

chance of getting through another place in view of the present disturbed conditions there. I therefore have no intention of proceeding with my amendment.

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

*House adjourned at 8.55 p.m.*

## Legislative Assembly,

*Wednesday, 28th February, 1917.*

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

### QUESTION—FRUIT EXPORT.

Mr. WILLMOTT (without notice) asked the Minister for Agriculture: In view of the statements appearing in the Press regarding the prohibiting of the importation of fruit into Great Britain, will the Minister state what action, if any, has been taken?

The MINISTER FOR AGRICULTURE replied: On Friday evening last an intimation reached me from the naval authorities in Melbourne stating that in view of the prohibition of the importation of fruit into the United Kingdom, special permission had been obtained from the Prime Minister's Department to complete arrangements for the shipping of fruit by one ship now loading, but that another ship shortly to arrive would not be allowed to call at all at Western Australia, and that subsequent steamer arrangements must remain in abeyance. Upon receipt of this intimation I immediately arranged for a cable to be sent to the

Agent General asking whether he could throw any light on the subject, and at the same time surmising that the Imperial Government must have decided not to allow any further importation of fruit, though intimation directly to that effect had not reached me. Later the newspapers reported Mr. Lloyd George's speech, in which he stated that the importation of certain fruits would be entirely prohibited—amongst them being apples. On Monday morning I communicated with Sir John Forrest, who represents in the Federal Parliament practically all the fruit-growers of Western Australia, asking him if something could be done to relieve the position. I understand that during last year, when there was a glut of fruit in Victoria, arrangements were made with the Railway Department that stationmasters throughout the country districts should become receivers of fruit, distributors to the public, and receivers of the cash. If such an arrangement can be carried out in Western Australia, I feel confident that excellent results would accrue, and that fruit could be distributed, at a reasonable price, amongst people who very seldom see any of it. Further, there are still inquiries being made from the Eastern States for our fruit, and it is hoped that a considerable quantity may be exported to Victoria. Already many thousands of cases have been forwarded to the Eastern States. Failing our being able to carry out the proposals which I have enumerated, inquiries are already being instituted by the Agricultural Department with regard to supplying evaporators for drying a portion of the crop. The department had already arranged with the firm who built the evaporator at the Brunswick State farm orchard to have everything in readiness, so that a supply of evaporators would be available promptly. I would like, further, to draw the attention of the House to a telegram which appeared in this morning's *West Australian*, regarding the action of representatives of Western Australia in waiting on the Minister for Customs on Saturday respecting the export of Western Australian fruit. No reply has yet been received from the Agent General or from Sir John Forrest. I am in hopes that some arrangement will be made by which at any rate portion of our fruit

will be received in England. Representations have been made requesting that the export of fruit from Western Australia might be permitted at all events for the next six weeks. If that is allowed, it will enable apple growers to dispose of a considerable proportion of their crop. I can assure the hon. member for Nelson that everything will be done to grapple with this most serious and important question.

#### QUESTION NOT ON NOTICE PAPER.

Mr. UNDERWOOD: Seeing that a question has been asked and answered without notice, though the rule of the House is that notice of a question must be given, I wish to inquire why the question which appeared in my name on yesterday's Notice Paper, and was not answered yesterday, does not appear on to-day's Notice Paper?

Mr. SPEAKER: A mistake has been made as regards the Notice Paper. I take the responsibility for it, and I regret it.

#### QUESTION—WHEAT BAGS.

Hon. W. D. JOHNSON asked the Minister for Industries: 1, Taking the price charged for wheat bags by private firms to farmers outside the Industries Assistance Board's clients, at the low rate of 9s. 3d. per doz., which is 3d. per doz. less than the price fixed by the Federal Commission, what is the total amount saved to the farmers under the Industries Assistance Board? 2, Will he profit by the huge saving made in question No. 1, and in the future try to do likewise?

The MINISTER FOR INDUSTRIES replied: 1, £4,812 10s. 2, I have already saved farmers under the Industries Assistance Board a large sum of money in connection with the purchase of their requirements. The question of purchase of bags for the coming season's crop is under consideration.

#### PAPER PRESENTED.

By the Premier: Gaols Department, annual report.

#### PRIVILEGE: NOTICE OF MOTION WITHHELD FROM NOTICE PAPER.

Hon. T. WALKER (Kanowna) [4.47]: Before I proceed to submit the motion which I have in my hand, I would be thankful if you, Sir, would inform me why you have left off the Notice Paper a notice of motion that I gave, expressing want of confidence on the part of the House in you as Speaker?

Mr. SPEAKER: I withheld from the Notice Paper the motion of which notice was given by the hon. member, for the reasons set out in the statement I made to the House on Thursday last in regard to the previous motion respecting myself and the Speakership, of which the hon. member had given notice. In that statement I pointed out that it was clearly established that a motion of censure against the Speaker must embody specific charges. To allow the present motion would be to reverse my action in regard to the previous one, which I have no intention of doing. In that statement I clearly said that I was explaining an action which I had taken under the powers vested in me, and was not giving a ruling.

Hon. T. WALKER: I propose to draw your attention to one or two authorities which state distinctly that a motion of censure or of want of confidence in the Speaker can be moved. It is established by the practice of this House, in the *Parliamentary Votes and Proceedings* of the third session of the seventh Parliament, 1910-11. On page 180 we find, "Mr. Holman to move that Mr. Speaker has not the confidence of members of this House." That is on the Notice Paper of this House, a precisely similar motion to that of which I have given notice. And again, on page 68, we find "Mr. Holman to move that the Speaker has not the confidence of this House." And on page 154 we again find "Mr. Holman to move that the Speaker does not possess the confidence of members of this House." These are our own proceedings establishing the right; and, in fact, it is essential, because the Speaker, although the custodian of the privileges of the House, although the voice of the House, is really the servant of the House. In the *House of Commons*, by Sir Richard Temple, on page 96, this appears—

The powers of the Speaker over an individual member were always considerable, and have been rendered greater than ever by recent Rules. His power of allowing or disallowing closure has been much augmented in recent years, and that has had a steadying influence. In a certain sense he is the master over an individual member—in extremity, however, he can do no more than stop the offender and name him to the House. The leader of the House will then move that some judgment be passed on the offender thus named. The House is on the whole jealous and zealous in exercising its authority over an offender thus named to it by the Speaker; though, of course, the offence may be extenuated by those who have a mind thereto. As a rule the authority of the Speaker finds full support in the House and his influence in regard to Order is immense. As an officer of the highest rank he must be impartial; and enormous weight attaches to his moral authority. But it is to be always remembered that he has in the last resort no authority over the House, which is, as regards its own conduct, an independent assembly.

Hon. J. Scaddan: Not here.

Hon. T. WALKER: That parliamentary ruling prevails in our own House and, so far has it gone that in some instances in the British House of Parliament, the words of the Speaker himself have been taken down. In *May's Constitutional History of England*, page 128, we find this—

What would now be thought of such scenes as those enacted in the time of Sir John Cust, Sir Fletcher Norton, and Mr. Cornwall—of rebukes and interruptions,—of unseemly altercations with the Chair,—of the words of the Speaker himself being taken down,—and of a motion that they were disorderly and dangerous to the freedom of debate?

These are only a few instances to show that the Speaker is amenable to the control of the House, and is not the master of it. He is in every sense the servant of the House, and any member can move a motion of want of confidence and even of expulsion against him. There is on record an

instance in which the Speaker, if he had turned up on the day appointed, would have had to put the question of his own expulsion from the Chair.

The Attorney General: What is the motion now?

Hon. T. WALKER: This is privilege. I want my motion restored. I am drawing the Speaker's attention to the fact that he has no right whatever to leave out my notice of motion.

The Premier: You will have to table a motion.

Hon. T. WALKER: No, I am drawing attention to what has occurred. It is of no use attempting to put notices on the Notice Paper, because they do not go on. I am submitting that my motion was wrongfully, and against all custom, left off the Notice Paper.

The Premier: Why not table a motion?

Hon. T. WALKER: It is a matter for the Speaker himself. He has made what he calls a statement, and has told us that it is not a ruling. It is absolutely a ruling. It is a declaration that unless some specific charge is brought against him, he will not entertain anything criticising him, even though it should be submitted to the House and be carried. There is a specific motion and a specific charge. The charge is that you, Sir, do not enjoy the confidence of this House. Nothing could be more specific.

Mr. Taylor: Or more serious.

Hon. T. WALKER: And the House has a right to vote on that question.

Hon. J. Scaddan: Governments have been put out on similar motions.

Hon. T. WALKER: Undoubtedly, and the Speaker is no more immune from that motion than is any other member. When hon. members think the post of Speakership is not rightfully or honourably filled, they have a right to say so, and the Speaker cannot intervene to prevent them. It is his bounden duty to put such motion on the Notice Paper, and I now ask you, Mr. Speaker, to reconsider the question, to retrace your steps, amend your error and, in accordance with precedents in our own House, put that notice again upon the Notice Paper.

Mr. HOLMAN (Murchison) [4.55]: I would like to supplement the remarks made, in accordance with the ruling that you, Sir, gave when this question was dealt with. You stated that you were not going to give a ruling, but merely to state to the House the action you had taken under Standing Order 106, and the powers vested in you for the protection of the privileges of the House; and you went on to say that under those powers you had directed that the Clerk was not to place the motion of the member for Kanowna upon the Notice Paper, for reasons that you would give. Standing Order 106 reads as follows:—

If any notice contains unbecoming expressions, the House may order that it shall not be printed, or it may be expunged from the Notice Paper or amended by order of the Speaker.

That is to say, if there is in it any unbecoming language, the Speaker may amend that, but only the House itself has power to expunge a notice from the Notice Paper. I would like to know why the privileges of hon. members are attacked, and why members are not allowed to give vent to matters of the highest public necessity.

The Attorney General: You are not right in that.

Mr. SPEAKER: I gave the order to the Clerk not to put the notice on the Notice Paper, after going into the matter very thoroughly and satisfying myself that a motion against the Speaker must contain a specific charge. This is a general and not a specific charge, so if the hon. member is dissatisfied with my action, it appears to me that the remedy in his hands is to table a notice of motion censuring me for having left off that notice.

Hon. J. Seaddan: But you will leave that off, too.

Hon. T. WALKER (Kanowna) [4.57]: It is precisely because of such conduct as leaving it off that I wish to move a motion of no confidence in you, Sir. You have twice left off my notices and both times wrongfully. That is my reason, and there is the specific charge that there is no confidence in you, that you are not deserving of confidence. What could be more specific? Do you persist, still, in keeping my motion off the Notice Paper?

Mr. SPEAKER: Yes, that is the order I gave.

Hon. T. WALKER: Well, I will leave it at that for the present, because I believe it can be reduced in another way.

Hon. J. Seaddan: No, do not leave it at that.

Mr. Taylor: Test the feeling of the House.

Hon. T. WALKER: On second consideration, although I have another question of equal importance, if you will allow me to deal with this matter first, I will proceed. I move—

*That this House is dissatisfied with the statement made by Mr. Speaker from the Chair in explanation of his omission of matters of debate from the Notice Paper.*

Mr. SPEAKER: I rule that notice must be given of that motion.

*Dissent from Speaker's ruling.*

Mr. Walker: Then I move—

*That this House dissents from the ruling of Mr. Speaker that notice must be given of a motion of dissent.*

Mr. Speaker: The motion sent up scarcely expresses the position correctly. It reads—“That this House dissents from the ruling of Mr. Speaker that notice must be given of a motion for disagreement with his action?” There was no previous ruling.

