remarks by saying it is proved by the authorities I have referred to that the Speaker's ruling is correct. I have read the proof that the Speaker ruled rightly from the procedure of the House of Commons, and that he also had authority for his ruling. It is proved in our own Standing Orders, wherein it is stated that there shall not be introduced to motions of this sort matters which can be dealt with under substantive motion. I say that these matters can be dealt with under motion. Therefore, Mr. Speaker was perfectly in order in ruling the motion out of order. I hope this House will always, no matter what the personal and individual views of members may be, uphold the dignity of the office of Speaker, and that, unless there be something of an extreme nature in the attitude or the action of any individual who holds that high office in connec-

tion with our Parliament, the House will always uphold his rulings.

Hon. J. Scaddan: Right or wrong?

The Premier: If not, I fear we shall turn our Assembly into something which will not bear public criticism. I am satisfied that if members will read the past history of the origin of the Standing Order which has been referred to, if they will peruse the numbers of Standing Orders which bear on the matter, either directly or indirectly, they can come to only one conclusion, and that is that on this occasion at any rate, the House can uphold the ruling of Mr. Speaker.

Hon. J. Scaddan: After the eloquent lecture by the leader of the House that we should not introduce small matters into this debate, I hope I shall be able to content myself as calmly as he did. Once again we have had the spectacle of the Premier practically telling members that the House should support the Speaker's ruling whether it be right or wrong. I can easily understand there may be occasions when such advice would be acceptable to members; but when a time arrives that the privileges of members are being ruthlessly set aside, then every member of the House feels that the liberties and privileges we enjoy under the Standing Orders must be maintained. It surely does not require repeating that the Standing Orders of the House of Commons guide the conduct of business in this Chamber only when our own Standing Orders are silent. It is useless quoting what happened in the House of Commons in a case in which our Standing Orders definitely set out how we shall act. And in this case our Standing Orders are explicit. They are much more explicit than they were seven years ago. Then we had Standing Order 47 only, which left it in doubt whether the Speaker was in a position to declare whether or not a matter was one of urgency, and on that account to refuse to accept a motion for the adjournment of the House. That matter was discussed by the Chamber and the then leader of the House, Sir Newton Moore, took up a different attitude to that taken up by the Premier to-day when he said that he was determined that the privileges of the House should be maintained,

and that the matter should go to the Standing Orders Committee in order that there should be no disagreement on the question of motions for the adjournment of the House on a matter of urgency. We have Standing Order 47A as follows:—

A member wishing to move "That the House do now adjourn" under No. 47 shall first submit a written statement on the subject proposed to be discussed to the Speaker, who, if he thinks it in order, shall read it to the House; whereupon, if seven members rise in their place to support it, the motion shall be proceeded with.

If he does not think it is in order! That is the whole point in dispute. It is not a matter merely for the Speaker to decide "I think it is not in order, therefore I will not admit it." The Speaker must act and think in accordance with the Standing Orders. It has been set down in the authorities that when thinking he must always think on the side of maintaining the privileges and the right of free speech of members in the Chamber. He is called upon to stretch the Standing Orders in order to maintain free speech, not to think from his own point of view but to think from the point of view of the Standing Orders which are laid down for his guidance and the maintenance of the rights and privileges of members. Seeing that it cannot be ruled out of order under the Standing Orders, because they apply in every respect, free discussion should be allowed upon it. The motion is couched in respectful language, and is admitted by all to be upon a matter of urgency. Its object is to enable discussion to take place upon a matter which can fairly be discussed in the Chamber. Let us see what the Manual of Procedure printed in 1904, and which has probably been in operation for hundreds of years—

Mr. Speaker: Order! My copy is dated 1912.

Hon. J. Scaddan: It is exactly the same wording. In the manual are laid down certain principles with regard to motions effecting the adjournment of the House.

Not more than one such motion can be made at the same sitting.
There has been no suggestion of that sort.

Not more than one matter can be discussed on the same motion.

There has been no suggestion as to that.

The motion must not revive discussion on a matter which has been discussed in the same session.

I understand from the Premier that this is one of the grounds on which the motion has been ruled out of order. Is it possible that we could have discussed previously in this session an article which only appeared in to-day's *West Australian*? That cannot possibly hold good. The subject-matter is undoubtedly an indignity offered to this Chamber, and we have a right to discuss it on that ground. The rules of procedure do not apply from that point of view. Then they say—

The motion must not anticipate a matter which has been previously appointed for consideration by the House, or with reference to which a notice of motion has been previously given.

No notice of motion has been given previously concerning this. It does not anticipate anything which is on our Notice Paper, or which has been considered by members in any way.

The motion must not raise a question of privilege.

It is not a question of privilege.

The discussion under the motion must not raise any question which, according to the rules of the House, can only be debated on a distinct motion after notice. In a footnote it is stated—

That is, personal charges and questions as to the conduct of certain high officials. I believe you, Sir, quoted from *May* in order to show that it would have that effect, that is, make a personal charge and question as to the conduct of certain high officials. I find in *May* the following appears:—

The motion should be placed in print or writing, in the Speaker's hands; as, except in the event of any informality in the form of the motion, which may necessitate the Speaker's intervention, or may compel him to decline to put the question from the Chair, the Speaker proposes the question in the words of the mover.

Mr. Speaker: Order! The hon. gentleman is not quoting from the place referred to.

Hon. J. Scaddan: I can quote from any place I like.

Mr. Speaker: He is not quoting from the reference given in the handbook quoted there.

Hon. J. Scaddan: *May* goes on to say—

Certain matters cannot be debated save upon a substantive motion which can be dealt with by amendment or by the distinct vote of the House, such as the dignity of the Sovereign, the Heir to the Throne, the Viceroy and Governor-General of India, the Lord-Lieutenant of Ireland, the Speaker, the Chairman of Ways and Means, members of either House of Parliament, and Judges of the Superior Court in the United Kingdom, including persons holding the position of a Judge such as a Judge in a court of bankruptcy, and of a county court.

Can anyone read into that motion any reflection upon the Speaker or anyone else, namely to move the adjournment of the House on a matter of urgency for the purpose of drawing attention to the public distrust in recent occurrences in this House as shown in an article appearing in this morning's *West Australian*? There is nothing there having reference to the conduct of the Speaker or any other member. Therefore, that cannot apply. I find that *May*, on page 76, contains the following:—

Indignities offered to the character or proceedings of Parliament by libellous reflections have been punished as breaches of privilege. Some offenders have escaped with a reprimand or admonition; others have been committed to the custody of the Black Rod or the Sergeant of Arms; while many have been confined in the Tower and in Newgate; and in the Lords fine, imprisonment, and the pillory have been adjudged. Prosecutions at law have also been ordered against the parties. The cases are so numerous that only a few of the most remarkable need to be given.

