contained in one section of the Police Act of 1902, namely Section 79, with some additions enabling suffering animals to be killed, and for the prevention of cruelty to captive animals, also enabling special constables to be appointed by the Society for the Prevention of Cruelty to Animals. This additional machinery will no doubt be welcomed by those who feel a special interest in the operations of that society.

At 6.15, *the President* left the Chair.
At 7.30, Chair resumed.

The COLONIAL SECRETARY (continuing): When we adjourned, I had arrived at Division 8 of the Bill. This division deals with miscellaneous offences, all of which are subject to existing legislation so there is no material change in that division. It is practically the existing legislation. Part 3 contains provisions of local application, which only take effect so far as the matters are not provided for by municipal or other local by-laws. This part does not call for any comment on the second reading, but if there are any points which members wish explained in Committee I will give them explanations. Part 4 deals with supplemental matters and makes provision for the apprehension of offenders and re-enacts the miscellaneous section of the Police Act of 1892 and its amendments. Briefly these are the features of the Bill and as I said at the beginning it is a consolidating Bill and to a great extent re-enacts the legislation already contained in existing statutes. It consolidates five Acts and is also the means of putting another Act on the statute book under the name of the Police Act. I do not think it is necessary for me to touch on the measure farther. I beg formerly to move the second reading of the Bill.

On motion by the *Hon. C. Sommers*, debate adjourned.

BILL—STATISTICS.

In Committee.

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

ADJOURNMENT.

The House adjourned at 7.42 o'clock until the next day.

Legislative Assembly,

Tuesday, 30th July, 1907.

The SPEAKER took the Chair at 4.30 o'clock p.m.

Prayers.

ASSENT TO BILL.

Message from the Governor received and read assenting to the Supply Bill, £629,303.

PAPERS PRESENTED.

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

BILLS (5)—FIRST READING.

1, District Fire Brigades; 2, Electoral; 3, Bankers' Cheques; introduced by *the Attorney General.*

4, Port Hedland-Marble Bar Railway; 5, Permanent Reserve Revestment; introduced by *the Premier.*

BILL—PUBLIC EDUCATION AMENDMENT.

School Attendance, etc.

Second Reading.

The TREASURER AND MINISTER FOR EDUCATION (Hon. Frank Wilson) in moving the second reading said: This is a small measure which is intended to remedy several defects that appear in previous legislation. Members will see that it consists of only three clauses: the first clause has three subclauses, (a), (b) and (c). Subclauses (a) and (b) are exactly the same as in the parent Act, but Subclause (c) is altered for this reason: in the old Act it was so constructed and so worded that there is a doubt as to the meaning, in fact the meaning apparently is clear that when a child lives 12 miles from a school and 10 miles at least of that distance could be travelled by rail, then that child must attend that school. But if a child lives six or seven miles away from school and only one mile can be reached by road and six miles travelled by rail, there is no necessity for the child to attend the school. That section has been recast so that children wherever they may be, so long as they do not have to walk more than two miles, if the school is within 12 miles of the residence, must attend the school. That is the meaning of the amendment. There was an amendment made in 1895, but unfortunately the wording of that amendment was not clear either. The next amendment is in the proviso; the last three lines after the words "provided always" in that section are new and are put in for this reason. The old legislation fixed the minimum time which was to count as legal attendance at a Government or private school as two hours, that is two hours in the morning or in the afternoon. It was found on one occasion when we had to fine a parent for not sending his child to school that he was quick enough to discover this error in the legislation, and he found that if he could send his child to school at nine o'clock in the morning the child need not remain after 11 o'clock, and he ordered his child to return home at 11 o'clock, and we could not compel the child to remain after 11 o'clock. These two lines in the Bill provide that although two hours entitle a child to be noted on the register as having attended school they will not justify the absence of the child during any portion of the prescribed time for attendance. The schedule contains the different sections to be repealed. The first three sections repealed are now obsolete; they provide for certain grants. The first section provided a grant for books not exceeding 5s. per head for children attending school; that dates back to the time before Responsible Government. The next section repealed by the Act set apart £3 10s. per head of the average attendance for the support of Government schools. That is also obsolete and unworkable now. The third section is one which raised the £3 10s. per head grant to £4 10s. per head. These three sections have now become obsolete and unnecessary because Parliament each year votes the necessary money for the purposes of education. Therefore, we propose to repeal this section and the other two sections in the schedule repealed by this Act, referring to the matters I have just mentioned, namely, the attendance of a child at school and the distance a child has to walk when the school is not farther away than 12 miles from its residence and where a certain proportion of the distance can be travelled by rail.

Mr. T. H. BATH (Brown Hill): In regard to the measure which has just been moved a second time, it is, as the Minister for Education points out, a small Bill designed to facilitate the educational programme in Western Australia. I see no reason for postponing the second reading, and I have much pleasure in supporting the second reading of the measure.

Question passed.

Bill read a second time.

In Committee.

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

STANDING ORDERS REVISION.

To adopt Amendments as Recommended.

Mr. H. DAGLISH: I beg to move—

"That the amendments recommended by the Standing Orders Committee be adopted by the House."

I intend to ask the House to agree to postpone the second portion of this motion, which only indirectly relates to the report of the revising committee, and which proposes no new Standing Order for the guidance of this House. I do not know whether it is the will of the House that I should move the motion as a whole, or that the amendments of the Standing Orders be taken *seriatim*. Shall I, Mr. Speaker, proceed to move the motion as a whole, or shall I deal with the amendments to the Standing Orders in their order?

Mr. SPEAKER: It is at the will of the House.

Mr. DAGLISH: If I am to proceed to deal with the amendments as a whole, I will move the motion on the paper, as stated already.

Mr. BATH: I move an amendment—

"That the consideration of these amendments to the Standing Orders be taken seriatim."