Hon. T. Walker: There was. You ruled just now that my motion was out of order and that you had left it off the Notice Paper because of that. It was a distinct ruling, and you are ruling now that I must give notice of that motion to dissent. I would point out that motions to dissent from the rulings of the Chair are received immediately a ruling is given; to give notice is out of the question. I therefore submit my motion as handed in expresses the true position. I submit it is not within the province of Mr. Speaker to delete any notice from the Notice Paper affecting the public interest, the welfare of this Parliament, or the honour of its members. The powers given by the Standing Orders are purely those relating to good taste and good judgment. You, Sir, are to preserve order as regards the wording of a resolution or of a question put upon the Notice Paper in the same way as

you are to do so if the same words are uttered orally in this Chamber. That is your province, to see that decorum and respect is exercised between members or between this House and the general community. Vulgarity, obscenity, bad taste, ill-temper, begging the question, irrelevancy or absurdity, or anything that would reflect upon the character of this House, you may correct or amend; but it is not in your province to stifle debate in any particular. You cannot close the mouths of hon. members. You cannot taboo any subject from discussion, even though it may affect your own position in the Chair. If it be the opinion of this House that you are not qualified for that post for any reason, the House has the right to say so. The House is master of the Speaker. It is a law unto itself in that respect, and the Speaker cannot stifle it or cannot humble it. And, Sir, on your own ruling just now, the motion I gave notice of, and which should have gone on the Notice Paper, was a specific one. It was a charge against you, Sir, that you do not obtain or receive the confidence of this Chamber; and that question has as much right to be discussed as any other. There is no question in which this House can be more concerned. If that Chair cannot be respected this Parliament becomes a rabble instead of a House of constitutional representatives of the people. Once respect for the Chair goes, then business cannot proceed. The scene we witnessed last night had no other origin than absolute disrespect for and want of confidence in the officer who presides in the Chair. Surely a matter like that should be tested; surely we have a right to discuss it, and members of this Chamber have a right to vote upon it. Mr. Speaker himself is merely the mouthpiece, the officer of this Assembly; by no means is he its master, and he cannot prevent discussion.

Mr. Taylor: He must have the support of the House.

Hon. T. Walker: Quite so, he must have the support of the House. I have shown that other Speakers have not only had their conduct challenged but have even been ruled to be disorderly. Not only that, but their expulsion has been proposed on the floor of

the British Parliament itself. In these circumstances how can any occupant of the Chair screen or shelter himself by saying; "I consider that out of order." That is not a ruling, but my statement of the case. It is not a specific charge. No charge could be more specific than mine, that the Speaker does not enjoy the confidence of the House. Of course, if such a charge cannot be substantiated the Speaker is exonerated; but if it can be substantiated by an actual vote of the House that vote should be recorded so that the Speaker may be released from the anxiety and responsibility of his position as soon as possible. I move now the resolution just placed in your hands.

The Attorney General: I desire only to touch on two portions of the Standing Orders which it seems to me the House and yourself, Sir, should be fully aware of before coming to a conclusion. The first is Standing Order 141 which provides—

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

Mr. Taylor That is being done.

The Attorney General: I understand that objection is being now taken by the member for Kanowna to something which you, Sir, did last Tuesday.

Hon. T. Walker: No.

Hon. P. Collier: Just now. The first point has gone, we are now proceeding on the second one.

The Attorney General: I desire only to make the point clear because the member for Kanowna put up a number of arguments which I thought possibly related to what transpired on Tuesday. If he had not referred to something having been omitted from the notice paper I should not have had my attention drawn to the point. But I have discharged my duty to the House by drawing your attention, Sir, and the attention of hon. members to Standing Order 141.

Mr. Taylor: But it does not apply in this case.

The Attorney General (to Mr. Walker): But it applies to your remarks.

Hon. T. Walker: It does not.

Mr. Taylor: Now, what is your second point?

The Attorney General (to Mr. Taylor): You may be in the Chair some day but you are not there just now. I want also to refer to Standing Order 106, which was referred to not only by the member for Kanowna but also by the member for Murchison (Mr. Holman). If hon. members will look quietly at Standing Order 106 they will see that the construction placed upon it by the member for Murchison is inconsistent with the words themselves. He says that only the House may order that it be not printed, that only the House may order that it be expunged. That is ordinary language; one does not need to be a lawyer to understand it; it wants only a sensible person to understanding its meaning. I shall read the Standing Order—

If any notice contains unbecoming expressions—

Mr. Holman: Can you explain where there is any unbecoming expressions in the motion?

The Attorney General: I will deal with one thing at a time with your permission, Mr. Speaker, and will answer any question the hon. member desires afterwards. My point is quite clear that the member for Murchison is wrong in the construction he put to you of the Standing Order. To repeat it again, he said that the House only could order not printing and only the House could order printed matter to be expunged. The Standing Order reads as follows:—

If any notice contains unbecoming expressions the House may order that it shall not be printed, or—

Mr. Taylor: There is a stop there.

The Attorney General: I do not wish, Sir, to use any opprobrious terms against my hon. friends opposite, but I notice that when I push my arguments home they raise their voices so high that an hon. member cannot be heard. If that be the way this House is to be governed, I decline to subject my voice to such a trial as the hon. members opposite. I will give up, because I cannot shout. There are two distinct functions in this section.

Hon. J. Scaddan: All bearing on the one point, unbecoming language.

The Attorney General: There are two distinct functions, one that the House may

order that it shall not be printed, and then the function of Mr. Speaker himself—

Mr. Taylor: No, no.

The Attorney General: He may order that it be expunged.

Hon. J. Scaddan: No.

Mr. Taylor: That is for the House.

The Attorney General: The Standing Order says—

Or it may be expunged from the Notice Paper or (it may be) amended by Order of the Speaker.

Many of us have learned our English language in our early days, but those who have attempted to learn it when they have reached years of discretion have found it very difficult to pick up, and it has been difficult to teach them. I do not propose to continue amidst the jeers of members on the other side, who will not listen to a plain exposition of the English language which was taught to me when I was a boy, and I am not going to endeavour to teach these people. I have, however, a right to claim your ear, Sir, and without being offensive—

Hon. P. Collier: You are.

The Attorney General: I want to ask hon. members to look at that section before forming their judgment. They are going to vote on a question as to whether or not they believe that this section is correctly or properly interpreted by the Speaker. We can afford to look at it in the plainest and simplest manner, and I submit to you, Sir, that plain or simple words could not be put together in a simpler way. If the reading of it were as set forth by members opposite, the word "House" which appears in the second sentence would have to be repeated in the third sentence before the text of the third sentence could be governed by the word "House." Then it says "or it may be expunged from the Notice Paper" or it (the notice) may be amended by order of the Speaker. I submit that this is a correct interpretation of the Standing Order.

Mr. Holman: The Attorney General gave a long discourse on what he thought was right, but if he had kept to the order of the debate he would have confined his remarks to the motion before the Chamber, namely, that your ruling, Sir, should be dissented

from. In accordance with Standing Order 142—

If any objection is taken to a ruling or decision of the Chairman of Committees, such objection must be taken at once, and having been stated in writing—

That objection must be taken at once, and dealt with immediately. The Attorney General stated that it did not require a lawyer to understand the Standing Orders, but only an intelligent person; this proves that he is sadly lacking at all events in intelligence.

The Attorney General: You are personal.

Mr. Holman: I am only absolutely correct. If you refer back to Standing Order 106, Sir, you will see that the notice must, before it can be objected to by the House, contain unbecoming expressions.

The Attorney General: I did not argue that.

Mr. Holman: The Attorney General argued from a very narrow and ignorant point of view when he referred to lack of education on the part of some members on this side of the House. I have asked the opinion of just as intellectual giants as the Attorney General, and they bear out what I said when I drew attention to the Standing Orders. It is not only a lawyer who went to school at an early age, and who has had all this education, who is needed to understand the Standing Orders. Some men, with all the education which they boast of, still lack the brains or generosity to think that other people have the same right to an opinion as they themselves have.

Mr. Troy: I understand you gave a ruling, Sir, that the motion moved by the member for Kanowna could not be proceeded with. The member for Kanowna then questioned that, and moved to disagree with your ruling. You ruled then that he must give notice of his disagreement. That ruling you gave us again this afternoon. Then the member for Kanowna proposed to disagree with that ruling. If he does so then Standing Order 141 applies. It reads as follows:—

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

That does not mean to-day or to-morrow, but it means that the objection must be taken now. I do not think we need bother

about the Standing Order which refers to any member using an unbecoming expression. That is not the point at all. Do not forget that the Attorney General stated that the Speaker has power to expunge from the Notice Paper. If a notice does not appear on the Notice Paper how can it be expunged from it? This notice does not appear on the Notice Paper.

The Attorney General: The Notice Paper came before him.

Mr. Troy: No.

Hon. J. D. Connolly (Honorary Minister): By what authority did you alter a notice of question of mine last session?

Mr. Troy: I have never yet expunged a notice from the Notice Paper. I may have ordered an amendment of a question (because there are definite limits to a question), which is entirely different from preventing a notice from appearing on the Notice Paper.

Hon. J. D. Connolly (Honorary Minister): Your contention was that it could not be altered until it had appeared on the Notice Paper.

Mr. Troy: I am not going to allow the Honorary Minister to beat me. It can be seen how wrong the Attorney General can be in his interpretation, even with all the qualifications that he prides himself on possessing.

Hon. J. D. Connolly (Honorary Minister): Not as far wrong as you are in your interpretation of expunging and altering.

Mr. Troy: The Honorary Minister does not know anything about it, although the Attorney General may know something. The Standing Order says that if any notice contains any unbecoming expression, the House may order that it shall not be printed. It does not say that the Speaker may order that it shall not be printed. But the Speaker in this case orders that it shall not be printed, and not the House—"it may be expunged from the Notice Paper," but it does not appear on the Notice Paper. In order to be expunged from a Notice Paper it must be on the Notice Paper, and then it can only be done by the House. In my opinion Standing Order 141 applies. I am arguing from the basis that you have taken exception to the objection of the member for Kanowna that the motion is not in order.

You have ruled that the motion is not in order, and expunged it from the Notice Paper, and the member for Kanowna objects. You say that notice must be given of such objection. Now, however, is the time when such objection should be raised.

Mr. Munsie: I hope hon. members will not be influenced by the arguments which have been put forward by the Attorney General.

Hon. W. D. Johnson: What do you call them?

Mr. Munsie: I believe that Standing Order 106 has practically no bearing whatever upon the motion that this House is now considering. I trust that hon. members will not forget the fact that the ruling we are asked to vote upon has nothing to do with the question of whether the motion intended to be moved by the member for Kanowna was rightly or wrongly left off the Notice Paper. The matter that this House is considering is the point as to whether any hon. member has to give notice of his intention to disagree with the Speaker's ruling.

Mr. Hudson: He did not deal with that at all.

Mr. Munsie: Standing Order 141 distinctly says that if any objection is taken to the ruling or decision of the Speaker, such objection must be taken at once. It is not a question as to whether the notice given by the member for Kanowna is right or wrong, or whether the Speaker was right or wrong in expunging it from or leaving it on the Notice Paper. I do not think we are going to over-ride our Standing Orders as a deliberative Assembly, and say that if we wish to disagree with the ruling of the Speaker or the Chairman of Committees we have to give notice of our intention to do so. I disagree with the ruling of the Speaker at all events.

Hon. J. Scaddan: With all due deference to the Attorney General and not having received that education which is so essential to an understanding of the English language, though I have been trying to pick it up in my old age, I hope I shall not mislead the House if I attempt, with the little knowledge which I have received in my old age, to explain the English language as I understand it to be conveyed in Standing Order 106. The Standing Order centres on

one point. It has a pivot—and in this I think the Attorney General will agree with me—upon which the whole of the language contained in the Standing Order centres. The Standing Order reads—

If any notice contains unbecoming expressions—

That is the essential, nothing else counts except that the notice shall contain unbecoming expressions. If it does not contain any unbecoming expression the Standing Order does not apply. Is that not a correct understanding of the English language?

The Attorney General: I did not challenge that part of the statement of the member for Kanowna.

Hon. J. Scaddan: The Attorney General admits that the application of the Standing Order—

The Attorney General: It must be unbecoming.

