

Legislative Assembly,

Thursday, 28th October, 1909

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

URGENCY MOTION—STATE BATTERY CHARGES.

Mr. TROY: I desire to move the adjournment of the House.

Mr. SPEAKER: I have already refused the hon. member the opportunity to do so because I considered the subject is not a matter of urgency.

Mr. BATH: But is not that a question for the House? If seven members rise in their places does not that decide the point?

Mr. SPEAKER: No; if I consider it a matter of urgency I submit it to the House; then if seven members rise in their places the hon. member may proceed.

Mr. BATH: But this is a question upon which there will be absolutely no other opportunity of voicing an opinion. The regulations to which the hon. member wishes to refer will come into force on November 1st, which is Monday next, and the House will not be sitting again till Tuesday.

The Minister for Mines: The matter has been within the knowledge of the hon. member since the 20th of this month.

Mr. BATH: I know that the Minister for Mines has been stringing these people on for a long time without giving any satisfaction. If they are to have any satisfaction at all, this is the only opportunity the hon. member will have of ventilating the matter.

Mr. SPEAKER: The House does not even know what the matter is.

Mr. WALKER: What is the object of seven members standing up if it is not to attest the urgency? The test is in the seven.

Mr. SPEAKER: Let me read Standing Order 47A, which is as follows:—

"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 places to support it, the motion shall be proceeded with."

Mr. WALKER: Your power is in regard to order, to decide whether the matter is in order, not whether it is urgent.

Mr. SPEAKER: Let me read Standing Order 47, which is as follows:—

"The motion that the House be now adjourned for the purpose of debating some matter of urgency can only be made after petitions have been presented, and notices of questions and motions given, and before the business of the day is proceeded with; but only the matter in respect of which such motion is made can be debated, and not more than one such motion may be made upon the same day."

Of course I have the right to say whether it is an urgent motion.

Mr. TROY: I have already given you the notice conveying my intention to move the adjournment of the House.

Mr. SPEAKER: If I can facilitate the business of the House I shall do so by reading the following paragraph from Ilbert's *Manual of Procedure*:—

"The Speaker does not allow the motion to be made if in his opinion it is not definite, or the matter is not important or not urgent."

The notice I received was in respect to the proposed increase of public battery charges, to take effect from the 1st November. That the matter has been before the public for a little time I know for a fact of my own knowledge, having seen the matter in the Press for several days past—I have here a clipping from the Press on the subject—and if it were an urgent matter notice could have been given long ago; so that I hold that it is not urgent, and therefore, not in order to come before the House.

Dissent from Ruling.

Mr. TROY: It has been said that this matter has been in the public Press for some time, and you refer to telegrams which appeared in the Press. I want to know did not the Minister for Mines furnish you with that information?

Mr. SPEAKER: Yes, he did.

Mr. TROY: I want to say that the Minister for Mines promised the member for Murchison and myself, personally, that we would have an opportunity of discussing with him these charges before they came into effect. Now, the Minister for Mines has ignored the member for Murchison and myself, and has broken his word to us. I do not follow his lead, for to-day I gave him notice that I was going to move the adjournment, and he has taken this action to prevent me having a hearing. However, I am going to move that your ruling be disagreed with; otherwise we will have no opportunity of discussing matters of importance to the State. I have known matters discussed in the House of very trivial importance. The late member for York once discussed the question of a spark flying into his farm, and he got a hearing.

Mr. SPEAKER: Is the hon. member disagreeing with my ruling?

Mr. TROY: Yes, I move—

That your ruling be disagreed with.

Mr. SPEAKER: Please give notice in the ordinary way in writing.

Mr. HOLMAN: I would like to get some information on this question. We are guided by certain Standing Orders. I have read through these Standing Orders, and in my opinion, if a question is submitted in writing in the usual form a member has the right to have that placed before the House without Mr. Speaker expressing an opinion on it at all. On the face of it, it would make Mr. Speaker paramount above all the members of the House, and although all the members might consider it a matter of urgency, if Mr. Speaker thinks it is not so he by refusing to put it to the House can prevent the question being debated. I would like to know what Standing Order is to be taken when we have a question of urgency to bring before the House. I

have heard the authority quoted by Mr. Speaker, and I have read the Standing Orders, and in my opinion we should have the right to move on a matter of urgency, provided seven members think it is of sufficient urgency.

Mr. SPEAKER: The object of that Standing Order was to give the power into the hands of the House which it never possessed before, if the matter were placed before the House as an urgent matter—that is, if I placed it before the House. This was submitted to me in the ordinary course, and I certainly believe it is not an urgent matter. The matter has been before the public for weeks past. I am here to conduct the business of the House, and in refusing this motion this afternoon I am acting in the interests of the House and of the country too.

The PREMIER: I think members must recognise that this is a question absolutely at the discretion of Mr. Speaker.

Mr. Scaddan: Then it is time we closed up shop.

The PREMIER: The idea of seven members rising is to confirm the decision of Mr. Speaker—

Mr. Walker: No.

The PREMIER: To confirm the decision of Mr. Speaker that it was a matter of urgency. What would the position be if the interpretation suggested was the right one? Seven members could get up every afternoon and block all the business of the country. Is that not so? Seven members would then decide that it was a matter of urgency.

Mr. Holman: And now one decides it.

The PREMIER: Mr. Speaker has the discretionary power, and the seven members rise to confirm his decision. If the seven members did not rise the matter could not be debated, and it would not be considered a question of urgency. That is my reading of it.

Mr. TROY: I would not have risen to disagree with Mr. Speaker's ruling were it not for the fact that if this matter is not discussed to-day there will be no possibility of securing an expression of opinion upon it before the new charges

come into operation on the first of next month. I have been compelled to take this course of action owing to the Minister procrastinating in regard to these charges.

Mr. SPEAKER: The member is wandering from the question, which is as to the disagreement with my ruling.

Mr. TROY: Although Mr. Speaker has said this matter has appeared in the Press, and the information has been supplied by the Minister, I want to say that I have here requisitions from all the Murchison districts, which did not arrive until yesterday and this morning, as to the charges; they are signed by hundreds of prospectors. I have had no opportunity of having these grievances ventilated, and the only chance open to me is to bring them up to-day.

Mr. SPEAKER: The member is wandering from the point, which is as to my ruling.

Mr. BATH: On a point of order. The member in taking the point has done so because the Speaker says it is not a question of urgency. In support of his decision the Speaker said the matter had been discussed in the Press, and that opportunities had been given to bring it forward. How then is the member for Mount Magnet to debate the question of urgency unless he can refute the statement that an opportunity has been given during these weeks past to discuss the question. The member, in order to show the question to be one of urgency, has urged that the matter has been shelved, and that there has been no opportunity of securing finality until this afternoon. He is surely strictly in order in replying to the Speaker's statement that there have been weeks during which the member might have brought the matter forward.

Mr. SPEAKER: The question before the House is as to the ruling I gave. I ruled that the motion was not in order as it was not urgent.

Mr. Bolton: The member is showing that it is.

Mr. SPEAKER: The point before the House is that the member has taken exception to that ruling. It is not a ques-

tion of the reason that actuated me to give that decision, and the member has no right to discuss such reason.

Mr. TROY: You are preventing me from endeavouring to show that the motion is urgent.

Mr. SPEAKER: Your point is that I have not the power to refuse this motion of urgency.

Mr. TROY: Mr. Speaker has given his ruling that it is not a question of urgency, and I disagree with that owing to the reasons he gave for his decision. I have here hundreds of signatures of prospectors, who demand that the question shall be dealt with at once. I have no other opportunity to voice the grievance and the injustice which is being done to my constituents and prospectors generally, other than to bring forward the matter as an urgency motion.

Mr. Holman: If the Minister had an election coming on he would promise another reduction.

Mr. George: Let the man speak.

Mr. Holman: Oh, shut up.

Mr. SPEAKER: Order.

Mr. TROY: This would not be a matter of urgency if the Minister were a person who could be trusted in this respect and his word could be taken. I have pointed out that already the Minister has taken advantage of me in regard to these matters. I have been decent and manly towards him and gave him an opportunity—

Mr. Underwood: It was wasted, and that is where you made the mistake.

Mr. TROY: I will make it again, for I prefer to be a man always than to be the other thing. If this is not a question of urgency, when the bread and butter of thousands of the best men in the State are concerned, what is a question of urgency.

Mr. Underwood: What Mr. Speaker thinks.

Mr. TROY: If unfair and unjust charges do not comprise a question of urgency, especially when they take the bread and butter out of the mouths of the wives and families of men, what matter is urgent? This is not a case of one man, it is a case of thousands of

prospectors, and this is the only opportunity I shall have of discussing their grievances. I regret that Mr. Speaker does not consider this a question of urgency. I can point out hundreds of such motions, but not of nearly such importance, which have been brought forward in the State at various times. They were taken as questions of urgency and were fully discussed. There are numberless instances in the *Blue Book*, and one of them referred to a man's own well-being. I do not want to discuss my well-being, but to discuss the bread and butter of hundred of prospectors, who have asked me to appear on their behalf.

Mr. WALKER: I think it will be recollected that when this Standing Order was adopted by the House the whole question discussed was as to Mr. Speaker's power. This question was discussed in the House on the 19th September, 1906, and on that occasion I said—

"Of course it is satisfactory to see an improvement in this direction; but I venture respectfully to differ somewhat as to the number that should be necessary to rise on a motion of this kind. Just look at the history of this motion. Originally any member at any time could rise in his place to move the adjournment of the House. (Interjection by the Premier.) I am speaking of the olden times. The modifications as to numbers have been matters dealt with in the local Parliaments. The numbers differ in different places. The rule originally gave every man the right when any matter of urgency cropped up to move the adjournment at any stage of the proceedings; and that privilege was abused. Adjournment of the House could originally be moved time after time; as soon as the motion for adjournment had been disposed of another could be moved; and so the system was used and could be used as a means of obstruction. To limit that, regulations were made. The House of Commons regulation is a sample of that sort, and this is another of the kind. In New South Wales—where I may say it was considered somewhat drastic and severe—the number was

four, and I submit that four would be quite enough here. Remember what the original rights were. They appertained to every individual member of the Assembly. Every man had a right at one time. If in future four members can be got to testify that a motion is a matter of urgency, and one that should be discussed, and if furthermore we limit motions of that kind to one in any particular sitting, there can be no danger coming from it."

I am now showing what the sense of the House was at that time. As to this word "urgency" Mr. Illingworth, who certainly could not be sneered at as an authority, said—

"I discussed the matter on that occasion and suggested that the number should be seven, for the reasons that have been already named by the member for Kanowna. I think that after appointing a committee to consider the question, we should do well to accept its decision, which was to recommend that seven should be the number. If a matter were sufficiently urgent, I think it would be easy for a member to get the support of seven to bring the question before the House. All that is necessary is to convince a certain number of members, seven at any rate, that the matter is sufficiently urgent to warrant the time of the House being occupied."

This was when we were adopting the Standing Orders, and the number seven was fixed to decide the urgency. I pointed it out personally, and here is Mr. Illingworth, by no means a mean authority on a matter of this kind, who also spoke regarding it. I refer, Mr. Speaker, specially to these words of Mr. Illingworth, "All that is necessary is to convince a certain number of members, seven, at any rate, that the matter is sufficiently urgent to warrant the time of the House being occupied." At that time Mr. Illingworth was Chairman of Committees, and had been a Speaker of this House. His expression of opinion, worded as I have read it, was given by him on this Standing Order. The whole debate was as to the number of members, and whether we should have four or more. I suggested

that there should be four members, but the Standing Orders Committee recommended seven. The whole debate was whether there should be four or seven. For what? To decide a question of urgency. That was the purpose of it, and there was no other purpose. I want to draw the Speaker's attention to the extract he has read, in support of his ruling, from page 64 of the *Manual of Procedure*. The words are—

"He then hands a written statement of the matter proposed to be discussed to the Speaker, who, if he thinks it in order, reads it out and asks whether the member has the leave of the House. If objection is taken, the Speaker requests those members who support the motion to rise in their places, and if more than 40 members rise accordingly, the Speaker calls upon the member who has asked for the leave."

That does not support Mr. Speaker one iota.

Mr. SPEAKER: Will the hon. member read page 66?

Mr. WALKER: I have read the rule as to the procedure of the House.

Mr. SPEAKER: I will again read what I have already quoted: "The Speaker does not allow the motion to be made if in his opinion it is not definite or the matter is not important or urgent. In doubtful cases the questions of urgency and of importance are left for the House to decide by giving or withholding its approval."

Mr. WALKER: Neither does that help you, Mr. Speaker, one iota. If it is clear from your reading that the matter is not relevant nor has any quality of order about it, you can refuse to entertain the motion. It is within your province to do that, but the moment there is a doubt as to urgency, a duty is cast upon you. If an hon. member believes a matter to be urgent, you have to consult the House, and that is the object of the Standing Order providing for seven members rising. If it were left to the Speaker, in every instance the possibility is that it would not strike him as being urgent. The Speaker might always think it could wait until to-mor-

row. The Standing Orders provide in a case of that kind that the House shall be consulted, and that if seven members can be found to support the person desiring to move the motion for adjournment it shall be proceeded with. You, Mr. Speaker, have no other province as Chairman of this Assembly but to decide whether the thing is in order; that is to say, whether it is couched in proper language, and whether it comes within the province of this Assembly to discuss it, or where we might have a motion of urgency dealing with another chamber. There are certain things we cannot discuss in this Assembly, and these are among them. You would immediately rule such matters out of order, and you would be supported for doing so; but when the question is one of urgency, by our Standing Orders, you are not the tribunal; it is left to the House to decide that question, and it is for that reason that we have our Standing Orders. Read Standing Order 47, which says that—

"The motion 'that the House do now adjourn for the purpose of debating some matter of urgency' can only be made if the petitions have been presented and notices of question and motions given, and before the business of the day is proceeded with: but only the matter in respect of which such motion was made can be debated, and not more than one such motion may be made upon the same day."

Now 47A reads—

"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 places to support it, the motion shall be proceeded with."

There is no possibility of any option, and you cannot go out of your province to decide what is left to seven members of the House to decide; otherwise I ask, what is the use of having seven members if you are to decide that the question is urgent? Is not that sufficient? The seven members, what are they for? They

are purely for that specific object, to decide the urgency of it, and that object was clearly conceived when the matter was debated and the Standing Order adopted. Mr. Illingworth said that all that was necessary was to have a certain number of members, seven at any rate, to say that the matter was sufficiently urgent to warrant the time of the House being occupied. Others at the same time spoke on the matter, and the whole of the debate was on that one point, and the Treasurer in speaking on this subject admitted, too, that the object was to decide urgency. I might read from *Hansard* what he said—

"The member for Kanowna stated quite truly that the object of restricting motions for the adjournment of the House was to prevent obstruction. But there is still a danger of obstruction. If the number of members required to support the motion for leave be too small, it is reasonable to suppose that anyone wishing to obstruct will be able to induce that small number to join him in his efforts; and notwithstanding that only one motion of that sort can be moved at one sitting, yet if the mover secured the support of three or four members with a gift of speech like that possessed by the member for Kanowna and other members in Opposition, they could practically monopolise the whole evening with a motion for the adjournment of the House. I think that in the circumstances the committee have done their work well; they have made a suggestion which will do much to liberalise the Standing Order relating to motions for adjournment; and the number seven seems quite reasonable to me. I think that the House will do well to adopt the motion; and if the new rule does not work well it can be altered in the future."

That was what the Treasurer said on that occasion. The Premier at that time said—

"I would like to remind the hon. member that the number necessary in the House of Commons is, I understand, 40, which at the same time is a quorum of the House; whereas in

our House a quorum consists of 17, so that practically 40 per cent. is a quorum." Mr. Walker interjected: "The motion in the House of Commons was passed under terrible excitement, at the time of the Irish obstructionists," and the Premier continued: "I think the hon. member will realise that if a man has a reasonable case, seven members will be only too glad to give the opportunity to bring the matter before the House."