Mr. SPEAKER: There is no need to put it as a motion, for it is evidently the wish of the House that the amendments should be considered *seriatim*.

Mr. DAGLISH: I will proceed with the recommendations *seriatim*.

Mover's Reply (as amended).

Mr. DAGLISH moved that the following new Standing Order be passed to stand as 121A:—

"In all cases the reply of the mover of the original question closes the debate."

The object of this new Standing Order was clear from the explanation embodied in the report. It was obvious that if a mover had the right to reply, then he should have the right to reply after every argument which might be advanced against his motion had been brought forward. Otherwise, if there was to be farther discussion, it would be possible, after his reply had been given, for new matter to be introduced which would necessitate, in order to do the motion justice, that the mover should again have the right of reply. Obviously the debate would, if such a course were allowed, be unending. Since he had been in this House, it had been the custom to rule that the member's reply closed the debate. There had been one or two exceptions to this, but in order to avoid the possibility of any member failing to know the practice the present Standing Order was inserted, and if now adopted, no member could afterwards urge that he should be able to speak after the mover had replied.

The PREMIER: The proposal to add 121a to the Standing Orders met with his approval. The practice had been as a rule adopted in the past, that no member should speak after the mover had replied; but as there had been no Standing Order governing that procedure, it was wise that one should be inserted.

Question passed.

Disorderly Conduct.

Mr. DAGLISH moved that Standing Orders 149 and 150 be struck out. These were governed already by other Standing Orders, namely 72 and 73. The existence of the two sets of Standing Orders, both dealing with misconduct on the part of members of the House, was liable to cause confusion to members and to the Speaker or Chairman of Committees, whoever might be presiding. There was a somewhat different course of procedure laid down in the two sets of Standing Orders, and to that extent they were contradictory the one to the other. Standing Order 72 provided:—

> "Whenever any member shall have been named by the Speaker, or by the Chairman of the Committee of the whole House, immediately after the commission of the offence of disregarding the authority of the Chair, or of abusing the rules of the House, by persistently and wilfully obstructing the business of the House, or otherwise, then, if the offence has been committed by such member in the House, the

Speaker shall forthwith put the question on a motion being made—no amendment, adjournment, or debate being allowed—'That such member be suspended from the service of the House'; and if the offence has been committed in a Committee of the whole House, the Chairman shall put the same question in a similar way, and, if the motion is carried, shall forthwith suspend the proceedings of the Committee, and report the circumstances to the House, and the Speaker shall thereupon put the same question, without amendment, adjournment, or debate, as if the offence had been committed in the House itself. If any member be suspended under this order, his suspension on the first occasion shall continue for one week; on the second occasion, for a fortnight; and on the third, or any subsequent occasion, for a month; provided always, that suspension from the service of the House shall not exempt the member so suspended from serving on any Committee for the consideration of a private Bill to which he may have been appointed before his suspension."

Then there was a proviso that not more than one member should be named at the same time, unless several members present together had jointly disregarded the authority of the Chair. The Standing Order went on:—

"Provided always, that nothing in this resolution shall be taken to deprive the House of the power of proceeding against any member according to parliamentary usages."

Standing Orders 149 and 150 dealt with similar misconduct in a somewhat different fashion. The former stated:—

"When, in consequence of highly disorderly conduct, the Speaker shall call on any member by name, such member shall withdraw as soon as he has been heard in explanation; and after such member's withdrawal the House shall at once take the case into consideration."

Standing Order 150 set out:—

"In the case of a charge against a member for any breach of the orders of the House, or of any matter that has arisen in debate, that charge shall be stated and the question moved before the member accused shall withdraw; he shall then be allowed the opportunity of explaining to the House the motives of his conduct in the matter alleged against him; and after having done so he shall withdraw, when the House shall at once take the case into consideration."

It was obvious that at present the Speaker or Chairman had before him two methods, either of which he could adopt in dealing with the offending member. The methods differed somewhat, and would therefore if the occasion arose to bring either of them into operation, cause some degree of confusion and doubt, not only on the part of the Speaker or Chairman, but possibly on the part also of members of the House. There would always be the possibility of an accusation being levelled against the Speaker or Chairman that he was guilty of some degree of partiality or favouritism, according as he brought one or other set of Standing Orders into operation against the offending member. There should be a clear and definite course of procedure laid down to meet any occasion where there was need for the punishment of an hon. member. There should be no cause for misunderstanding or doubt in the minds of hon. members that the course taken was the only one available. With that object it was desirable that these two sets of confusing orders should not continue to exist side by side in the rules of the House. The committee had consequently drafted the recommendation and he moved its adoption.

Mr. BATH: In regard to the Standing Orders which the member for Subiaco stated were conflicting, there was a considerable difference between the procedure in clauses 149 and 150 and that laid down in clause 72. Under clause 72, the procedure was much more drastic and, in drafting the Standing Orders, the committee responsible for the proposed amendment had in view some difference in degree in the misconduct, contempt or disorderly behaviour which

would involve a member being named by the Speaker. Standing Orders 149 and 150 were provided that in case the Speaker called on a member by name, that member had opportunity of rising in explanation before leaving the Chamber. But in Standing Order 72 he had no choice whatever; the Speaker then rising and the motion being put (without amendment, adjournment, or debate being allowed) that such member be suspended from service of the House; the result being that the member had no opportunity of offering explanation. If these Standing Orders had reference to the same line of conduct which involved censure by the Speaker, there might be some justification for dispensing with Standing Order 72 or with Standing Orders 149 and 150; and in that case he would prefer that Standing Order 72 be dispensed with as being the more drastic and more arbitrary because not affording the member offending an opportunity of making explanation; and consequently he would prefer the retention of Nos. 149 and 150. He was of opinion that these particular Standing Orders had reference to different degrees of misconduct, and therefore the retention of Standing Order 72 and also of 149 and 150 could not possibly do harm, while the retention of the two last would be more advantageous to the interests of this Assembly.