Hon. J. Scaddan: The Attorney General now admits—

The Attorney General: I never challenged it.

Hon. J. Scaddan: The Attorney General now admits—

The Attorney General: I admitted it always.

Hon. J. Scaddan: The Attorney General has always admitted that the Standing Order only applied when a notice contained any unbecoming expressions. It does not matter what the House can do or what the Speaker can do under that Standing Order, if it can be shown that the notice did not contain any unbecoming expression, the power is not given to the Speaker under the Standing Order.

The Attorney General: That is one point.

Hon. J. Scaddan: That is not only the English language; it is common sense. Now I ask the Attorney General—

The Attorney General: I did not challenge that.

Hon. J. Scaddan: Although the Attorney General agrees with the Speaker's action, were any unbecoming expressions contained in the motion given notice of by the member for Kanowna, and which did not appear on the Notice Paper? The words of the motion were that the Speaker does not possess the confidence of the House. That is not an unbecoming expression. Only a few



weeks ago I moved a motion that the Government did not possess the confidence of the country. This appeared on the Notice Paper, and there was no unbecoming expression contained in it.

The Attorney General: There was another reason.

Hon. J. Scaddan: There can be no other reason. The only Standing Order which gives the Speaker power to omit a notice from the Notice Paper is that Standing Order referring to a notice which contains any unbecoming expression.

The Attorney General: The hon. member only quoted Standing Order 106 incidentally. I attacked him on that. The other matter stands by itself.

Hon. J. Scaddan: The Attorney General is looked upon as one who naturally would give the Government view on constitutional practice and that he would do so for the purpose of assisting the Speaker in his ruling. But he only referred to Standing Order 106 and now he wants to shift his ground.

The Attorney General: The member for Murchison laid stress on Standing Order 106.

Hon. J. Scaddan: Irrespective of the action of the Speaker in omitting the motion from the Notice Paper, it is a matter that must be dealt with now. It is a matter affecting the privileges of the House and must be dealt with immediately it arises. It has arisen now. I will quote from *May*, who I am sure the Attorney General will admit is an authority on constitutional practice, not on the English language. *May* states—

The proceedings of the House may be interrupted at any moment, save during the progress of a division—

The last few words carry me back to the incident of 24 hours ago.

by a motion based on a matter of privilege, when a matter has recently arisen which directly concerns the privileges of the House, and in that case the House will entertain the motion forthwith.

This motion must take precedence over all other business. Is there any other matter of equal importance to the action of the Speaker in refusing to place a notice of motion on the Notice Paper for free discussion? I am going to insist that this mo-

tion shall be dealt with at this very sitting. Let me continue to read what *May* says—

A privilege matter may also be brought forward without notice—

Is the Attorney General listening?

before the commencement of public business.

The Premier: It is not a privilege matter.

Hon. J. Scaddan: For the benefit of the Premier, I will read again what *May* says—

The proceedings of the House may be interrupted at any moment.

We can interrupt the business of the House at any stage when the privileges of the House have been affected, and they have been affected now by the Speaker declining to allow a motion for free discussion to appear on the Notice Paper. Let me now read a foot-note from *May*—

This ancient rule was thus expressed in debate by an eminent authority: "Nothing can be so regular, according to the practice of this House, as when any member brings under the consideration of the House a breach of its privileges, for the House to hear it—nay, to hear it with or without notice—whether any question is or is not before it; and even in the midst of another discussion, if a member should rise to complain of a breach of the privileges of the House, they have always instantly heard him.

The Attorney General: You are going to disagree with the Speaker's ruling?

Hon. J. Scaddan: Of course, and I am going to disagree with the action of the Speaker in infringing the privileges of the House.

The Attorney General: Show me that you can do this without notice.

Hon. J. Scaddan: I have done so. I have quoted from *May* to show that any proceedings which affect the privileges of the House can be referred to and brought up at any time. Of course, *May* never dreamt in his wildest moments that there would ever be such a decision given as that which we have heard. Therefore, how could such a decision be anticipated?

The Attorney General: You say this is a novel point?

Hon. J. Scaddan: It is a novel action on the part of the Speaker, but there is no-

thing novel about interrupting the proceedings of the House at any moment in order to draw attention to a matter of privilege.

The Attorney General: I agree with you on the question of privilege, but it is on a subsequent thing that we do not agree.

Hon. J. Scaddan: The member for Kanowna asked the Speaker why he had omitted the motion from the Notice Paper and the Speaker read a statement which he said was not a ruling and then he ruled that he could do so. I am showing that *May* says that a question of privilege may be brought up at once.

Mr. Taylor: Our Standing Orders say so.

Hon. J. Scaddan: That is so. Standing Orders 137 and 138 deal with the question. The first states—

Any member may rise to speak "To order," or upon a matter of privilege suddenly arising.

The next Standing Order reads—

All questions of Order and matters of privilege at any time arising shall, until decided, suspend the consideration and decision of every other question.

Those are our own Standing Orders and the point is that the Speaker has ruled that when a member attempts to bring up a matter for discussion he can only do so on a motion. There is no Standing Order which empowers the Speaker to adopt that attitude. All the authorities are against him.

Mr. Taylor: Read Standing Order 141—just two lines of it.

Hon. J. Scaddan: That Standing Order reads—

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

I want the Attorney General to understand where he is placing the House and himself. The ruling of the Speaker is that the hon. member for Kanowna is not entitled to submit a motion affecting the privileges of this House except on notice.

The Attorney General: No, no.

Hon. J. Scaddan: Yes.

The Attorney General: Will the Speaker kindly tell us what the question is?

Mr. Speaker: The question is "That the House dissents from the ruling of Mr.

Speaker that notice must be given of disagreement with his ruling."

Mr. Taylor: There you are.

Hon. J. Scaddan: Is the Attorney General satisfied now? The member for Kanowna asked the Speaker why he had omitted the motion that he had given notice of, from the Notice Paper, and the Speaker gave his reasons. The member for Kanowna then attempted to introduce a motion for discussion affecting the privileges of this House. Under the Standing Orders such a motion has to be dealt with at once; all the authorities declare that it must be dealt with at once.

The Attorney General: It does not become a question of privilege because you say so.

Hon. J. Scaddan: The action of the Speaker in preventing free discussion is a question of privilege.

The Attorney General: It is the ruling to which you have taken exception.

Hon. J. Scaddan: It is not merely a question of the ruling; I want the hon. gentleman to understand that this is a question affecting the privileges of the House and must be dealt with at once.

The Attorney General: Is the notice then the foundation of all this?

Hon. J. Scaddan: Does the Attorney General deny that this is a matter of privilege?

The Attorney General: I do not dispute that.

Hon. J. Scaddan: That is a fit admission to my argument. The point raised by the member for Kanowna is that his notice shall appear on the Notice Paper, and that it did not contain any unbecoming expression. The Speaker has committed a breach of the privileges of the House by omitting the motion from the Notice Paper. The matter becomes one of privilege because it is the privilege of members of the House to submit questions for free discussion. Will the Attorney General agree with that? Our Constitution provides for the free discussion of all matters affecting public interest. This is a breach of privilege and must be decided now. All authorities show that it would not be a matter of privilege if we allowed it to stand over until to-morrow.

The Speaker has ruled the very opposite to our Standing Orders and all authorities. Yet the Attorney General admitting all that, attempts to support the Speaker in his ruling. Where will he land the House?

Mr. Carpenter: The Attorney General is convinced against his will.

Hon. J. Scaddan: No, he is quite satisfied but he imagines in his capacity as a member of the Government he must support the Speaker's ruling whatever it is.

The Attorney General: Nothing of the kind; this is not a party matter.

Hon. J. Scaddan: What I urge is that those who know the Standing Orders and the authorities I have quoted will admit at once that a matter of this nature affecting our privileges should be discussed and decided now. The Attorney General must disagree with the Speaker's ruling, which says that notice must be given of disagreement with his ruling.

The Premier: I am going to rise in support of the ruling of the Speaker. I do not think the hon. gentlemen who have addressed themselves to the question have looked into it quite deeply. It is quite well to talk privilege from morning to night, and if we had all the privileges members opposite claim and which members wish to enjoy, we should get very little business done in the House.

Mr. Carpenter: You have no right to say that.

The Premier: We lay down rules for controlling the procedure of the ordinary business of the country, and not so that steam should be generated as it has been done during the last day or so. The member for Kanowna gave notice of a motion, I think in these words, "That Mr. Speaker does not possess the confidence of the House." That is the foundation of the whole thing. That notice of motion was left off the Notice Paper by the instruction of Mr. Speaker.

Mr. Taylor: On what authority?

The Premier: And that action is being questioned. Our Standing Orders lay it down pretty clearly that the Speaker has the power to expunge from the Notice Paper any notice that contains unbecoming expressions and the House may order that

it shall not be printed, or it may be expunged from the Notice Paper or amended by order of the Speaker. The Speaker undoubtedly has the power to expunge from the Notice Paper. That does not mean as some hon. members seem to argue, that it must be printed and then ordered to be expunged. The Notice Paper has to be drawn up by the Clerk first and that is the time when the Speaker expunges anything, before it goes to the printer to be printed.

Mr. Holman: We will deal with that after the present ruling.

The Premier: I am not here to bandy words across the Chamber. I am discussing the question which the member for Kanowna has raised.

Mr. Holman: Is the hon. member in order in discussing the main question, Mr. Speaker?

Mr. Speaker: The hon. member is enjoying the same liberty as those before him have had.

The Premier: This Standing Order says that, "If any notice contains unbecoming expressions the House may order that it shall not be printed." "Unbecoming" means improper expressions and it is shown by Mr. Speaker when he took this action that the notice of motion was improper, inasmuch as it had no specific charge against the Speaker.

Hon. J. Scaddan: That is not an unbecoming expression.

The Premier: Oh yes it is. The motion was improper.

Hon. J. Scaddan: Did you learn that at school?

The Premier: *May's Parliamentary Practice* has been referred to. Everyone has quoted *May* to support his contention. *May* sets forth on pages 277 and 278—

Certain matters cannot be debated, save upon a substantive motion which can be dealt with by amendment, or by the distinct vote of the House, such as the conduct of the Sovereign, the Heir to the Throne, the Viceroy and Governor-General of India, the Lord-Lieutenant of Ireland, the Speaker, the Chairman of Ways and Means, members of either House of Parliament, and Judges of the Superior Courts of the United Kingdom, including

persons holding the position of a judge, such as a Judge of a Court of Bankruptcy, and of a County Court.

Then on page 293 the hon. member will find—

As the conduct of the persons mentioned on p. 278 can only be debated upon a substantive motion, embodying therein a specific charge, reflections upon their conduct cannot be brought before the House by way of amendment.

It says, "embodying therein a specific charge."

Hon. T. Walker: The charge is that he does not possess the confidence of the House.

The Premier: That is not specific; that is a general charge. If we remember the time when the motion was tabled, the evident anxiety of members opposite was to attack Mr. Speaker generally on his life's history, when he had only been in the Chair for a few days and nothing had happened then to lay a specific charge. The hon. member could not make a specific charge. Of course, to-night he has gone on in his usual style, with the eloquence that he has at his command to point out how the House is master of the Speaker. Of course the House is master of the Speaker. The Speaker at all times with the assistance of members should be able to control the House. The hon. member went on to say that the House would become a rabble unless controlled by the Speaker. I agree with him; it became a rabble yesterday.

Mr. Taylor: Is the hon. member in order in reflecting on the House?

The Premier: The point is this: Unless a motion of that description as set down in *May* contains a specific charge it cannot be accepted; it is improper under our Standing Orders, and Mr. Speaker is perfectly right to leave it or expunge it from the Notice Paper. "Expunge" means to be left off, not printed and then struck off as members would argue should have been the course taken. This course has been taken on other occasions and I am satisfied of this, it is a moderate power to place in the hands of the Speaker. If it is unwisely used, then hon. members have their remedy.