That is what the Premier said when this matter was debated. If a man has a reasonable case, seven members will be only too glad to give him the opportunity to bring the matter before the House. Mr. Rath interjected in the course of that debate that they were not very willing in the case of the motion which was brought up for discussion, and the Premier replied "We authorised the Standing Orders Committee to make a report and recommendation in connection with this matter, and I therefore feel bound to support their recommendation." The whole tone of the debate was to show that the question of urgency was left to members, and the debate was whether the number should be four or seven, and it was resolved eventually to adopt seven for the purpose of giving greater protection to the question of urgency. In these circumstances, Mr. Speaker, you are abrogating to yourself a power not conferred upon you either by custom or the Standing Orders. You may quote page after page, but you cannot go outside the Standing Orders. If the House of Commons has a practice different from ours it cannot bind us when we have our own Standing Orders regulating the matter. These Standing Orders must be interpreted too as if they were passed, that is to say the meaning must be given to them that members had when they voted for them. No other meaning can be employed than I have stated. I submit that the only time that we can refer to the House of Commons is when a question arises which has not been provided for by our Standing Orders; then we can have recourse to the procedure of the House of Commons. But where our proceedings are laid down clearly for us in definitely printed Stand-

ing Orders, we cannot go outside of them: we are bound by them absolutely, and neither member nor Speaker can alter those Standing Orders to suit the occasion or serve a purpose; he is bound absolutely by what is contained in them, and the Standing Orders in this particular instance give you only power to exercise a discretion, and that is on the question of order; that is the only discretion that you have, and when you have exercised that discretion, if in every respect the motion is in order, if it is respectfully worded and does not deal with questions we are not concerned with, and keeps within the provisions of the Legislative Assembly, then you are bound to put it to the House, and if there be seven members rising in their places to support that motion, then the motion shall be proceeded with. There is no power to stop it, I mean no legal authority by which it can be stopped by the Speaker or anyone else. I submit you cannot quote any practice in any other legislative body on this matter. I insist upon it that you shall read only and stand by our Standing Orders adopted by the House, and which can only be changed by a vote of the House. As long as we have provisions made to deal with certain subjects by our Standing Orders, all the other Standing Orders and practices of the world are foreign to us. We cannot adopt them or bring them in. We have made the Standing Orders definite, and we have made this particular one definite in this respect. This Standing Order says that you shall read the motion to the House. It is mandatory, it is a command to you, it is a direction, and you are guilty of disorder yourself if you disobey it; and it goes on to say: "Whereupon if seven members rise in their places to support it, the motion shall be proceeded with." There is no alternative, you have no discretion whatever, and I submit you cannot rule the motion moved by the hon. member for Mount Magnet out of order. Your ruling is that it is not urgent, and that question is not for you to decide. If it were left for you to decide, then the fact of seven members rising in their places would be preposterous and ridiculous. It was never intended. The power of decision in that

respect is the House itself: and the voice of the House is represented by seven members rising in their places. The whole discussion upon the matter must be observed and must be used to interpret what this Standing Order means. Are you, Sir, going to say that Mr. Hingworth was talking rubbish, and that he did not know what he was talking about when he talked about seven deciding as to urgency? Are you going to say that the Premier on that occasion did not know what he was talking about when he spoke about the numbers for deciding a matter of urgency? And are you going to say the same of other members? Was there one of them suggested that it rested with the Speaker as to deciding the matter of urgency? I believe you, sir, were on the Standing Orders Committee on that occasion, and, if you were, I defy you to say honestly that it was ever suggested when you were discussing this question in the committee that the question of urgency should be left to the Speaker. The point was not discussed among the committee, nor in the House. It was never so understood. And you have no right to read words into our printed laws that have no foundation in fact, or are not warranted by circumstances. I submit you are arrogating to yourself power which is a breach of the privileges of the House, and if hon. members be at all alive to that spirit which has made the British Constitution what it is, and which has given every vestige of dignity the Chair possesses, every member will stand up for his individual rights and his individual privileges. We are in danger of losing a right on this occasion. I remind you again, sir, that the original privilege of every individual member was to move the adjournment of the House whensoever he thought fit. One man could do it, and it could be done repeatedly in the same night. That was the original privilege of the House.

Mr. Jacoby: Of this House?

Mr. WALKER: No; of the House of Commons, the House from which this comes. That was the original privilege of Parliament—the right of every man to move the adjournment of the House whensoever he saw reason. In New South

Wales it was so in the early days. I have seen in the New South Wales Assembly the adjournment moved on more than one occasion in the same evening.

Mr. Jacoby: The practice is not uniform in all parts.

Mr. WALKER: I know it varies in different Assemblies. New South Wales, for instance, at the present time requires four members to rise. They made an alteration to the Standing Orders and adopted practically what we have adopted in this respect, namely, that there should be not more than one adjournment moved in the same night, and that there should be four members to rise in their places. There are 40 required in the House of Commons, but of course the quorum there is much larger than anywhere else. The practice differs, but in no case has it been left purely to the Speaker to decide the question of urgency.

Mr. Jacoby: It was the case here.

Mr. WALKER: Then it was wrong. I am not in a position to correct the hon. member because I was not in the House and do not know. At all events on the 19th September, 1906, we brought this matter to a focus, we brought it down to a definite Standing Order, and that definite Standing Order is the one that now governs the procedure of the House. We cannot go beyond that. We cannot go outside, and it does not matter what the practice may be abroad, it is the practice we are governed by, we cannot get out of it. And the Standing Order gives no discretion to Mr. Speaker.

Mr. Jacoby: It is a matter of how you read the Standing Order.

Mr. WALKER: It is not a matter of the way it is read. How can it be read otherwise? "Any member wishing to move 'That the House do now adjourn' shall submit a written statement of the subject proposed to be discussed to the Speaker, who, if he thinks it in order"—That is the point.

Mr. Jacoby: Supposing it is not urgent?

Mr. WALKER: Then seven members cannot be got for it. Urgency is not order. It is a thing distinct from order. A matter may be urgent but out of order.

Mr. Jacoby: It must be urgent.

Mr. WALKER: Urgency is not a question of order. That I want to insist on. It is a matter that has to be put to the House as to whether members think it urgent; that is the point. The order, which is altogether distinct from urgency, has to be decided by the Speaker. The Standing Order reads, "Mr. Speaker shall read it to the House, whereupon if seven members rise in their places to support it, the motion shall be proceeded with." Now what is the object, I ask again, of the seven men rising in their places? Not to decide a question of order. What they have to decide is, and what the purpose of the seven men in rising is, is to decide the urgency, and nothing else. That is the point submitted to them, they have the responsibility of deciding the urgency, and that divides Mr. Speaker's power from theirs. The Standing Order places certain privileges in Mr. Speaker's hands, and certain privileges in the hands of hon. members. It is for Mr. Speaker to decide on the order, it is for members to decide urgency, and these two provinces must be kept clear and distinct, and being kept clear and distinct then your ruling, Mr. Speaker, to-day is absolutely a violation of our Standing Orders, a breach of the privileges of this House, and one which makes the Chair itself disorderly.

The ATTORNEY GENERAL: In deciding this question I hope that you, Mr. Speaker, will be guided—

Mr. Underwood: By party politics.

The ATTORNEY GENERAL: I hope that you will be guided by the Standing Orders of the House, and by the established custom of the mother of Parliaments, and of the Parliaments in other States, rather than by the windy and inflated rhetoric of the member for Kanowna. You are the judge, in the execution of the duties of your office, as to the meaning of this Standing Order, and I utterly fail to understand how any member approaching the question with an impartial feeling, can come to any other conclusion than that Mr. Speaker has the absolute discretion in the first instance of deciding as to whether a matter is one of urgency.

Mr. Bolton: Read our own Standing Orders.

The ATTORNEY GENERAL: I am about to quote Standing Order 47A: "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"—hon. members have, I take it, no doubt as to the meaning of those words—"to Mr. Speaker, who, if he thinks fit—"

Mr. Gill: If he "thinks it in order."

The ATTORNEY GENERAL: Yes, "if he thinks it in order shall read it to the House." "If the Speaker thinks it in order." Where in that Standing Order can one read into it words that shall say that the discretion of the Speaker is not absolute? Where will one find language to say that seven members of the House shall overrule the opinion of the Speaker on that point? And if we put the Standing Order on one side for the moment and go to *May* to discover the Parliamentary practice in the mother country, and it is on that practice that this Standing Order has been based, we find that the ruling of *May* is absolutely in accord with the terms of this Standing Order 47a. *May* says on page 254—

"Though the responsibility of bringing forward a matter as a matter of urgency rests with the member who desires to exercise the right given by the Standing Order, still there must be some colour of urgency in the proposal; and the Speaker declines to submit a motion for adjournment to the House, if, in his opinion—"

Not in the opinion of hon. members—

"the subject to be brought forward is not a 'definite matter of urgent public importance.'"

Mr. Underwood: Tell us something about this country. Never mind that rubbish.

Mr. SPEAKER: Order!

The ATTORNEY GENERAL: "Is not a definite matter of urgent public importance." Who is the judge of that if not the Speaker?

Mr. Bolton: Seven members, according to our own Standing Orders.

The ATTORNEY GENERAL: There is no warrant for that in the Standing Orders. The action of the seven members only becomes operative once Mr. Speaker has decided it is a matter which makes it in order, and what is the criterion as to whether it is or is not in order? When in the Speaker's opinion it is a "definite matter of urgent public importance." If the Speaker is of opinion that it is not a definite matter of urgent importance then it is not in order, and I should have thought that a proposition of that kind would be self-evident. It surely would be if hon. members were looking on this question quite apart—

Mr. Walker: Read the debate when we passed the Standing Order.

The ATTORNEY GENERAL: This discussion is largely a repetition of that debate. I find that last session Mr. Speaker decided this question in language which was impossible of being misunderstood, and the decision on the point has not been questioned.

Mr. Walker: It has been objected to.

The ATTORNEY GENERAL: The member for Kanowna has referred to the debate of last session.

Mr. Walker: I have not.

The ATTORNEY GENERAL: In 1908.

Mr. Walker: No, in 1906.

The ATTORNEY GENERAL: This is what the member for Kanowna said on the 8th December, 1908. The member for Kanowna, speaking on this subject of a motion for the adjournment of the House on a matter of urgency, after quoting Standing Order 47A. said—

"Here seven members have an obligation to perform, and it is to justify to the House that the motion is of sufficient urgency."

Mr. Walker: Hear. hear.

The ATTORNEY GENERAL: The hon. member says, "hear hear," a little too soon. Then he goes on to say, "That is their function after Mr. Speaker's function has ceased." Mr. Speaker has first to perform his function, to decide whether the matter is in order, whether it is a definite matter of urgent public importance and it is with Mr. Speaker, and

only with Mr. Speaker that the decision shall rest. What is the logical sequence? Can we put any other construction on the open and plain language of the Standing Order and of the passage I have quoted from *May*? Does it not mean if we refuse to allow Mr. Speaker full discretion that all the old abuses that flourished under the old system, when any member could obstruct the business of the House by moving the adjournment, does it not mean that all these old abuses will flourish as they flourished before we provided that seven members should stand up in their places and say that the matter should be debated? We had experience last session of how easy it is to get seven members to stand up and have the whole sitting devoted to some matter that they professed to consider of urgency, but which the majority of members thought was a scandalous waste of the time of the House. I trust the plain ruling which you gave last session, and which is supported by the practice of other Parliaments than our own—

Mr. Walker: No.

The ATTORNEY GENERAL: That is supported by the practice of the House of Commons, will be adhered to, that it will be made impossible for a small number of members of the House to obstruct the course of public business and take up the time of members by debating subjects that may be of infinitesimal importance compared with the matters of real urgency that are debarred from being brought forward by the action of these seven members.

Mr. BATH: The Attorney General has made no effort whatever to go into the merits of this discussion on the question of urgency, because if he did so there would have been no doubt in his mind, or in the mind of any other member, as to the fact that Mr. Speaker is given no power whatever to decide on the question of the urgency of any motion brought forward by a member, on a motion for the adjournment. Going back further than the discussion which the Attorney General quoted, I go back to the discussion that initiated and which ultimately led to the adoption of the Stand-

ing Order debated to-day, 47a. On the 15th August, 1906, as the result of proceedings which had taken place previously, I moved this motion in the House—

"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 the course of the discussion that took place—I am not going to quote the remarks then made—I pointed out that under the existing Standing Order the procedure had not been laid down, and there was a considerable amount of doubt as to what right a member had to move the adjournment of the House. The motion was brought forward because on questions of undoubted urgency the then majority had been used to deny members obtaining an opportunity of bringing grievances forward. It was felt that the procedure should be laid down clearly in a Standing Order, and that it should be provided as the result of the expression of views of members on the motion that I then brought forward. I will quote the Premier, who then said he had no intention of objecting to the motion, and in order that my proposal might be carried into effect he moved an addition that the Standing Orders Committee be requested to draft an amendment to embody the views of those present.

The Premier: When was that?

Mr. BATH: In 1906. The Standing Order is the outcome of that motion then moved. The member for Claremont at the time, in referring to it, did not adopt the proposal that the question of urgency should be determined by the number of members rising. The only question then discussed was that of the number of members who were necessary: what would be a fair number of members. It was pointed out that out of a House of 600 members—the House of Commons—40 members were sufficient to determine a question of urgency, and the debate turned on that point. The member for Claremont at that time said that the Speaker threw the responsibility on the

House; and Mr. Illingworth, the then member for West Perth, who was always recognised as a Constitutional authority—

Mr. Foulkes: The hon. member is not quite correct. I did not say that the Speaker threw the responsibility on the House.

Mr. BATH: The then hon. member for West Perth, who always was regarded as one of the authorities in the House on Constitutional procedure, said—

“I am of opinion that seven would be about the correct number. At the opening of a sitting the House is generally not full, and I think seven should be all that would be required and should be a sufficient guarantee that the matter is a matter of urgency.”

Mr. Walker: That is the point.

Mr. BATH: The Attorney General has quoted the procedure that obtained in the House of Commons. I will give the hon. member one of the decisions which is found in those books known as *Speakers' Decisions*, by Mr. Blackmore, the late Clerk of the Federal Parliament. This is the decision of a Speaker, the Honourable Mr. Peel, and he says—

“The question whether a matter is of urgent public importance is within the discretion of members who may choose to support the proposal of the member moving the adjournment.”

That was Mr. Speaker Peel of the House of Commons, and that is borne out by the procedure that has taken place since these decisions were given. The Attorney General has said that if it is a question to be determined by seven members rising to support the member who is desirous of moving the adjournment, that will throw the Parliament open to those who desire to obstruct the business. I want to ask that hon. gentleman what is more calculated to incite members to obstructive tactics than to use the power at any time to prevent members from bringing a question forward. The mere fact that we have had this power, that seven members can rise in support of the member wishing to move the adjournment, has restrained members in the use of that power. We have only

to point to this in previous sessions, where the opportunity has been availed of on fewer occasions than before the Standing Order was placed amongst the Standing Orders of the House. It has been used on fewer occasions. If when a question is awkward, and when a member who desires to move the adjournment plays the game fairly and squarely, and gives the Minister and the Speaker notice, if then power is to be used and influence is brought to bear to have the discussion burked, that is the thing which is going to make members discuss the question and going to incite that obstruction which the Attorney General deprecates. If we give members the opportunity, and provide them with a legitimate opportunity for ventilating grievance—and this is an undoubted grievance—I can assure you members are not going to abuse that power. But if there is to be a conspiracy or an effort to prevent members from doing that, that is just the thing which will produce that obstruction. Take the questions which have been brought forward on the motion for adjournment. The member for West Perth ventilated the question of the expenditure of the lighting of the Claremont Asylum for the Insane. There was no objection to the member bringing that forward, and at the time I understand the money had been expended. At the time the Millars' Combine were seeking to destroy the co-operative bakery, I moved the adjournment on that occasion, and no objection was taken. And this matter, affecting as it does not only the leaseholders and the prospectors in the hon. member's constituency, but in a dozen other constituencies, and affecting thousands of those engaged in the mining industry, is a question of the greatest urgency if anything is. This Standing Order was placed in this book in order to clearly define the rights of members. Mr. Speaker is to pronounce as to whether it is in order, that is clear, and after all—

The Minister for Mines: What is in order?

Mr. BATH: The question might be an urgency one, but it might transgress the

Standing Orders of the House. It might be entirely foreign to our procedure and not in order, but the question of urgency is so clearly expressed here. When the motion was moved and when it was desired to have such a Standing Order, and when it was referred to the Standing Orders Committee to deal with it, as the result of the motion submitted to the House, that decision was that urgency was determined by the number of members rising. We can best conserve the interests of members by sticking to the letter of the law and honouring the intention shown on that occasion by observing the Standing Order and adopting the procedure which has been carried out since it was added to Standing Order 47.