And there is a list of them quoted. Is this not an indignity offered to the conduct of Parliament? We have in glaring lines in the *West Australian* "The Speaker's Appointment." The Speaker has been placed

in the highest position that members can possibly place him in. The newspaper goes on "Astonishing allegations," "Reported extraordinary intriguing." Reported intriguing in connection with the appointment of the Speaker; and this is not an indignity offered to the House! I am waiting to see something in the nature of an indignity if this is not one. I find in the short leader in the same paper these words occur—

It will be hoped not less for the fair fame of Parliament—

Here it is admitted to be a reflection upon Parliament.

Mr. Holman: It is a direct challenge.

Hon. J. Scaddan: It is an admission in the leading article of the paper, not in the news item columns, that it is a reflection on Parliament. It goes on to say—

As a whole, than for members of the Assembly.

An indignity cannot be offered to members of this Parliament without someone suffering a reprimand, and this House taking action. The article continues—

That the statements will be found, after a proper inquiry, to be baseless.

This article talks of extraordinary intriguing, reflections upon the fame of the House, but that is not a matter which can be discussed. Have we arrived at the position when a newspaper can publish statements of that kind broadcast, and we cannot even discuss whether they are true in fact or whether they are only rumours?

Hon. W. C. Angwin: Perhaps there is some truth in it.

Hon. J. Scaddan: The newspaper has greater privileges than the House has got. Members of the Chamber come here with a right which has been handed down from the Mother of Parliaments to discuss all matters affecting the general welfare of the community, and have been surrounded with such privileges that ought to protect them against being abused even for their actions of a public nature in this Chamber, and yet we cannot treat as a matter of urgency the charge of intrigue against the House in the matter of the appointment of one of its members to the highest position available in the Chamber. The Premier says he can hardly be expected to take notice of an article in the newspaper. But this news-

paper is being circulated amongst the public, and if we take no notice of it, it is evident that we are prepared to accept it as correct. The Government may desire to avoid discussion upon matters with which they are connected, but there must be discussion. There is nothing to prevent discussion, and this motion does not contain anything which is not open to discussion in this House at any time, particularly on an occasion such as this, the day on which the article has appeared. I could give instances from *May* in which newspapers have been called before the Bar of the House of Commons for having said less than that about an individual member, not against the House because when the action of the House on the appointment of the Speaker is mentioned as being intrigue, that is not a reflection upon a member, but upon the whole Chamber, and the one person who has the right to take first action in conjunction with the leader of the House is the Speaker himself, because he is the embodiment of all the privileges we enjoy. The Speaker is not there for the purpose merely of giving effect to our Standing Orders. He is there for the proper and dignified conduct of the House and if the assertion by the Press that there has been intrigue in this House does not warrant some action being taken, we surely have lost all sense of decency as members representing our constituencies. I hope that hon. members will not be led astray by the sophistry of the Premier and the desirability, as he says, of taking no notice of rumour. We have to take notice of it, and the time is now when we should take notice, because names of certain members have actually been mentioned. Are we going to be stopped by a ruling from the Chair on the ground that the manual of procedure provides something altogether apart from the provisions of our Standing Orders, to have discussion baulked, and to have the matter put aside in order that the Premier might be able to make a statement to the Press and let the thing go in that direction? If the reflections were cast upon any member of the Government then it would be for the Government to clear themselves. The Premier says that when we were in office for five years certain articles ap-

peared in the Press, written by the leader writer of the *West Australian*, and that we took no notice of them. None of these reflections were upon the House, but upon the Government, and indeed upon an individual member of the Government, which is an entirely different thing. On the same ground, why does not the Premier take the *Sunday Times* to task, for that paper has said a lot of things, and left unsaid a lot of things it could have said? These reflections I refer to are cast upon the House and not upon the Government alone. Members' names have been mentioned, and intrigue is alleged against them. There is an admission that there was intriguing, and yet we are asked to do nothing. We are going to be prevented from discussing the matter. It is time that the whole position of the privileges enjoyed by members was recast. Are we going to sit as a deliberative Assembly merely for the purpose of giving our assent to whatever the Government may do? We are here for the purpose of discussing all matters from every point of view, so that any decision arrived at may be arrived at with a full understanding of the position. Are we going to allow a matter reflecting on every member to be set aside simply because some manual, which does not bear upon this Chamber unless our Standing Orders are silent, says the matter must not be discussed? This matter is one of urgency, and one affecting our dignity; and therefore I consider that the Speaker's ruling should not be agreed with.

The Attorney General: After all said and done, the subject matter of the whole thing is the question of the appointment of the Speaker. By your ruling, Sir, you have decided that you think the motion is not in order.

Hon. J. Scaddan: He thinks. That is the trouble about it.

Mr. Taylor: How can you read that into the language of the motion?

The Attorney General: The member for Mt. Margaret has had hours. Now I want two minutes. You have said, Mr. Speaker, that in your opinion you think—and I use that word because it is used in the Standing Order—that the motion is not in order. In doing so, you have exercised what is called your discretion. It is not for this House to

say whether you have exercised that discretion wisely or unwisely.

Hon. J. Scaddan: Oh!

The Attorney General: Now let me go a step further. The leader of the Opposition says that you have relied solely on a manual of procedure which lays down that a motion must not deal with a matter which has been discussed in the same session, as if that was the only law supporting that proposition. Our own Standing Order 123 says practically the same thing—

No member shall allude to any debate of the same session, upon a question or Bill not being then under discussion. . .

Hon. W. C. Angwin: There has never been a debate on this question.

The Attorney General: The Standing Order does not say, "no member shall debate," but says—

No member shall allude to any debate of the same session, upon a question. . . There was a question who should be elected Speaker of this House.

Hon. J. Scaddan: What nonsense!

The Attorney General: You, Sir, were elected Speaker. If there was any question to be raised about you or the manner of your election, that was the time to raise it; and I venture to say that under the Standing Orders hon. members cannot now question your appointment.

Hon. J. Scaddan: We are not questioning the appointment.

Mr. Taylor: You are very frightened of your sins. I can see.

The Attorney General: We have no sins to be afraid of. The question is whether your ruling, Sir, is in order or not.

Mr. Holman: The object is to bring out the intriguers, or else to bring the newspaper to account.

The Attorney General: I am perfectly sure that those who have been attacked in the newspaper article will have their own say in reply. That has nothing to do with the question before the House. I submit, Sir, that you are perfectly right and perfectly in order when you rule that as the motion would revive discussion on a matter which has been discussed and settled, it should not be debated. As I remarked when I spoke previously, following the member

for Mt. Margaret, Standing Order 47a makes three requirements. First of all you, Sir, have to think that the motion is in order. If you think it is in order, you then have to read it to the House. And then seven members have to rise in their places in support of the motion.