Mr. ANGWIN entirely agreed with the Leader of the Opposition. It would have been far better had the committee taken into consideration the inclusion of Standing Order 149 with 72. Whilst 72 provided for what length of time suspension should take place, Nos. 149 and 150 did not so provide; consequently if both were struck out a member named would have no opportunity of making any explanation of his conduct. The committee should again take this matter into consideration, and see whether it was not possible to include 149 with 72.

The TREASURER: Standing Order 149 was required, because it provided that if a member were named he should immediately withdraw after explanation, and the House then had opportunity of considering his conduct. Would the mover explain whether, without No. 149, the Standing Orders would be sufficient?

Mr. DAGLISH: There was no farther provision in the Standing Orders which explained the action following naming by the Speaker, except the withdrawal of the member named. The House would then take the case into consideration; but there was no indication of the lines on which the matter should be considered. There was no obligation on the part of any member to submit any motion dealing with the member who might have offended; no limitation in regard to the time his withdrawal should extend over; neither was there any provision that his withdrawal should extend over any time. And as far as No. 149 went, it indicated that once a member who was named had withdrawn from the House after making an explanation—unless the Leader of the House chose to make a motion and that motion were carried—the member might immediately after withdrawing return to the Chamber, and the proceedings go on as before. It would be clear after examining 149 and 150, that these Standing Orders taken by themselves were not so explicit as to guide the House in the treatment of any case. The only important difference between them and 72 and 73 was the provision in these latter in regard to the term of suspension, and the omission of any provision from 72 and 73 for the member accused being heard; with this farther difference, that Standing Orders 149 and 150 were not at all explicit in regard to what happened after a member had been named. If it was the desire of the House that there should be a provision for naming, that some lighter penalty perhaps than that embodied in the clause referred to should be provided, it would still be necessary to strike out Nos. 149 and 150, with a view to substituting some new and more definite provision. There could be little doubt that if this was the will of the House, the Standing Orders Committee would frame more suitable Standing Orders than either of those the repeal of which was now recomended. He would therefore like the House to agree to the repeal; and he had no doubt the Standing

Orders Committee would then be prepared to consider the points raised by the Leader of the Opposition and the Treasurer.

Mr. JOHNSON: By the retention of Standing Orders 149 and 150—the point raised by the Leader of the Opposition—that hon. member's desire was to protect a member named by allowing him the right of explanation. If we were to embody that right of explanation in Standing Order 72, the difficulty would be got over. Nos. 149 and 150 practically covered the same ground as No. 72; but 72 did not give a member named the right to explain before the motion was put practically expelling him from the House for a term. Consequently, we could safely strike out Nos. 149 and 150, if we also inserted in No. 72, after the words "no amendment, adjournment, or debate being allowed," the words "other than the explanation by the member named." Though this would debar adjournment or debate to other members, it would give the right to the member named to make an explanation before the motion was put.

Mr. TAYLOR: Notwithstanding the explanation given by the mover, Standing Orders 72, 149, and 150 conferred different powers. They were not dealing with the same question, or not dealing with it in the same way. Standing Order 72 could not possibly be more drastic, for it gave the Speaker full power to name any member of the House, and it stated the punishment without giving the member an opportunity of explanation to show why he should not be dealt with in such manner by the Speaker. Those who framed the existing Standing Orders were satisfied that there were degrees of offending; and they made provision accordingly in Standing Orders 149 and 150, giving certain powers to the House and to the member or members concerned. No. 72 said the Speaker should do certain things, that the motion should be put without debate of any description; then it said the member in question should be suspended, the time of suspension being stated. The member for Subiaco had pointed out that the Leader of the House might move a motion after a member had been suspended, to rectify matters. But there was no necessity to alter the Standing Orders to put that in order, because Standing Order 149 gave that power. When a member transgressed the Standing Orders or the procedure in any way, he should be heard. No member and no man would transgress without severe provocation. A member might transgress when heated, and perhaps members in a minority in the Chamber, fighting a battle of principle near and dear to them, might have to meet opposition which irritated them; and in such circumstances a member might say something that would bring him within the purview of Standing Order 72, under which he could be suspended without being heard. Talk about democracy in this country! There could be nothing more tyrannical than to allow the suggestion made by the member for Subiaco to find a place in our Standing Orders. Every man should be heard, and then the House could deal with him. It was clearly in the minds of the framers of the original Standing Orders that there were degrees of crime in this House, and degrees of punishment were provided to meet them. We should be the last to take away the right of a member being heard. The House should judge him, and not the Speaker, who might be a partisan. It was idle for members to say it was not so in many of the Parliaments of Australia. What possible chance would a member have if we were to allow Standing Order 72 to remain, and to strike out 149 and 150? Members holding political views different from those of the Speaker or Chairman of Committees would be simply told to leave the Chamber for a fortnight, perhaps a month. Some members who advocated their principles with warmth might be suspended for all time—he was not sure that some might not be beheaded. He resented this cool recommendation made, without mature explanation, by the member for Subiaco, representing the Standing Orders Committee.

The PREMIER: These recommendations were not merely the amendments

of the member for Subiaco, but the recommendations of the Standing Orders Committee, consisting of five members. Provision should be made for some lesser penalty ; for in the heat of the moment a member might say something for which an hour afterwards he would be sorry. Standing Order 72 simply provided for suspending a member from the Chamber for a fortnight. No doubt after the various points raised, the Standing Orders Committee would be prepared to take the matter into consideration with the view to providing a Standing Order which would simply embody the views expressed.