Mr. McDOWALL: I am perfectly well aware that for young members, to start speaking on these questions, is not altogether desirable. I was going to say I have, up to the present time, been imbued with a spirit of modesty, but my experience in this Legislative Assembly to-day proves to me that it is necessary to take off the gloves and fight for our rights. There is no occasion to say, "come on." We are all ready to come on if necessary. Do not worry about that. When we read a Standing Order like 47A, and then see an honourable gentleman like the Attorney General endeavouring to read into it words that are not there, and when we find the gag is used on us, it is time for us all to stand up for our rights. Now we are told that the Speaker has the privilege of deciding whether this is a matter of urgency. I am well aware that the debate does not actually press on the question of urgency, but I maintain that this is a matter of urgency, quite irrespective of the debate. Anything that deals with the great mining industry, which has brought this country into its present position, is urgent; and when we realise, from the Commonwealth Year Book, that the mining industry in 1907 produced £7,634,000, the pastoral industry £2,548,000, manufactures £1,904,000, agriculture £1,750,000, forestry and fisheries £322,000, dairying produce and

bee-farming £360,000, and that the total products of the country amounted to £15,527,000, half of which came from the gold of the State, is it right and proper to tell us that anything that deals with the great gold-mining industry is not an urgent matter? I maintain that it is urgent. I said just now that some men endeavour to be modest and do not wish to force themselves upon the House; but when we are sent here by our constituents to represent them with what brains we possess we have the right to do it; and when we find people endeavouring to point out to us a rule which is in distinct contradiction to the English language in the Standing Order, and in distinct contradiction to the debate which took place when this was framed, it is an insult to our intelligence and not to be tolerated. I wish to read one or two matters here. The Treasurer is smiling, but I will read something which may make him smile still more, and which will show indisputably that he knew the meaning and purport of it at the time the debate occurred.

The Premier: It has all been read before, you know.

Mr. McDOWALL: No. But even if it had been read it is so excellent and so wise to remind people of their delinquencies that it might just as well be rubbed in once more.

The Premier: Do not be so unkind.

Mr. McDOWALL: The time may come when you will have occasion to ask me not to be hard. I appreciate your sarcasm, but the time may come when you will not be able to use sarcasm at my expense.

The Premier: Is this intimidation?

Mr. McDOWALL: No, it is not; the intimidation of this House is from the Chair. That is where the intimidation is coming from, and depriving us of our rights. The Treasurer said—

"If the number of members required to support the motion for leave be too small, it is reasonable to suppose that anyone wishing to obstruct will be able to induce that small number to join him in his efforts; and not

withstanding that only one motion of that sort can be moved at one sitting, yet if the mover secured the support of three or four members with a gift of speech like that possessed by the member for Kanowna and other members in Opposition, they could practically monopolise the whole evening with a motion for the adjournment of the House."

I think it is fortunate for this House the member for Kanowna does possess such a flow of speech, and such power of analysis, that he may be able to fittingly deal with these cases when they come forward. The Treasurer continued—

"I think that in the circumstances the Committee have done their work well. They have made a suggestion which will do much to liberalise the Standing Order relating to motions for adjournment, and the number seven seems reasonable to me. I think that the House will do well to adopt the motion, and if the new rule does not work well it can be altered in the future."

Surely nobody will attempt to deny that he lays down through the whole of his remarks that the seven members were to decide the matter of urgency. Take the remarks of the member for Subiaco, our Chairman of Committees, who stated—

"As a member of the Standing Orders Committee I desire to support the motion of the Premier, and in doing so to state that in my opinion the privilege of free speech for all members of this House will be amply conserved by the adoption of that proposition. I can remember no case in this House since I have been a member of it when there were not far more than seven members willing to support any member who had a good reason for moving an adjournment."

You see the whole tendency of it goes to prove that it was to be seven members. The member for Kanowna desired to make it four, but the consensus of opinion was that seven members were reasonable. And so it goes on throughout the whole

debate. The member for Subiaco continued—

"I do not remember a case where a member has not had more than seven members to support him every time the motion for leave has been put to the House. By our existing Standing Orders such a motion needs the absolute majority of the House."

You see, it is stated that it had previously required an absolute majority of the House. There was no question whatever that the Speaker had the right to put it, but it required an absolute majority of the House to say that it should be discussed. The intention was undoubtedly to liberalise it and make it seven. The member for Subiaco continued—

"And it is now proposed to reduce the number from an absolute majority to seven—a very substantial reduction."

All through the debate even the Chairman of Committees kept on pointing out that it was the number who had the right. Never, nowhere, is it even hinted that this power was to be given to the Speaker. The member for Subiaco continued—

"A large number of members, when this question was discussed, suggested ten; and the House seemed fairly agreeable to accept ten as the number that should have the right to secure the discussion of a motion for adjournment; yet the Standing Orders Committee now suggest a reduction of the number to seven, a little more than one-third of the quorum of the House, and that will be a very sweeping alteration. I think we may well give a trial to the amendment suggested by the Committee, and if there be a single case in which it works harshly by preventing any member from securing the fullest freedom of speech I shall, if still on the Standing Orders Committee, be quite prepared to support a further amendment to reduce the number."

All through it, every line, every sentence of the debate proves that it was the seven members who were to have the right to decide this question. The member for Subiaco went on to say that it was quite right that we should get the best method, but that he was stipulating seven members

because he thought that number was quite as good as four or five. I think it goes beyond all dispute that the intention of the Standing Order as interpreted through the debate is exactly what the Standing Order states; and how anybody can misunderstand or misinterpret it is, to me, astounding. I do not wish to traverse the arguments of the member for Kanowna, who has very clearly pointed out that it is only within the province of the Speaker to say whether the subject is in order. The Attorney General, in glossing over the Standing Order, read the words "think fit" instead of "in order." He was, of course, at once corrected; but even the attempt to read into the clause words that are not in it shows how weak is the case on the other side of the House. I do not think the English language could possibly be clearer than in the Standing Order. There can be no dispute about it. Certainly to-day I have witnessed a new experience, that is to say, new since I have been in Parliament. I do not know whether it is called the "gag," but I do know that the procedure adopted to-day is likely to arouse hon. members as, indeed, it has aroused me. I have felt more strongly upon this matter than upon anything which has come under my notice since I came into the House. Why? Because in other disputes there has been room for doubt, but here there is no possibility of doubt. Anyone who understands English, who understands the debate of 1906, must come to the conclusion that there is no doubt whatever about it. What do we find? We are about to discuss a question relating to an industry which produced more than half the wealth of this country in 1907; but instead of allowing us to discuss it—and the discussion in all probability would have been over long ere this—the Speaker walks into the Chair and informs us that he does not consider it to be a matter of urgency. What is the nature of the conclusion in connection with that? Why that the Speaker considered this matter before he entered the room. Probably he consulted the Minister for Mines. I do not know, but it looks like it. That hon. members should sit down to this kind of business is to me ridiculous, and I for one

will say that so long as I sit here, representing a constituency, if I find matters of this kind coming along, I shall raise my voice against them. I trust members on both sides of the House will see how important it is to discuss matters of this kind. It was pointed out by the Leader of the Opposition that the member for Perth had been given an opportunity of discussing the Claremont Lunatic Asylum expenditure months after the money had been actually expended. Could that be called a matter of urgency? Where was the urgency there? And if that were urgent is not this a matter of urgency, this question of altering charges throughout the greatest industry of the State, the industry which has made the State? And while I do not wish to disparage the agricultural industry—in fact I desire to laud every industry of the State and to point out that our State is one of the greatest in the Commonwealth—yet while one recognises these things and does not desire to disparage anything, it must be admitted that the mining industry is the one that deserves special consideration. Coming to my district of Coolgardie, our minimum charge is to be raised to ten shillings, and therefore this is an urgent matter, but I am not going to be guilty of digressing from the subject. I desire to express my emphatic protest against what in my opinion, is an unjustifiable attempt to stop further discussion on a very important question—the great mining industry.

Mr. HOLMAN: I rise to support the motion. Precedents of the past prove beyond doubt that the ruling the Speaker has given is wrong. We have had several motions for the adjournment of the House, and on more than one occasion members on the Ministerial side have asked members on this side to rise and give them the opportunity of moving the adjournment. It has always been established that this should be done, and on one occasion a member, the member for Perth, moved the adjournment of the House.

The Premier: You have moved the adjournment yourself.

Mr. HOLMAN: Yes. I have on two occasions, and I remember the Premier

and the Minister for Mines had the clerks running all about the House looking for some ruling whereby I could be prevented from moving that adjournment. That was on the day Parliament was prorogued, when I moved the adjournment on a matter of urgency. Every effort was made, but nothing could be found in the Standing Orders to prevent me from moving, after members rose and gave me the opportunity to do so. There was a great flying about the Chamber and the building for hours, in order that I should be prevented from moving that motion for adjournment.

The Premier: You have no occasion to complain.

Mr. HOLMAN: No man representing a goldfields constituency would be worth the name of man if he would see the bread robbed from the mouths of the people and children up there without raising an objection to it.

The Premier: Why did you not give notice of this matter? You had information of it before.

Mr. HOLMAN: In spite of what Mr. Speaker and members have said, I say it is absolutely incorrect for anyone to state that the rates have been published throughout the mining centres. The people on the fields do not know to-day what they are to be charged. On this occasion the Minister for Mines has done what no honourable man should have done. He promised the member for Mount Magnet and me that he would consult us before he decided to raise the rates. Things are coming to a pretty pass when members will sacrifice every principle they have, throw away their liberty which has been fought for so hard in the past, and give one man the power to say whether a question desired to be brought forward is one of urgency or not. In the old days a matter of urgency was only able to be brought forward by the vote of a majority of members. The Leader of the Opposition on one occasion moved to bring forward a matter of urgency. A vote was taken of all members, and it was decided by a majority that it was not a question of urgency. Owing to that being decided

the Leader of the Opposition took the matter up and had a resolution brought before this Chamber with regard to the matter. The Premier himself in speaking to it on the 15th of August moved an amendment to the effect that the Standing Orders Committee be requested to draft a new Standing Order for submission to the House and that the Committee should submit any additional amendments to the Standing Orders they might deem desirable. That was done because there was some doubt on the question, and it was considered unfair that the party in power should have the right to say whether a member could move the adjournment of the House on a question of urgency or not. The Premier in speaking on the question said—

“Apparently the rule had been, in this House, where a matter had been brought forward by a member as a question of urgency, that the decision had been left to the Speaker; but latterly the practice had been for the Speaker to place the responsibility on the House to decide whether a matter is urgent or not.”

The responsibility was then thrown on this House, and the member had to get a majority to decide that the motion was one of urgency. It was then that Standing Order 47A was framed, and this placed the right in the hands of seven members. The position now is that it is not for the Speaker to say whether the question is one of urgency or not. There are thousands of questions that will come before the House, and it will not be for the Speaker to say whether they are matters of urgency or not. I have a letter here from the Murchison which shows that this matter is one of urgency. It is dated the 22nd of this month, and comes from Nannine. It took about a week to come down here. The writer says—

“It is almost unnecessary to say that if the 10s. 6d. per ton for crushing at the State battery is enforced, almost every, if not every, mining show in this and Quinns district will close down. My association desire to enter a very strong protest against the change, as

it is decidedly against the interests not only of this particular district, but also of the whole of the Murchison, and will mean an exodus of miners and prospectors from this to a more generous State."

The Speaker's knowledge of the mining industry would not tell him whether this is a question of urgency or not. The member for Mount Magnet and, in fact any member representing a mining constituency, is in a better position than the Speaker to say whether it is a matter of urgency. If the Speaker gave this ruling on his own initiation and said the matter was not one of urgency, he has made a very serious mistake, and if he went further and sought the advice of the Minister for Mines or the Government and asked their opinion, I maintain that for him to go to them and ask them to say that this motion is one of urgency or not is even a more serious thing.

Mr. SPEAKER: The member must withdraw that.

Mr. HOLMAN: I would like to ask what I have to withdraw.

Mr. SPEAKER: It is needless for me to say to hon. members that I have not sought the advice of the Minister for Mines.

Mr. HOLMAN: I did not say you did.

Mr. SPEAKER: You said I consulted the Minister for Mines.

Mr. HOLMAN: I said "if you did." What I said was that if on your own initiative you decided this was not a question of urgency you must admit you made a very serious mistake, but if you had not given this decision on your own initiative, and had consulted the Minister for Mines, you had done something you should not have done. I want to know whether you have given this decision on your own initiative, or whether you have sought the information from somewhere else.

Mr. TROY: What about the copies of telegrams?

Mr. HOLMAN: I should like to know where the copies of the telegrams came from. Although the Speaker has been interested in some mining propositions in

the past he is not in a position to get hold of mining news any more readily than I am. I went to the Mines Department yesterday and got a copy of the regulations with the proposed increased charges, and never before then had I seen the charges published. When accompanied by the member for Mount Magnet I saw the Minister a few weeks ago, and said that the report had been given to the Press—the *North Coolgardie Herald*, a paper partly owned by the Minister—he said the information in that paper was not correct, and that he had not decided to increase the charges. He also said further that before he arrived at a definite decision to increase the charges he would consult with the member for Mount Magnet and me, and I was surprised to know that the Minister had decided to increase them without making good his promise.

Mr. Scaddan: You should not have been surprised.

Mr. HOLMAN: When the member for Mount Magnet spoke to me yesterday about moving the adjournment of the House I told him that if he wanted to do it he had better not tell the Minister anything about it. I knew what the Minister was, and what he was prepared to do. He would increase the charges to-day, but if there were an election for his constituency to-morrow, he would reduce them again. It is never a pleasing thing to vote against the ruling of the Speaker, who is a member placed in the most responsible position in the Chamber, but there are cases when a member must take that action. I have been charged in the past with perhaps over-doing my privileges, and I have no intention to be guilty in that respect to-day, but I will always fight for all privileges members possess, and which are bestowed on me, and rather than see my electors starving, and driven out of the country I will fight inside and outside of this House, and will never agree like some members will, now that this matter is made a party question, to throw away my privileges. Rather than do that I will walk outside this House and cease to care whether I ever come back to it. Every member should do the

same. The Speaker in deciding that this question was not one of urgency was taking upon himself a power he did not possess, something the Standing Orders had placed in the hands of members, and which members should fight to maintain. The Premier knows, if he were to speak honestly, and the Minister for Works knows, if he would speak conscientiously, that the Speaker was wrong in coming to the decision he did.

Mr. Seaddan: That does not affect the voting.

Mr. HOLMAN: If it were a question of a measure brought forward by members on the Ministerial benches the supporters on that side of the House would vote for it, and, in fact, as I have said before, they would vote for a resolution to hang themselves because they would not know what they were doing.

Mr. Seaddan: The Whip was ringing them up before the Speaker's ruling was given.

Mr. Walker: The worst form of the gag.

Mr. HOLMAN: The question had reached a very serious stage, for the time has arrived when members should stand up for the rights they have, and refuse to allow any man, even one who might hold the highest position in this Chamber, to take away those rights and privileges which have been fought for so hard in the past. It is stated that this is not a matter of urgency. There will be no other opportunity of doing anything to prevent the enforcement of these charges and there has never yet been an opportunity given us in this Chamber to protest against the increased charges. The Minister for Mines told us, and we took his word for it, that he would give us an opportunity to deal with this question before he came to a decision.

The Minister for Mines: Did not I give you an opportunity?

Mr. HOLMAN: I say most emphatically, no.

(Sitting suspended from 6.15 to 7.30 p.m.)