Hon. W. C. Angwin: Do not you feel sorry you have to support the ruling?

The Attorney General: None of those provisions has been complied with. We have Standing Orders. The House is not attacked. The question is purely one of which the whole subject matter is as read out by the leader of the Opposition. I am glad that hon. gentleman broke the Standing Orders by reading out from a newspaper; otherwise I could not have referred to this aspect. The whole subject matter is the appointment of the Speaker. I thank the leader of the Opposition for reading from the newspaper, because that action of his gave me an opportunity which otherwise I should not have had.

Mr. Troy: I regret that I have to take part in this debate; but, as I feel that the ruling of the Speaker is one which, in the interests of the House, should not pass unchallenged, I wish to express my opinion before I cast my vote. I have just listened to what I cannot call other than the specious arguments of the Attorney General, who endeavours to read into the Standing Orders a ruling which has no application whatever. Standing Order 123 provides—

No member shall allude to any debate of the same session, upon a question or Bill not being then under discussion, except by the indulgence of the House for personal explanation.

I ask the House, what allusion to a former debate is made in the motion submitted by the member for Mt. Margaret? At what time in this session has the matter been discussed which the member for Mt. Margaret now desires to discuss? I ask hon. members whether during this session any discussion has taken place in this House regarding alleged intrigues, or unscrupulous tactics of members of this House, or extraordinary happenings alleged to have taken place not in this House but outside this

House? May I point out to you, Mr. Speaker, that the question which the member for Mt. Margaret now desires to debate is not the election of the Speaker by the members of this House? That is not to be the subject of debate. The subject which the hon. member desires to debate is something apart from that. Members of this House are not responsible for the alleged intrigues outside the House. How, then, can the members of this House have discussed a matter which took place outside the House? How can it be said by the Speaker that a similar debate took place in this session? Does it not appear ridiculous? The only matter which took place during the present session was the election of the Speaker. There was no debate on that. There were no allegations whatever. The Speaker was elected, and went to the Chair. But the newspaper article infers and complains that the election of the Speaker was due to intrigues outside this Chamber, due to intrigues by members prior to the motion for the election of the Speaker in this House: intrigues which are stated to be discreditable, and which in the interest of Parliament and of the country and of decency ought to be cleared up. That is the position. How on earth can this Standing Order apply to intrigues outside which have never yet been the subject of debate in this House? Those intrigues are apart from the House altogether. They took place before the election of the Speaker was moved in this House. Then, how on earth can they be the same subject? I ask hon. members opposite not to be led astray by loyalty to the Government. It pains me to feel that we have a Government in office who might support a ruling of this character, whether the ruling is right or wrong. I do not think any member will be acting in his own interests, or will be acting creditably to the country, if he supports the ruling given by the Speaker in this connection. Let me proceed a little further. The Speaker has stated that Standing Order 47A gives him the opportunity to rule such a motion as this out of order. That Standing Order provides—

A member wishing to move "That the House do now adjourn" under No. 47,

shall first submit a written statement of the subject proposed to be discussed to the Speaker who, if he thinks it in order—

Let hon. members mark this: "if he thinks it in order"—

shall read it to the House, whereupon, if seven members rise in their places to support it, the motion shall be proceeded with.

Do these Standing Orders give any hon. member the right to move the adjournment? They do. Therefore, this motion for the adjournment must be in order. Standing Order 47A does not give the Speaker permission to state whether in his opinion a motion should be allowed. It does not give him the right to say that the subject-matter of the motion is not such as should be discussed. It gives him the right to decide the question of urgency, and this is not disputed by him in the ruling given.

Mr. Hudson: That right is expressly taken away by 47A.

Mr. Troy: I will come to that later on. The Standing Order provides that the Speaker, if he thinks the motion in order, shall read it to the House.

Hon. J. Scaddan: What is meant by "in order" except compliance with the Standing Orders?

Mr. Troy: Just so. What is disorderly about this motion, I want to know? The member for Mt. Margaret moves that the House shall discuss a certain statement reflecting upon the honesty and integrity of members of this House. And we are told that this is out of order. I cannot understand the situation, nor can I understand hon. members voting for such a ruling. Again, Mr. Speaker may, if he thinks fit, read the motion, to the House, whereupon, if seven members rise in their places to support it, the motion shall be proceeded with. Let hon. members mark this. The Speaker decides whether the motion is in order. But the responsibility of putting the motion before the House is on the seven members. That is the position. Now, Mr. Speaker, you may quote as you will in support of your ruling; but I draw your attention to the practice of this House. I ask hon. members whether they can recall during the

whole term we have been in this House more than one instance of the Speaker's ruling as Mr. Speaker has ruled this evening?

Hon. J. Scaddan: No.

Mr. Troy: The only time the Speaker has ruled a motion for adjournment out of order was when he ruled on the ground that the motion was not one of urgency. He has never ruled otherwise. I draw your attention, Sir, to the number of times motions of adjournment for similar reasons have been moved in this House. During the time I occupied the Speaker's Chair, a motion of adjournment was moved by the member for Northam, now Minister for Railways and Industries, relative to a vacancy in the Kalgoorlie seat. In point of fact, when the hon. member moved that motion, there was no urgency at all.

Hon. J. D. Connolly (Honorary Minister): But, still, the electorate was disfranchised for weeks and weeks.

Hon. J. Scaddan: So was Kimberley for months and months.

Hon. T. Walker: If we allow this wrong to go by to-night, it may go on for ever.

Mr. Troy: In the case I refer to the member for Northam might have effected his purpose by moving that the seat be declared vacant. In fact, that was the procedure to follow. But he was given the opportunity of moving a motion of adjournment, and the Speaker did not rule that in his opinion it was not urgent. He read it to the House, and seven members rose in support, and the member for Northam secured his purpose. Again, the member for Kimberley (Mr. Male) moved in 1914 the adjournment of the House for the purpose of drawing attention to the crisis which had occurred at Broome; and that motion was debated. If the Speaker has the right to rule the present motion out of order, what necessity is there for the seven members at all?

Hon. J. Scaddan: Or what necessity is there for Parliament?

Mr. Troy: And why do the Standing Orders provide that the seven members shall accept the responsibility?

Hon. J. D. Connolly (Honorary Minister): Why was Standing Order 47a adopted, except to give discretion?

Mr. Troy: One of the oldest and most respected Speakers this House has had—in fact I should say the very oldest and most respected—gave the opinion which was read to-night by the member for Murchison.

Hon. J. D. Connolly (Honorary Minister): That was before Standing Order 47a was in existence.