Hon. T. Walker: What is that?

The Premier: By giving notice according to the Standing Orders.

Hon. T. Walker: But the motion would not appear.

The Premier: Oh yes. A member gives notice of motion at the next sitting of the House, that the Speaker's action in expunging the notice be disagreed with.

Hon. J. Scaddan: That is a matter of privilege.

The Premier: The hon. member would read privilege into everything, until we should have members getting up one after another raising points of privilege on the most trivial matters. I hope members are not going to do that. Let me say this at once. If members want to challenge the Speaker's position I am willing to give them the opportunity to do so. If they give notice of motion in the ordinary way, a proper motion specifying the charges, which has been done to-night by the leader of the Opposition, we can arrange when it can be debated and settled then.

Hon. J. Scaddan: What about suspending the sitting and discussing it with him? You might be able to persuade him. Nobody else can.

The Premier: To try and raise a side-issue and open the doors of Parliament to any debate whatsoever on a question of privilege, is ridiculous. It is going to rebound to our proceedings in the future to the detriment of our Parliamentary procedure. I am satisfied the action taken is the correct one, and I think you, Mr. Speaker, were perfectly in order in the circumstances on the action which you took.

Hon. T. Walker: Do you agree with the Speaker's ruling, that dissent from his ruling should be preceded by notice?

The Premier: That is not the point. Mr. Speaker did not give a ruling.

Hon. J. Scaddan: Oh, yes, he has.

The Premier: I have the *Votes and Proceedings* of the occasion.

Mr. Holman: Mr. Speaker, will you kindly read the motion before the House at the present time? I take it that the motion before the House is that your ruling be dissented from?

Mr. Speaker: The motion is that the House dissents from the ruling of Mr.

Speaker, that notice should be given of disagreement with his decision.

The Premier: Have you given that ruling Mr. Speaker, that notice of motion should be given?

Mr. Speaker: Yes.

The Premier: I am disputing your interpretation. If my recollection serves me aright you did not give a ruling, you gave instructions and that is what the hon. member is taking exception to.

Mr. Holman: The hon. member is reflecting on the Chair. He heard what the Speaker said.

The Premier: I said it was on the action the Speaker took on that occasion. The member for Murchison took exception to the fact that this notice of motion had been expunged by the order of the Speaker.

Mr. Holman: That was prior to the ruling.

Hon. T. Walker: The last ruling he gave he said, "I rule," then I dissented.

The Premier: I am sure I cannot quite understand what we are discussing. I certainly understood the member for Kanowna and other members who have spoken on the opposition side of the House—the member for Murchison and others—that it was the action of the Speaker under the *Votes and Proceedings*.

Mr. Holman: I never spoke in regard to that. I replied to a statement made by the Attorney General.

The Attorney General: I replied to you.

Mr. Holman: That was before Mr. Speaker gave his ruling.

The Premier: It seems to me we are all at cross purposes.

Mr. Holman: I rise to a point of order and ask that the Premier be kept to the question before the House.

The Premier: Then I do not rise to a point of order. Let me proceed. Let me have the same privilege as the hon. member interjecting has. Objection has been taken to Mr. Speaker's ruling under Standing Order 141, which reads—

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

Hon. J. Scaddan: There you are.

The Premier: That is quite right.

Hon. T. Walker: The Speaker ruled that I could not move it, but must give notice of motion.

Mr. Speaker: Notice of motion disagreeing with the action of the Speaker.

Hon. T. Walker: With your ruling, Sir.

Mr. Speaker: Let me say this. When the member for Kanowna sent his notice up to me, I had it in my mind that the word "ruling" should be "action."

Opposition Members: Oh!

Hon. J. Scaddan: On a point of order. Standing Order 141 provides—

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

The decision of the Speaker was that this notice of motion should not appear on the Notice Paper.

The Premier: That is Thursday last.

Hon. J. Scaddan: It is not Thursday last. This is the first occasion on which the matter could possibly have been discussed. The Standing Order does not refer merely to matters of ruling. It says—

If any objection is taken to the ruling or decision of the Speaker . . .

The Speaker ruled that the matter could not be taken at once, but that notice must be given.

Hon. T. Walker: In explanation, let me say that after I had complained that you, Mr. Speaker, had excluded my notice of motion from the Notice Paper, and had given your decision, I asked you to reconsider the matter. I asked, further, whether I could not have the notice of motion on to-morrow's Notice Paper, and you then distinctly said, "I rule that the hon. member cannot place that on the Notice Paper."

Mr. Speaker: That he should give notice.

Hon. T. Walker: No, no. I then said, "I dissent from your ruling." You, Sir, thereupon said, "I rule that the hon. member cannot put that on the Notice Paper." It was a question of putting the notice on the Notice Paper for to-morrow. You said, "I rule that cannot be done," or words to that effect—I cannot recall the exact words.

The Premier: That was done to-day?

Opposition members: Yes.

Hon. T. Walker: The Speaker said, "I rule that the hon. member cannot do that without notice." The motion is now that the House dissent from the ruling that I cannot do that without notice. I say that I have a right to dissent from the Speaker's ruling as soon as he gives it.

Hon. J. Scaddan: I think the Premier is satisfied now, is he not?

The Premier: Mr. Speaker makes a statement. The member for Kanowna moves that the House is dissatisfied with the Speaker's explanation.

Hon. J. Scaddan: The Speaker's decision.

The Premier: The Speaker rules that the hon. member's motion requires notice. Then the hon. member moves to dissent from that ruling, and sets out in writing why the House should dissent from the ruling, that notice must be given to dissent from Mr. Speaker's ruling.

Opposition Members: That is it.

The Premier: Then we must come right back to the foundation of the matter.

Hon. J. Scaddan: You are generally good in a difficult corner.

The Premier: That has been the tendency of every speech which has been made on the question.

Hon. T. Walker: There has been a lot of talk wide of the question, a lot of talk that has no bearing on the question. There is only one thing before the House—dissent from the Speaker's ruling.

Mr. Taylor: Having listened to the Attorney General and the Premier in defence of the decision which you, Mr. Speaker, have given this afternoon, one cannot but feel surprised. Neither of those two hon. gentlemen had any knowledge of the subject, to judge from the statements they made; and, indeed, this was amply proved before the Premier resumed his seat. There can be no doubt as to the question before the Chair. The question before the Chair is that your ruling be dissented from. What is your ruling? It is that the member for Kanowna cannot do something unless he does it by notice of motion. You have ruled thus under Standing Order 141, which specifically lays down that when the Speaker's ruling is disagreed with or dissented from, or questioned, action must be taken on the spot, at once. In support of this, I can hark back

to 1893, when an hon. member tried to submit a question to the Speaker of that day, and, because the matter was a week old, the Speaker ruled that it had to be done by notice of motion. The reason was that the hon. member did not take action immediately, did not adopt the proper method which was adopted by the member for Kanowna this afternoon. The hon. member I refer to is the present Minister for Lands. He questioned the capacity of the then Chairman of Committees to occupy that position. But he let it go too late, and the then Speaker informed him that he must proceed by way of notice of motion. Had the member for Kanowna adopted the same procedure as the present Minister for Lands did in 1893, he would have had to comply with your direction and give notice of motion. But there is no necessity for that. The member for Kanowna took action under Standing Order 141, on the spot; and all the sophistry of the Attorney General, and all the legal dodgery which can be brought to bear in this matter, with the assistance of the Premier, cannot alter the position. Neither *May* nor any other authority holds good in this Parliament, so long as our Standing Orders make provision. And provision is amply made for the motion which has been moved by the member for Kanowna, and there is every justification for every member of the House supporting the motion of dissent. This is not a party question, and is not being debated on party lines. It is being debated from the point of view of the privileges of members of this House, and from the point of view of the procedure which is laid down by our Standing Orders, and which has not been followed by Mr. Speaker. The business of the country could not be carried on if Mr. Speaker flouted the Standing Orders. He has no more right to do that than has any other member of this Chamber. It is by the Standing Orders we are governed and controlled, and the member for Kanowna deserves credit from the whole House for moving to dissent from Mr. Speaker's ruling. The hon. member only had the opportunity of moving in that direction this afternoon, and he did move; and I hope hon. members generally will realise the necessity for putting aside all party feeling. I feel, too, that Mr. Speaker himself should

consider his position in this respect. The House should carry the motion of dissent and not allow party lines to prevail. The motion carries with it no reflection upon the Government or upon any member of this House. It is a reflection upon the attitude of the Speaker in giving a decision which is not in accordance with our Standing Orders, and not in accordance with the practice either of this Parliament or of any other Parliament in the English-speaking world. Hon. members should rise to the occasion and defend their privileges and the prestige of the House. I support the member for Kanowna.

The Attorney General: May I make an explanation?

Hon. J. Scaddan: The hon. member has already been heard.

Mr. Speaker: He may be heard by leave of the House.

Hon. J. Scaddan: No, Sir. Only by way of explanation, by permission of the House. He cannot argue. Argument is not explanation.

The Attorney General: I will not argue anything at all. I merely wish to make a personal explanation.

Mr. Troy: On a point of order, the Attorney General can speak with the permission of the House, but he must first get the permission of the House. He is speaking now with your permission, Mr. Speaker—not with the permission of the House.

Mr. Speaker: Is it the pleasure of the House that the Attorney General make a statement?

Leave given.

Mr. Troy: It must be an explanation only.

Mr. Taylor: The Attorney General is trying to drag the discussion over the tea adjournment.

The Attorney General: If that is alleged I will not speak at all. However, I admit that when addressing the House just now I conceived the question before the Chair to be somewhat different from that which, when it was read out, it actually turned out to be. I think I was not the only one under such a misapprehension, because hon. members had not the motion before them in print or in writing. For my part, I had

only been a witness of what had taken place. This was what took place: The member for Kanowna moved that the House was dissatisfied with the Speaker's explanation. The next thing that occurred was that you, Sir, ruled that that was a motion which required notice in writing in the ordinary way—I take it, under Standing Order 101. That is what I was addressing myself to, and what I think the Premier was addressing himself to. In fact, I was rather astonished during the course of my remarks, when, in response I think to the member for Murchison, you stated the question before the House.

Mr. Holman: I asked for it twice. I rose to a point of order twice.

The Attorney General: I think these are the words of the motion—

That the House dissents from the ruling of Mr. Speaker that notice must be given of disagreement with his ruling. What, in fact, I was discussing—

Hon. J. Scaddan: I move that the Attorney General's explanation be accepted.

Opposition Members: Question!

Mr. Speaker: Order! The question before the House is—

That the House dissents from the ruling of Mr. Speaker that notice must be given of disagreement with his ruling. It is quite obvious that that was not the intention of my ruling.

Hon. J. Scaddan: Then, what have we had all this discussion for?

The Premier: Take it on the voices, and go on with the next business.

Question put and passed.

*Sitting suspended from 6.15 to 7.30 p.m.*

#### MOTION—NOTICE OF MOTION WITHHELD FROM NOTICE PAPER.

Hon. T. WALKER (Kanowna) [7.30]: It has been decided by the House that I am in order in disagreeing with the decision, explanation or ruling, which you gave tonight at the opening of the House to the effect that you would not put a motion of want of confidence in yourself on the Notice Paper, and that if it were produced again you would rule it out of order on the grounds that it was not a substantive motion or specific charge. Now I submit that you

reasons for your decision were not in order, to put it in the mildest possible way. It in no sense comes under chapter 9 of *May*, as read by the Premier.

Mr. SPEAKER: Is the hon. member submitting a motion now?

Hon. T. WALKER: I understand that my motion is before you; the motion that you ruled out of order.

Mr. SPEAKER: No.