Mr. HOLMAN: Before tea I was endeavouring to show that we are absolute-

ly correct in the stand we have taken up. I need only to refer to resolutions moved for the adjournment of the House on former occasions. On the 13th December, 1906, Mr. Brown, the member for Perth, moved the adjournment of the House with the view of drawing attention to a matter of urgency, the refusal of the Government to appoint a Royal Commission to inquire into the construction of the Katanning-Kojonup and Wagin-Dumbleyung railways. Seven members on that occasion having risen in their places, Mr. Brown proceeded to speak. I doubt whether that question was in any way as urgent as the motion which the member for Mount Magnet desires to move. The matter referred to by the member for Perth at that time had been discussed I believe in the previous session, when resolutions in connection with the proposals had been passed in the Chamber. At any rate, the matter had been discussed both on resolutions and on bills which passed through the House, and ample opportunity had been given to debate those questions: yet for the sole purpose of drawing attention to a matter which he considered to be one of urgency, the Government having refused to appoint a Royal Commission, the question was submitted to the House and seven members having risen the member for Perth was allowed to proceed. I fail to see how it would be possible for any other decision to be given in accordance with our Standing Orders on the question. The Standing Orders in New South Wales are on somewhat similar lines to ours. It is provided that no motion for the adjournment of the House shall be entertained until the formal business shall have been disposed of, and then only for the purpose of discussing a definite matter of urgent public importance, and it goes on to say that it shall be competent for the House to decide. That clearly lays it down that the House shall decide the matter. As I have already mentioned it has been done on several occasions, and the only power the Speaker has is to decide whether the matter of urgency is in conformity with the Standing Orders or not. We have the remarks

of Mr. Daglish, the Chairman of Committees, who was also a member of the Standing Orders Committee when this matter was dealt with. We have already heard the remarks of the late Mr. Illingworth, who was always looked upon as a Constitutional authority, and who was a man whose lead members followed on a great many questions dealing with the Constitution. Mr. Daglish when speaking on the Standing Orders amendment said—

“I desire to support the motion of the Premier, and in doing so to state that in my opinion the privilege of free speech for all members of this House will be amply conserved by the adoption of that proposition.”

That is to say, that seven members shall decide whether the question is one of urgency or not. Mr. Daglish further said—

“I cannot remember any case in this House since I have been a member of it when there were not far more than seven members willing to support any member who had a good reason for moving the adjournment.” Mr. Walker interjected: “Until the mover makes his speech others do not know whether or not he has a good reason.” Mr. Daglish then continued: “I do not remember a case where a member has not had more than seven members to support him every time the motion for leave has been put to the House. By our existing Standing Order such a motion needs an absolute majority of the House; and it is now proposed to reduce the number from an absolute majority, to seven—a very substantial reduction. A large number of members when this question was discussed suggested ten and the House seemed fairly agreeable to accept ten as the number that should have the right to secure the discussion of a motion for adjournment; yet the Standing Orders Committee now suggest a reduction of the number to seven, a little more than one third of the quorum of the House; and that will be a very sweeping alteration. I think we may well give a trial to the amendment suggested by the

committee; and if there be a single case of hardship by preventing any member from securing the fullest freedom of speech, I shall, if still on the Standing Orders Committee, be quite prepared to support a further amendment to reduce the number.”

Surely we cannot have anything plainer than that. We must take our Standing Orders, and if there is a possible doubt about the wording of that Standing Order we can refer back to the intention of the members when that matter was being dealt with in the House. Mr. Daglish went on to say—

“I am supporting the motion because I believe in the recommendation of the committee. I have no doubt the committee would be just as willing, if the reasons seemed sufficient, to support the reduction as the member who moved or seconded the motion for making it; and after all, as we have not had any practical experience of the operation of the new proposal, and as its advisableness is merely a matter of individual opinion, we ought to give it a trial. In my opinion the proposal that seven be the required number will work satisfactorily to any member who desires to bring before the House a matter of urgency.”

There cannot be anything plainer than those remarks made by one of the members of the Standing Orders Committee. I could quote the remarks of the Minister for Works, and the member for Claremont who also spoke on that question, and it was absolutely clear in the minds of members that a question of urgency should be decided not by the Speaker but by members who have the right under the Standing Orders to say whether the question is one of urgency or not. Looking back to some of the motions for the adjournment of the House, we see on many occasions that the members were able to induce seven to support them, and these having arisen to show that the question was one of urgency the grievance was brought forward with a view to having it rectified. To show that the matter the member for Mount Magnet desires to bring forward is one of urgency and

affects the welfare of perhaps thousands of our people and of our leading industry, I might say that the intention is at the present time to increase the battery charges on low grade stone and bring about a reduction in the charges on high grade stone. This will mean the throwing out of employment of hundreds and may be thousands, of men who are earning a living at the present time. We read every day in the public Press of low-grade stone which is being crushed in the batteries, and if those charges are increased by a shilling let alone half a crown as it is proposed, the properties which yield that stone will have to close down. That will mean throwing out of employment hundreds of men. Surely in the face of that hon. members will not be a party to frittering away what has been gained and looked upon as their privilege because the question affects a member of the Government. This question however affects the welfare of the State, and I maintain that a member should have a perfect right when a question like this is placed in his hands to submit a proposition to the House and allow the House to decide whether it should go on or not. It has been said that this matter has appeared in the press for some time, but I have read as many newspapers as most members, and I have not yet seen anything about the proposed charges.

The Minister for Mines: You have not read the newspapers then.

Mr. HOLMAN: I have not seen all the newspapers in the State. If the information was given to the *North Coolgardie Herald* in the same way that some other information was given, which cost the State thousands of pounds, then I did not see it. It has not appeared in the metropolitan Press; it has not appeared, or at least I have not seen it, in the Murchison papers, although it may have gone forward there.

The Minister for Mines: It was in the *Coolgardie Miner* of the 14th October.

Mr. HOLMAN: The Minister told the member for Mount Magnet and myself that what appeared in the Press at a certain time was incorrect, and he informed us that before any proposition

was decided upon he would let us see that proposition, and give us an opportunity of going into it.

The Minister for Mines: And you saw it, did you not?

Mr. HOLMAN: Up to the present time the Minister has not consulted us at all in respect to the increased charges. Last time we waited on the Minister he stated that he had not decided whether he would introduce time crushing right through the batteries or revert to the old system.

The Attorney General: On a point of order. Is the hon. member in order in discussing this matter? I would like your ruling as to the question before the House.

Mr. SPEAKER: The question before the House is that of my ruling. I hope the hon. member will confine himself to that point.

Mr. HOLMAN: If I have transgressed I am sorry. Perhaps if I were to read the Standing Order the hon. member might think I was in order then. However, I will endeavour to keep to the question as to whether or not your ruling is correct. I am trying to point out that the very reason why the power was taken from the Speaker and placed in the hands of seven members was because the Speaker is not competent to say whether or not a question is urgent, although he may be competent to say whether or not it is in order. I maintain that the only power the Speaker has is to say whether the question is in conformity with our Standing Orders. In the first place it is impossible for the Speaker, or for any other one person, always to say whether or not a question is one of urgency. Then is it fair for a Speaker to be placed in the position that if he does not thoroughly understand the question he must consult with the Minister who, perhaps, does not desire to have the matter discussed by the House? The very reason why the later Standing Order was adopted by this Chamber was to prevent such a thing occurring. The Speaker has admitted that he had got information from the Minister in connection with this matter, that he had received from him telegrams which had appeared in the Press. That

being so, instead of the Speaker giving his ruling on this occasion, in all probability we have before us the opinion of the Minister for Mines. We know that the Minister may regard it as a matter of no urgency, and may be convinced that the question has been before the people. I say it has not been before the people, and that this is the only opportunity on which this matter of urgency can be discussed. I maintain that you have exceeded your duty as Speaker by holding that you have the power to say whether or not the matter is one of urgency. We know there is a number of members who will go a long way before opposing the ruling of the Speaker. It is well to support the Chair whenever it can be done; but a member can do far worse than oppose the Speaker—he can sacrifice his own privileges and those of the people of the country, which is a far worse thing than disagreeing with the ruling of the Speaker. Any member who votes to uphold you on this present occasion will be voting against his own privileges and against the best interests of the mining industry. I trust that the motion disagreeing with your ruling will be carried. I have never seen a ruling more against the rights and privileges of the House than your ruling of to-night. I hope that if the wording of this Standing Order is not sufficiently clear the earliest opportunity will be taken to make it as clear as possible and to leave the test indisputably in the hands of members. I am sorry to have to think for one moment that any Speaker should be placed in the position of having to consult with a Minister before he arrives at his determination.

Mr. SPEAKER: I must call the hon. member to order; he must withdraw that remark.

Mr. HOLMAN: If you say you have not spoken to the Minister—

Mr. SPEAKER: I call upon you to withdraw that remark. I have made a statement this afternoon which, I think, should be sufficient.

Mr. HOLMAN: I will withdraw, but I say that if the Standing Order is read as some members on that side of the House say it should be read, it will be

placing the Speaker in the position of having to go to Ministers to get information.

Mr. Underwood: Or for Ministers to go to the Speaker.

Mr. HOLMAN: Yes; that is just as bad. I say that a Minister should not be allowed to approach the Speaker on a question of the privileges of the House. No Minister should take advantage of his ministerial position to prevent a member exercising free speech in this Chamber. I maintain that so long as you take the stand you have done and say that you have power under our Standing Orders to decide whether a question is one of urgency or not—so long as that opinion is held, no member will be able to give free vent to his own speech and do justice to the people he represents.

Mr. UNDERWOOD: Since I have been in this House I have not hitherto risen to disagree with the ruling of the Speaker, for I hold it is a serious question for any member to deal with. But I cannot allow the present obviously wrong ruling which you have given to pass without a protest. Whether you consulted the Minister for Mines or the Minister for Mines consulted you I do not know, but it seems to me it does not alter the question one bit. I hold that our own Standing Orders provide that your duty is to decide whether the question is in order, while seven members of the Chamber are to decide whether it is of sufficient urgency to allow the adjournment to be moved. I take no notice of the Attorney General, and I think that in that attitude I have 48 other members of this Chamber with me. I do not see how it is possible for any man with a grain of commonsense to take any notice whatever of the present Attorney General. I must say that for twisted logic, to say nothing of twisted politics, the hon. gentleman takes the whole bag of flour. When he finds that he cannot substantiate your ruling by our own Standing Orders he goes and gets some Standing Orders from a House 10,000 miles away. There are some things which we accept from Britain, but certainly the Standing Orders are

not of these. We go there on matters which are not dealt with by our own Standing Orders, but when any question is dealt with by our own Standing Orders it does not matter what may be the nature of the Standing Orders of any other country. For any member to get up and read any other Standing Orders dealing with the question is a deliberate attempt to mislead. The member for West Perth shakes his head, but I do not know that I take much more notice of him than of the Attorney General. I certainly am not admitting him as an authority. I consider that it is a very dangerous thing for members of this Chamber to vote on a question of this description on party lines as they are going to vote to-night. I am quite well aware that you have a majority behind you; but we have right behind us, and I hope the day will come when we will have the country behind us also. Then your term as a Speaker will terminate.

Mr. Jacoby: That is not a proper thing to say.

Mr. UNDERWOOD: Is it a proper thing to baulk discussion of a question of this description, to say that the miners' grievances cannot be discussed in this House? The miners are of more importance than a dozen Speakers, present or past.

Mr. Jacoby: You have had months for discussion and plenty of opportunity.

Mr. UNDERWOOD: I am going to discuss one or two of the reasons given for your ruling, sir. One is that we have had time previously to discuss this matter; and in proof of this you say it has already appeared in the Press. I remember that shortly after I came to this House I moved the adjournment on a question which had been before the country for some months, on a question on which I had spoken previously when speaking on the Address-in-Reply. The question was in connection with the spread of camel tick in the Pilbara district, and most emphatically that question was in the paper, not for six weeks but for six months previously.

Mr. Scaddan: But that referred to stock.

Mr. UNDERWOOD: Yes, that was stock, and right through the policy of this Government it is to be seen that they pay more attention to stock than to men. Again, take the question of it having appeared in the newspaper; allowing that that is a fair reason why it should not have been brought forward before—how long is it since it appeared in the papers, and has the member for Mount Magnet had anything more than a fair time in which to bring the matter up since it so appeared?

The ATTORNEY GENERAL: On a point of order, is the hon. member in order in discussing your decision as to whether this is an urgent matter or not? I contend that this is a matter entirely in your discretion. The hon. member might be in order in discussing as to whether or not your interpretation of Standing Order 47 is correct, but I contend that the question of whether or not this is an urgent matter is entirely in your discretion, and hon. members are not in order in discussing whether or not it is a matter of urgency.

Mr. SPEAKER: I have allowed a greater amount of latitude than I should have done, for the reason that it is a matter concerning myself; but I ask the hon. member to confine himself more to the question, which is that my ruling be disagreed with.

Mr. BATH: On a point of order, will you, Mr. Speaker, kindly state your ruling again? This is very important, and it is not much to anyone's credit that any attempt should be made to stifle discussion on it. I would like to know exactly what your ruling was.

Mr. GORDON: There are many members on this side of the House who would like to consider this question very seriously, and, perhaps, would like a little more time if it could be so arranged. I am sure, in justice to all of us, it would be better. None of us can give a decision quickly, and if a little more time were arranged it would be more satisfactory.

Mr. SPEAKER: At the request of the Leader of the Opposition, I will repeat what I have already stated. In my construction of Standing Orders 47 and

47a I was guided by the *Manual of Procedure*, which is the guide to procedure in every British Parliament. I have already read it on two or three occasions to-day, but before reading it again I will read the Standing Order of the British House of Commons, which is exactly the same as ours.

Mr. UNDERWOOD: Well, read ours.

Mr. SPEAKER: "An hon. member seeking to move the adjournment of the House hands a written statement of the matter proposed to be discussed to the Speaker, who, if he thinks it in order, reads it out and asks whether the member has the leave of the House." I need not read further. Then *Ilbert's Manual*, which is the guide for the construction of these words that are exactly the same as ours, reads as follows:—

"The Speaker does not allow the motion to be made if, in his opinion, it is not definite or the matter is obviously not important or not urgent." In doubtful cases it says—

"The questions of urgency and of importance are in ordinary cases for the House to decide by giving or withholding its support."

The decision I have come to is based on this *Manual of Procedure* dealing with a Standing Order which is exactly the same as ours.

Mr. BATH: With this further elucidation, I take it your decision is that the hon. member was not in order in proceeding with his motion because the matter is not one of urgency.

Mr. SPEAKER: I have already decided that this afternoon.

Mr. BATH: Then the discussion on dissent from your ruling will range round the question whether it is a matter of urgency or not. That appears to me to be the only point to be discussed, and I ask whether in any discussion members are not strictly in order in discussing what is the only point, namely, whether the question is one of urgency or not.

Mr. SPEAKER: I have said before that as I was the person under review, I felt that I would be doing my duty in allowing a little more latitude than usual. I have given my ruling, which I

most strongly adhere to, and I go further and say that if the matter should be held over I will consult the Crown Law authorities, whom I have consulted on previous occasions, and be able to deal with it on a subsequent occasion.

Mr. UNDERWOOD: The Crown Law is the Attorney General.

Mr. SPEAKER: I have not consulted the Attorney General on any occasion. References have been made in the course of this debate to the effect that I have interviewed a Minister. May I say this, and I leave it to the member for Mt. Magnet to verify it, that I told the hon. member on the telephone when he read out the proposed motion to me that it was not in order, and that I would not allow it to be moved.

Mr. TROY: In reference to your last remark, Mr. Speaker, I have to join issue with you, because if you expressed any such remark on the telephone then I did not hear it. That is the least I can say in regard to it. So far as I remember, you told me that you would see me when you came to the House. The discussion is not in regard to your seeing a Minister, but in regard to a Minister of the Crown going out of his way to see you with an endeavour to influence you in regard to this matter.

The MINISTER FOR MINES: In explanation—

Mr. UNDERWOOD: Have I not the right to continue?

Mr. SPEAKER: The Minister for Mines can speak in explanation.

The MINISTER FOR MINES: I wish to explain that I met his Honour in the corridor, and he told me that he did not consider this to be a matter of urgency. I agreed with him, and I had in my pocket a paper which showed that on the 20th October the member for Mt. Magnet received four telegrams which he gave to the Press. I showed them to his Honour, pointing out that the hon. member had had this knowledge for the last eight days.

Mr. Troy: How did you come to be carrying it in your pocket?

The Minister for Mines: I brought it with me to the House.

Mr. Taylor: I desire to ask a question.

Mr. SPEAKER: I am not at liberty to answer questions. The hon. member can rise to a point of order.

Mr. Hudson: We do not know what your ruling is.

Mr. SPEAKER: I have given my ruling half a dozen times.

Mr. UNDERWOOD: I do not exactly know the position now. I take it, Mr. Speaker, the motion is that your ruling be disagreed with, and I am endeavouring to review your decision. I can only go on, and when you think I am out of order I trust you will pull me up. Of course, if I think you are wrong, I will be able to move that your ruling be disagreed with. It seems to me that the essence of your decision is that the motion is not urgent. That is the essence of it. Whether you have the right to give that decision or not is another point. There are two points—the one as to whether it is right to give a decision at all, and the other as to the decision given. I hold this matter is of sufficient urgency to warrant moving the adjournment of the House, and to prove that I can only go into other occasions when motions for adjournment have been moved.