Mr. Troy: Just so. That Standing Order was adopted because a Speaker of this House had ruled a motion for adjournment out of order. Standing Order 47a was brought into operation then in order to prevent the Speaker from exercising that power. The practice has been that no member has ever been refused the right to move the adjournment of the House when the question to be discussed was one of urgency, and when he was able to secure the support of seven members. I am going to give the Speaker's reasons for ruling the motion out of order. I have before me the remarks of the Speaker, and he is reported to have said—

The manual I have before me distinctly points out that a member cannot revive a discussion on a matter which has already been discussed in the same session.

I am going to ask hon. members when was the subject mentioned in the newspaper article discussed before in this House?

Hon. J. Scaddan: It will never be discussed; take it from me.

Mr. Troy: The newspaper makes a deliberate statement in its leading article and states—

The allegations contained in our news columns concerning the appointment of Mr. E. B. Johnston to the speakership called for the most searching investigation that the truth or otherwise of them may be established. It will be hoped, no less for the fair fame of Parliament as a whole than for some members of the Assembly, that the statements will be found, after a proper inquiry, to be baseless. If it should prove that they are well founded, the qualified approval accorded the appointment will need to be revived. A picture of trafficking in the honours of Parliament is exhibited in the allegations, which, if shown to be anything like a faithful representation of what occurred,

solicits the severest condemnation of the persons who were a party to it.

I ask hon. members whether these allegations have ever been made the subject of a debate in this House. Will hon. members answer me? Are they silent because they cannot answer?

The Minister for Works: We are not allowed to interject.

Mr. O'Loughlin: You have been a magpie for the past few months.

Mr. Troy: The Speaker pointed out that a member could not revive a discussion on a matter which had already been discussed in the same session. The newspaper article reflects discreditably on hon. members because of certain things which are alleged to have happened. When, I repeat, was the matter debated in this session? It was never debated. The matter was never mentioned until to-night. Can hon. members support the Speaker in moving this motion out of order because it revives discussion on a matter which he claims has already been before the House, when as a matter of fact, it has never been heard of before? The Speaker also said—

He cannot raise a question of privilege, and the discussion on the motion must not raise any question which according to the rules of the House, can only be debated on a definite motion after notice.

The ruling of the Speaker does not apply. The member for Mt. Margaret has never claimed such a privilege; he merely submits a motion which can be debated in the manner in which he desires it to be debated.

Hon. J. D. Connolly (Honorary Minister): Are you quoting from *Hansard* of the present session?

Mr. Troy: I am quoting from the Speaker's ruling given this afternoon. The Speaker further added—

It is absolutely clear that charges as to the conduct of members can only be debated on a distinct notice, and it is clearly laid down in *May* that the conduct of members cannot be attacked on a motion for adjournment.

Who wants to attack the conduct of members? The newspaper has attacked the conduct of members and the member for Mt. Margaret wants the matter cleared up. The hon. member wants to have a discussion, his

desire being to show the country that the members of this House are not responsible for what has been urged against them. Should we not welcome this opportunity? How can it be said, therefore, that the hon. member proposes to attack other hon. members or the Speaker. He has not suggested anything of the kind. I do not know whether the Speaker has drawn his own conclusion, or whether hon. members have drawn theirs. Hon. members of this House have been accused of intriguing, of doing something most discreditably, and the member of Mt. Margaret is quite justified in moving the adjournment of the House in order to clear up the matter, let light in where it is needed, and show to the people whether anything discreditably has been done. How can it be said that there is any intention on the part of the hon. member to attack other hon. members of this House? I am going to quote from *May* in order to show that even that authority does not support the Speaker's ruling. Referring to the adjournment of the House *May* states—

A member who desires to make such a motion having previously delivered to the Speaker a notice in writing of a distinct matter of urgent public importance, rises in his place and asks leave to move for the adjournment of the House. If leave be not unanimously given the Speaker desires those members who support the motion to rise, and if 40 members rise the motion stands over until a quarter past eight when it has precedence over all other business.

Hon. T. Walker: Forty members there is their proportion. Our proportion is seven members.

Mr. Troy: Then again *May* states that the question must be restricted to a matter of recent occurrence, and that if the motion fails to obtain the requisite support it cannot again be brought forward during the same session. It is clearly pointed out also that if 40 members do not rise in their places the motion cannot be admitted. Our Standing Orders provide that seven members must rise and take the responsibility of the motion and that then it is absolutely in order. For the reasons I have given, I must vote against the Speaker's ruling.

Hon. P. Collier: I am sure that every person will sympathise with you Mr. Speaker, in the difficult, and may I say embarrassing position in which you find yourself in regard to the motion this evening. I say embarrassing because you apparently have found it necessary according to the interpretation you have placed upon the Standing Orders to rule this motion out of order, whilst at the same time your own personal wish would be that the discussion should take place. You expressed your deep regret that your interpretation of the Standing Orders necessitated your ruling this matter out of order. That is a most delicate and embarrassing position in which to place the Speaker of this House, and I will suggest that in order to relieve you of that embarrassing position, the members of the Government should vote for the motion and thereby permit the discussion, which you yourself say you wish, to take place. I feel that the position has only to be put before hon. members opposite and they will realise the necessity of voting in that way, but that being the position, I am not going to take up the time of the House quoting or referring to the Standing Orders or authorities on procedure. These have already been extensively quoted, but I venture to say that never in the experience of this House has such an overwhelming volume of evidence been produced to show that your ruling is incorrect.

Mr. Carpenter: We never heard such weak attempts to defend it.

Hon. P. Collier: That is just the point I rose to discuss. The Premier in a rather laboured defence claimed that the members of the House in bringing forward this matter were wasting time on trivial matters. Here we have a declaration of the Premier that a question which involves the honour and integrity of members of the House and the House itself is a trivial matter, and is of no consequence because, since the publication of the article, it has been the subject of discussion in trams and trains. In his desperation the Premier seizes the opportunity to say that the matter is trivial and of no consequence whatever. What then is a matter of importance to this country if the fame and reputation of hon. members

and the honour of this House is not? It only shows the desperate nature of the Premier's position when he has to resort to such an argument. Then he declared that members on this side were casting mud upon the Chamber. At the same time, he is submitting and permitting the House to submit to what may rightly be referred to as the throwing of mud at it. There can only be one interpretation placed upon the ruling of the Speaker if it is carried, and it is that a vote of this House will prevent light being thrown on any matter. If there is nothing to hide, if there is a complete answer to the allegations contained in the article, why not have the matter ventilated in the House? We have reached a sorry stage in the public life of this country if the representatives of the people are to be gagged and denied the opportunity of defending their honour on the floor of the House, if they are to be denied the opportunity of discussing the matter of the first and most vital importance, not only to the House, but to the country as well. If that is the stage we have reached it is time that we shut up Parliament and look some other action. Never before has such an attempt been made to hush discussion on a matter of such importance, and in conclusion I can only appeal to hon. members to relieve you Mr. Speaker from the difficult position you are in, and meet your desire by voting for the motion to disagree with your ruling. We shall then comply with your personal wishes in having the matter ventilated on the floor of the House.