Mr. WALKER : Standing Order 72 was somewhat indefinite, and in all probability it would have been wiser to have made some provision for the use of the statement in Standing Order 149, "Such member shall withdraw as soon as he has been heard in explanation." Members should first of all notice the nature of the charge with which Standing Order 72 dealt :—"Whenever any member shall have been named by the Speaker or by the Chairman of the Committee of the whole House immediately after the commission of the offence of disregarding the authority of the Chair"—this gave the Speaker power to protect himself—"or of abusing the rules of the House by persistently and wilfully obstructing the business of the House." An offence of that kind of course must be absolutely manifest to everyone, and so manifest that the character of it must have been debated in the process of commission; but in this offence, before the Speaker could act, a motion had to be made. The enormity of the offence must be so conspicuous as to have made itself evident, and required actually a motion to put the Speaker in his rights. Moreover an offence of that kind must be punished instantly. We could not allow a persistent prolongation of an offence of that character in the House by farther debating it. And if the Speaker erred, his action could still be questioned, members could still disagree with the ruling. Standing Order 73 provided that the Speaker or the Chairman could order members whose conduct was grossly disorderly to withdraw immediately from the House during the remainder of that day's sitting, and that the Sergeant-at-Arms should act on such directions as he might receive from the Chair in pursuance of the order, but if on any occasion the Speaker or the Chairman deemed that his powers under the Standing Order were inadequate he could name the member or members in pursuance of Standing Order 72—that contemplated, as members would observe, that Standing Order 72 was severe—or could call upon the House to adjudge upon the conduct of such member or members; provided always that members ordered to withdraw, under this Standing Order, or who were suspended from the service of the House under Standing Order 72, should forthwith withdraw. That provided for what the member for Mount Margaret claimed.

Mr. Johnson : It did not give the hon. member the right of explanation.

Mr. WALKER : Surely the House had a say. In the trial of an hon. member the House had always the right to hear him.

Mr. Daglish : Members of the House were present when the act was committed.

Mr. WALKER : If the Standing Order remained as at present the hon. member could be heard ; and it would be only in the case of persistently and wilfully obstructing (after the member had been called upon for an explanation and after he had been heard and had stated why he did it) that a motion would be moved as a last resort, and only on the carrying of that motion would the Speaker be authorised to name the hon. member. Thus it was the House that gave the order, after having listened to the wilful and persistent obstruction and to the hon. member in excuse. However, as there was some doubt as to whether the Standing Order could be used so effectively as that, it would be wiser that the matter should be referred back to the Standing Orders Committee with the view to making it sure by definite language that the hon. member named should have an opportunity of explaining.

Mr. BATH moved an amendment—

"That the consideration of the recommendation be referred back to the Standing Orders Committee."

The ATTORNEY GENERAL: It appeared that the Standing Orders Committee had made this recommendation in consequence of a supposed redundancy, the supposition being that Standing Orders 149 and 150 were provided for effectually in Standing Orders 72 and 73. It was pointed out and must be admitted that Standing Orders 149 and 150 referred to some class of offence of a much minor character to that dealt with in Standing Orders 72 and 73, and if the matter was referred back to the Standing Orders Committee the members of the Committee should appreciate the fact that in the opinion of the House it was not right to deal only with extreme penalties, but that there should be a Standing Order also dealing with minor offences which could be punished by the offender being called upon by the Speaker to leave the Chamber for the remainder of the sitting without any farther proceedings being necessary. Of course the Speaker could take farther proceedings if the matter was sufficiently grave by proceeding under Standing Order 72. In the circumstances, however, would it be wise to send the matter back to the committee with some general instructions to take the four Standing Orders and unite them in two, when two Standing Orders could not adequately deal with the matter in the same way as the four now existing in the Standing Orders? Was that the intention of the Leader of the Opposition?

Mr. Bath: The members of the committee would realise the opinion of the House.

The ATTORNEY GENERAL: The easiest way was to differ from the recommendation of the Standing Orders Committee. If we said that the Standing Orders as framed to-day met the wants of the House and all possible exigencies, we differed from the recommendations and so were satisfied with the existing Standing Orders, but if we referred the matter back with the idea that the Standing Orders did not meet the case and that an alteration was necessary, he (the Attorney General) differed from that view.

Mr. DAGLISH: There was a great deal of repetition in Standing Orders 150 and 73. In the latter, minor offences were provided for, equally with Standing Order 149. That Standing Order related to highly disorderly conduct, and Standing Order 73 dealt with members whose conduct was grossly disorderly—almost similar, certainly equivalent terms. The procedure in Standing Order 73 allowed the Speaker or Chairman to suspend a member for the balance of the day's sitting. In Standing Order 149 provision was made for the naming of a member who had to withdraw as soon as he had been heard in explanation. There was a great similarity in the character of the offence which the Standing Orders were supposed to relate to, and there was some degree of similarity in regard to naming. The course of procedure was slightly different, but the result would doubtless be the same in both instances. The objection to having two Standing Orders either of which could be used, was the danger that if the Speaker applied one Standing Order to one case and soon after applied another Standing Order to a different case, the Speaker would be adjudged to have shown partiality to one or other of the individuals affected. There should be no means of extending different treatment to two individuals against both of whom the same offence was alleged. [*The Attorney General*: In the same degree?] Could the Attorney General distinguish between highly disorderly conduct and grossly disorderly conduct? If the Standing Orders did not relate to the same class of misconduct, he (Mr. Daglish) was unable to distinguish between them. [*The Attorney General*: What about Standing Order 150?] That again related to a lighter misconduct—a breach of the orders of the House; but if that was not followed by persistency it did not deserve to be treated as disorderly conduct. It would be the persistency that would make the conduct highly disorderly. Only persistency would justify

the treatment Standing Order 150 provided; otherwise it would only be worthy of reprimand from the Chair. The mere fact that it was proposed to so harshly treat what might be a mere technical offence was reason for repealing the Standing Order. Even if it was desired to provide some some new Standing Order additional to Standing Orders 72 and 73, at least Standing Orders 149 and 150 should certainly go because of the mere fact that they created a danger that the Speaker or Chairman might be alleged to be guilty of partiality because of treating two offences of the same class under two different Standing Orders.