The ATTORNEY GENERAL: On a point of order, I submit that the hon. member is not entitled to discuss whether this is an urgent matter or not. That is entirely in your discretion to say. If you think it is not an urgent matter, then the discussion on the question of urgency is closed.

Mr. SPEAKER: I will ask the member for Pilbara to confine himself strictly to the point. I have said before that I have tried to give as much liberty as possible, but there must be a limit.

Mr. McDOWALL: On a point of order, surely if you, Mr. Speaker, rule the matter is not a matter of urgency the essence of the argument is to show that it is a matter of urgency. That is what we are endeavouring to do, otherwise it will be impossible to arrive at a decision. If we have not that right we are going to be gagged altogether in discussions.

The ATTORNEY GENERAL: On a point of order—

Mr. UNDERWOOD: I say I have as much right to speak in this House as the Attorney General, and I am not going to be sat down by him. Now, let him get up again. The Attorney General when dealing with this question—I am sorry to have to refer to him, because it is not a fit subject—referred to any amount of precedents bearing on this question and went away 10,000 miles to get them, and surely I can give precedents that have been created in the House; but as I have said it was—well, I will not say it again. In regard to the urgency, we will say I am not allowed to discuss it, but I will say that the member for Mount Magnet did not have a chance to move this motion previously. The men on behalf of whom he would speak were in the back country.

The ATTORNEY GENERAL: On a point of order—

Mr. UNDERWOOD: Mails do not come down every day.

Mr. SPEAKER: Order!

Mr. UNDERWOOD: It is impossible to get word from the men concerned in this matter.

Mr. SPEAKER: The hon. member must take his seat when I rise, and he must also take his seat when another member rises on a point of order. Surely the hon. member knows that without my repeating it. The hon. member is not in order in going into other questions. The question before the House is as to my ruling, but, as I said before, I gave liberty, being so concerned, and I ask the hon. member not to abuse that liberty.

Mr. BATH: This is another matter on which I rise to a point of order. Will you, Sir, for the information of the House exactly define to the hon. member the limits within which he can discuss the matter. I want your ruling on this. The member for Mount Magnet sought to discuss the question on a motion of urgency, and conformed to the Standing Orders and submitted it in writing to you. When the House met you had that motion, and you got up and said you did not consider it was a question of urgency. The hon. member then moved to dissent from your

ruling on the ground that you had not the power, and that it was a question of urgency. That is stated in the written statement of dissent which the hon. member handed in to you.

Mr. SPEAKER: That is not correct. I will read it. The hon. member moved to dissent from the Speaker's ruling "on the ground that the matter is one of urgent public business, and that if the present opportunity is denied there will be no other opportunity of dealing with the matter before the increased rates are enforced."

Mr. BATH: That is just what I said.

Mr. SPEAKER: I misunderstood the hon. member.

Mr. BATH: The decision is as to whether the matter is one of urgency or not.

The Minister for Works: That is clearly out of order, because you could discuss the whole question.

Mr. SPEAKER: The question is whether I have the power which I contend I have, and the hon. member has moved to disagree with my ruling that I have the power to decide whether a motion is in order or otherwise.

Mr. BATH: You asked the hon. member to write it out, and he did so and handed it to you, and no objection was taken. And what is more, to show the hon. member is in order, it has been discussed by the Premier and by the Attorney General, and the right enjoyed by him the Attorney General seeks to deny another member of the House.

The Attorney General: All I discussed was the interpretation of Standing Order 47A.

Mr. UNDERWOOD: As I said before, there have been many matters before the House previously of less importance and less urgency. Your decision, Mr. Speaker, is that this is out of order because it is not urgent, and the member for Mount Magnet has moved dissent against that decision. The Attorney General wishes to say I am not allowed to discuss it, and as the Attorney General has the majority behind him perhaps he can stop me, but I intend to make an effort. Now let me continue and say that there was a case mentioned by the member for Murehison in regard to a motion moved by the mem-

ber for Perth concerning the Kojonup railway. That matter was before the House during the whole of the session; there was a select committee appointed to inquire into it.

The ATTORNEY GENERAL: May I rise to a point of order? I submit that the conduct of the hon. member in repeatedly disregarding your ruling is highly disorderly.

Mr. SPEAKER: The member is certainly out of order in continuing to speak in the same manner as he did before, and for which he was called to order.

Mr. BATH: I rise to a point of order. Do you now, after permitting a discussion, disallow reference to the point upon which the member moved his motion of dissent from your ruling? That motion was in writing.

Mr. SPEAKER: There is only one point in question, whether I have the power or not.

Mr. WALKER: You are mistaken. Your ruling was this, that the motion suggested for debate by the member for Mount Magnet was not urgent. It was moved out of order and it prevented that matter being discussed because it was not urgent. Your decision was dissented from and the ground of dissent was twofold, namely, that the matter was urgent and that you had not the power to rule it otherwise. The two points are involved in the discussion.

Mr. UNDERWOOD: I take it the Speaker's ruling is that I can only discuss whether the Speaker has the right or not to give a decision; not whether the decision is right but whether he has the power to give it.

The Minister for Works: That is it.

Mr. UNDERWOOD: If that is so, I have to accept the ruling and it prevents me from speaking on the question. It does not prevent me from saying, as far as the Standing Orders will let me, that I have a good deal of contempt for you and those abetting you.

Mr. SPEAKER: I insist on those remarks being withdrawn at once.

Mr. UNDERWOOD: I said that as far as the Standing Orders—

Mr. SPEAKER: I insist on your withdrawing those remarks at once. If you

do not I shall take the steps I have the power to take.

Mr. UNDERWOOD: Then I will withdraw.

Mr. SPEAKER: Do I understand that the member withdraws?

Mr. UNDERWOOD: I withdraw; and I may say that I do not think I have been allowed too much latitude this evening. I must congratulate the Attorney General on his ability to burk discussion.

The ATTORNEY GENERAL: On a point of order I will ask your ruling, Mr. Speaker, as to whether the member is in order in saying that I have been attempting to burk discussion. I think he should withdraw that remark.

Mr. SPEAKER: The Attorney General has drawn attention to the remark and it must be withdrawn. I am in duty bound to call upon the member for Pilbara to withdraw that remark.

Mr. UNDERWOOD: I will withdraw. I contend again that the Speaker has not the power to give the decision he has, and that it is not right when given. I am not going outside of our own Standing Orders. Being disallowed permission to speak on the question, as other members have done, I can only conclude by saying that it is easy for a man to give a decision when he knows that he has a majority behind him. It is a serious thing for that majority to cut away the rights and privileges of this Parliament. Whether the Speaker has the power or not, the decision given to-night will certainly tend in the direction I have indicated.

Mr. W. PRICE: I do not intend to take up much of the time of the House in discussing this question. Evidently if the Attorney General has his way I shall not be allowed to say much. However, I shall endeavour, with the permission of the Attorney General, to deal with this matter. I submit that the Standing Orders on this question admit of no misconception if we only bring reason and commonsense to bear upon them. The point before the House is whether the Speaker has the power to decide whether a certain matter is one of urgency or not. It is decided that a certain motion is not an urgent one. With all due respect to

the Attorney General and his legal knowledge, I submit that we have the right, seeing that the Speaker has decided that a certain motion is not an urgent one, to endeavour to satisfy the House that the motion is urgent; otherwise what is the Standing Order, what have we expended all this time for to-day?

Mr. Gordon: I do not know.

Mr. W. PRICE: The hon. member does not want to know. If I were as lacking in knowledge as some members I should not be able to tell them either. Anyhow, there are many members who do not care what the point is, for they are ready, like automata, or like monkeys on a stick, to act when the string is pulled. I submit that we have the right to prove that the motion that has been ruled out of order is one of urgency, otherwise on what ground and by what means do we disagree from the ruling? It has been ruled that the motion is not urgent, and in support of that the Speaker produced newspaper cuttings; he also said that this matter had been before the public for a certain length of time; but we, in disagreeing from his ruling, contend that the subject has not been before the public a sufficiently long time for it to be dealt with, and that even if it had been members of this House—

The ATTORNEY GENERAL: On a point of order, I submit the member is transgressing in the same way as the member for Pilbara did.

Mr. SPEAKER: Let the hon. member keep as near to the point as possible.

Mr. W. PRICE: I shall always endeavour as long as I am in this House to abide by its rules, but at all times I shall resent the gag being put upon me by any member on the other side, or any attempt to put the gag on me. The Speaker has ruled that a certain motion is not one of urgency. Despite the Attorney General, we are endeavouring to prove that it is one of urgency. It is on that very point that we disagree from the Speaker's ruling. There is no other point. We cannot take his ruling except by showing that he is wrong in saying that the motion is not one of urgency. That is the very ground on which the decision is

based. It has been said that there is another point raised, namely, if the Speaker has the power to decide whether this question is one of urgency, but the motion to dissent from his ruling states that the ruling is disagreed with on the ground that a certain matter is one of urgency. That is the ground on which the ruling has been disagreed from. I contend that this matter is an urgent one for the reason that on the 1st of November, before this House sits again, the prospectors will be subjected to certain regulations which this House has not had an opportunity of discussing, and will not have an opportunity if the ruling is to stand good. I would like to ask this, if it were not known that this discussion or debate was to take place, under what peculiar circumstances did it come about that the Minister for Mines had in his bag at the psychological moment certain newspaper cuttings and clippings to prove that the matter was not one of urgency? What a remarkable set of circumstances. I could take that matter further, but I leave it to the commonsense of members.

Mr. Scaddan: And ringing members up on the telephone before the Speaker's decision was given.

Mr. W. PRICE: The Speaker suggested that he would like time to consult certain authorities, but unfortunately, so far as influencing me is concerned, he named those authorities. He said he proposed to consult the Crown Law authorities, the Attorney General, a partisan, a man who has got up here to-night time after time and endeavoured to close the mouths of members who respect the right of free speech.

The Minister for Mines: The Speaker has said he intended to do nothing of the sort.

Mr. W. PRICE: What will the Minister try and ram down my throat next? A few moments ago the Speaker said he would consult the Crown Law authorities.

The Minister for Works: But not the Attorney General.

The Attorney General: The Speaker said distinctly that he did not intend to consult the Attorney General.

Mr. W. PRICE: Who is the Crown Law authority? Who is the head, the final voice in that department? The member who has endeavoured to shut up speakers on this side of the House; the member who has displayed so partisan a spirit that he would if he could prevent members from expressing their opinions. The Speaker has said he is emphatically of opinion he has the right to say whether the motion is one of urgency or not. Sir, I certainly cannot agree with your ruling on that point. I do not intend to traverse the points raised by the previous speakers, but I would ask in all sincerity why is it that we have Standing Orders providing that seven members shall rise in their places if you are the one to decide whether the motion is one of urgency. It seems to me it is all frill, and if I may be permitted to say so, very little commonsense. I submit that you yourself do not desire to be placed in such a position where you can act as dictator, where it would be possible, as certain hon. members desire to do, for you to stifle free expression of opinion where thousands of workers and miners and prospectors are concerned. That is the attempt which is being made at the present time. I do not desire to touch on that phase of the question because if I do, six foot odd of nothing on the other side will jump up. It has been stated that the question of urgency is absolutely in the hands of the Speaker. I think it was the hon. member for West Perth who said that.

Mr. Draper: I have not opened my mouth this evening.

Mr. W. PRICE: It has been stated and I contend that reading Standing Order 47 such a power is absolutely denied. There can be no misconception about it. Why is it hon. members on the other side are endeavouring as they are doing to blind us as to the actual facts? Surely they must realise we have some little commonsense over here. Because we are unfortunate enough not to be sitting over there with £1,000 a year behind our backs we are not lacking in commonsense. Why should seven members be called to rise in their places? What is the object of it?

The object is to satisfy the House as a whole that the question proposed to be submitted by the member moving it, is, in their opinion one of urgency. A member who moves a motion has previously to bringing it forward discussed the question in a greater or lesser degree with seven members, and he has satisfied those members that the motion is one of urgency. Their duty, I contend, begins and ends in deciding whether a motion is in order. Where shall we find ourselves if you, Mr. Speaker, are to decide what is a matter of urgency? Are all the brains of the State to be found gathered together in the Speaker's chair? Is it possible that we are to believe you are acquainted with every one of the social, political, and industrial questions affecting the welfare of this State? And if you do not know them how is it possible for you to decide whether the question is one of urgency or not? If you yourself considered that point, you must realise that no Standing Order would be passed whereby the duty would be imposed upon the Speaker to at all times decide that any question which came forward was one of urgency? How is it possible for you from the moment you get out of bed in the morning until you come to the House in the afternoon to study all the political, social, economic, and industrial matters affecting the State from end to end, and if you do not carry out that duty, implied by our own ruling on this matter, then I respectfully submit you are not in a position to decide whether a motion be one of urgency or not? Above all, how can you on this question decide whether the matter is urgent? I make bold to say that until this question was brought before your notice by the member for Mount Magnet, you did not know that regulations were being brought into existence.

Mr. Scaddan: Mining members did not know.

Mr. W. PRICE: I make bold to say that you, Mr. Speaker, did not know this, and that being the case you were not in a position to decide whether this motion was one of urgency or not. You claim you have power under Standing

Order 47A; we dissent from your ruling; we contend that you have not the power. We contend, however, that the legislature in framing Standing Orders for the conduct of its business never intended to place you in such a false—and I say it with due respect to you—such a ridiculous position. In framing the Standing Orders members realised the position in which the Speaker always stands as regards questions coming before the House. They recognised that he cannot at all times know everything that is transpiring throughout the State. They realised that he is the authority to decide whether a motion is in order and whether it is framed in the forms prescribed by the House, and after all, I do not know that there is too much commonsense in some of them; but to relieve you of the duty which you cannot possibly and faithfully perform, namely, to decide whether a question is one of urgency, they in their wisdom provided in Standing Order 47A that seven members should rise in their places and relieve you of that responsibility which you, of your own volition, have to-day taken upon yourself. We contend that you have not power to assume that, that you are doing something which is contrary to the Standing Orders, and having carefully considered the matter, I honestly believe that you must arrive at the same opinion. You were pleased a few moments ago to state that you were still emphatically of the opinion which you expressed before, but I trust, having calmly considered the matter, you will come to a different decision. I feel sure you will, however, for the sake of future discussions in this House, for the sake of the liberty of speech, for the sake of the rights and privileges that belong to every member of this House, you will not use your high and honourable position as chief of this House to burk discussion on any question of public importance and affecting thousands of people in the State. That is the position we find ourselves in to-day, that discussion is being burked unwittingly, through your ruling. I sincerely hope that the motion to dissent from your ruling will be carried,

not because I wish to see any reflection cast on the Chair or the office you hold; I do not desire that, but I do desire that our Standing Orders shall be strictly adhered to, and that we shall retain any privileges which we possess under those Standing Orders. At the present time we possess the right to bring forward certain motions under the category of urgent motions. In this case, if the matter is not dealt with to-night, it will be too late to deal with it later on. You have taken upon yourself to block us and it is because of that, because I believe you have honestly and conscientiously misread the Standing Orders, that I desire to see the motion carried, not because I desire to cast a reflection on the Chair, but because I believe in your calmer moments, having thoroughly considered the question, you will admit you were in error and that you should have allowed the motion to proceed. I trust the motion moved by the member for Mount Magnet will be carried.

Mr. DRAPER: Like the member for Coolgardie who has been in the House a little less time than I have, I feel some diffidence in addressing the House upon what is an important question, but I will ask the indulgence of the House to grant me a short hearing, not on the ground that I claim to be an authority upon the constitutional privileges of the House, or the constitutional method in which its proceedings should be conducted, but because I have had some little experience of the interpretation of Acts of Parliament and rules and regulations which are made under them. In applying what little knowledge I may have acquired in that way to the Standing Orders of the House, which are nothing less than the equivalent of an Act of Parliament, I feel at any rate I am attempting to express an opinion upon logical grounds. I have no information, and I do not propose to discuss the merits of whatever it was which the mover of this motion sought to bring before the House. I know nothing of these merits, and when the question comes up for discussion, it will be open for every member to go into the merits and decide upon them. But the ques-

tions before us are whether you, Mr. Speaker, under our Standing Orders have the power to decide whether the question submitted to you is one of sufficient importance or not. That is one question, and the other is whether after you have decided it is not of sufficient importance, this House then has the right to say it was of sufficient importance. Those are the two questions which, so far as I can gather from a somewhat acrimonious debate, are really before the House. Our Standing Orders, before I came into the House, were found to be somewhat inconvenient, because I understand it was open to any member to move the adjournment of the House, and I may be wrong, but I will put it this way that it was much easier in those days to move the adjournment of the House than it was before the amendment which is contained in Standing Order 47 was passed.