Mr. Taylor: I have listened with some concern, with a view to seeing what form the debate might take. It is indeed very pleasing to know that only two members have opposed my motion, namely the Premier and the Attorney General. I have heard the Premier in defence of his Government, I have heard him in defence of himself and his policy, inside and outside the House, I have heard him on previous occasions defending Speaker's rulings, but never before have I heard him as weak as he was to-night. Clearly, he realised his incapacity to defend the situation. Then we heard the Attorney General on a question which a legal mind above all should be able to grasp

and handle with some efficiency. Yet the hon. member failed utterly to touch even the fringe of the question. He attempted to support the ruling by reference to *Ilbert* on parliamentary practice, when, as a matter of fact, we all know that no other parliamentary authority comes in if our own Standing Orders have made provision for the contingency. In this instance our own Standing Orders have made ample provision in Nos. 47 and 47A. The Attorney General referred to other Standing Orders which have no bearing upon the present question. Only 47 and 47A deal with the question of urgency. Under those, the responsibility of deciding urgency is placed on the shoulders of seven members. It was upon those Standing Orders that I pinned my faith in submitting my motion. In accordance with those Standing Orders I carefully drafted my motion. There is nothing offensive in its language, nothing indicating that I desired to make a charge against member, Minister, or Speaker. My motion merely indicates that the fair fame of the House has been tarnished by a newspaper article published this morning. On opening the newspaper this morning I found that it was in the minds of the journalists that some intrigue had been going on, and that, as a result, the House had given a decision which was dishonest and dishonourable. My motion was framed accordingly, yet you, Sir, ruled it out of order on grounds absolutely unsound. The member for Murchison (Mr. Holman) took us back to 1903, when I moved the adjournment of the House on the score of certain utterances made by a Minister during a by-election, that Minister having promised that, if a certain Ministerial candidate were returned, a bridge or something of the sort would be built in the electorate. In those days I was but a young member of Parliament. Even in my parliamentary youth I was jealous of the privileges of Parliament, and so I submitted an urgency motion to the then Speaker, the late Sir James Lee Steere, whose memory I, in common with all other members, revere. He pointed out to me that the Standing Orders did not give him power to accept the motion, but he said to me, "Taylor, you consider it a matter of urgency that the privileges of

the House should be protected. I will submit your motion to Parliament and let Parliament take the responsibility." And Parliament allowed me to discuss the promises of a Minister that certain public money should be spent, promises which, made at an election as they were, I regarded as highly improper. Picture that as a crime against Parliament. On the present occasion I desire that light shall be thrown upon the allegations published in this morning's newspaper. But I am gagged. Is there any comparison between the two instances? None whatever. It is incredible to think that Parliament has to sit in silence because the Speaker says he thinks a motion is out of order. His actual words had something of this effect, "I feel I would like to let the hon. member move his motion, but I am blocked by the Standing Orders." No Standing Orders are blocking him. The Premier quoted an outside authority in support of the contention that my motion was out of order. None of these higher outside authorities have any jurisdiction when our own Standing Orders apply. Then the Premier tried to make out that it was so trivial a question that it should not be discussed. If the honour of hon. members and of this Chamber are not of sufficient importance to be discussed here and rehabilitated in the eyes of the people, I would like to know what is. I want to know whether members are prepared to support you, Sir, in your ruling, and so gag the people's representatives in this Chamber. If your ruling is upheld and so established as a precedent it will gag the people for all time. It is not the damage we may do to-night by preventing the light of day being turned on this subject, and interdicting the vindication of the character of hon. members, and greater than all, the honour of the House; it is not alone these considerations, but it is the precedent to be established for all time, that we should be silent, that Parliament is going to adopt the policy of hush when the leading newspaper of the State accuses Parliament of intrigue. The Press knew the probable effect of a certain action taken by this Parliament, yet it said nothing. Apparently, something has since occurred which rendered it advisable that the

Press should apologise this morning for what it did a week ago. It now urges Parliament to investigate this matter by means of a select committee. There is no need for a select committee. Such a course would only be wasting time and imposing unnecessary labours on the officers of the House. In a contingency such as this, the floor of the House is where those members whose names have been mentioned in connection with the alleged intrigue should say whether those statements are true or false. Although not personally mentioned, I, with all other members, am impeached, and I am here to defend my honour and the honour of House. But I am debarred by your ruling of my motion out of order. I am not unduly taking up the time of the House in defending the rights and privileges of Parliament, which have been handed down through hundreds of years, from times when the people's Parliament had to fight for those privileges, had to wrest power from the King. To-day it seems we are expected to place in the hands of unscrupulous Ministers and Parliamentarians power to intrigue, power to rob the people, who dare not speak. Let us realise to the full the action of hon. members who will vote against the motion. It is bringing back the tyrannies of the past, and imposing upon the people a ban of silence. That is really the position. I hope the member for Northam (Hon. J. Mitchell) will compare the position I take up to-night with that which he took up when he found the Kalgoorlie seat vacant. On that occasion he wanted to adjourn the House; but now, when his honour and the honour of all members is attacked, we find the hon. member sitting silent. I hope the House will not deal with this question on party lines. I hope they will analyse the situation and see if they can justify themselves in handing over a power that will gag Parliament, and prevent the light of day from being shed on these alleged intrigues, which took place outside of Parliament, but which influenced Parliament to take an action which Parliament might well have shuddered at. I hope the motion will be carried.

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

Ayes	..	..	..	20
Noes	..	..	..	21

Majority against .. 1

AYES.

Mr. Angwin	Mr. Munale
Mr. Carpenter	Mr. Scaddan
Mr. Cbesson	Mr. Taylor
Mr. Collier	Mr. Thomas
Mr. Foley	Mr. Troy
Mr. Green	Mr. Underwood
Mr. Holman	Mr. Walker
Mr. Hudson	Mr. A. A. Wilson
Mr. W. D. Johnson	Mr. O'Loughlin
Mr. Lambert	(Teller.)
Mr. Mullaury	

NOES.

Mr. Allen	Mr. Plesse
Mr. Butcher	Mr. Robinson
Mr. Connolly	Mr. Smith
Mr. Cunningham	Mr. S. Stubbs
Mr. George	Mr. Thomson
Mr. Griffiths	Mr. Verryard
Mr. Harrison	Mr. Wansbrough
Mr. Hickmott	Mr. Willmott
Mr. Lefroy	Mr. F. Wilson
Mr. Mitchell	Mr. Hardwick
Mr. Nairn	(Teller.)

Motion thus negatived.