Hon. T. WALKER: The motion that your decision was not satisfactory; that is the motion I am discussing. Instead of the word "explanation" in the motion I would have you put "decision." In the eleventh edition of *May*, page 277, we read—

Certain matters may not be debated save upon a substantive motion which can be dealt with by amendment or by the distinct vote of the House, such as the conduct of the Sovereign, the Heir to the Throne, the Viceroy and Governor General of India, the Lord Lieutenant of Ireland, the Speaker, the Chairman of Ways and Means, members of either Houses of Parliament, and judges of the superior courts of the United Kingdom, including persons holding the position of a judge, such as a judge in a court of bankruptcy and of a county court. These matters cannot, therefore, be questioned by way of amendment nor upon a motion for adjournment under Standing Order No. 10. For the same reason no charge of a personal character can be raised save upon a direct and substantive motion to that effect. No statement of that kind can, therefore, be embodied in a notice stating that the attention of the House will be called to a matter of that nature.

This quotation from *May*, upon which you has based your excuse for not admitting my motion, really gives me the right to move that motion. I can rely upon this as much as upon any other of our Standing Orders or customs of Parliament for the right to submit a substantive motion, which is one to which an amendment can be moved or upon which a distinct vote of the House obtained. That is the definition of substantive motion. If an amendment can be moved to it and a distinct vote of the House obtained upon it, it is of a substantive character, and therefore has the right,

according to all precedents, to go upon the Notice Paper. It is true that in looking up authorities one finds very few attacks upon the Speaker, unless one goes back to the early days when the traditions and character of the Chair were being formed. Then one can find instances of a rebellious Speaker being held in his seat by two members and compelled to put a motion that he had refused.

Mr. Hudson: Is that Standing Order still in existence?

Hon. T. WALKER: No, unfortunately.

Hon. J. Scaddan: What about the other one, to put him out?

Mr. Hudson: I will make one.

Hon. T. WALKER: There are instances of the Speaker being ruled disorderly by the House and having his words taken down. One can find an occasion, too, where, if it had not been that the Speaker was taken ill, he would have had to put from the Chair a motion for his own expulsion. But that is long ago. Of late years, fortunately, in almost every Parliament of the British Dominions, men of character, respect and ability have been placed in that post, and consequently have known how to conduct their business with discretion, judgment, and impartiality, and therefore, there has been no necessity to move votes of want of confidence in them. But in this House there have been votes of censure, if not moved, at least placed on the Notice Paper. I gave you my authority to-night for that, in our own *Votes and Proceedings*. See, Mr. Speaker, what your conclusion would bring us to if we followed your ruling. I have already quoted from *May* as follows:—

For the same reason no personal charge can be raised save upon a direct and substantive motion to that effect. No statement of that kind can, therefore, be embodied in a notice stating that the attention of the House will be called to a matter of that nature.

That affects, not only the distinguished persons I have mentioned, but every member of the House, every member of the Government, and if your ruling were right, we could never move a vote of want of confidence in the Government.

The Premier: That is not correct.



Hon. T. WALKER: Absolutely correct. If we cannot move a motion such as I have given notice of against the Speaker, we cannot move it against the Premier, or any member sitting on the Treasury bench whether individually or as a body.

The Attorney General: Have you any precedent showing that it has ever been moved elsewhere?

Hon. T. WALKER: It has been moved in this House. My point is that it had the right to go on the Notice Paper, and I have given abundant evidence of that.

Hon. P. Collier: The complaint is of having left it off the Notice Paper.

Hon. T. WALKER: Here is one instance. On page 108 of the *Votes and Proceedings* of the third session of the seventh Parliament, 1910-11, we find that Mr. Holman has a notice on the Notice Paper to move, "That Mr. Speaker has not the confidence of the members of this House." There is my precedent in this Chamber. It is in the life of the Parliament of this State, and I say if we cannot do it against the Speaker we cannot do it against anybody; for the laws that protect the Speaker protect every member, and if it be lawful to move a vote of no confidence in the Government, it is equally lawful to move a vote of no confidence in the Speaker. I will ask you, Mr. Speaker, if that could not be done, what sort of condition would the House find itself in? No matter how incompetent the Speaker might be, how poor his memory, how we might know of his utter unfitness from training, disposition, and general ability to preside over the business of the House, we could do nothing unless we could bring against him some charge of crime, as, for instance, that he had defrauded the widows, or something of that sort. Unless we could bring a charge of some actual offence of a moral or political character, and prove it to the hilt, we could not touch the Speaker. However unable or unworthy he was to sit in the Chair, the House could never touch him. Is that in accordance with ordinary common sense? Parliament has been built up in its proceeding upon common sense lines and upon experience. One of the dearest privileges belonging to Parliament, and one that was earliest obtained and most carefully pre-

served was the right of free speech, even if it meant attacking a constituted order of things in order that a change might be effected. Even where the King was concerned, the Speaker himself dared not disobey the rules of the House. At the command of the King to speak he was silent, except by way of explanation, to say that he had neither eyes to see nor a tongue to speak, but such as the House directed. Has it come to this, that once the Speaker gets into the Chair he is there for ever, and that no offence in the conduct of the business of the House, no lack of respect, no existence of actual distrust and disrespect would ever move him from his post?

The Attorney General: Was the motion debated?

Hon. T. WALKER: That case was on the Notice Paper. Let us go no further and have no quibbles. I am fighting for my right to have the matter discussed, and in support of my contention that the Speaker had no right to intercept that motion and to refuse its appearance upon the Notice Paper. We need not carry it any further. The Speaker issues an arbitrary authority which is not given to him by custom, which is not given to him by precedent, or by the Standing Orders of the House.

The Attorney General: You have quoted some precedent. Have you any more?

Hon. T. WALKER: How many more precedents does the hon. member want?

The Attorney General: I do not want any more.

Hon. T. WALKER: The reason why we have not many precedents of the kind is that it is exceedingly seldom indeed, one of the rarest things in the world, that men are elevated to that distinguished position who do not command the absolute respect of both sides of the House.

The Attorney General: Quite true.

Hon. T. WALKER: No precedents will be found.

The Attorney General: I see you have one and I merely asked you if it was debated.

Hon. J. Scaddan: The motion was that it should be submitted on the Notice Paper.

Hon. T. WALKER: I myself spoke to it on another occasion. I was in the unfortunate position, in the case of another Speaker, of being obliged to speak very strongly, and I may say of him that he gave me the fullest opportunity of saying what I had to say.

Hon. P. Collier: It was a vote of censure on the Speaker.

Hon. T. WALKER: Undoubtedly. In answer to the Attorney General I say, it is right that the Speaker should be questioned if necessary. It is for the absolute good of the House that the Speaker should be hemmed in with safeguards, that he should be supported on every possible occasion, and that we should give him all the help possible to preserve the ordinary and good-mannered conduct of business; but if the Speaker himself displays ignorance of the Standing Orders under which he rules, and if he himself shows an unfitness for the preservation of order, and he himself give an example of disorder, and give insults or offence, or spreads ill-temper amongst members of the House, and is the cause of scenes and disturbances, then he is not acting in accordance with the high position that he occupies, that is, he ceases to be that exalted character that we expect in the Chair, then he has debased the Chair to a lower level, he has ceased to operate as Speaker and he has put the House then in a sort of disorder where he cannot rule or cannot be obeyed. If the Speaker violates the Standing Orders, is ignorant of the Standing Orders, and will not do his duty, then we cannot expect the House to support him, or to have confidence in him.

Mr. Speaker: Order! We are not dealing with the motion as to the question of confidence in the Speaker.

Hon. T. WALKER: No, but I said—

Mr. SPEAKER: Order! I ask the hon. member to try to confine himself to this particular motion.

Hon. T. WALKER: If the Speaker has broken the Standing Orders and infringed the customs and precedents of this House by refusing to put my motion on the business paper, he has lost the confidence of the House, and the House has a right to be dissatisfied with his ruling.

Mr. Taylor: And to discuss it, too.

Hon. T. WALKER: Yes, so far as it is incidental to that fact. Nothing can be more substantive than the motion I desired to move—"that this House has no confidence in the Speaker."

Mr. SPEAKER: Order! The hon. gentleman is not entitled to discuss that motion now.

Hon. T. WALKER: I am in order in discussing or mentioning what it is you have given your decision upon. It is the same point which we were on the other night. It is by these interruptions, when one is perfectly in order, that one becomes so dissatisfied with, and which give one the right to put upon the paper one's want of confidence in you, Sir, as Mr. Speaker. I say that my motion was a substantive motion and ought to have gone upon the Notice Paper, being a substantive motion declaring that this House had no confidence in you, and you therefore had no right to keep it off the Notice Paper. In doing this you exceeded your duties, and you violated the trust of this Assembly. You are the custodian of our rights and liberties, and you have drawn them into the mire and cast them to the four winds of the heavens. Therefore, if this House respects its privileges, and desires to have fair play and to safeguard the liberties and the rights of hon. members I say then that my motion ought to have gone on the business paper. I say by the test given in *May*, part of which you relied on, my motion should have gone on the paper, because the object of it was to obtain a distinct vote of this House upon your conduct as Speaker. It was of a similar nature to that which is placed upon a Minister of the Crown or the Government as a whole, and the House can only stultify itself by admitting its inability to remove an undesirable Speaker from the Chair when such Speaker has made manifest his undesirability. For that reason the matter should have been debated. It would have been better for you to have had the confidence of this House expressed when your position was called into question. It would have been in your interest to have had the fullest and most open discussion upon this question. To my

mind it shows somewhat of an unsuitness on your part, Sir, for the position that the motion questioning your capacity to fill that post and the confidence of members in you is suppressed by your own act, stifled, apparently, in your own interests, baulking fair, free and open discussion of the highest office this high court of the land has to offer. To my mind that would justify the motion going upon the paper now. It would be an argument for no confidence in you. It shows the utter disregard for the rights of private members and for the rights of the whole House. When it is a question upon which the whole House must have spoken and given their views one way or the other, you say the House shall have no voice in anything affecting you. You cannot, Sir, claim that immunity any more than any other hon. member in this House can claim it. You, Sir, constitutionally are only a part of the House, and though a distinguished officer who should receive the respect of everybody in the land you still are a servant of this House, with neither eyes to see nor a tongue to speak, but such as the House directs you. You have mistaken your duty in that respect. You have stood between the House and yourself. You have shielded yourself from discussion, created suspicion, a fear and dread lest some light might be thrown upon some qualification or lack of qualification that you possess. These things should be cleared up, the light of day should be thrown upon that office above all other offices in this House. Hon. members can be assailed from outside with more or less immunity, but even hon. members representing a constituency can bring their libellers to book and bring them before this House and adjudge them guilty of contempt. If hon. members can do that in regard to their lowly constituencies in the State, surely the high office of Mr. Speaker can be a matter of debate and protection. If the Speaker is to maintain the respect of the whole community, he must ask for daylight. He must woo criticism; he must frankly admit the right of hon. members to disagree with him, to question his capacity for the office he holds. Therefore, I submit you were wrong on the point of precedent, on the point of common sense, and on the

point of the customs of this House previously made for you, in deleting my motion from the business paper. I move—

*That this House is dissatisfied with the Speaker's decision in regard to his action in withholding the member for Kanowna's notice from the Notice Paper.*

Mr. HOLMAN (Murchison) [7.58]: In seconding this motion I only desire to supplement the remarks of the member for Kanowna (Hon. T. Walker). Our Standing Orders lay down the method by which a notice of motion shall be given. It is clearly shown by our Standing Orders what a member must do in giving notice of motion. There is no authority vested in the Speaker to prevent that notice of motion appearing on the Notice Paper. The Attorney General asked whether there was any instance in this House where there had been a motion moved similar to that moved by the member for Kanowna. Such a one was moved and an opportunity was given by Mr. Speaker himself leaving the Chair and asking the Chairman of Committees to take his place whilst the motion was being discussed.

The Attorney General: And then you withdrew the motion.