Mr. Bath: They were taken from the English Standing Orders.

Mr. DAGLISH: True. In only one case that he could remember had any of these Standing Orders been enforced since he entered Parliament; and that was a trivial case in which, without reference to the House, the Speaker suspended a member for the remainder of the sitting. The House had always avoided, and doubtless while as at present constituted would avoid, applying these Standing Orders; but if there was need to apply them the provisions should be free from obscurity.

Mr. JOHNSON: The position of the Speaker and the Chairman of Committees had to be considered, as well as the rights and privileges of members. These Standing Orders were in conflict, and covered the same ground. While No. 72 dealt with grave offences, provision was needed for trivial offences. Orders 149 and 150 dealt with minor offences, and each provided that the offence should at once be taken into consideration. Order 72 had a similar provision, but specified the motion that should be moved. His objection to striking out Orders 149 and 150 was not because they dealt with trivial offences. What matter whether the offence were trivial or serious? Surely the House could consider whether the offence should be deemed a glaring breach of privilege by the member. [*Mr. Bath*: No; 72 gave no option.] Orders 72 or 73 would cover the ground; but the only objection to the striking out was that under 149 and 150 the member had a right of explanation before the motion was put, and if these Orders were struck out that right was taken away. If Mr. Speaker or the member for Subiaco (Mr. Daglish) would promise that the right of explanation should be provided for in Order 72, he (Mr. Johnson) would not object to the recommendation of the committee.

Mr. TAYLOR: Standing Order 72 gave special powers to the Speaker. [*The Premier*: And 73 gave him greater power.] No. 72 specified what the member had to do before the Speaker took the drastic step in question, and also prescribed the punishment. If the Speaker acted under Order 72, there was no appeal; but if action were taken under 149 or 150, the member could be heard in his defence. In his seven years' experience he (Mr. Taylor) knew of only one case of a member suspended by the Speaker for the remainder of a sitting. If these Standing Orders had hitherto resulted in the orderly conduct of business, why should we abrogate them and substitute something more drastic? The Attorney General had hit the nail on the head by saying it was impossible to draft Standing Orders that would fill the bill. It was pretty clear that the majority of members believed that we should have not only Orders 72 and 73 but 149 and 150, to give members a fair "deal" in debate. Then any member deemed to have transgressed would have a right to be heard.

Mr. A. J. WILSON: The matter should be referred back to the revising committee, to protect members' privileges. While it was essential to give extensive powers to the Speaker and the Chairman of Committees, we should not take away the privileges of members. A member who under Order 73 was compelled to withdraw from the House without an opportunity of explaining his conduct, might have his case judged in the absence of material evidence. No other member who might subsequently have to judge the case could in the absence of the member suspended form a sound opinion of the circumstances which

led to that member's being named by the Speaker. Another serious matter was the Standing Orders enforcing the withdrawal of a statement when the member referred to denied that he had made a statement attributed to him, or the withdrawal of the assertion that a member's statement was untruthful. No matter how well grounded the assertion might be, the member making it could now be compelled to withdraw it if the member affected said it was not in accordance with fact. Again, if a member wished to be unfair in debate, he had simply to deny that he had made a certain statement, and his opponent must accept the denial whether it was correct or incorrect, though the opponent might have the best of evidence to prove that the statement had been made. For a member to deny that he had made a certain statement after making it, or to deny the accuracy of any member's statement, was to be guilty of unbecoming conduct which was out of order. What would be the position if one member rose to deny the accuracy of a fellow member who, in accordance with the Standing Orders, was compelled without qualification to eat the words he had just uttered? What would be the position when the member thus compelled to withdraw rose subsequently and denied the accuracy of the statement made by the member who had compelled the withdrawal? Was not one member's word as good as another's? That phase of the question the Standing Orders Committee might reasonably consider with a view to a fairer and more equitable provision. The Standing Orders referring to disorderly conduct should be sent back to the committee for more mature consideration.

Mr. WALKER: There should be no misunderstanding as to the object of Standing Orders. He recollected only one instance in which it was necessary to act under Standing Order 72; but such a case might arise. It had arisen in other Parliaments and it might arise in this Parliament, and we should require a Standing Order that would enable the matter to be dealt with then and there. Suppose a case were to occur that the House in a fiery debate, where party motives were exceedingly strong, had to come to a very severe class of fighting, so much so that the House was in an absolute state of disorder, and one particular member was guilty, evidently to everybody, of not only wilfully and persistently interrupting, but defying the Speaker and every order of the House and became uncontrollable. In such circumstances could we allow another defiance of the House by an explanation? That was an occasion when prompt action should be taken. Should not the House have ultimate power to protect itself against aggression of that kind? This Standing Order provided for that. There was a provision which dealt with lighter matters already in existence. We required a provision in the case of extreme disorder to deal there and then without delay with the offending member. That was the object of the proposed Standing Order.

Amendment (to refer back) put and passed.

Privileges with Regard to Money Bills.

Mr. H. DAGLISH moved that in Standing Order No. 309, paragraph 2, the following words be struck out:—

"*And are not payable into the Treasury or in aid of the public revenue and do not form the ground of public accounting by the parties receiving the same either in respect of deficit or surplus.*"

These words were to be found in the clause containing the circumstances under which this House should not insist on its privileges as against the Legislative Council, and the words proposed to be struck out if rigidly and correctly interpreted would bring a very large proportion of money Bills within the provisions of the clause and would, if enforced, practically amount to the surrender of the privileges of the House in regard to money Bills. The fees derived under Acts were almost invariably paid into the Treasury or paid in aid of the public revenue; and it was absolutely essential, in order to carry out the principles under which the House had been working in the past, that the words pro-

posed should be struck out of the Standing Order.