PRIVILEGE—ARTICLE IN THE WEST AUSTRALIAN.

The Speaker's Election.

Hon. T. WALKER (Kanowna) [9.19]: It will be within your recollection, Mr. Speaker, that during the process of the debate just concluded I gave an indication to you that it was my intention to move in a matter of privilege. Standing Order 139 reads—

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 or publisher, and also submit a substantive motion declaring the person in question to have been guilty of contempt.

Under that Standing Order I draw the attention of the House to an

issue of the *West Australian* published to-day, and I intend to move a substantive motion declaring the publisher, whose name is Samuel Thomas Williams, guilty of contempt. He is the publisher of this paper, and I shall produce a copy of the paper and place the House in knowledge of its contents. The article is distinctly a breach of privilege, to which I desire to draw your attention and the attention of the House. The article is headed—"The Speaker's Appointment—Astonishing allegations—Reported extraordinary intriguing." The whole article, attacking the character and evidencing contemptuous treatment of the officers and members of this House, I shall read in full. The article says—

Astonishing allegations are being made in political circles concerning the manner in which Mr. E. B. Johnston received the support of the Ministerial party for the Speakership. The statements, which we have gathered from various sources, if true, are of a character which seriously reflect upon the political rectitude of some members of Parliament, and will give a very painful impression generally to the public. It is not asserting too much to say that the nomination and selection of Mr. Johnston as Speaker came as a complete surprise to the public. Hardly any uninterested person would have given his chances a thought. The information first available satisfied many, however, that his appointment was the most natural thing in the world. The Government had approached other members; these had refused to submit themselves for nomination; and, as a resource, the one independent member in the House was requested to allow himself to be nominated. Thus far, the appointment was made in circumstances which earned it a guarded approval. It may be that these are the true circumstances of Mr. Johnston's selection; and that the statements now being circulated do an injustice to more than one member of Parliament, including Mr. Johnston. Briefly, it is now alleged that the member for Williams-Narrogin made his elevation to the Speaker's chair a condition on the Government's es-

cape from defeat on the no-confidence motion. It has not been advanced, so far as can be gathered, that the Government or the Ministerial party as a whole, were cognisant of Mr. Johnston's reported determination to secure the Speakership, failing which he would oust the Government. When Mr. Scaddan moved his vote of no-confidence the Assembly adjourned, and the Premier called a meeting of his supporters. It had been published in the *West Australian*, prior to the submission of the censure motion, that the Labour party was considering the advisableness of "pulling out" from the Speaker's chair Mr. Troy. At the Ministerial party meeting, held subsequently to the adjournment, Mr. Wilson suggested to his supporters the possibility that they would have to provide a Speaker. Members agreeing that it would be well to be prepared for the contingency, left it to the Premier and Mr. Willmott to submit a candidate as the party's nominee for the post. Mr. Troy, it is said, was asked by the Premier as to his intentions. The late Speaker did not give a decisive answer. His mind was not made up. He is understood, however, to have assured Mr. Wilson that he would give him 24 hours' notice of what he (Mr. Troy) intended to do. The Premier, it is believed, was informed on Monday afternoon that Mr. Troy intended to resign. What determined Mr. Troy's resignation? The late Speaker will probably answer this for himself. But there are certain allegations which, if true, may assist the public to a conclusion. Mr. E. B. Johnston's attitude was uncertain. This much the public knows, and it has Mr. Johnston to thank for its knowledge. That gentleman was interviewed by a *West Australian* reporter, and the following contains the salient points of the interview:—"You are nominally on the side of the Government?" the reporter asked, and the reply was in the affirmative. "And would it be safe to say that your support will be given to that side?" The laconic reply was, "It would not be safe to say anything." Therefore, on his own showing, Mr. Johnston might have voted against the Gov-

ernment. It is alleged that the member for Williams-Narrogin approached a Labour member, Mr. Green, and submitted to him an amendment to the censure motion, which, though an amendment, would, if carried, have ensured the Government's resignation. It is said that Mr. Johnston informed Mr. Green that it was his intention to move this amendment, and sought the Labour party's support to it. The member for Kalgoorlie, so the allegations go, informed his party. Mr. Troy it is stated, knew that it was alleged that Mr. Johnston intended to move an amendment to the censure motion, which, if carried, would have defeated the Government. But Mr. Troy in the Speaker's chair, the Labour party (20 on the floor of the House) and Mr. Johnston could not have carried the day against the 22 Ministerialists. To defeat the Government the latter would have to be deprived of a vote—Mr. Johnston's, it is alleged—would have to supply a Speaker, and Mr. Troy would be essential for the Labour party in a division. The position would then be:—Labour party, on the floor of the House, 21, plus Mr. Johnston, that is 22 in the critical division; Ministerialists, one member in the Speaker's chair, and 21 on the floor for a division. Certain defeat for the Government if Mr. Johnston carried out his alleged intention, and Mr. Troy vacated the Speakership. We know, of course, that Mr. Troy resigned. His resignation as events have turned out, has served no party purpose. Mr. Troy has lost a post of dignity, and one to which satisfactory emoluments are attached, and his party is not a whit benefited thereby. Why did he resign, unless he was convinced that by his vote, and a vote drawn from the Ministerial side, the Government's days were numbered. Enter other figures into the marvellous allegations. It is said that Mr. Sydney Stubbs was at the Commercial Travellers' Club about 3 o'clock in the afternoon last Tuesday week—an hour and a half preceding the meeting of the Assembly at which Mr. Johnston was made Speaker. It is alleged that he was called up on the telephone from Parliament House by Mr. W. J. Butcher—an uncle of Mr. E.

B. Johnston—who, it is said, desired to speak to the member for Wagin on a matter of urgency. Mr. Stubbs, so it is reported, replied that he was going to the House at once. Mr. Butcher, however, it is stated, preferred to see Mr. Stubbs at the club. There Mr. Stubbs awaited him. It is alleged that when Mr. Butcher, as reputed, saw Mr. Stubbs he broke the matter of the interview by referring to "that nephew of mine, Bertie Johnston," who, as Mr. Butcher is declared to have stated to Mr. Stubbs, had it in his power to make things awkward for the Government. Mr. Butcher is said to have remarked that the best thing which could be done would be to make Mr. Johnston Speaker, and put him out of the way of annoying the Government. Mr. Stubbs is reported to have resented the suggestion, and to have declined to give an assent to it. The scene changes now to a Ministerial party meeting held immediately before Parliament opened on the Tuesday afternoon, and only minutes after Mr. Butcher and Mr. Stubbs are alleged to have discussed the advisableness of promoting Mr. Johnston out of harm's way to the Speakership. At this meeting the Premier, it is said, submitted the name of Mr. Johnston as the gentleman who should be the party's nominee as Speaker. It must not be forgotten, however, that it is reported on good grounds that other gentlemen had been solicited to accept the nomination. On Mr. Johnston's name being proposed Mr. Stubbs is stated to have informed the party of the nature of his reputed interview with Mr. Butcher during the preceding hour. Mr. Butcher, so runs report, gave an emphatic denial to Mr. Stubbs's allegations. The member for Katanning (Mr. A. Thomson) then, it is asserted, affirmed that Mr. Stubbs's statement was correct, and he (Mr. Thomson) would later have to request that he should be released from a promise of secrecy he had given in connection with the matter. Mr. Butcher, inconsequentially, it would appear, in view of his alleged denial of Mr. Stubbs's assertions, said that his conversation with the latter gentleman was confidential. At about this stage Mr.