Mr. HOLMAN: That is not the point. It appears on page 1037 of *Hansard*, 19th October, 1910, as follows:—

Want of confidence in the Speaker—

Notice of motion given by Mr. Holman, "That Mr. Speaker has not the confidence of the members of this House" read.

It was read from the Notice Paper. Mr. Speaker then rose and said—

With reference to this motion, I will ask the Chairman of Committees to be good enough to take the Chair.

I then rose and said—

I will not move the motion, Mr. Speaker.

But the opportunity was given. The motion was placed on our Notice Paper and the very wording of the motion moved by the member for Kanowna was made use of on that occasion. That shows clearly that the rights and privileges of members of this Chamber were assailed when the Speaker took it upon himself to go outside the Standing Orders. I contend that he failed to do his duty in not placing the motion on the

Notice Paper. The Speaker quoted Standing Order 106 in support of his action. That Standing Order reads—

If any notice contains unbecoming expressions, the House may order that it shall not be printed or it may be expunged from the Notice Paper, or amended by order of the Speaker.

Hon. members must bear in mind the words "it may be expunged from the Notice Paper" only on one consideration, namely, if it contains unbecoming expressions. No one in the House can say that the notice of motion given by the member for Kanowna contained any unbecoming expressions. Whatever may have been said at the time the motion was moved is a different thing altogether. Members have a perfect right to say whether the Speaker, the Government or anyone else has the confidence of the Chamber, and any hon member has a perfect right to move such a motion as that presented by the member for Kanowna, so long as it is couched in respectful language. The Speaker did more than he had power to do when he declined to give that motion room on the Notice Paper. If we permit this kind of thing to continue the Speaker may take it upon himself to expunge any notice of motion from the Notice Paper. What, then, do we become? We become an impotent body of men, unable to do anything at all, because of a whim of the Speaker. The Speaker quoted *May*, pages 278 and 293, but he might also have quoted page 243. It would then have been shown that our Standing Orders had been obeyed in every particular. On page 243 of *May* we find this—

As the notice paper is published by authority of the House, a notice of a motion or of a question to be put to a member, containing unbecoming expressions, infringing its rules, or otherwise irregular, may, under the Speakers's authority, be corrected by the clerks at the table. They can correct the notice of motion if there be any unbecoming expressions in it? *May* goes on—

These alterations, if it be necessary, are submitted to the Speaker, or to the member who gave the notice. A notice wholly out of order, as, for instance,

containing a reflection on a vote of the House, may be withheld from publication on the Notice Paper—

No one can say that this notice was a reflection on a vote of the House.

or, if the irregularity be not extreme, the notice is printed, and reserved for future consideration; though, in such cases, it is not the duty of the clerks at the table to inform the member who gave the notice of an informality that it may contain. When a notice, publicly given, is obviously irregular or unbecoming, the Speaker has interposed, and the notice is not received in that form; and he has also directed that a notice of motion should not be printed, as being obviously designed merely to give annoyance. If an objection be raised to a notice of motion upon the notice paper, the Speaker decides as to its regularity; and, if the objection be sustained, the notice will be amended or withdrawn. The House has also, by order, directed that a notice be taken off the notice paper.

The House has had no say in this question. The House has not had the opportunity of discussing it and the only reason for the Speaker altering the motion would be if it contained unbecoming expressions. The member for Kanowna might have gone further and given other reasons for arguing that the Speaker was not empowered to expunge the motion from the Notice Paper. *May* on page 279, says—

A motion is also equally out of order which anticipates a motion for leave to bring in a bill that includes the subject proposed to be dealt with by the motion, or a bill appointed for consideration, though the bill may not have been printed. The reference, however, of a matter to a select committee does not prevent the consideration of the same matter by the House.

I am going to show that in the olden days there were abuses and that unless we take our present stand we are likely to be subjected to similar abuses.

The Attorney General: That is hardly fair.

Mr. HOLMAN: The Attorney General, seeing that he received such a wonderful

education in his early youth, should be able to understand what I am endeavouring to explain. *May* goes on—

Formerly it was customary for the Speaker, when he thought fit, to frame a motion out of the debate. This ancient custom, however, was open to abuses and misconception, and has long since been disused. In 1794, Earl Stanhope had proposed a resolution with a long preamble, which, on putting the question, the lord chancellor omitted. On a subsequent day, a complaint and a motion were made regarding this omission. After a debate, from which it appeared that the words omitted had been of an objectionable character, and that the lord chancellor had collected the unanimous opinion of the House for their omission, the motion was superseded by adjournment.

In that case the reason why the words were omitted was that they were objectionable. Going further in connection with this matter to show how abuses crept in in those days, I will read a foot-note which appears on the same page—

Burnet relates of Mr. Speaker Seymour that, if the court party was not well gathered together, he kept "the House from doing anything by a wilful mistaking or misstating the question. By that he gave time to those who were appointed for that mercenary work to go about and gather in all their party; and then he would very fairly state the question, when he saw he was sure to carry it."

That was the attitude adopted something over 200 years ago. Now we find that we are going back to those days when the Speaker prevents a notice appearing on the Notice Paper when there is no provision in the Standing Orders for such action. The notice given by the member for Kanowna was in order in every way, and was similar to a motion which was accepted by a previous Speaker in this Chamber. I do not think there is any member who will uphold a ruling such as that given by the present Speaker. If so, there is nothing to prevent any Speaker from expunging any motion from the Notice Paper. That will mean that members will be gagged just at the whim of the Speaker, who may assume an authority

he does not possess. I regret indeed that we to-day are faced with this position and I trust that in their wisdom members will see that their rights and privileges are not taken from them, but that every opportunity will be given them to discuss any matter of public importance which they are entitled to bring under notice. I trust the motion will be carried.

The PREMIER (Hon. Frank Wilson—Sussex) [8.10]: When we were debating the previous question before the tea adjournment, we pretty well covered the ground in connection with the motion now before the House. The hon. member who has just sat down said that no one in this House would uphold the Speaker's action. I uphold it. I have done so, and given my reasons very fully when we were debating the motion which was submitted at an earlier stage. I hold that the Speaker has the power, not only by custom but by precedent and by the rules of the House, to withhold a motion from the Notice Paper if he, in his discretion, thinks that under the Standing Orders and under precedents it is irregular or improper.

Mr. Holman: Quote the Standing Orders.

The PREMIER: The hon. member quoted them himself; they have been quoted a dozen times.

Hon. P. Collier: Quote 106.

The PREMIER: Standing Order 106 says—

If any notice contains unbecoming expressions the House may order that it shall not be printed, or it may be expunged from the Notice Paper, or amended by order of the Speaker.

There is the authority for expunging the motion from the Notice Paper. Whether the Speaker does it rightly or wrongly is another matter. The Speaker has acted under the authorities.

Hon. T. Walker: No.

The PREMIER: And he has acted under the authority laid down in *May*. I find another quotation in connection with this matter which supports the rulings I have read from *May*. This is what *May* says—

Of charges affecting personal character or conduct, no form of notice is permitted, save a specific notice of a substantive

motion, which distinctly formulates the charges.

And then *May* says on page 278—

For the same reason, no charge of a personal character can be raised, save upon a direct and substantive motion to that effect. No statement of that kind can therefore be embodied in a notice of motion stating that the attention of the House will be called to a matter of that nature.

Hon. J. Scaddan: What is personal in the motion?

The PREMIER: Again it is quoted that there must be a specific charge when such a motion is brought against persons of high authority. There is the position in a nut-shell.

Hon. J. Scaddan: A nut-shell without a kernel.

Mr. Munsie: You have made it as clear as mud.

Hon. J. Scaddan: You are getting into the same bog as you were in before tea.

The PREMIER: The rules of the House which I have quoted establish the authority of the Speaker. The precedent which the hon. member opposite has quoted proves nothing whatever. It simply shows that a notice of motion couched in similar language was on the Notice Paper, although it was ruled out by you.

Hon. P. Collier: Yes, it does.

The PREMIER: There are many things on the Notice Paper that no notice is taken of and which really ought to be ruled out under the Standing Orders. The member for Kanowna raised the question that every member is open to a vote of censure if we do not allow this motion to appear on the Notice Paper in the terms in which he drafted it. The thing is absurd. There is no analogy between the two matters at all. The Government are open to a charge of no-confidence for any act of administration, both inside and outside this Chamber, but it is unthinkable that a gentleman holding the high position of Speaker in this Assembly should have his private life, perhaps, inquired into outside of this Chamber. The very fact that he has been elected to this House by a constituency is sufficient warranty that he is fit to hold the highest posi-

tion in this House, including the Speakership.

Hon. P. Collier: The hon. member's present motion does not deal with that question at all; that is dealt with in another motion.

The PREMIER: I am dealing with the hon. gentleman's arguments. I say there is no analogy between attacking the Government for their acts outside of the House or their administration of the affairs of the State and the question of a vote of no-confidence in the Speaker.

Mr. Holman: Surely there must be some remedy inside the House.

The PREMIER: There is every remedy.

Hon. J. Scaddan: We have been trying to find a remedy for a fortnight.

The PREMIER: As I have said, in my opinion, notice of motion of this nature must contain a specific charge. I read that authority out the other evening. There is on record a case of a vote against the Speaker, that he no longer held the confidence of the House, because he was not impartial. In that case a specific charge was made against the Speaker.

Member: Was that Willis?

The PREMIER: I do not know.

Hon. P. Collier: All the rulings by Willis are to be found in our library.

Mr. SPEAKER: They have been borrowed fairly often.

The PREMIER: On that occasion the hon. member gave notice of a motion and specifically stated a charge in accordance with the rules laid down by *May*, that the Speaker was charged with being impartial in the exercise of his functions, and on that ground the House carried a motion of no-confidence in the Speaker. I venture to think that, notwithstanding the arguments that have been put up by the member for Kanowna (Hon. T. Walker) and supported by the member for Murchison (Mr. Holman) that this is not a case in which the Speaker is preventing discussion in any way of a matter affecting himself. He is open to be charged, the same as any other hon. member of this House; but he must be charged in accordance with our Standing Orders and in accordance with precedents and established custom. My remarks of course must necessarily be somewhat in the nature of a repetition of what I have already

said in the debate which occurred on the motion for the adjournment of the House. My judgment of the case is that the motion was ruled out of order by you, Sir, and ordered not to be included on the Notice Paper when printed—in other words, that it should be expunged—properly, because it did not contain a specific charge as laid down in *May*, as essential when a Speaker or other high dignitary is charged with having lost the confidence of the House or the people, as the case may be. That being the case, I propose to vote against the motion moved by my hon. friend.

Hon. J. SCADDAN (Brown Hill-Ivanhoe) [8-20]: The Premier will insist upon reading something into Standing Order 106 which it does not contain, and by that method it may be possible for him to mislead members with regard to the true position. Let me read Standing Order 106 as it should be read.

The Minister for Works: He has not reached the eighth standard yet.

Hon. J. SCADDAN: The hon. member himself, I should say, had not passed out of the infant classes. Standing Order 106 reads as follows, and the Premier cannot read anything else into it—

If any notice contains unbecoming expressions—

The rest of the Standing Order depends on that part of it. "If any notice contains unbecoming expressions," then certain things may happen, but not till then—

The House may order that it shall not be printed (comma) or it may be expunged from the Notice Paper (comma) or amended by order of the Speaker.

Why does the Premier insist on reading that Standing Order in this fashion?

If any notice contains unbecoming expressions the House may order it shall not be printed or it may be expunged from the Notice Paper or amended by order of the Speaker.

Why does the Premier insist on reading the Standing Order like that?

The Premier: Read it in your own way.

Hon. J. SCADDAN: I will read it again, and probably afterwards I will ask the Premier to step out and read it before the class.

The Minister for Works: You had better bring in a blackboard.

Hon. J. SCADDAN: If the Premier will follow me, I will read it again. This is how he reads it—

If any notice contains unbecoming expressions (drop your voice) the House may order that it shall not be printed (drop your voice) or it may be expunged (drop your voice).