Mr. Bath: It was just the other way about. It was much harder. The usual method was when a member expressed a desire to move an amendment the Speaker would get up and put it to the House.

Mr. Jacoby: How long was that practice in force?

Mr. Bath: It was in force under the present Speaker. He would put it to the House, and the House voted as to whether or not the motion were proceeded with.

Mr. DRAPER: I am glad of the explanation, but it will not affect the reasons I advance to the House as to why I intend to vote against the motion. Our Standing Orders are framed, to a large extent, upon the Standing Orders of the House of Commons where it was formerly possible for two members to move the adjournment of the House. Hon members will find it shortly stated in *May 11th Edition*—

"According to past usage, it was in the power of two members to move and second, a motion for the adjournment of the House, rising for that purpose either whilst questions to members were being put, or at any moment before the commencement of public business, and to raise thereon a general debate." Now that practice was found to cause considerable inconvenience, and as a result it was amended. We find on page

920 of the same authority that this Standing Order was passed, and it is interesting to compare it with the wording of our own Standing Orders which say—

"No motion for the adjournment of the House shall be made until all the questions asked at the commencement of business on Monday, Tuesday, Wednesday or Thursday have been disposed of, and no such motion shall be made before the Orders of the Day, or notices of motion have been entered upon, except by leave of the House, unless a member rising in his place shall propose to move the adjournment for the purpose of discussing a definite matter of urgent public importance, and not less than forty members shall thereupon rise in their places to support the motion, or unless, if fewer than forty members and not less than ten shall thereupon rise in their places, the House shall, on a division, upon question put forthwith, determine whether such motion shall be made. If the motion is so supported, or the House so determines that it shall be made, it shall stand over until a quarter-past eight on the same day."

The only portion of that amendment of Standing Orders which really bears upon this case is that apparently you would say that forty members standing up in their places had the right to decide whether the matter submitted was of sufficient importance to permit of the motion being made. Naturally one would say that on reading the order. And it will be found also that that order does not contain these words which occur in our own Standing Order 47A—"The Speaker, who, if he thinks it in order." So you have this important distinction between the two orders. You have here that the Speaker, if the motion be in order, shall read it to the House. That is the difference which strikes me at once. Now there can be no doubt that when that Standing Order was discussed in the House members thought that by passing that Standing Order it would at once empower the seven members of the House to judge of the importance of the question, and that the motion for adjournment would follow as a matter of course.

Mr. Bath: That is quite right; that is what we all thought.

Mr. DRAPER: No doubt hon. members thought that.

The Attorney General: Some of them, perhaps.

Mr. Walker: All of them. I was present, and you were away.

Mr. DRAPER: There can be no doubt that some, at any rate, if not all, thought that was the interpretation. But I would remind hon. members that it is not what hon. members thought they were passing which is the true rule of construction for a Standing Order or an Act of Parliament; but it is what was the law before the Standing Order came into force. And one is also at liberty to ask one's self from whence did these words come which have caused the apparent difference. Now, in construing any Act of Parliament, not only do we look on the law as it was before, but we ask whether there are any decisions on previous Acts of Parliament. Then it is laid down that the words in the new Act shall be interpreted the same as the words in the old Act. These words, "If the Speaker thinks it in order" are taken, not from the Standing Orders of the House of Commons, but from the practice which prevailed when proceeding upon those Standing Orders. I will quote from the *Manual of Procedure* in the House of Commons, page 61, as follows:—

"Leave to make a motion for the adjournment of the House, if made for the purpose of discussing a definite matter of urgent public importance, must be asked at an afternoon sitting, after questions, and before the Orders of the Day or notices of motion have been entered upon. If a member desires to make such a motion, he rises in his place, says that he asks leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, and states the matter. He then hands a written statement of the matter proposed to be discussed to the Speaker, who, if he thinks it in order, reads it out, and asks whether the member has the leave of the House. If objection is

taken the Speaker requests those members who support the motion to rise in their places, and if more than forty members rise accordingly, the Speaker calls upon the member who has asked for the leave."

It is quite obvious to anyone who carefully follows the words of that practice that our Standing Order was taken from it; not from the Orders of the House of Commons, but from the manual which deals with the practice of the House of Commons. If that were so, and if it be correct as urged by some hon. members that the Speaker has no authority to judge of the urgency of the matter proposed to be submitted to the House—if that were so one would undoubtedly expect to find that there are no English decisions, no precedents in the English House of Commons for the Speaker in that House deciding upon the urgency of the matter submitted to him. Yet we find that in *May*, page 234, these words occur—

"Though the responsibility of bringing forward a matter as a matter of urgency rests with the member who desires to exercise the right given by the Standing Order, still there must be some colour of urgency in the proposal and the Speaker declines to submit a motion for adjournment of the House if in his opinion the subject to be brought forward is not a definite matter of urgent public importance."

That lays it down that notwithstanding the practice, and the corresponding Standing Order in the House of Commons, yet the Speaker has it in his power to decide whether the matter is a definite matter of urgent public importance.

Mr. Bath: How do you get over the decision of the Speaker which I quoted?

The Attorney General: Obsolete, probably.

Mr. DRAPER: I have been quoting from the edition of *May*, 1906, which is sufficiently up-to-date. I think it is sufficient authority for the Speaker to have considered that he had the jurisdiction to come to the decision he did. Whether he came to that decision rightly or wrong is another question. The first question urged by members on the other side of

the House is as to whether the Speaker has the right to decide upon the question. I submit that upon the authority of *May*, and upon the analogy of the Standing Orders in the House of Commons, and the practice prevailing thereon, with our own Standing Orders there really can be no doubt that the Speaker has authority to do so. The next question is as to whether the Speaker be right or not. In discussing this I do not propose to go into the merits of the question; because, although I am a young member, I venture to suggest that that question is not properly before the House. Hon. members, at any rate at this hour of the night, will not accuse me of attempting to burk discussion. I take this opportunity of pointing out to those who have had far more Parliamentary experience than I can boast of, that there is at any rate some considerable doubt under our Standing Orders as to whether a decision of the Speaker can be challenged at all except upon the question of whether or not a member is guilty of misconduct.

Mr. Collier: You will put a Czar up soon.

Mr. DRAPER: If we did, it would be our own fault; for through our predecessors we are responsible for the Standing Orders of the House, and must be guided by those Standing Orders whatever they are. If hon. members will look at Standing Order 149 they will find it reads as follows:—

"Upon a question of order being raised the member called to order shall resume his seat, and after the question of order has been stated to the Speaker by the member rising to the question of order, the Speaker shall give his opinion thereon;

Mr. Underwood: On a point of order, has that anything to do with the question before the House?

Mr. SPEAKER: Most certainly it has. It is most important.

Mr. DRAPER: The Standing Order continues—

"but it shall be competent for any member to take the vote of the House after the Speaker has given his opinion, and in that case any member may address the House upon the question."

Standing Order 141 reads—

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

The Standing Orders appear to me to provide solely for questioning the ruling of the Speaker when the question raised is a point of order; and when we look at the new Standing Order 140A. I think it is a reasonable interpretation to say that that point of order was always confined to a case of misconduct on the part of a member.

Mr. Walker: Absolute rot!

Mr. DRAPER: The hon. member for Kanowna is more forcible than polite; but it is not necessary for my argument to limit it to a question of misconduct. I would ask the member for Kanowna to consider what is the point of order before the House. We have had frequent questions raised by members on the other side as to what is before the House; but judging by the questions they have put and by the answers given, no doubt the only two questions before the House are, first, the authority of the Speaker to give a decision, and, secondly, as to whether he has given it rightly or not.

Mr. UNDERWOOD: On a point of order, there is nothing at all in the motion regarding Mr. Speaker's authority.

Mr. SPEAKER: It has been distinctly stated over and over again that the essence of the motion is that it disagrees with my ruling—that I have not the power which I contend I have.

Mr. DRAPER: The two questions before the House are undoubtedly not points of order; they are not approaching points of order; they are two definite propositions to disagree with Mr. Speaker's ruling. They are not points of order. The question before the House to-night is, how far Mr. Speaker has the authority, and the recognised authority, to regulate the proceedings of this Chamber; and I submit without hesitation that his duty undoubtedly is to regulate the procedure of this Chamber, and that his ruling as regards procedure cannot be questioned except there is a specific provision given under the Standing Orders themselves to question it. I submit there

is no express provision given in the Standing Orders to question his Honour's ruling in this case.

Mr. Bath: What about Standing Order 141?

Mr. DRAPER: That does not authorise any objection to be taken to any particular ruling. It merely shows that if any objection is taken to the ruling or decision of the Speaker, such objection must be taken at once.

Mr. Walker: "Or decision."

Mr. DRAPER: Does the member for Kanowna contend that in these words he has the authority to take any objection? If so, he is going far beyond the Standing Orders. It must be obvious to anyone who will read these Standing Orders impartially and from no partisan standpoint, that the words "if any objection" can only properly be an objection under the Standing Orders, or authorised by the Standing Orders. I am open to contradiction on the point if the Leader of the Opposition will quote any other Standing Order showing that the ruling or decision of the Speaker can be questioned. I frankly admit I may not have noticed some of the Standing Orders, but it will be the duty and pleasure of hon. members opposite to point out where I am in error, and if I err it is in ignorance. I have endeavoured to give the House what appears to me to be the ordinary interpretation and proper limit of these Standing Orders.

Mr. JOHNSON: I do not propose to give a silent vote on this important question, neither do I propose to follow the argument of the member for West Perth, when he tries to make out that any dissent from the ruling of the Speaker is not debatable. It has been debated in this House previously, and the very fact that Mr. Speaker has allowed it to be debated to-night clearly indicates that it is permissible. I desire to take exception to the method adopted by Mr. Speaker in arriving at a conclusion as to the purport of our Standing Order. I contend that it has already been pointed out during the debate that we only take the procedure of the House of Commons or take instructions from authorities on Standing

Orders when our own Standing Orders are not definite and distinct. Our own Standing Order was not in accordance with the opinion of the majority of the House—I refer to the previous Standing Order dealing with the moving of the adjournment of the House—consequently the House in its wisdom decided to refer the matter to a committee in order to bring in a Standing Order that would be definite and distinct. It is that Standing Order, No. 47A, we are discussing to-night. The member for West Perth would like us to believe that in order to get the true intention of those who framed the Standing Order we should go to *May*, or some other authority on Parliamentary practice; but if there is any doubt as to the desire or intention of the committee that framed that Standing Order I maintain it is the Speaker's duty and the duty of every member of the House, to take the discussion that took place when the recommendation was submitted to the House. Those who framed the recommendation distinctly laid down during the discussion what they desired and what they intended when they framed the recommendation submitted; and when the recommendation, as framed by the committee, was adopted we knew full well the intention of the committee, because the matter was debated to a great extent by the best authorities on constitutional matters in the Chamber. Who were the authorities? We had the member for Subiaco (Mr. Daglish), the late member for West Perth (Mr. Illingworth), and other authorities, and they all laid it down distinctly, if we read closely the utterances of those members, that it was the Speaker's duty to decide as to whether the question was in order, and that it was for seven members in the Chamber to decide whether the matter was urgent or not. The decision is so clear and definite that members are determined to fight the question in order to get a definite decision on it. In other words, the decision to-day is so obviously wrong that we are labouring the question in order to try to get the decision put right. If we allow this decision to go unchallenged we then have to make up our minds that there is no possible chance

for us to move the adjournment of the House at any time. There has been a great deal of feeling introduced into this debate.

The Honorary Minister: By whom?

Mr. JOHNSON: By every member who has spoken, and it is possibly good for me that I did not speak at an earlier stage or I would have been influenced to say something I shall not say in calmer moments now. But why has feeling been introduced? Because a Minister of the Crown so far forgot himself as to go to Mr. Speaker and influence him in some way or other.

Mr. SPEAKER: I must ask the hon. member to withdraw that remark.

Mr. JOHNSON: I did not intend to convey that he influenced Mr. Speaker, but the Minister went to Mr. Speaker with certain information, the giving of which could not have been for any other purpose than to try to influence Mr. Speaker against permitting the desire of the member for Mount Magnet to move the adjournment of the House. The action of the Minister in that regard was reprehensible in the extreme. A Minister of the Crown had no right to approach the Speaker in any shape or form. And with all due respect, let me say it was distinctly indiscreet on Mr. Speaker's part to allow the Minister to speak to him in any case.

Mr. SPEAKER: I must remind the hon. member that I am the judge of my own actions. I never seek anyone's opinions on any matter. I have already told hon. members that in speaking on the telephone I told the hon. member who sought to move this motion that it was not in order. I had not seen the Minister at that time, good, bad, or indifferent.

Mr. TROY: On a point of order. I regret I have to deny your statement that you told me on the telephone the matter was not in order.

Mr. SPEAKER: I said most distinctly to the hon. member on the telephone that I was sure the motion was not in order, and I advised him to see the Minister and see what he could do, and that I

would see the hon. member just before the House met.

Mr. TROY: I would be very sorry to convey other than your words to me as far as I remember them. I know that in your remarks to me, even before the House this afternoon, you were by no means definite. It was impossible to get "yes" or "no." When I talked to you on the telephone you expressed the hope that in discussing the matter with the Minister I might get over it without moving a motion, but you did not convey the impression to me that the matter was out of order. If you did that why did you tell me that when you came to the House you would discuss it with me?

The Minister for Mines: Have you no courtesy?

Mr. Troy: I will deal with the Minister for Mines in a few moments.

Mr. JOHNSON: I desire to say no more on that point, though I feel keenly on the matter. I will say that the member for Mount Magnet is to be congratulated inasmuch as he went to the Minister, not being forced in any way to notify him of his intention to move the adjournment of the House. But after his going to the Minister and telling him, the Minister, instead of thanking the hon. member and leaving the matter for Mr. Speaker to decide, used the information given to him gratuitously by the hon. member to the extent that he went to approach Mr. Speaker on the matter. All I have to say is that if actions such as this are taken by Ministers, they will find that members on this side of the House will not trust them and will spring these motions on them without giving them the information that the hon. member gave on this occasion. I distinctly regret that motions of this description have to be moved, and it is painful to all members to have to get up and criticise the decision of Mr. Speaker, and debate a question such as this has been debated to-night, but we must protect the rights and privileges of members. There is no doubt but that this was an absolute question of urgency from the miners' point of view. Let me say in regard to points of order raised by the Attorney General—if they are

correct, and I think Mr. Speaker has ruled them so—that we are not allowed to debate the question as to whether the motion proposed by the member for Mt. Magnet is urgent or not, that it is tantamount to saying we cannot debate a question as to whether the ruling is correct. If we cannot debate the question of urgency what have we to debate at all? As a matter of fact, I contend that the member for Mount Magnet would have been justified to-night in bringing forward all the evidence, all his telegrams and information from the miners in the different parts of the goldfields that influenced him in seeking to move this motion, in order to justify his contention that it was a matter of urgency. I trust that after mature consideration it will be realised by members that when we disagree from the ruling of Mr. Speaker, it being admitted it is a debatable point, we are absolutely justified in debating the question on which we differ, that the ruling to-day is purely on the question as to whether the matter is one of urgency or not. Consequently, I maintain that members would be justified in going into detail—although I do not propose to do it myself—on the question as to the effect this regulation will have on the mining industry, in order to demonstrate that it is a matter of urgency to that industry. I propose to support the motion that your ruling be disagreed with, and if members view the question from other than a party standpoint they must admit that the Standing Orders Committee decided distinctly and emphatically that if seven members of the Chamber were of opinion that a matter was urgent, the motion was in order. That is the question before the Chair, and that, I feel sure, is the decision members will come to if they vote in other than a party spirit.