Stubbs left the party gathering. Mr. McCallum Smith then, it is reported, asked the Premier whether it was true that Mr. Johnston had been bought. The Premier denied that this was so. On this assurance, the bells of the House ringing, the party accepted Mr. Johnston, who was duly elected Speaker. Mr. Stubbs refused, it is said, to enter the Assembly and submit his name, as his election would have been secured only by the humiliation of the Government and the defeat of its nominee.

That is in the news matter. It is not regarded by the paper, or by the editor as mere gossip, as mere rumour, it is referred to as news and it is published, therefore, ostensibly for the information and not the delusion of the public. And it emphasises this, as few Parliamentary articles of that kind are emphasised by this newspaper, by having the upper space of its leading column taken up by a very trenchant article dealing with the matter. The article in question is as follows—

The Speaker's Appointment—The allegations contained in our news columns concerning the appointment of Mr. E. B. Johnston—

Observe, "in our news column?"—

To the Speakership call for the most searching investigation that the truth or otherwise of them may be established. It will be hoped, no less for the fair fame of Parliament as a whole than for some members of the Assembly, that the statements will be found, after a proper inquiry, to be baseless. If it should prove that they are well-founded, the qualified approval accorded the appointment will need to be revised. A picture of trafficking in the honours of Parliament is exhibited in the allegations, which, if shown to be anything like a faithful representation of what occurred, solicits the severest condemnation of the persons who were a party to it. The House, by the appointment of a Select Committee to investigate the assertions, should be able quickly to arrive at a true estimate of their value. Until they have been submitted to a thorough examination, however, judgment should be suspended.

This House has never in its history had an attack made upon it like that. If these allegations made in this paper be true, or anything near the truth, certain officers and certain members of the Chamber ought to be out of it for ever. It is an accusation of trafficking in the highest post that this land has to offer in the way of honour to its citizens. It is a buying and selling of the first gentleman in the land. It is a question of degrading the post of the first commoner in the land to a common sale in a secret mart. Rightly, the editorial says if this be true, the decision of the House should be reviewed with the consequences attached to the revision. I say if these charges are not true that the publisher of that article and everybody concerned in its dissemination to the public deserve, not mere resentment and condemnation, but actual penal affliction. They deserve to be put amongst defamers of the worst kind, they deserve incarceration. I can scarcely think, Mr. Speaker, that there is not something in the way of foundation for this, because I cannot bring myself to believe that any mortal living would have the temerity to insert an article of that kind unless there was some substance behind. Nor can I credit that a newspaper of the standing of the *West Australian*, the leading paper in the State, would lend its columns to the publication of an article of that kind without first having satisfied itself that there was something at least to go upon.

Mr. Green: There is a portion of it which I can vouch for.

Hon. T. WALKER: If they have without foundation, without any substance, by mere invention, without any looking at the facts or testing them, by the credulity of witnesses, published an article of that kind, no punishment is too severe. It may be a small matter as the public mind is now situated. It may be a small matter to libel or slander, or to belittle any ordinary member of this House, but it is another thing to libel the chief officer of this Chamber, and to go behind that officer and libel this institution. You know, Sir, and every member of this House knows there is no post more honoured, and that

there is no post more respected and which hon. members more desire to reach, than that of the Speakership of this House. It is a post bestowed upon men of ability, men of character, men of an impartial turn of mind, men who have won the respect of both sides of the House, and can hold the balance fairly and maintain by their conduct and ability the privileges of this institution, and uphold its honour and dignity. To besmirch that post is to besmirch the whole of Parliament. It affects every member of this Chamber. By virtue of their position as members of Parliament, every member once elected to this Chamber is called "the hon. member." He is the hon. member for so-and-so, but if these allegations are true where does the word honourable come in? Could it make this Chamber more contemptible than to have these offences alleged against members of this Chamber, including Mr. Speaker, and could they go further to drag the whole of this institution into the mire? Never let a member hold up his head again if these facts be true. The contempt and contumely, the insults and reproaches of the general public would be too light a penalty to inflict upon this House if these statements are correct. If they are not correct there is no crime against the very heart of government, and organised society, more diabolical and low down than the publication of this article. We must find out either the truth or the falsehood of this statement, and I say we should do this without delay. All other business of the House and all other matters affecting either administration or legislation should be dropped until we have brought the culprits, whether they are members of this Chamber or outside of it, to book. We cannot go on indifferently with a stigma like this upon the House. We cannot ignore charges of that kind.

Member: We should all go to the country.

Hon. T. WALKER: Even that would not settle it. Merely asking the people by their individual votes to whitewash or condemn is not the test. The public want to know for all time whether such things are possible in this enlightened age and in this progressive State. Talk about Tammany and graft! Talk about the corruption that exists in other parts of the world! Can there be any-

thing more glaring than the allegations made here? If these things can take place, then sound, honest legislation is impossible, and the conduct of the affairs of this country is in the hands of—I was going to say—frauds and swindlers and traffickers in the people's rights, and not at all in the hands of honourable men. This House has no right to live another day if these statements are true. How are we to investigate them? I submit that the burden of proof will rest upon the publisher of the newspaper; that is to say, the editor. He should be able to bring forward witnesses, to disclose whence he got this information, to put the parties accused by the journal on their legitimate defence, and to give those who bring the charges a chance to substantiate them. It is for that reason I am moving my motion to-night. We are to adjudge the publisher guilty of contempt. This having been done by us, it is then within the province of the leader of the House, the Premier himself, to propose some means of testing the matter further. A mere resolution of contempt would allow the matter to drop and no more done. It is necessary to carry the matter further. The guilty parties—whether they be members of this House or occupants of any chair or office, or whether they be the members of the Press and the editor who have lent credit to the allegations, not only by publishing the news article but by a leading article—should be brought to book. I do not need to labour the question further. The gravity of the subject, the seriousness of it, cannot be waved aside as mere rumour or mere newspaper tittle-tattle. The charge is the most serious that has ever been brought against the public life of Western Australia. It inculcates him who holds the highest office in this House and the Government of the country as well as private members. If the charge is proved, then every member should be ashamed of belonging to this institution at this juncture, unless he is prepared to sift the charge to the uttermost. I move—

That the publisher of the "West Australian" newspaper, Samuel Thomas Williams, in publishing an article in its issue of the 22nd February, 1917, under the head lines "The Speaker's Appointment—

Astonishing Allegations—Reported Extraordinary Intriguing,” is guilty of contempt.