There is a specific point in that Standing Order, and if it were to apply as the Premier attempts to make it appear, the position would be intolerable. It does not read that way, but that is the meaning the Premier tries to read into it. It is an absolutely incorrect reading and he knows that quite well. Whatever might be the reason for that Standing Order, the fact remains. If it has the meaning the Premier and the Attorney General wish to imply, there would be no possible opportunity to any member of submitting matters here for discussion unless those matters met with the approval of the Speaker. We should have to first go along and ask Mr. Speaker "Do you approve of this matter being discussed"? "Please, miss, may I go out"? The thing is preposterous. The position is as I state it. It hinges on whether the motion contains any unbecoming expressions. That is the whole point in the Standing Order, which gives the Speaker power to prevent a motion appearing on the Notice Paper. If after a motion has appeared on the Paper for any reason in the opinion of the House it should not remain there, it may be removed or expunged; but only in the one contingency, if it contains an unbecoming expression, can the Speaker prevent its being placed on the Notice Paper. Therefore, I submit that the Speaker in this instance has given a ruling and an explanation which totally disregard the rights and privileges of members of this Chamber. It is unnecessary to discuss the motion itself. Personally I do not propose to do so. I am hopeful that other opportunities will present themselves to members of saying just what they wish to say on the motion itself. At the moment we are discussing only whether this motion complied with the Standing Orders, and whether the action of Mr. Speaker in preventing its being placed on the Notice Paper was not usurping power which does not properly belong to his office. *May* has been

quoted, but it has been previously pointed out to the House that no authority overrides our own Standing Orders, none whatever. Our Standing Orders must finalise all matters, so far as Standing Orders may control them. *May* may say what it likes, and *June* also. The very first paragraph of Standing Order No. 1, states—

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

It is only when our own Standing Orders are silent that *May* or any other authority may be quoted. In this instance they are not silent at all.

Mr. Taylor: They are most explicit.

Hon. J. SCADDAN: Our Standing Orders do not say that the Speaker shall not exercise the power of preventing motions being placed on the Notice Paper, or that he shall exercise it. On the other hand, it says distinctly that if a motion does not contain unbecoming expressions there is no power except by the House to prevent that motion being discussed. If it were otherwise, the position would be intolerable. If there is one function that the Speaker is called upon to exercise it is that he shall be impartial in controlling the business of this House. He must prevent a majority from overriding the rights of the minority. If it were not so, what would be the position? Under our present party form of Government it would be possible for a majority on the Government side, having elected a Speaker from amongst their own members, to make an arrangement with the Speaker for having placed him in the position and undertaking to keep him there, that he would prevent matters appearing on the Notice Paper, which might reflect on the Government. In such an event the possibility of free and open discussion might be prevented by a majority using their powers encouraged by the Speaker. That is exactly what has happened. We have had a matter put down for discussion which contained no unbecoming expression, but which has not been permitted to appear on the Notice Paper by order of the Speaker,

and a majority on the Government side of the House is supporting the Speaker in that action. Let me remind members on the cross benches that in Australia political parties come and go, so far as possession of the Treasury benches is concerned. They were in Opposition for a period, and I would ask them how they would relish the position if the then Government had used their majority and their power, with the assistance of their own Speaker, to prevent the discussion of matters in this House affecting their constituents, because discussion of such matters at the time might have been uncomfortable for the Government or for the gentleman who happened to occupy the position of Speaker? Are we going to debate the affairs of this State merely from the standpoint of our own convenience? Are we going to prevent hon. members from ventilating grievances in Parliament? It is a recognised rule that a certain portion of the time of Parliament should be allotted to the discussion of grievances. In this House—and I say it openly—a majority of members have a grievance about the conduct of the business of this Chamber. Some hon. members opposite are not satisfied with the conduct of business. That is the truth, and the Premier cannot deny it. There are certain hon. members opposite just as much dissatisfied as members on this side. But by methods adopted to suit the occasion we are prevented from discussing our grievances. Have we wasted a fortnight of the time of this House—

The Premier: You have.

Hon. J. SCADDAN: If a fortnight of the time of the House has been wasted, it is simply because of the action of the Speaker, and of the Government supporting him, in preventing free discussion.

The Premier: It is due to your action.

Member: What is behind your action?

Hon. J. SCADDAN: Behind the action of this party is the desire always uppermost with members on this side, whether sitting here or on the Government benches—to retain the right of free discussion, and before everything else, to have ruling over us a man for whom and in whom hon. members may have the fullest respect and confidence.



Mr. SPEAKER: Order! May I remind the leader of the Opposition that we are dealing only with this one motion?

Hon. J. SCADDAN: I quite recognise that, and you, too, Sir, I think should recognise it if you do not. That being so, I do not propose to touch upon the other question at all, except to urge that this is a question affecting the privileges of members. We have a record of how, in this very Chamber, the then leader of the Labour party, speaking from the very place in which I now stand, moved, without notice, a motion of censure on the Speaker. And yet to-day we have arrived at the position where even a respectful notice of motion, submitted for consideration at a future date, does not appear on the Notice Paper. On the 15th November, 1906, upon the meeting of the House, an election return was submitted for the constituency of East Fremantle showing the return of Mr. William Charles Angwin. Immediately following that, the then leader of the Opposition, Mr. T. H. Bath, rose in his place and said—

Before notices are called for, I desire to bring up a matter of privilege, and I think this is the proper stage at which to introduce it. I will preface my remarks by reading a motion which I purpose moving at the termination of my remarks:—"That Mr. Speaker having given utterance to the following words—

Here the Speaker's words are quoted.

is guilty of a breach of the privileges of this House, and is deserving of censure." That was done without any notice at all; and yet we, at this day, cannot get a notice placed on the Notice Paper for a discussion of the same nature to censure Mr. Speaker, even when the notice is given in respectful language.

Hon. J. D. Connolly (Honorary Minister): What was the motion? Did you read the whole motion? What were the words used by the Speaker?

Hon. J. SCADDAN: The entire motion moved by Mr. Bath was as follows:—

That Mr. Speaker, having given utterance to the following words:—"It would be out of place, holding the position I occupy, a neutral one, to make any comment farther than to say that I felt it incumbent on me to make this

information known to the Assembly. It will perhaps be the means of calling the attention of the taxpayers of the country to the question whether they get full value for their money in oratorical effect or monetary value"—is guilty of a breach of the privileges of this House, and is deserving of censure.

Hon. J. D. Connolly (Honorary Minister): That was a definite charge.

Hon. J. SCADDAN: The Premier to-night has argued that the motion must be of a substantive nature, and contain specific charges; but here we have it on record that a motion of this description was introduced without notice of any kind.

The Premier: The charge in that instance was a specific one.

Hon. J. SCADDAN: The Speaker on the occasion I have quoted would have been in a stronger position to prevent the matter being discussed, seeing that no notice had been given. Earlier in the evening I said that this was a matter affecting the privileges of this Chamber. The question is, have we the right to decide whether the Speaker has the confidence and respect of members? What is a matter affecting the privileges of members? In my opinion, we could discuss this matter at any time when the occasion warranted it; and the occasion has warranted it frequently during the past fortnight. But we find action taken which prevents us from discussing the question. To-day we have arrived at the position that the member for Kanowna had a motion ruled out of order, and that, after discussion, even the Government themselves had to admit that the Speaker was quite wrong. Now we have arrived at the further position, whether the member for Kanowna is entitled to place on the Notice Paper notice of a motion the like of which in all respects has previously been debated in this House, without any notice at all. If that position is to be maintained, we might as well close up Parliament and say to the Government, "You are in possession of the Treasury benches; elect your Speaker; do as you please; we are here merely to listen to what you say." Have we arrived at the stage when the actions of a Government cannot be discussed, when a matter affecting the privileges and honour of members cannot be discussed, because somebody assumes a power which he does not possess?

Hon. members opposite should bear in mind that a time will come when they will want to discuss matters. They should not put in the chair someone who will refuse the right which the Standing Orders give the member for Kanowna. Are we to go on continuously with this method of stifling discussion, because forsooth, it may be unpleasant? We shall have quite a number of unpleasant things to say from time to time; and the sooner they are said the less hurtful, probably, they will be. There are unpleasant things which are like the rolling stone gathering moss as it rolls.

Mr. Taylor: You mean like the snowball gathering size as it rolls; a rolling stone gathers no moss.

Hon. J. SCADDAN: I did not anticipate that any member on this side of the House would have noticed my error. I expected the Attorney General to notice it. Let hon. members bear in mind that this is a matter which must be settled. I believe the majority of members of this House demand that the matter shall be settled, so that public business may be proceeded with. The matter cannot be settled so long as excuse after excuse is found to baulk discussion and prevent free expression of opinion by members of this House.

The ATTORNEY GENERAL (Hon. R. T. Robinson—Canning) [8-40]: It is the result, I suppose, of the electrical weather conditions that members on one side and the other have, during the course of the debate, and in the heat of argument, said things that they would like not to have said. Before the tea adjournment I was spoken to by some of my friends on the other side of the House—

Mr. Taylor: You need not look at me, anyhow.

The ATTORNEY GENERAL: With regard to remarks of mine which were considered to reflect in some way on hon. members opposite me. I have read in the *Hansard* report, which is now before me, my exact remarks.

Mr. Taylor: What were they?

The ATTORNEY GENERAL: I do not intend to quote them. Having read them, I personally do not think they are in the slightest degree offensive. But I do want to say to hon. members opposite that if they think any remark I made this afternoon offensive or objectionable, I un-

servedly withdraw it. It was certainly not my intention to make any remark reflecting on hon. members who differ from me politically. I do not wish to say much on the subject of this motion, because, unfortunately, this afternoon certainly the leader of the Opposition and myself, and I think also the member for Kanowna, were debating what we deemed to be this motion. Therefore, a good deal that I said before the tea adjournment on the various points could be applied to the present argument; but I will not repeat myself. I would like to draw attention, however, to one or two matters. I asked my learned friend the member for Kanowna whether he had any precedent or authority to quote, to show why you, Mr. Speaker, were wrong in what you were doing. The hon. member said there were one or two authorities, and he read them. One was a case where actually a motion expressing want of confidence in the Speaker had found its way on to the Notice Paper—but I think in that instance by consent, because the Speaker, so soon as he became aware of it, requested the Chairman of Committees, or Deputy Speaker, to take the Chair, saying "I will go down on the floor of the House." The member for Murchison, then rising in his place, said he withdrew the motion.

Mr. Carpenter: There could be no question of consent.

The ATTORNEY GENERAL: That would not be a matter of precedent.

Hon. T. Walker: The notice of motion was on the Notice Paper for weeks—not for one day.

The ATTORNEY GENERAL: But, when the notice of motion was actually reached, what I have quoted took place. I am indebted to the leader of the Opposition for quoting No. 1 of our own Standing Orders, which provides that—

In all cases not provided for herein-after, or by sessional or other orders, resort shall be had to the rules, forms, and practice of the Commons House of the Imperial Parliament.

I find that in *Hansard* for 1906, page 1773, the Speaker is reported as having made use of the following words with regard to the removal of a notice—

Before the member proceeds with the next motion, I desire to place the following before the House. That the Speaker

has the right to remove from the Notice Paper any notice which is irregular is shown by the following extract from *Ilbert's Manual*, page 101 :—" If a notice is irregular or improper, it may, by the authority of the Speaker, be corrected or withdrawn from the Notice Paper."

We have not a Standing Order precisely on all fours with that. Our Standing Order No. 106, which has been read so many times to this House—

Mr. Carpenter : Is more definite.

Mr. Taylor : Makes the position absolutely clear.