The ATTORNEY GENERAL: The hon. member was somewhat under a misapprehension as to the meaning of the words. They referred to Bills which enabled rates to be collected by local authorities or boards created under a Bill, such as the Harbour Trust, and provided penalties for breaches of by-laws which the corporations had made. These moneys were not paid, in some instances, into the Treasury, but to the local authorities themselves. All rates which municipalities collected were paid directly to the body constituted under the Act. What the Standing Order did was to allow the other House the privilege in regard to Bills of that character, but took away from them the power in regard to Bills of a public character. He moved an amendment—

"That the paragraph relating to privileges with regard to money Bills be referred back to the Committee for farther consideration."

Amendment passed; referred back.

Irrelevance in Debate.

Mr. DAGLISH moved that the following be 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 farther heard be put, and thereupon such question shall be put without debate."

At present although we had no specific Standing Order dealing with irrelevancy in debate, the House had been working for years past under the House of Commons practice; for Standing Order No. 1 provided that in all cases not provided for by sessional or other order the practice of the House of Commons should be adhered to. There had been cases in which a member had been called upon by the Chairman or Speaker to discontinue his speech. There was a case last session where a member was practically ordered to resume his seat, and he did so expressing regret at being unfairly dealt with. That showed the present procedure in the House. If this new Standing Order were adopted any member called upon by the Speaker or Chairman to discontinue his remarks on the ground that he was guilty of irrelevancy or tedious repetition could have the question, whether he be farther heard, put. That gave the member an appeal from the decision of the Chairman or Speaker to the decision of the members of the House. If members thought the Speaker or Chairman had made a mistake, they would have little hesitation in expressing that opinion, and giving a member the right to be farther heard.

Mr. BATH moved as an amendment—

"That in the recommendation the words 'or of the arguments of other members in debate' be struck out."

The retention of the words would be a limitation of the powers of members, which was not desirable. He had heard in important discussions arguments only referred to in a passing way by one speaker, but elaborated and more forcibly put by other members.

The Minister for Mines: This only dealt with tedious repetition.

Mr. BATH: The proposed Standing Order had these words, "or of the arguments used by other members in debate," and if the words were included the powers of members would be limited. An instance had taken place that very evening. He (Mr. Bath) had referred to the possibility of Standing Orders 149 and 150 being necessary to deal with some lighter class of offences than that mentioned in Standing Order 72, and the Attorney General elaborated that point to the evident approval of members of the House, with the result that the Standing Order was referred back. In that case he used the same arguments. [*The Treasurer*: He was not tedious though.] Unless the amendment were made, a member could be forced to desist owing to tedious repetition. If the new Standing Order were passed as it stood, members would be prevented from using

arguments which had been adduced by other members, and the House would often therefore lose the advantage of having those arguments placed before them perhaps in a clearer and more forcible manner. If permitted, he would alter the amendment he had proposed, so that the following words should be struck out of the proposed amendment to the Standing Orders:—

"Either of his own arguments or of the arguments used by other members in debate."

Mr. WALKER: There should be as much latitude as possible in debate. The words included in the proposed amendment of the Standing Orders did not prevent any member from quoting words used by any other member. That was not made a guilty act. The offence was that a member should repeat tediously the arguments used by other members. For instance, a member must not only quote the arguments but he must go on quoting them again and again before they could become tedious and bring him under the provisions of the Standing Orders. Members would be safeguarded by the fact that, before action could be taken in the matter, the Speaker or Chairman must have drawn the attention of the House to the repetition. Neither the Chairman nor the Speaker would be entitled to draw attention to a member's conduct if he merely repeated what another member had said, but could call him to order if he continued those repetitions. While in favour of the utmost latitude in debate, he recognised that there must be rules by which the House could be kept in due order so that business might be got through.

Mr. BATH desired to withdraw his previous amendment and to move the following:—

"That the word 'either,' in line 5, and the words 'or of the arguments used by other members in debate,' be struck out."

Mr. DAGLISH: The revising committee would have been willing to accept the first amendment moved by the hon. member, as that would have been purely a verbal alteration; but the second amendment now proposed in lieu of the other was a different matter. By his latest amendment the hon. member would give authority to any member of the Chamber to be guilty of the tedious repetition of other members' arguments. [*Mr. Bath*: There was no desire to do that, but the wording of the clause was very bad.] The new Standing Order as it was proposed was a copy of the Standing Order of the House of Commons.

The Attorney General: It was the Standing Order of the Federal Parliament.

Mr. DAGLISH: That was so. No ill effect had arisen from the use of the Standing Order without the proviso, and the House had been guided by that Standing Order for some time.

Mr. Bath: Attention had never been called in the past to a case such as he had quoted.

Mr. DAGLISH: No, and it never would be.

Mr. Bath: The power was given, and there was always the possibility of its being used.

Mr. DAGLISH: The hon. member was wrong in his interpretation of the proposed Standing Order. As the member for Kanowna had pointed out, it was necessary that there should be tedious repetition before a member could be called to order. It was only after even that had been followed by wilful refusal to discontinue the same line of conduct that the Standing Order would apply at all. There was no idea of preventing a member from using arguments which had been utilised by any member previously, but if he continued time after time to repeat those arguments then it became tedious repetition and brought the offending member within the purview of the Speaker or Chairman. Even after attention had been drawn to his conduct the member had the right to require that the question whether he he should be farther heard or not should be put. [*Mr. Bath*: The hon. member might refer to the instance he had quoted.] He had failed to see the relevancy of the cases quoted by the hon. member. For instance he had referred to the case of the Attorney General in connection with the debate on this very

point, and had admitted that the argument by the Attorney General was more effective than his. That was not a repetition within the meaning of the proposed Standing Order. The Attorney General had used quite different words in repeating the argument of the Leader of the Opposition. It was a variation of that argument, and there was no tedious repetition. Certainly there could be no undue repetition or tedious repetition when the words were not used more than once or twice. The amendment of the hon. member was due to the fact that he did not comprehend the intention of the Standing Order and did not realise what its effect would be.