Mr. FOULKES: There is no doubt that during the last ten years great difficulty has been felt by many members with regard to bringing forward motions of this kind, motions which have for their object the discussion of matters of urgency. For many years it was left to the House to decide whether the oppor-

tunity should be given to a member to move an urgency motion or not. What was the result of that system? The result was that it caused a tremendous amount of ill-feeling. There is always a majority on one side of the House and a minority on the other, and when a member sitting in the minority sought to introduce a motion of that kind, the Government frequently took advantage of their numbers and refused permission for the matter to be brought forward. The result was that it caused a certain amount of bitterness and a considerable amount of party feeling. That being the state of affairs, the House urged the Standing Orders Committee to consider the question. That committee framed Clause 47a. I was present at the deliberations of the committee, and it is well known they recommended that if seven members rose from their seats to support a request to bring forward an urgency motion, permission should be granted. Frequent reference has been made to the views of that Standing Orders Committee. I am only here to speak as regards my own views, and I can assure the House that it was never my intention that a motion for adjournment should be allowed simply because seven members got up to say they supported it. Those were my views, and I was a member of the Standing Orders Committee at the time. I will give the reasons that led me to that conclusion.

Mr. Troy: I have your speech here.

Mr. FOULKES: I am glad of that, and I recommend the member to read my speeches as often as he can. It he does so it will improve his style, and, perhaps, his temper. So far as I was concerned, it was never my intention that if seven members got up in the House in support of the motion that the House should be adjourned, the question should be considered. The facts speak for themselves. If the interpretation sought to be placed on the Standing Order is the correct one, then it would be practically impossible to carry on the business of the country, as all any member would have to do would be to get seven others to support him, move an urgency motion on a matter which

he considered to be of importance, and all business would be stopped: such a course could be continued throughout the whole session.

Mr. Collier: That only proves that the Order is bad, but the Order exists all the same.

Mr. FOULKES: Members have been arguing all the evening that because seven members supported an urgency motion, that very fact enables the motion to be proceeded with. What I am informing the House is this, that I feel certain it was never the intention of the Standing Orders Committee that such an interpretation should be placed on the clause. I would call attention to the unsatisfactory position our Standing Orders are in. Some members maintain that it should be left to the Speaker to decide whether a matter is one of urgency or not. In 99 cases out of 100 the Speaker, when giving a decision on the point, would satisfy only one side of the House, and would naturally dissatisfy the other side. Surely it would never do for such a discussion as has taken place to-night to occur every time the Speaker gave a decision on such a question. The debate has not been very creditable, and I say, with all due respect to some members, that many of them have spoken to-night in a heated manner which they will, to a certain extent, regret to-morrow morning. Some members wish to leave the responsibility of deciding whether a matter is urgent or not to the Speaker, and because the Speaker in all good faith—for I believe every Speaker in every Australian Parliament is anxious to deal fairly with both sides of the House—gives a decision that the matter is or is not urgent, he is bound to displease one section of the House. It is an intolerable position that because a decision of the Speaker does not satisfy every member, that decision should be treated—I am speaking in very mild language—with the utmost contempt. One member said practically that in the next Parliament the Speaker who now presides will not be permitted to act in the position.

Mr. Scaddan: We voted against him last time.

Mr. Walker: Did you not try to get his billet?

Mr. Troy: And you are still anxious for it.

Mr. FOULKES: If some members continue their present conduct there will be very great difficulty in getting any man to fill the position of Speaker.

Mr. Troy: You would grab it.

Mr. FOULKES: There is no necessity to exhibit all this party feeling on the question.

Mr. Walker: That is all you do, exhibit party feeling.

Mr. FOULKES: I would remind members that I have not interrupted a single member this evening, and the same courtesy might be extended to me. All I have risen to say is that so far as I am concerned—and I was a member of the Standing Orders Committee—it was never intended that because seven members rose from their places, therefore, *ipso facto*, the debate should take place. There was a discussion on the recommendation of the committee, and it was an open question as to whether four members should rise or seven members.

Mr. Walker: To decide the urgency.

Mr. FOULKES: That was not the question. Some members contended during that discussion that it would be sufficient if four members got up to support him who desired to propose the urgency motion, whereas others thought that the mover should be supported by seven members. The interpretation desired to be placed on this by the member for Kanowna now is that if seven members rise, that is sufficient to warrant a member in bringing forward an urgency motion.

Mr. Walker: We have that in New South Wales.

Mr. FOULKES: That does not affect me, for they have done many extraordinary things in New South Wales, as the member himself explained the other evening when he told us that he and others were thrown out of the House for about an hour and a half.

Mr. Walker: I am always proud of that; and it was through having a poor Speaker also.

Mr. FOULKES: It would be interesting to know what the views of that particular Speaker were with regard to the member. He would probably say the trouble arose on account of the fact that those nine members were a poor class of members.

Mr. Walker: He resigned shortly afterwards.

Mr. FOULKES: I can quite understand that, and perhaps it is the object of the member to compel every Speaker in this House to resign.

Mr. Walker: I would rather have the one we have than you.

Mr. FOULKES: Probably, because I would not be likely to deal so leniently with the member as some Speakers have. All I want to do is to let the House know what were the views of the Standing Orders Committee who framed that clause.

Mr. SCADDAN: It might be as well, after hearing the member for Claremont, for me to tell the House that I was not a member of that Standing Orders Committee. In connection with this matter the member for Claremont has either lost his memory or his sanity, or else he must have been dead when the committee were sitting, for he has absolutely misstated what the committee decided. In order to show that, I will read the report submitted by the Chairman of the Standing Orders Committee. I regret that the member for West Perth is not in his place, because it would be as well if he were present in order to learn what the Standing Orders Committee decided on the question submitted to them; that they apparently considered the procedure adopted in the House of Commons and also considered the procedure adopted by a previous Speaker of this House, who was respected by all members sitting in this Chamber, Sir James Lee Steere. I have heard the Speaker to-day say that he was prepared at all times to follow the precedents set by that gentleman.

The Attorney General: He repeatedly refused to allow these motions for adjournment.

Mr. SCADDAN: I can turn up *Hansard* and show where the present Speaker stated not once but frequently that he intended to follow the good example of that gentleman, and that he was prepared to accept his ruling.

The Attorney General: I repeat, the late Sir James Lee Steere often refused to allow these motions to be submitted.

Mr. SCADDAN: Let me read this report from the *Votes and Proceedings* of the second session of the 6th Parliament, 1906—

“Adjournment to debate matter of urgency, amendment of Standing Order *re.*”

Mr. Bath in accordance with rules moved—“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.”

The Premier moved as an amendment—That the following words be added, “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.”

The amendment was put and passed and the resolution as amended was agreed to. On Tuesday, 11th September, Mr. Speaker presented the report of the Standing Orders Committee on the proposed amendment of procedure with regard to matters of urgency, and on the motion of the Premier the report was read and its consideration made an Order of the Day for the next sitting of the House. The report of the Standing Orders Committee of the Legislative Assembly on the proposed amendment of procedure with regard to debating matters of urgency was as follows:—

“1. 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 the financial and legislative business of the House. 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 qualifications 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 circumstances, is submitted to the House, the support of forty members being necessary before the discussion can proceed. The compilers of our Standing Orders, in adopting this procedure, omitted to provide specially for the question of urgency, which was therefore left, with the others, to the Speaker. For more than ten 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.”

Is the Attorney General listening?

The Attorney General: I am listening, but I am not accepting it.

Mr. SCADDAN: I will repeat this for the benefit of the Attorney General. It says—

“(2.) 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 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 es-

tablished has been followed ever since. 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 should 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.

Standing Order 47 reads as follows:—47. "A motion that the House do now adjourn, for the purpose of debating some matter of urgency, can only be made after petitions have been presented and notices of questions and motions given, and before the business of the day is proceeded with; but only the matter in respect of which such motion is made can be debated, and not more than one such motion may be made upon the same day."

To this your Committee recommend the following addition, to stand as No. 47A:—"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 places to support it the motion shall be proceeded with."

With regard to the other matters mentioned in the order of reference, your Committee are aware of several points in which Standing Orders might be amended with advantage, but they feel that during the session it will be impossible for them to devote the time demanded for their due consideration. They therefore recommend that leave, if the House think fit, be granted to the Standing Orders Committee to sit during the recess with power to confer with the Standing Orders Committee of the Legislative Council, in which case they will endeavour to prepare a report for submission to the

House at the commencement of next session.—T. Quinlan, Chairman. 11th September, 1906."

On the face of that I want to know how you arrived at the decision that you have come to to-day. The Attorney General smiles. But the signature here at the foot of this report is that of the Speaker himself.

The Attorney General: That is no evidence.

Mr McDowall: It was not made in England.

Mr. SCADDAN: What better English can we want than that? Every member must clearly understand the intention of the Standing Orders Committee when they made that report. I believe if the Attorney General is honest enough he, too, will admit it.

The Attorney General: It is beside the question.

Mr. SCADDAN: How can it be beside the question when it is the effect of the Standing Order?

The Attorney General: I do not go beyond the Standing Order.

Mr SCADDAN: The Chairman of the Standing Orders Committee was the Speaker of the House, and he was prepared to sign his name to that statement that the precedent established in 1903 by the late Sir James Lee Steere had been followed ever since.

The Attorney General: That does not matter.

Mr. SCADDAN: Of course not, because it is convenient at times that these motions should not be discussed.

Mr. SPEAKER: That is a reflection on the Chair.

Mr. SCADDAN: I have not reflected on the Chair, Mr. Speaker.

Mr SPEAKER: I think the hon. member has reflected on the Chair, and he must withdraw. Only one construction can be put upon the words he used, and he must withdraw them.

Mr. SCADDAN: I fail to see, Mr. Speaker, where I have made any reflection upon the Chair.

Mr. SPEAKER: The hon. member said that it was convenient for the Government that the motion should not be

discussed. I regard that as a reflection on the Chair.

Mr. SCADDAN: I made no such reflection.

Mr. SPEAKER: The words the hon. member used at any rate implied that I was in conspiracy with the Government. I do not know whether the Government desired that this motion should not come forward nor do I care. I must ask the hon. member to withdraw the reflection that he had made upon me.

Mr. SCADDAN: May I give you an assurance, Mr. Speaker, that you are under a misapprehension.

Mr. SPEAKER: I think I understand the English language.

Mr. SCADDAN: I said nothing about a conspiracy.

Mr. SPEAKER: It is the construction that can be placed on it that I am complaining of. You can put no other construction upon it, but that I was acting in collusion with the Government.

Mr. SCADDAN: With all due respect, Mr. Speaker, I never made any reference to you.

Mr. SPEAKER: When the hon. member sees those words in type he will appreciate my point.

Mr. SCADDAN: I was replying to an interjection of the Attorney General in connection with the report of the Standing Orders Committee, and contending that the procedure which was being followed now was the decision which had always been carried out; and I said that it was not convenient for the Government that the motion should be discussed.

The Minister for Works: Why?

Mr. SCADDAN: Simply because it was not convenient to have the motion discussed.

Mr. George: It would have been very much better if we had discussed it; we might have finished it by now.

Mr. SCADDAN: I only desire to say that all the misrepresentation in connection with this matter has come from the Attorney General and also from the member for Claremont, and the member for West Perth, who by the way does not know any better. The member for Clare-

mont ought to have known better because he was a member of the Standing Orders Committee and in saying what he did he either deliberately misled the House, or spoke without knowledge; but he had the knowledge and he admitted that he was there and knew all about it—

The Attorney General: Is the hon. member in order in saying that an hon. member has deliberately misled the House?

Mr. SPEAKER: The hon. member is certainly not in order in saying so.

Mr. SCADDAN: I said if he had a knowledge as he has told us he had—

The Minister for Works: Withdraw.

Mr. SCADDAN: I will withdraw when I am out of order. The hon. member has never had occasion to complain about my conduct. I would like to explain. I say that the member for Claremont sat on the Committee, and with the knowledge that he had he misled the House, because he must have had a knowledge of the Committee's report, and this Committee's report is in opposition to the statement he has made to the House. He could not have read this report, otherwise he would not have made the statements he did.

The Attorney General: The hon. member said that the member for Claremont had deliberately misled the House.

Mr. SPEAKER: If the hon. member used those words he should withdraw them.

Mr. SCADDAN: I will withdraw them. I consider this is a matter which should not be considered on party lines at all. It should be remembered that there was a time when some hon. gentlemen opposite were in Opposition and they were not so tender. It must be recognised that hon. members sitting behind the Government do not find the necessity to move the adjournment of the House to discuss these matters. We find to-day that the Minister, unfortunately being a member of Party Government, declines very often to discuss these questions with members who represent the constituencies where the matters are most affected, while he would discuss them with members on

his own side of the House. Now had the Minister for Mines discussed this matter with those members who represent mining constituencies there would have been no occasion to ask for leave to move the adjournment. Those hon. members could have discussed it with the Minister, and taken steps in the House when the Estimates were before them, if such further action were considered necessary; but we are told the matter has been before the country for some time. If Ministers were to consult those members representing constituencies where these matters are going to take effect, many of these discussions in the House would be avoided. I represent a mining constituency, and I doubt whether the Minister has ever consulted me on any of these matters affecting mining since I have been in the House. I do not want to accuse him of narrow-mindedness, but—

Mr. SPEAKER: The hon. member is very wide of the question before the House.

Mr. SCADDAN: Well, if I am, I am sorry. I would refer you to the report dealing with this question, signed by yourself and given to the House. It was intended by the Standing Orders that the responsibility of deciding any question of urgency should be left in the hands of members themselves. Under those circumstances I am certain that you must come to only one conclusion, namely, that in a question of this kind had you submitted the matter to the House, and seven members had risen in their places, it must have been accepted as a matter of urgency. The Standing Orders under which we are discussing this matter embrace this very fact.

The Minister for Works: That is not the member for Subiaco's interpretation of it, according to the speech he made.

Mr. SCADDAN: He said nothing to the contrary, so far as I am aware. Under these circumstances I would submit that it would be as well if this report were again considered by yourself, Sir. If it is possible to show what other intention the Committee had I am quite willing to hear it.

Mr. JACOBY: The hon. member who has just sat down stated that this debate should be conducted on non-party lines; yet if anybody ventures to disagree with him he is characterised as a fool or a liar.

Mr. SCADDAN: On a point of order, I ask that the hon. member withdraw.

Mr. JACOBY: That was the construction I put upon it but—

Mr. SCADDAN: I ask that the hon. member withdraw.

Mr. JACOBY: If the construction he puts upon it is different—

Mr. SCADDAN: I have risen to ask that the hon. member withdraw the words "liar or fool."

Mr. SPEAKER: I did not hear the hon. member use the words "liar or fool" or I would not have allowed it.

Mr. A. A. Wilson: He used them all right.

Mr. JACOBY: I did not say that the hon. member was a liar.

Mr. Scaddan: You would not say so outside, at any rate.

Mr. JACOBY: I was pointing out that the hon. member said that the debate should be conducted on non-party lines—

Mr. Scaddan: The hon. member said that if anybody ventured to disagree with me I would say he was a fool or a liar.

Mr. SPEAKER: If the hon. member used those words I ask him to withdraw them. I did not hear him use them.

Mr. JACOBY: I did not accuse the hon. member of being a fool or a liar.

Mr. Scaddan: Let me accuse you of being both.

Mr. JACOBY: I was pointing out that the hon. member was asking that this debate be conducted on non-party lines, but that if anybody disagreed with him he would be stigmatised by some opprobrious name. The practice as stated in the report read by the hon. member has not been correctly stated. Only on one occasion did the late Sir James Lee Steere depart from the usual practice in these matters, and subsequently he reverted to the old custom. The report says that the pre-

cedent set on one occasion by the late Sir James Le Steere has been followed ever since. That is not correct, because those are not the facts. The facts are that Sir James Lee Steere reverted to his old practice. That practice was followed by his successor, Mr. Charles Harper, and also during the two sessions I sat in the House as Speaker. This report has evidently been very loosely drawn up. I am not looking at the matter for a moment from a party point of view. I am only looking at it as I would if I were asked to decide the question; and whatever objections may have been taken to any rulings which I have given, on no occasion was my impartiality questioned. This report does not properly state the practice of the House of Commons, the report the hon. member quoted from, because it says that the Speaker only has power to prevent it being moved if it is not sufficiently definite. That report does not correctly state the practice of the House of Commons, because the practice there is that the Speaker does not allow the motion to be made if in his opinion it is not definite, or the matter is obviously not important, or not urgent. So the evidence placed before that Committee on which to frame their Standing Order, or to gain the opinion of the House of Commons, was not sufficiently full or accurate. I am not discussing the decision of the Speaker.