The ATTORNEY GENERAL : Our Standing Order 106 deals solely, as members opposite have said, with notices containing unbecoming expressions ; and "unbecoming expressions" may not cover irregularities or improprieties. My leader has said that the words do cover irregularities and improprieties. I wish to put before the House, alternatively, that if the words "unbecoming expressions" do not cover what the Premier has said they cover, then you, Mr. Speaker, have resort to the practice of the British House of Commons, which lays down—and this is beyond controversy—that if a notice is irregular or improper it may, by the authority of the Speaker, be corrected, or withdrawn from the Notice Paper. Therefore it seems to me that the notice of motion given by the member for Kanowna "That the House is dissatisfied with the Speaker's decision in withholding the member for Kanowna's motion from the Notice Paper," is not of a very serious character. It was a matter entirely within your discretion. It was not as if it was going to be stopped altogether, because we know of other notices which have been given and which, presumably, in the ordinary course, will appear on the Notice Paper. I understand you say you have no desire to burke a discussion on the subject, and therefore, this question resolves itself into an academic discussion on the procedure of the House. I contend that you are justified in the ruling that you have given ; justified not only by our own Standing Orders but by reference to the procedure of the House of Commons and the practice there adopted.

Mr. FOLEY (Mt. Leonora) [8:46] : I am surprised at my learned friend using such an argument. As has been stated,

only when our own Standing Orders are silent do we take notice of the rules and procedure of the House of Commons. The Attorney General went on to quote Standing Order 121 of the House of Commons, which has no bearing whatever on the question before the Chair. Why we claim to have this notice restored to the Notice Paper is because our own Standing Orders are not silent on the matter, but are indeed very clear. Standing Order 106 may be divided into two parts. The first states that "If any notice contains unbecoming expressions, the House may order that it be not printed, or that it may be expunged from the Notice Paper."

The Attorney General : There is no "that" there.

Mr. FOLEY : No, I see there is not. Still, the second portion of the sentence continues to deal with the power of the House ; otherwise after "printed" there would be a full stop. By the fact of there being only a comma after "printed," it is clear that that word is not the end of the sentence, and that being so—

Mr. Willmott : It is an academic discussion all right.

Mr. FOLEY : When a member is trying to elucidate a matter that the country desires to have elucidated, other hon. members ought not to bring their ignorance to bear, but ought to let us get on with the business. Under our Standing Order, the House may order that the notice shall not be printed or that it may be expunged from the Notice Paper—

The Attorney General : You have got that "that" in again.

Mr. FOLEY : It is clear that only by the order of the House can it be expunged from the Notice Paper. There is also a further provision that the Speaker has power of amendment in the notice. That is the only power the Speaker possesses. Both the Attorney General and the Premier have forgotten that the first portion of the sentence reads "If any notice contains unbecoming expressions." If they wish to back up your ruling, Sir, they must show the House that the notice given by the member for Kanowna contained unbecoming expressions. Only by so doing can they make their arguments apply. In the House of Commons it is provided that if a notice is improper or irregular,

it may be disallowed. Where is there anything improper in the notice given by the member for Kanowna? The whole question is a matter of grave urgency regarding a gentleman holding the position of the highest commoner in the land. There is nothing improper in any member bringing forward a motion to save the House from discredit. The Attorney General, in quoting the practice of the House of Commons, has gone right out of court altogether. We do not require outside authorities, save when our own Standing Orders are silent. In this instance our Standing Orders speak with great eloquence. The member for Kanowna has said that the Speaker has over-ridden the powers he possesses. That is the question we are called upon to decide. Where the honour of the House is impugned, our first duty is to see that the fullest light of day is thrown on the question. So, too, if my honour as a private member, was impugned, it would be my duty to court the fullest inquiry.

Mr. SPEAKER: In my statement I challenged the fullest inquiry, but I pointed out that this was not the way to get it. I hope the hon. member will not reflect on the Chair.

Mr. FOLEY: I have no wish to reflect on the Chair. However, right through the State to-day these things are being said, not only of the Speaker, but of every member in the Chamber, and it is up to us to have the fullest inquiry. There is nothing unbecoming in the motion, and I contend it should have gone on the Notice Paper and that you, Mr. Speaker, were entirely out of order in ordering it to be withheld. For the good name of the Assembly and of every member thereof, I trust that the motion will be carried and that we shall be given an opportunity of showing the country that there is still honour in the Chamber.

Mr. TAYLOR (Mt. Margaret) [8-56]: I listened with some pleasure to the arguments adduced by those on the Ministerial side in support of the attitude you, Sir, have taken up. It is hardly necessary for me to point out that our Standing Orders have provided for the acceptance of the motion which the hon. member desires to move. That being established, outside authorities have no weight whatever. The burden of the plea put forward by the Attorney General and the Premier was that no specific charge

was contained in the hon. member's motion. I admit that at once. But it is the most sweeping charge that can be made, it is a general charge of want of confidence.

Mr. SPEAKER: May I remind the hon. member that we are not discussing that motion, but the one before the Chair.

Mr. TAYLOR: But I am replying to the arguments adduced by the Premier within the last hour, on this very motion. He quoted from *May* to show that the motion should have contained a specific charge. Our Standing Orders are so clear on this point that *May* is of no value to us at all. The Premier was allowed to say that your ruling was justified because the notice of motion contained no specific charge, that it was a general statement. I say that the only grounds on which you can properly withhold it from the Notice Paper is that it contains unbecoming expressions, or alternatively, that it is improper or irregular. Then, of course, you can exercise that power, but there is nothing in the motion to give you that power under our Standing Orders. And you have taken power to yourself which the Standing Orders absolutely prohibit. It is idle to quote foreign authorities in order to cloud the issue. I say there can be no more sweeping charge than that contained in the motion by the member for Kanowna, which says that the Speaker has not the confidence of this House.

Mr. SPEAKER: Order! That is not the question before the Chair at present.

Mr. TAYLOR: If it were not for your action that is the motion we would be now debating. You objected to placing the motion on the Notice Paper. If this House is to sit silent and permit Mr. Speaker to decide just what he will allow to be discussed here, it would be better for us to get out and let Mr. Speaker run the show himself. I maintain we are here to debate any question which crops up in accordance with the Standing Orders and with Parliamentary practice. If a member has no confidence in an individual member of the Government he is allowed to move in that direction. It is quite competent for a member of the House to move a motion of no confidence in an individual Minister. That has been done in this House and in the Parliament of Australia and in the Parliaments of other countries.

Mr. Willmott : Without laying a specific charge ?

Mr. TAYLOR : By moving in language somewhat as follows, "That this House has no further confidence in the Minister for Works, as Minister for Works." I would not care to move such a motion here for the sake of the Minister himself. In this case the question is that this House has no further confidence in Mr. Speaker. Is there any difference between those two questions ? If we were to allow the Minister for Works the control in the matter of putting the question I have outlined on the notice paper it would not be put there. That is the action taken by Mr. Speaker. The member for Kanowna is objecting to that action, and I am supporting him in that attitude because I feel his objection is a correct one.

Mr. SPEAKER : Order ! I am sure the hon. member does not wish to misrepresent me. I would remind him that I have already said I court the fullest possible inquiry which can be made into my actions provided it can be connected in any way with my present position.

Mr. TAYLOR : I appreciate your position, Sir, and I realise fully that it is an unenviable one indeed. I do think you should court the fullest inquiry possible on the question as to whether this House still has confidence in you as Speaker, whether you as Speaker are the proper person to occupy that Chair. That is what is intended by the motion of the member for Kanowna. But you have not given the House an opportunity. That being so what is the best course for members to take ? We must dissent from your ruling, must point out that you have overstepped your bounds, that you have nothing to support you in the Standing Orders or in the Parliamentary practice in the English language. The only support you can have is from party politics ; and I do hope this question will not be decided on party lines. It is a matter affecting the rights and privileges of this House, and any member opposing the motion on party lines will be sorry for his action. I trust members will vote on this question in the direction of securing the right to the House of discussing any question properly placed in the clerk's hands. I support the motion.

Mr. PIESSE (Toodyay) [9.5] : I do not desire to give a silent vote on this motion and rise now to justify the action I intend taking. According to my reading of Standing Order 106, you, Sir, have the power to expunge any matter.

Mr. Taylor : No.

Mr. PIESSE : With due respect to hon. members opposite, that is my view. The Standing Order has been read again and again, but I will ask permission to read it once more.

If any notice contains unbecoming expressions—

Hon. T. Walker : Yes, unbecoming expressions.

Mr. Taylor : That is right.

Mr. PIESSE : The Standing Order proceeds—

the House may order it to be removed, or it may be expunged—

By whom ?

Mr. Taylor : By the House.

Mr. PIESSE : It does not say, "by the House." The interpretation I put on the Standing Order is—

Mr. Taylor : You had better read the whole of it.

Mr. PIESSE : Or expunged or amended by the Speaker.

Mr. Taylor : That is all he may do, amend.

Mr. PIESSE : When this Standing Order was drafted it seems to me it was intended that the two phrases should be read conjointly. If objectionable expressions are not to be expunged by the Speaker, by whom are they to be expunged ?

Hon. T. Walker : The condition precedent is that the motion shall contain unbecoming expressions.

Hon. J. D. Connolly (Honorary Minister) : We have got beyond that point.

Mr. PIESSE : That point has not been raised.

Mr. Taylor : That is the whole point that has been raised.

Mr. PIESSE : The debate has been confined mainly to the last two sentences of the Standing Order, whether the motion could be properly expunged from the notice paper. If it was intended that the House should expunge, why is it not more clearly

so stated? As it is worded, the Standing Order is most confusing. However, that is the interpretation I put on it.

Hon. P. Collier: In view of the fact everybody claims they want the matter cleared up, why the need for all this difference of opinion?

Hon. J. D. Connolly (Honorary Minister): There is a matter of principle involved.

Mr. PIESSE: Surely I have as much right to express my opinion and to place my interpretation on the Standing Order as the hon. member? I say that according to the reading I place on the Standing Order it is intended that Mr. Speaker shall have power to expunge or amend any motion.

Mr. GRIFFITHS (York) [9:8]: I should like to draw the attention of the House to the marginal note against Standing Order 106. From this it appears to me clear that there must be unbecoming expressions before any motion may be expunged. As one of those, Sir, who helped to place you in the Chair I take it we must endeavour to uphold you in your position. My conscience, however, will not permit me to vote for this motion, although as I have said it is clear to me there must be unbecoming expressions before a motion may be expunged. As a young member of this Chamber I have heard Standing Orders 149, 126, and many others quoted, and it has struck me as a splitting of straws. As the comic song says, "I dunno where I are." It is plain to me from the marginal note that before a motion may be expunged, either by yourself or by the House, it must contain something of an unbecoming nature. I have no more to say, but I do feel that members have not taken that notice they should of the marginal note. I can place no other interpretation on the Standing Order.

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

Ayes	..	..	..	17
Noes	..	..	..	11
Majority for	..	..	..	6

## AYES.

Mr. Angwin	Mr. Lambert
Mr. Carpenter	Mr. Mullany
Mr. Chesson	Mr. Munsie
Mr. Collier	Mr. Scaddan
Mr. Foley	Mr. Taylor
Mr. Green	Mr. Thomas
Mr. Harrison	Mr. Walker
Mr. Holman	Mr. O'Loghlen
Mr. Hudson	(Teller.)

## NOES.

Mr. Connolly	Mr. Robinson
Mr. Cunningham	Mr. Wansbrough
Mr. George	Mr. Willmott
Mr. Lefroy	Mr. F. Wilson
Mr. Mitchell	Mr. Hardwick
Mr. Piesse	(Teller.)

Question thus passed.

### BILLS (2)—RETURNED FROM THE COUNCIL.

- 1, Sale of Liquor and Tobacco.
  - 2, Footwear Regulation.
- Without amendment.

*House adjourned at 9.15 p.m.*

## Legislative Council,

*Thursday, 1st March, 1917.*

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Apprentices, 2R. ....	2016

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

### BILL—HEALTH ACT AMENDMENT.

Introduced by the Colonial Secretary and read a first time.