Hon. W. C. ANGWIN (North-East Fremantle) [9.51]: I second the motion.

Mr. SPEAKER: I would ask the mover to send up to me the newspaper.

The PREMIER (Hon Frank Wilson—Sussex) [9.53]: I have had an opportunity of carefully reading the article which appeared in the *West Australian* of this morning. I have listened carefully to the speech which the member for Kanowna made in connection with this publication. I agree with him that the writer of this article has been guilty of contempt of this House. I wish we could get hold of the writer instead of the publisher.

Hon. P. Collier: It is the only way you can get him.

Hon. J. Scaddan: You can get him privately.

The PREMIER: I do not wish at this juncture to enter into the pros and cons of the offence which is apparent in the article under discussion, but merely to state that I have decided to accept the motion moved by the member for Kanowna, and then to take into consideration what further steps are necessary to vindicate the honour of this Chamber.

Hon. J. Scaddan: Hear, hear!

Hon. W. D. Johnson: If you had done that this afternoon, you would have saved a lot of trouble.

The PREMIER: We could not do it this afternoon.

Question put and passed.

QUESTION—RAILWAY ROLLING STOCK CONTRACT.

Hon. W. D. JOHNSON asked the Minister for Railways: 1, Whether it is true that a contract for the construction of certain rolling stock has been let to the Westralian Ironworks Company at Rocky Bay? 2, If so, were public tenders called, or is this another secret contract? 3, What is the nature of the contract, if any? 4, What is the contract price? 5, When is the work to be completed?

The HONORARY MINISTER, for the Minister for Railways, replied: 1, No. 2, 3, 4 and 5, Answered by No. 1.

QUESTION — JUSTICES' ATTENDANCES AT CITY POLICE COURT.

Mr. SMITH asked the Attorney General: 1, Has any roster been prepared for the attendance of honorary magistrates at the City Police Court? 2, If so, who were the magistrates down for attendance on Saturday, the 17th February, whose neglect of duty caused inconvenience to all having business in Court that morning?

The ATTORNEY GENERAL replied: 1, A roster is only prepared and used where the Stipendiary Magistrate is not available owing to duty elsewhere. 2, No roster was prepared for Saturday, 17th February. When it was ascertained on the morning in question that the police magistrate would be absent, the services of Messrs. Penner and Williams were obtained. This caused a slight delay. On Mr. Williams' arrival, it was ascertained that he was interested in one of the cases before the court, and could not, therefore, sit; and after a further short delay Mr. P. Hunt's services were secured.

QUESTION—SHEEP PURCHASED FOR YANDANOOKA.

Mr. SMITH asked the Minister for Agriculture: 1, What number of sheep were purchased by the late Government in the far North during last season, and how many were delivered at Yandanooka? 2, Is it correct that the contract price paid by the Government for droving was 2s. 10d. per head, and that the contractor sub-let his contract at 2s. per head? 3, What steps did the Government take to see that the sheep were placed in the hands of a competent drover?

The MINISTER FOR AGRICULTURE replied: 1, 8,600 were purchased; 3,974 delivered. 2, The price paid to Clarkson Bros. was 2s. 10½d. per head for those delivered at Yandanooka. The Government have no knowledge of a sub-let contract. 3, The officer in charge of stock purchase had had

droving contracts with Clarkson Bros. for three years and had found them very satisfactory.

MOTION—WANT OF CONFIDENCE IN THE GOVERNMENT.

Order read for the resumption of the debate on the motion by the Hon. J. Scaddan "That the Government do not possess the confidence of the country, because of their action in introducing during the time of war purely party measures to the exclusion of more urgent and important legislation affecting our national welfare, their incapacity in the handling of the public finances, their general lack of initiative and ability in the administration of the affairs of the State, and their abandonment of the principles of responsible government."

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

Ayes	..	..	..	20
Noes	..	..	..	21

Majority against .. 1

AYES.

Mr. Angwin	Mr. Munsie
Mr. Carpenter	Mr. Scaddan
Mr. Chesson	Mr. Taylor
Mr. Collier	Mr. Thomas
Mr. Foley	Mr. Troy
Mr. Green	Mr. Underwood
Mr. Holman	Mr. Walker
Mr. Hudson	Mr. A. A. Wilson
Mr. W. D. Johnson	Mr. O'Loughlen
Mr. Lambert	(Teller.)
Mr. Mullany	

NOES.

Mr. Allen	Mr. Piesse
Mr. Butcher	Mr. Robinson
Mr. Connolly	Mr. Smith
Mr. Cunningham	Mr. S. Stubbs
Mr. George	Mr. Thomson
Mr. Griffiths	Mr. Veryard
Mr. Harrison	Mr. Wansbrough
Mr. Hickmott	Mr. Willmott
Mr. Lefroy	Mr. F. Wilson
Mr. Mitchell	Mr. Hardwick
Mr. Nairn	(Teller.)

Question thus negatived.

BILL.—INDUSTRIES ASSISTANCE ACT AMENDMENT.

Read a third time and transmitted to the Legislative Council.

BILL—STATE TRADING CONCERNS (No. 2).

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [10,2]:
I move—

That the reports of Committee be adopted.

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

Ayes	..	..	..	21
Noes	..	..	..	20

Majority for .. 1

AYES.

Mr. Allen	Mr. Piesse
Mr. Butcher	Mr. Robinson
Mr. Connolly	Mr. Smith
Mr. Cunningham	Mr. S. Stubbs
Mr. George	Mr. Thomson
Mr. Griffiths	Mr. Veryard
Mr. Harrison	Mr. Wansbrough
Mr. Hickmott	Mr. Willmott
Mr. Lefroy	Mr. F. Wilson
Mr. Mitchell	Mr. Hardwick
Mr. Nairn	(Teller.)

NOES.

Mr. Angwin	Mr. Mullany
Mr. Carpenter	Mr. Munsie
Mr. Chesson	Mr. Scaddan
Mr. Collier	Mr. Taylor
Mr. Foley	Mr. Thomas
Mr. Green	Mr. Troy
Mr. Holman	Mr. Underwood
Mr. Hudson	Mr. Walker
Mr. W. D. Johnson	Mr. A. A. Wilson
Mr. Lambert	Mr. O'Loughlen
	(Teller.)

Question thus passed; the reports adopted.

House adjourned at 10.13 p.m.