Mr. Scaddan: What are you discussing?

Mr. JACOBY: The question of whether the Speaker has authority to decide the question of urgency. That is the point we are discussing. We are not discussing whether the question was urgent or not, we are discussing whether or not the Speaker has power to decide whether it is right, and I submit that the practice of the House of Commons is most definite and that no Speaker who followed precedents could do otherwise than give the decision you gave to-night, Sir.

The Attorney General: Time!

Mr. TROY (in reply): The Attorney General is in a hurry. I hope he will curb his impetuosity and allow this

matter to be discussed thoroughly. It would have been much better for the Government and for yourself, Sir, had this very urgent matter which so vitally concerns the welfare of thousands of prospectors of this State been discussed in the House rather than that the time should have been taken up on a motion such as this, and that there should be this wide difference of opinion even when the debate is concluded. I do object to the members for West Perth and for Claremont, and the Attorney General, presuming on their little legal knowledge in order to endeavour to give an opinion in regard to these matters which members themselves have decided upon long since. I am always doubtful regarding such endeavours, because I know from experience that their views in legal matters are largely guided by the size of the fee. This debate has particularly been directed to the question of whether this matter was urgent or otherwise, and you, Sir, hold the opinion that you are the one who shall say whether or not the matter is urgent. I want to ask how is the Speaker to know whether a matter is urgent or otherwise. Is the Speaker all powerful? Is he possessed of a knowledge of all matters? Is he omnipotent on this and other matters, and has he a more accurate knowledge in regard to matters which affect the welfare of the people in Western Australia than have seven members of the House? I venture to say that any seven members of the House can be fully trusted in regard to what may be considered urgent, and I maintain that those seven members are equally able with the Speaker to decide what is urgent, in fact they should be more competent than the Speaker.

Mr. SPEAKER: I hope the hon. member will not labour that point, because it is beside the question. The whole question is as to my ruling being disagreed with.

Mr. TROY: I am following the procedure and the debate as it has been stated by the Attorney General, and by the members for West Perth and Claremont and others. They have all discussed the point as to whether this

matter was urgent or otherwise, and that is the point the Speaker has ruled upon. Since I disagree with that ruling I ask how is the Speaker to know what is urgent any more than any other member of the House. If the Speaker has power to prevent discussion such as this, then he can be a tyrant in the House, and members will be as clay in his hands. He can refuse members an opportunity of having the grievances of the people discussed in this Chamber. This Standing Order of our own House, not the Standing Order of the House of Commons or of any other House, but the Standing Order which we have made for ourselves at the express wish of members of the House, clearly sets out the power of members in regard to this matter of adjourning the House. "The member 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." The Speaker's duty is to read the matter to the House, whereupon, if seven members rise to support it, the motion shall be proceeded with. That is one of our Standing Orders prepared for the benefit of members, and for the direction of the Speaker; yet we have a Government who should lead in this connection, opposing the Standing Order which they were a party to introducing.

The Attorney General: We are supporting it.

Mr. TROY: I will take the remarks of the member for Claremont during the debate in the House when the Standing Order was introduced. He said he was a member of the Standing Orders Committee appointed to consider the question and was impressed by the House of Commons' practice laid down in *May* as follows:—

"According to past practice, it was in the power of two members to move and second a motion for the adjournment of the House. Experience impressed upon the House the necessity of placing upon that power some restriction."

Why some restrictions? Why did the House want to place restrictions on two

members rising if they had no power, if the whole power was embodied in the Speaker? For what reason did the two members rise in the House to secure the adjournment? Merely by way of ceremonial? Mr. Speaker, I would draw your attention to the fact that the Honorary Minister and the member for East Perth are interjecting from outside the Chamber.

Mr. SPEAKER: I cannot see them outside the Chamber. They are outside my control.

Mr. TROY: Surely I can speak without these hon. members standing behind your Chair and interrupting.

Mr. SPEAKER: They should not do that. But how can I see them behind my back?

Mr. TROY: I draw your attention to it.

Mr. SPEAKER: They certainly should cease.

Mr. TROY: I draw your attention to it. Your duty is—

Mr. SPEAKER: I am sure it will not happen again. I am glad the hon. member has mentioned it.

Mr. TROY: I hope you will not excuse yourself because members are outside the House. Rather some action should be taken in regard to it. At any rate why should seven members rise in the House? Are they Jacks-in-the-box that they must jump up merely for the purpose of ceremony?

The Minister for Works: Quote the hon. member for Subiaco last session.

Mr. TROY: What purpose have they? Why do the Standing Orders provide that seven members should rise to support a motion for the adjournment of the House? Can any reasonable argument be adduced in favour of these seven members rising if the whole power is embodied in the Speaker, and if the whole power is embodied in the Speaker why have the Standing Order that seven members shall rise? If the Speaker has full power and can say "yea" or "nay" then why do seven members rise, or why did two members rise in the Imperial Parliament, and why did the member for Claremont say there should be restrictions in this con-

nection? Why should there be restrictions if two members only have the power to stand up? Why put restrictions on them if they are doing no harm? Why did the Standing Orders Committee find it necessary to restrict their power? Because the rising of those two members gave one member the power to move the adjournment. That is all. The member for Claremont went on to say—

“It was only after the bitter experience the House gained by giving such power to two members that the Commons saw the necessity for raising the number to 40. I think it has now been the rule for 15 years, and it has not been altered.”

According to the member for Claremont, who a few moments ago retracted all his previous opinions, for 15 years in the Imperial Parliament it has been in the power of 40 members to rise and give a member the opportunity of moving the adjournment of the House.

The Attorney General: No one disputes that.

Mr. TROY: The intention is laid down clearly in our Standing Orders submitted to the House and passed by the House, that seven members shall rise and give a member the opportunity of moving the adjournment, and that it is not in the province of the Speaker to refuse that adjournment if seven members rise in their places. It will be interesting to read the remarks of the Premier on the same occasion. He moved the adoption of Standing Order 47 A, and pointed out that the question had been considered by the Committee and felt sure that the House would support the recommendation made. The member for Kanowna pointed out that seven was too great a number to provide, and moved an amendment that four members should suffice to enable a member to secure the adjournment.

The Minister for Works: The member for Kanowna has told us all that.

Mr. TROY: Mr. Illingworth was a member of the Standing Orders Committee at that time. He said in the House that when the question was before the Standing Orders Committee there was a suggestion that the number should be

ten, and that he had discussed the matter on that occasion and suggested that it should be seven, for the reasons already named by the member for Kanowna.

The Attorney General: On a point of order, on one is disputing the fact that after Mr. Speaker gives his ruling it is necessary for seven members to rise.

Mr. SPEAKER: The member for Mt. Magnet is wide of the point. I cannot permit him to keep on repeating what has been before the House so often to-night, because it is needless repetition.

Mr. Walker: I draw attention to the state of the House.

[Bells rung, a quorum formed.]

Mr. SPEAKER: I draw attention to Standing Order 140A—

“The Speaker or the Chairman, after having called the attention of the House or the Committee to the conduct of a member who persists in irrelevance or tedious repetition, either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech; Provided that such member shall have the right to require that the question whether he shall be further heard be put, and thereupon such question shall be put without debate.”

I only ask the hon. member to keep as nearly as possible to the point and not to occupy the time of the House unnecessarily.

Mr. TROY: If I am a judge of what tedious repetition is, then I may call attention to the remarks of the Attorney General and the member for West Perth, the latter being supplied with the same matter by the Attorney General; and there were other members of the House who travelled over the same arguments. Their intention is to gag me as they have gagged me in connection with this motion, and I desire that you should deal impartially with me as you have with others. And I ask for the same liberty and the same latitude as you have given to every other member to-night. I want to be understood that I am closing the debate, and I am the member who is affected by the refusal of yourself to give me the opportunity of discussing the grievance of the people of the country, and it

is a fair thing that I should receive that impartial hearing and consideration you have given every member to-night. If Mr. Illingworth's remarks were read to-night—

The Minister for Works: They were read three or four times.

Mr. TROY: Mr. Illingworth was Chairman of Committees of the House and had a greater knowledge on this subject than any other man in the House. When the motion was introduced he clearly declared what the intention of the committee was—and Mr. Speaker was Chairman of the committee, because he signed the report—that a member had the power of moving the adjournment of the House if he so desired by seven members rising in their places. These seven members were those who should decide whether the matter was one of urgency or otherwise, and with all due respect to the ruling to-night I have no hesitation in saying that I would prefer to submit my case to seven members of the House with regard to whether it was urgent or not than to any one individual. The late member for Swan also made some remarks in regard to non-compliance of this ruling to the matter under debate. Let me refer the House to the remarks of the member for Swan last year when a question of urgency was discussed. He is an ex-Speaker, and his remarks on that occasion were entirely contrary to those he expressed to-night. It seems to be very convenient for members on the Ministerial side to change their opinions when the occasion demands. Mr. Jacoby then said—

“It may help the House if I explain the practice that was in force previously in regard to Standing Order 47 before the amendment was made. The practice then was for the Speaker to be the sole judge as to whether a motion was of sufficient urgency to be submitted to the House. I have frequently in the olden days heard Sir James Lee Steere, in regard to questions of urgency, decide without submitting the matter to the House. He considered that the old Standing Order gave him power to decide whether the matter was of sufficient

urgency, and unless he decided that it was sufficiently urgent, he did not allow it to be submitted to the House. I do not quite understand why the new Standing Order was framed, if it was not with the intention of taking the power out of the hands of the Speaker.”

That speech was made in December last. The hon. member did not understand why the new Standing Order was framed if it were not to take that power out of the hands of the Speaker, a power which he says to-night the Speaker now possesses. Where are we going to follow members in their ramblings? I prefer to be guided by the rules laid down in this House, for, after all, we have decided for ourselves how we are to be governed, and we have taken from the Speaker by Standing Order 47A the power of deciding whether a question is one of urgency or not. The Speaker is clinging to that power with both hands to the detriment of members of Parliament, to the detriment of the people of the country, and to the detriment of liberty as a whole. The New South Wales Standing Orders in regard to motions for adjournment are very similar to our Standing Order 47A, for they say—

“No motion for the adjournment of the House shall be entertained until the formal business shall have been disposed of, and then only for the purpose of discussing a definite matter of urgent public importance, the subject of which shall be first stated to the President in writing; and it shall be competent for the House to decide on motion without notice or debate the urgency of the subject.”

There it is for the House and not the Speaker to decide. Members of this Chamber who hold that the Speaker has the power to decide, have never taken a course in this House more dangerous or one more inimical to the privileges of members. If their wishes be carried we will be here as puppets in the Speaker's hands, and we shall have no power, so far as remedying our grievances is concerned. If it is in the Speaker's power to say what is urgent and what

is not, may I commend his attention to some of the matters he has considered as urgent in this House from time to time, and say whether they are as urgent as the question I desired to bring before members this afternoon.

Mr. SPEAKER: The member is very wide of the point. I want to meet every member's wishes, but I shall not allow this to continue much longer.

Mr. TROY: I shall conclude with these remarks, and I hope I shall be permitted to give expression to them uninterrupted. The motion I desired to bring before the House was most urgent, in fact, the most urgent one I know of in this country to-day, as it affects the mining industry which has built up the prosperity of this State. The action of the Minister practically means the livelihood of the prospectors and of their wives and families. Could anything be more urgent? It means that possibly those people will be forced to leave the homes they have made in this State, and go to other places and start afresh there. That will be the result if these additional charges are made. Nothing could be more important in the eyes of any Assembly than the bread and butter, the livelihood, of the people of the country, and particularly when it is the livelihood of the great body of people who have laboured under such disadvantages in the mining industry to build up this State. The Speaker has said that he deems the motion I wish to bring forward as one of urgency not an urgent one. He suggested that I should communicate with the Minister for Mines. I took up that attitude, but the Minister did not keep his promise to the member for Murchison and me.

The Minister for Mines: That is not correct.

Mr. Holman: It is absolutely correct.

The Attorney General: You are still diverging.

Mr. TROY: Since we had no opportunity of discussing the question of the charges with the Minister for Mines, owing to his promise not having been kept, the only opportunity I had of bringing it forward was to introduce it in

the House as a matter of urgency. To-day the Minister for Mines went out of his way to see the Speaker.

The Minister for Mines: That is also incorrect.

Mr. TROY: After I had given him notice he rang up the Speaker. When the Speaker asked me to see the Minister I rang him up, and he thanked me for doing so and said he would bring the papers to the House so as to be ready for the discussion, but in the meantime he came here and presented the Speaker with a large batch of telegrams sent from the Murchison ten days ago. You, Mr. Speaker, do not deny that the Minister gave you that information. I saw him give it to you in the corridor, and saw him talk the matter over with you. When I taxed you with it you did not deny it. What we want here is nothing but impartiality. We shall never feel safe if we think that a Minister has power to come to you, to ring you up, to approach you in order to prevent a member being given an opportunity to bring an urgent matter before the House. A manly, straightforward thing was done, but the Minister's action was that which I was told to expect from him, which I knew he would take, which he was given the opportunity of taking and availed himself of, in full keeping with his reputation. I shall conclude with the remark that I hope an opportunity will be given us to discuss the rights of the prospectors and the rights of members of this House. I hope we shall be able to respect the Chair and feel that we are getting a fair deal. We cannot do that if Ministers can approach the Speaker, and if the course is followed, which unfortunately has been done here, of bringing the Speaker in on every little party division.

Question (dissent from ruling) put, and a division taken with the following result:—

Ayes	20
Noes	22
				—
Majority against	..			2
				—

AYES.

Mr. Angwin	Mr. W. Price
Mr. Bath	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Gill	Mr. Taylor
Mr. Gourley	Mr. Underwood
Mr. Heitmann	Mr. Walker
Mr. Holman	Mr. Ware
Mr. Horan	Mr. A. A. Wilson
Mr. Hudson	Mr. Troy
Mr. Johnson	(Teller).
Mr. McDowall	

amount which the dwelling house or land would ordinarily let at, deducting rates and taxes. (b.) Annual Ratable Value.—The valuation of the municipal council or roads board.

House adjourned at 10.32 p.m.

NOES.

Mr. Brown	Mr. Jacoby
Mr. Butcher	Mr. Layman
Mr. Carson	Mr. Male
Mr. Cowcher	Mr. Mitchell
Mr. Daglish	Mr. Monger
Mr. Davies	Mr. Nanson
Mr. Draper	Mr. Osborn
Mr. Foulkes	Mr. J. Price
Mr. George	Mr. F. Wilson
Mr. Gregory	Mr. Gordon
Mr. Hardwick	(Teller).
Mr. Hayward	

Question thus negatived.

The MINISTER FOR MINES: With the permission of the House I would like to make an explanation with regard to some statements made to-night, and also with regard to my intention concerning the battery charges.

Mr. Holman: Why did you not do it before?

The MINISTER FOR MINES: Because the rules of the House would not allow me to do so. I only want the consent of the House to make the statement, otherwise I will sit down.

Mr. Holman: Very well, then.

Mr. Heitmann: I object to the Minister making any explanation.

Mr. Underwood: So do I.

The MINISTER FOR MINES: Then I regret I cannot make the explanation.

QUESTION—COUNCIL ELECTORS' QUALIFICATIONS.

Mr. BATH asked the Attorney General: What is the exact interpretation placed by his department on the terms—(a) clear annual value, and (b.) annual ratable value in the clauses of the Constitution Act specifying the qualifications of electors of the Legislative Council?

The ATTORNEY GENERAL replied: (a.) Clear Annual Value.—The annual

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

PAPERS PRESENTED.

By the Minister for Mines: Reports and returns in accordance with Sections 54 and 83 of "The Government Railways Act, 1904."

By the Premier: 1, Report of the Superintendent of Public Charities for 1908-09. 2, By-laws of the Municipality of Leederville.

ASSENT TO BILLS (3).

Message from His Excellency the Governor received and read notifying assent to the following Bills:—

- 1, Bills of Sale Act Amendment;
- 2, Licensed Surveyors;
- 3, Sea Carriage of Goods.

QUESTION—PUBLIC SERVICE CLASSIFICATION.

Minimum Salaries.

Mr. GEORGE asked the Premier: 1, In cases where the value of the position