The TREASURER: The House should agree to the Standing Order as it stood, for it was very necessary. He would repeat the arguments that the member for Subiaco had put so clearly. If the amendment of the Leader of the Opposition were carried it would give permission to a member to repeat tediously other members' arguments. All debate must to some extent be a repetition, but it was for the Speaker or the Chairman to state whether those repetitions were tedious or not. The wording of the clause did not mean that because members repeated words used by another member, such repetitions were tedious. The proposed new clause would greatly assist in the conduct of debates in the House.

Mr. JOHNSON: The words proposed to be struck out were practically superfluous. The point which the amendment made was that tedious repetition should be prevented. The clause as it stood limited the Speaker to preventing the tedious repetition of a member's own remarks or of the remarks of some other member, and it did not enable him to deal with cases of tedious repetition outside those two points. He would give an example of what he meant. When the proposed amendments to the Conciliation and Arbitration Act came up there would be a great deal of discussion on them. Possibly a member discussing the Bill might be desirous of stonewalling it, and in order to do so would use the utterances and arguments of Mr. Sommerville, which had recently appeared in the Press on the question, and would repeat them to a tedious extent. Under the proposed new Standing Order the Speaker would be unable to prohibit the repetition of the arguments or even of the utterances which had been published in the shape of an interview with the Leader of the Opposition. It would be seen therefore that the proposed amendment of the Leader of the Opposition would have the effect of extending the powers of the Speaker when dealing with tedious repetitions. If members desired to limit the power of the Speaker in such matters they should retain the words in the proposed Standing Order; but, if they desired to extend his powers, they should strike the words out.

At 6.15, *the Speaker* left the Chair.

At 7.30, Chair resumed.

Mr. ANGWIN: The member for Subiaco would doubtless agree to the amendment, which would leave the Standing Order virtually unaltered. Members frequently repeated unwittingly arguments already used by other members, and such repetitions might become tedious to some member, who would rise to order. The Speaker, to whom the repetitions would be equally tedious, might call on the hon. member who had repeated the arguments to resume his seat, though that member might be innocent of any intention to transgress the rules. This reasonable amendment would not prohibit a member from repeating any arguments except his own.

Amendment (Mr. Bath's as last altered) put and negatived.

Mr. HOLMAN moved an amendment that the following be added to the addendum:—

"And decided on the vote of members present in the Chamber."

Many members were often absent from the Chamber during a debate, but when a division was called for they trooped in and voted on what they did not understand. Only those present at the debate

were in a position to decide whether the member should be farther heard.

Mr. DAGLISH: Could we make a Standing Order to deprive any member of the privilege of voting when a question was put to the House?

The PREMIER: The argument for the amendment could be applied to every debate in the House.

Mr. WALKER: The objection of the member for Subiaco (Mr. Daglish) seemed fatal to the amendment. All members had certain privileges, including the right to vote on all questions submitted.

Mr. SPEAKER could not accept the amendment, which would take away a constitutional privilege of members.

Mr. HOLMAN: The attention of the country should be drawn to the fact that some members were not given a proper opportunity of placing their views before other members, who nevertheless voted without hearing the discussion.

Question (the committee's recommendation) put and passed.

Objection to Speaker's Ruling.

Mr. DAGLISH moved that the following be added to Standing Order 141:—

"And thereupon notice of motion shall be given for the next sitting day, and shall take precedence of all other business on that day, and if not then moved shall lapse."

Order 141 provided for the Speaker's ruling being questioned, and that any objection to the ruling or the decision of the Speaker must be taken at once, but did not provide for discussion on the point of order, either at once or at a later date. As a question regarding procedure could arise on an important matter only, when something might be said on both sides, it was considered desirable to defer the discussion until the next day, to give an opportunity of referring to constitutional authorities, so that the ruling might be supported by the Speaker, and that members wishing to question the ruling might fortify themselves by study. At the next sitting of the House the question of the ruling would take precedence of all other business. This was the course hitherto adopted, though not in pursuance of any rule. Only on one occasion, at least in recent years, had a Speaker's ruling been questioned. The proposal was practically the same as that which prevailed in the Commonwealth Parliament, and seemed to commend itself as providing the only method without undue delay of affording an opportunnty for thorough investigation of what might be and probably always would be rather an important matter.

Mr. TAYLOR moved an amendment—

"That the recommendation be referred back to the Standing Orders Committee."

If objection was to be taken to the ruling or decision of the Speaker, such objection should, as provided in Standing Order 141, be taken on the spot. It was the time when members' minds were more fitted to decide the issue. They listened to the debate and knew the point of order raised. Of course the hon. member argued that Mr. Speaker might arm himself with a greater authority.

Mr. DAGLISH: This proposal did not relate to a question of order, but to a question on which the Speaker's decision on a constitutional point might be questioned. It related to a point on which the decision would rest on probably a question of constitutional law, or on a point of parliamentary procedure. It did not relate to whether an hon. member in some particular was in order in his remarks. [*Mr. Bath*: But the recommendation would affect that.] It was very unlikely that the Speaker's ruling would ever be questioned on what, after all, would largely consist in a matter of personal opinion. But where a constitutional question was involved, it might reasonably be expected that the best of Speakers should have his decision questioned, especially if one of the privileges of Parlament were involved in the ruling.

Mr. TAYLOR: We could only take the Standing Order and the words proposed to be added as they were printed, and there was nothing as to whether the ruling of the Speaker should be questioned on constitutional matters or not; nothing to indicate that it was purely on constitutional questions that the Speak-

er's ruling could be objected to in accordance with Standing Order 141. Any ruling from the Chair would come within the purview of Standing Order 141. With all due respect to the Standing Orders Committee, the recommendations were somewhat immature; they had not received the necessary consideration for the House to accept them without farther discussion or more information. Therefore this recommendation should be referred back so that the committee might add the words "on constitutional questions," or might make it clear to all when and how the Speaker's ruling could be questioned. Certainly it would be wise, if it were a ruling on a constitutional question that was objected to, that the matter should stand over until the following day and be the first business discussed, but when it was a matter affecting a point of order in a debate and the Speaker gave a ruling which in the opinion of the hon. member was erroneous, the matter should be dealt with on the spot.

The PREMIER: If this matter were referred back, it would be wise to consider whether the additional words would not be in some degree contradictory to Standing Order 140, which provided that "The Speaker shall give his opinion thereon, but it shall be competent for any member to take the sense of the House after the Speaker has given his opinion, and in that case any member may address the House on the question."

Mr. DAGLISH (after a pause): There was no conflict between the two Standing Orders; one gave the method of objecting to the Speaker's ruling, and the other provided the time. If it were possible for this House to disagree with the Speaker on a question purely relating to order, or in other words to the conduct of hon. members during a debate, there could be no more unfit time for the House to settle the matter than when there was sufficient heat to cause the disorder, and sufficient heat to so far affect Mr. Speaker as to prevent his giving a purely impartial decision. One could not imagine the Speaker doing that, but if it did occur, the House would not be in a frame of mind to give a calm and dispassionate decision on the Speaker's ruling. An adjournment was necessary to enable members to acquire that judicial frame of mind that obviously was lost during the debate. The person who disagreed with the Speaker's ruling would have to propose that the Speaker's ruling should be disagreed to, and would have to set out to the House reasons for so moving, and then the debate would be adjourned to the next sitting. The question would not arise in regard to the Speaker's ruling on the conduct of an individual member, but it might arise on a constitutional matter. If it were a question of disorder during a heated debate, the resumption of the debate 24 hours later would mean that members would then discuss the matter with much more calm and cool judgments. We did not want points of order settled by party votes. There would be great danger, if the House were in a state of considerable heat, of party considerations entering into the division affecting the Speaker's ruling.

The Attorney General rose.

Mr. Johnson: The member for Subiaco had replied.

Mr. SPEAKER: The member for Subiaco had replied, after waiting for some time before rising; but if it was the wish of the House, members would probably be glad to hear the Attorney General.

The ATTORNEY GENERAL: These matters were being discussed before the tea adjournment as if the House were in Committee, and some members spoke at least two or three times. Not being aware that the procedure was changed, he would have risen before the member for Subiaco. With many of that member's reasons he thoroughly agreed; but if they were to be carried to a logical conclusion we must amend Standing Order 140, for by that, when a question of order was raised, the Speaker gave his decision and it was competent for any member to take the sense of the House on that decision. Then Standing Order 141 provided that objection had to be taken to the ruling of the Speaker at once. The two Standing Orders must be read together, because it was impos-

sible to suppose that it was competent for any member to take the sense of the House unless he differed from the ruling of the Speaker. If we added to Standing Order 141 the words proposed, we had the extraordinary position that under Standing Order 140 a member debated the point at once and took the sense of the House, and then under Standing Order 141 the member could give notice of motion for the following day in respect of the same matter. In the circumstances, if we adopted the recommendation of the Standing Orders Committee, we must also amend Section 140 by striking out the right to debate the matter at the time. The suggestion of the member for Subiaco deserved a great deal of consideration. Undoubtedly it was better to wait until the heat of the moment had died away before the matter was discussed.

Mr. Johnson: The Attorney General went 24 hours the other day, and was still heated.

The ATTORNEY GENERAL agreed with the suggestion of the committee that Standing Order 141 should be amended; but as it would be necessary also to amend Rule 140, he approved of the suggestion that the whole matter should be referred back for farther consideration.

Amendment (to refer back) put and passed.

Standing Orders Committee.

Mr. DAGLISH moved—

"That in Standing Order 412, the word three' be struck out and 'five' inserted in lieu."

The object of making this alteration was to increase the size of the Standing Orders Committee from three to five. It at times happened that the Standing Orders Committee from the two Houses met together, and the committee of the other House had agreed to increase the size of their committee to five also, and it was now suggested that this House should do the same. A larger committee than three was required for the discussion of so important a question as an amendment of the Standing Orders.

Question put and passed.

Hansard Staff.

Mr. SPEAKER: There would be no necessity to move with regard to this paragraph, for it would probably come before the House in the form of a message from the Legislative Council as a recommendation from the Joint Committee.

Suggestion of a Farther Amendment.

The PREMIER: Before the adoption of other recommendations was moved, he desired to bring under the notice of the Standing Orders Committee a small alteration which he thought would be an improvement to the Standing Orders, and at the same time make clear an order which sometimes caused confusion, namely Standing Order 181, which said:—

> "When the proposed amendment is to leave out certain words, the Speaker shall put a question 'that the words proposed to be left out stand part of the question,' to be resolved by the House in the affirmative or negative as the case may be."

Frequently there was a certain amount of perplexity owing to the way in which this question was put, and he noticed it especially in the case of new members who had not had much parliamentary experience. Apparently another place had made a similar alteration, and he hoped that the Standing Order would be altered in the Assembly so that the question should be put "that the words proposed to be left out be left out." If it were done the trouble that had frequently existed in the past would be overcome, and any uncertainty as to the motion would cease to exist.

On motion by *Mr. Daglish*, farther consideration of report adjourned until the next Tuesday.

ADJOURNMENT.

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